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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

COURTNEY SHANTE THOMPSON,

APPELLANT

APPELLATE CASE NO. 2014-001198

Consolidated Case For Record On Appeal:
State v. Robert Guinyard, Sr.,
Appellate Case No.: 2012-001203

RECORD ON APPEAL
Volume III of III Volumes

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1 911 Call

1 THE COURT: I can't figure out what the popping
2 noise is either.

3 Hold on just a second. We're going to try to
4 stop that loud noise.

5 THE BAILIFF: I'll go get Jim.

6 (Pause.)

7 THE COURT: All right. Let's see if that works.

8 MR. LI: Thank you, Your Honor. May it please
9 the Court.

10 THE COURT: Yes, sir.

11 DIRECT EXAMINATION:

12 BY MR. LI:

13 Q Antonio, where did you grow up?

14 A Atlanta, Georgia.

15 Q And who raised you?

16 A My grand daddy.

17 Q Was your mother around?

18 A Yes, she was around.

19 Q But mainly your grandfather raised you?

20 A Yes, sir.

21 Q Did you have a good childhood?

22 A Yes, sir.

23 Q How did you do in school?

24 A I made it to the tenth grade.

25 THE COURT: All right. Somebody is near a mic.

1 A [REDACTED] Victim .

2 Q Do you remember the first time you laid eyes on
3 him?

4 A Yes, sir.

5 Q How did it make you feel?

6 A It made me feel good because he was my firstborn.
7 I didn't know I could have kids, so it was a good
8 experience.

9 Q Can you describe the first time, where were you
10 and what happened?

11 A I was at the house. When I seen him come out, I
12 almost fainted because I never seen nothing like that
13 before.

14 Q Who is the mother of all your children?

15 A Courtney Thompson.

16 Q When did you first meet her?

17 A Like 2008.

18 Q When --- I mean, where?

19 A The Colony Apartments.

20 Q Tell us more about the first time you met her.

21 A I had like come from a party. My homeboy had a
22 party. I seen her and her sister on the porch. She
23 didn't call me, but her sister done called me over to
24 the porch.

25 Q Right.

1 A So I stayed there for a minute. Then I left, and
2 I seen her again in about like two weeks more. Then I
3 guess they had betted on me or something that I would
4 end up being with her.

5 Q Do you love Courtney Thompson?

6 A Yes, I love her.

7 Q Where did you first, --- where did the two of you
8 first live together?

9 A In the Colony Apartments.

10 Q Where?

11 A She was staying in the Colony, but I was staying
12 in my mother's with her. I stayed with her.

13 Q At some point did you guys move in with your
14 mother?

15 A Yeah, right after my son was born.

16 Q Okay, so when Courtney was pregnant with **Victim**,
17 did you guys stay together?

18 A When she was pregnant with **Victim**?

19 Q Yes. Where did you stay?

20 A My mother's house.

21 Q How were things between you and Courtney at that
22 time?

23 A Things were going all right. Things were going
24 good.

25 Q At some point, did you and Courtney have to leave

1 your mother's house?

2 A No. Courtney had --- me and Courtney had been
3 like arguing some. Then Courtney had called my
4 mother, and my mother said she wanted us out of her
5 house. My mother asked me to escort Courtney back to
6 the clubhouse at Allen Benedict Court.

7 Q And this was before **Victim** was taken away to DSS?

8 A Before?

9 Q That's what I'm asking; was it before that she
10 left?

11 A Uh-huh.

12 Q Where were you the night before **Victim** was taken
13 away to DSS?

14 A I was at Shannon Hammond's house because me and
15 Courtney's family member had had a party or something,
16 and me and Courtney ---

17 Q You're talking about the night before?

18 A Uh-huh and Courtney family had a party or
19 something and Courtney had to go to court the next day
20 for something and I was at Shannon Hammond's house,
21 but I was supposed to get my son back. I didn't get
22 him because I got in a fight.

23 Q So you were living with Shannon Hammond. Briefly
24 tell us who Shannon Hammond is; who is that?

25 A She was like my Godmother.

1 Q Okay. Do you remember when you found out little
2 **Victim** was taken away to DSS?

3 A Yes.

4 Q How did that make you feel?

5 A It made me feel bad, I was really hurt. I didn't
6 even want to talk on the phone.

7 Q Okay. Where did you live after that, after
8 Shannon Hammond?

9 A Back to my mother's house.

10 Q Okay. At some point, did you and Courtney move
11 into her relative's house?

12 A Yes, we moved into her Aunt Tina's house on
13 Schoolhouse Road, or something like that.

14 Q Was it more than one auntie?

15 A It was like a cousin, an auntie and another
16 auntie stayed in three apartments on one road.

17 Q Three apartments on one road. What was that
18 road?

19 A Schoolhouse Road.

20 Q Schoolhouse Road. Then after that, where did
21 y'all live?

22 A An accident happened over there with Courtney so
23 she couldn't be over there no more, so we went to
24 Shannon Hammond's house. She went to come pick us up.

25 Q Did you at some point have to be in the hospital?

1 A Yes, sir.

2 Q After staying in the hospital, Shannon Hammond
3 let you guys?

4 A She let us come stay with her.

5 Q Can you tell us about how you --- from Shannon's
6 house, how you then got to your first apartment and
7 when?

8 A Shannon had --- had dropped us off at the
9 hospital, and she came back to pick us up, because I
10 guess her conscious bothered her. She said she
11 couldn't leave us out like that.

12 Q Okay.

13 A Then her family, her dad and her mother found out
14 we was staying with Shannon.

15 Q Right.

16 A Her mama and daddy help her pay the bills, so she
17 got to do what they say.

18 Q Okay.

19 A So Shannon took her back to the house. Her mom
20 had asked if had we ever went to a church to try to
21 get help. I said, "No." She said, "I'm sure our
22 church would help you," and she prayed and said she
23 was sure you all could get help.

24 Q Did you go to that church?

25 A Yes, sir.

1 Q Do you remember what church that was?

2 A St. John Baptist.

3 Q Tell us about what happened when you went in that
4 church?

5 A I went in the church and talked to the pastor,
6 Pastor Graham, and we told him I was struggling, how I
7 didn't have nowhere to go. She didn't have nowhere to
8 go. She got evicted out of Colony Apartments and we
9 was homeless and he said he knew someone that worked
10 for housing authority. He thought he could help us
11 out.

12 Q Did he help you out?

13 A Yes, sir.

14 Q Was he nice to you?

15 A Yes, sir.

16 Q Tell us about the application process. Did they
17 ask you questions or did you have to fill it out
18 yourself?

19 A I didn't fill it out. The lady asked me the
20 questions, and then she would fill it out while she
21 was asking me questions, something like that.

22 Q Do you remember something about the head of
23 household at that point?

24 A Yeah. They had me head of household.

25 Q Right.

1 A But she was saying I don't need to be head of
2 household.

3 Q Who was saying that?

4 A Courtney. She said she need to be head of
5 household, but my name was on it as head of household.

6 Q So at that point, your name was listed as head of
7 household?

8 A Yes, sir.

9 Q Okay. And which apartment did you get because of
10 that application?

11 A That was a one bedroom apartment at Allen
12 Benedict Court, apartment N-1.

13 Q That was when you lived at N-1?

14 A Yes, sir.

15 Q And at some point, did your name --- did your
16 name change on the application?

17 A They had to take my name off because it was
18 housing authority and I had a simple possession
19 charge. They told me that my name had to come off the
20 application.

21 Q Did you have any other charges?

22 A In and out of Georgia, but they was saying just
23 the one I had in South Carolina.

24 Q Okay, but you had other drug charges?

25 A Yeah.

1 Q But because of that your name had to get off the
2 list, the lease?

3 Q At that point?

4 A Yes, sir.

5 Q Who was listed as head of household then?

6 A Courtney Thompson

7 Q In fact, was your name even on the lease?

8 A No, after they took my name off, they said it was
9 okay for me to stay there because that's my kid's
10 mother. As long as there's no confusion or anything
11 like that, I could stay there as long as there was no
12 problems.

13 Q They were being nice to you?

14 A Yes, sir.

15 Q Now, during the time that you lived in N-1, was
16 **Victim** with foster care during that time?

17 A Yeah, he was in foster care.

18 Q Did you get a chance to see **Victim** during the
19 that time?

20 A Yeah, the foster care parent she would bring him
21 over there, even though she didn't supposed to, but
22 she would bring him over on the weekends. When she
23 had to do something, she would let him stay like two
24 or three hours with me and Courtney.

25 Q Was the foster parent nice?

1 A Yeah, she was nice.

2 Q How did **Victim** seem to you at that point?

3 A He was a loving child. He loved to eat and he
4 loved to play.

5 Q He loved to eat?

6 A Yeah, and he loved to play.

7 Q Now, during N-1, while you were living in
8 apartment N-1, were some of your other children born?

9 A I guess **Girl Mi** was born. She had gone in labor
10 that same day that ---

11 Q But when ---

12 A Her water done busted in the bed.

13 Q I understand. Okay, but what was the
14 relationship like with you and Courtney in N-1?

15 A It was all right, but it still wasn't peaches and
16 cream because she still had all authority.

17 Q Were you ever kicked out of N-1?

18 A Yeah, I was kicked out.

19 Q Can you count the number of times you were kicked
20 out?

21 A I was kicked out so many times I can't count.

22 Q At some point did you get put on trespass notice
23 for N-1?

24 A Yeah.

25 Q Tell us about that.

1 A Me and Courtney had got into it. She wouldn't
2 let me in the house. I guess I was knocking on the
3 door and stuff like that.

4 Q But you ended up being on trespass notice?

5 A Yeah, I ended up being on trespass notice because
6 the police came.

7 Q And when you would get kicked out of the house,
8 where would you go?

9 A I might stay outside until like seven o'clock,
10 eight o'clock in the morning. She probably would let
11 me in until like twelve or one in the afternoon.

12 Q Did you ever go to your friend's house?

13 A Yeah, I used to walk up the street to my cousin's
14 house.

15 Q Did you ever go to your mama's house?

16 A I really couldn't go to my mama's house back then
17 like that.

18 Q Okay. Now while you were at N-1 did --- at some
19 point, did Ms. Gladys move in with y'all?

20 A Yeah, she moved in right after she had --- she
21 had got out of Alvin Glenn or wherever she was at.
22 She moved in then.

23 Q Okay. And before **Girl M** arrived, did y'all have
24 to move out of --- did --- not have to move out, but
25 did you move out of the N-1?

1 A No, we moved out of N-1 because they said if I
2 have another baby, they're going to give us a bigger
3 bedroom space.

4 Q What apartment number was that?

5 A Q-7.

6 Q And when you moved into Q-7, where was **Victim** at
7 this time?

8 A He still was in foster care.

9 Q In the beginning?

10 A Yes.

11 Q Do you remember the first day that **Victim** came back
12 to live with y'all for good?

13 A I remember, but I don't remember exactly the day.
14 I know it was in April some time.

15 Q How did you feel at that time?

16 A I felt great. He had been gone since he was two
17 months so I felt good.

18 Q Were you happy?

19 A Yeah, I was super happy.

20 Q And at that point, how are things between you and
21 Courtney?

22 A Things was --- like I'm saying, it was off and
23 on, we're always off be off and on.

24 Q Did **Victim** have bathroom problems in the
25 beginning?

1 A No, when he first came from foster care, he used
2 to go to the bathroom. We didn't even have to ask him
3 did he have to go pee or did he have to do a number
4 two, because he would just go.

5 Q Would he sometimes still have accidents?

6 A Yeah, he still had accidents, but when he first
7 came back, he would just go.

8 Q Why would he have those accidents in the
9 beginning?

10 A Because before he would go to the bathroom, he
11 would rather play with his sisters instead of going to
12 the bathroom.

13 Q So he did have a few accidents?

14 A He had a few.

15 Q Did he seem healthy?

16 A Yeah, he was very healthy.

17 Q Did he seem happy?

18 A Yeah, he was happy.

19 Q How did --- from what you witnessed and the times
20 that you were there, how was Courtney treating **Victim**
21 during the first couple of weeks he came back?

22 A She would treat him right, treat him good until
23 he started having accidents.

24 Q And at some point in May of 2012, were you asked
25 to leave your house for an extended period of time?

1 A I had --- we had --- whatever had happened, I
2 just know that she had done put me out, called the
3 police on me. I was so scared to come back over like
4 that. I just didn't want to come back.

5 Q Okay.

6 A She said if I came back, she might have me locked
7 up, so I stayed away.

8 Q And do you remember how long a period of that was
9 roughly when you left in May?

10 A Probably like three, three months.

11 Q But during those three months, would you
12 sometimes sneak back into the house in Q-7?

13 A Well, I mean, Gladys would let me in when
14 Courtney was not there.

15 Q During those three months, where did you go?

16 A I was like on the street. I lived house to
17 house, from one person's house to another person's
18 house.

19 Q Did you get a chance to see your kids sometimes
20 during those three months?

21 A Uh-huh.

22 Q Were there at times when Courtney wasn't at home?

23 A Yeah, they was at times Courtney wasn't there.

24 Q How was **Victim**?

25 A I would take him and my little girl to the park.

1 Q You would take all your kids to the park?

2 A I would take all of them.

3 Q How did they act when you had to leave?

4 A They were crying when I would bring them back to
5 the house. They didn't want to leave.

6 Q Did you notice anything different about **Victim** at
7 that point?

8 A No, that he was very accurate and he ---

9 Q Very what?

10 A Very accurate --- I mean, accurate like very
11 aggressive like in playing and stuff.

12 Q Okay. What were some of the things that you
13 would like to do with **Victim** during that time?

14 A I liked to --- he had a little basketball goal.
15 I would play basketball with him. Take him to my
16 mama's house and let him play basketball. He liked to
17 do that. My little girl, she liked to do whatever he
18 liked to do.

19 Q Did he like to watch TV?

20 A He liked the Dell movies.

21 Q Did he like anybody else?

22 A He liked Kevin Hart and ---

23 THE COURT: Repeat your answer, please.

24 THE WITNESS: He liked Kevin Hart and he liked to
25 learn that, he liked that.

1 BY MR. LI:

2 Q Kevin Hart, the comedian?

3 A Uh-huh.

4 Q And one of Kevin Hart's lines was, "You're going
5 learn today."?

6 A Uh-huh.

7 Q At some point did you move back into Q-7?

8 A Yes.

9 Q Do you remember what month that was?

10 A It had to have been like September some time,
11 September, I really don't remember the day, but it was
12 like in September some time.

13 Q But when you got back, do you ever remember a
14 time when you saw Courtney beating **Victim**? When it
15 was more than just a spanking?

16 A I remember two times, but I really didn't see it
17 until it was like over with. I remember it two times
18 when it was upstairs.

19 Q You didn't really go anything at that point,
20 right?

21 A No, because I didn't know how overboard it was
22 headed or where it was going.

23 Q Tell me about the first time.

24 A First time, I was like downstairs, me and Gladys
25 and Crystal, and we was watching Madea, and I think my

1 son was upstairs in the bed. I think Courtney went
2 upstairs to use the restroom, but she checked on him.
3 I guess he had to use the restroom or something and I
4 guess she seen the bed was wet.

5 Q Okay.

6 MS. PINNOCK: Objection, Your Honor. May we
7 approach?

8 THE COURT: Sure.

9 (WHEREUPON, a bench conference was held in the
10 presence, but not within hearing of the jury.)

11 THE COURT: Your objection as to speculation is
12 sustained.

13 BY MR. LI:

14 Q What could you hear that was happening upstairs?

15 A I heard a whipping like she was whipping him with
16 a belt or something like that.

17 MS. PINNOCK: Objection, Your Honor. Again,
18 speculation. Move to strike.

19 (Cross-talk.)

20 THE COURT: Sustained. Do not talk over each
21 other. Move to strike is granted. You will disregard
22 that testimony. Witnesses will not be allowed to
23 speculate as to what --- to speculate period.

24 BY MR. LI:

25 Q What did you hear? Not what you saw, because you

1 weren't upstairs?

2 A I heard my son crying.

3 Q And then what happened?

4 A I was like I wanted to go upstairs, but I didn't
5 go upstairs. My sister Crystal went upstairs.

6 Q And what was the other time that you remembered?

7 A I was downstairs --- I believe I was upstairs
8 asleep, and I could hear my son crying or something
9 like help, help. I was asleep.

10 Q Okay.

11 A I walked downstairs, and I seen her with a black
12 cord in her hand.

13 Q This is when you're downstairs?

14 A Yeah, I'm downstairs.

15 Q What did you see?

16 A I seen him running and she was whipping him, so I
17 got my hand over my son. It hit me and it hurt me.

18 Q Did your son run to you?

19 A Yeah, he ran to me and I was like, "Hold on," and
20 I grabbed it. I said, "What he did? I mean, I want
21 to know why you're whipping him for this. What he
22 did? Tell me what he did."

23 Q Okay. And Ms. Gladys was in the home at that
24 time?

25 A Yes.

1 Q After those times, did you ever see when you were
2 at the home, did you ever see Courtney get mad at
3 **Victim** for going to the bathroom?

4 A I believe --- I'm not sure, but I know she will
5 get mad, but I'm thinking that ---

6 MS. PINNOCK: Objection, Your Honor. He is
7 speculating.

8 THE COURT: Sustained. You cannot speculate. If
9 you're getting ready to say, "I think" or "I might" or
10 "I guess," that will be sustained as to speculation.

11 BY MR. LI:

12 Q Have you seen times, from yourself, have you seen
13 times where Courtney would get mad at **Victim** for
14 peeing?

15 A Yes, yes.

16 Q How would she act when she was cleaning up the
17 pee, or the accident?

18 A She was like he just like having a dog the way he
19 be pooping and peeing all over my house.

20 Q Did you ever try to stand up for **Victim**?

21 A I tried to stand up for him a lot of times.

22 Q What would Courtney say?

23 A She would tell me, she would say if I stand up
24 for **Victim**, I need to stand up to my son.

25 Q What would she say to you?

1 A I need to do something. I need to chastise him
2 or something like that. I need to whoop him or
3 something like that, but I never would whoop him like
4 that.

5 Q Has she ever asked --- have you ever witnessed
6 her asking Ms. Gladys to help beat **Victim**?

7 A Yeah, and at that same time she told me to help
8 her hold him, too.

9 Q What would she say to you?

10 A She said, "You need to help me do something. You
11 need to chastise him, need to do something. He keeps
12 pissing and shitting and you ain't doing nothing.
13 That why he keep doing that." She say the only reason
14 he keep pooping and doing something on himself because
15 I'm not doing anything about it.

16 Q Have you ever helped her?

17 A No, I never helped her.

18 Q Did she ever yell at you for that, for not
19 helping?

20 A Yeah, she done yelled at me.

21 Q What was your reaction towards **Victim** when you
22 didn't help?

23 A She would just try to grab him and grab him. She
24 couldn't handle him by herself. She needed someone
25 else to help her grab him and hold him.

1 Q Okay, now, near the end of 2012, was there an
2 extent --- was there a period of time when Courtney
3 was not in the home?

4 A Yes.

5 Q And did you get a chance to go over to Q-7? Did
6 you get a chance to go over to Q-7?

7 A Yes, I believe when she was not in the home, when
8 there was nobody there but me, Gladys and my kids, and
9 when she had left and went somewhere else.

10 Q And how did **Victim** appear to you when it was just
11 you and Gladys?

12 A He just do what he wants to do, you know. He
13 just was aggressive and asking for stuff.

14 Q So he would ask you for ---

15 A Yeah, he would ask me for anything.

16 Q Did you feed him?

17 A Yeah, I always feed him.

18 Q Did you give him water?

19 A Every time he asked.

20 Q And did you notice a difference when his mama was
21 around?

22 A Yeah, a big difference.

23 Q Okay. Can you describe that?

24 A It would be like his mother would be sitting
25 right there. I would be sitting right there. Ms.

1 Gladys would be sitting right there. He would wait
2 until his mother would go to the bathroom. I used to
3 get mad. You don't need to start something your
4 mother. Don't wait until she leaves. You ask me or
5 your grandma. You need to start asking while she is
6 here. Sometimes she can say yes or no.

7 Q Have you been frustrated with **Victim** before?

8 A Yeah, I've been frustrated with him.

9 Q Have you ever laid a hand on him?

10 A No, I've never laid a hand on him.

11 Q Tell us how you got from Q-7 to Beaverbrook.

12 A I guess Courtney had --- her voucher was coming
13 up. They had a voucher. I don't really know about
14 that because I was incarcerated.

15 Q Okay.

16 A I mean, I had found out and was arrested, then I
17 got out of jail.

18 Q Okay. Do you know if your name was on the lease
19 for Beaverbrook?

20 A No.

21 Q Was your name on the lease for Beaverbrook?

22 A No, it wasn't.

23 Q Whose names were listed?

24 A I believe Courtney and all of my kids.

25 Q Okay. Describe your house on Beaverbrook.

1 A It was a nice house. Probably the best looking
2 house on the block, big back yard, big front yard and
3 three bedrooms.

4 Q How did the kids seem to like it?

5 A They used to like it because I would take them
6 outside all the time. I took them in the front. I
7 couldn't take them in the back cause the neighbors had
8 a dog that ran at my little girl to the fence.

9 Q Did you like dogs?

10 A No, I don't like dogs.

11 Q And while you were there, how were you and
12 Courtney getting along?

13 A Yeah, we were getting along just on and off.
14 We've always just been on and off.

15 Q Were there still times at Beaverbrook when you
16 would get kicked out?

17 A Yeah, I get kicked out numerous times.

18 Q What's the longest you were kicked out of
19 Beaverbrook?

20 A Like 21 days, two or three weeks.

21 Q That's while you were at Beaverbrook?

22 A Uh-huh.

23 Q Have you ever been kicked out for feeding **Victim**
24 at Beaverbrook?

25 A I've never been kicked out for feeding him. I've

1 been kicked out for feeding him more than what he
2 needs.

3 Q I see. Was there an incident with the
4 hamburgers?

5 A Uh-huh.

6 Q Tell us about that?

7 A I had cooked hamburgers. I didn't the girls
8 hamburgers, I had cooked girls hot dogs and French
9 Fries. I had to make Courtney two hamburgers. I had
10 two hamburgers and give my girl hot dogs and French
11 Fries. I gave **Victim** a hamburger and some French
12 Fries. There was only one hamburger left, so when he
13 finished that, I gave him another hamburger. Courtney
14 snatched it right out of his hand, knocked his plate
15 over and then she didn't want to eat no more because
16 she said I'm feeding him like a dog.

17 Q She said that you were feeding him like a dog?

18 A Yeah, like a dog and he ain't going to do nothing
19 but shit and piss in the house.

20 Q And what happened to you and **Victim** that day?

21 A Courtney put both of us out that night.

22 Q What did you all do?

23 A I stayed right this on the porch because he
24 didn't have no shoes on. I had to walk all the way to
25 Two Notch Road and I didn't know who to call, you

1 know, because ---

2 Q I'm sorry to cut you off. Have you made long
3 walks before when you were kicked out of Beaverbrook?

4 A I made plenty of long walks before.

5 Q Where did you go?

6 A Over on the other side like by Benedict, where my
7 mama's boyfriend stayed at and to my cousin Toya's
8 house.

9 Q Is Toya in the courtroom today?

10 A Yes, sir.

11 Q Where was your mama's boyfriend's house?

12 A It was right around the corner. I forgot the
13 name of the school right there with the gate on it,
14 but right there by the corner from Courtney.

15 Q And how long was the walk from Beaverbrook to,
16 you said, Allen Benedict Court?

17 A Probably an hour and 30 minutes, maybe two hours.

18 Q Have you made that walk before?

19 A I made that walk numerous times.

20 Q While you were at Beaverbrook, would Courtney
21 still get mad at **Victim**, sometimes for peeing and
22 pooping?

23 A Yes.

24 Q Did you try to stand it up to her?

25 A Every time I stood up to her, me and Courtney

1 would get into a physical fight and she would ---

2 MS. PINNOCK: Objection, Your Honor. We have a
3 matter.

4 THE COURT: Sustained. Ladies and gentlemen,
5 you'll return to your jury room. Do not discuss the
6 case. Keep an open mind.

7 (WHEREUPON, the jury left the courtroom at
8 2:48 p.m.)

9 MS. PINNOCK: Your Honor, respectfully, at this
10 point I'm going to move for a mistrial. You have been
11 very very clear what about Mr. Li can question his
12 witness about as far as prior bad acts. Any physical
13 altercation between Ms. Thompson and Mr. Guinyard,
14 Your Honor has already ruled he cannot go into. I
15 don't think there is anything that can be done at this
16 point to take that back from the jury having heard it.
17 It's out there.

18 Again, you were very clear about what he could
19 and could to not go into with all of his witnesses
20 when he proffered their testimony and when you made
21 your rulings this morning.

22 I'm asking for a mistrial. I think it's gone far
23 enough with the character assignation on Ms. Thompson.
24 Every single witness we've had testify to this point
25 is just talking about bad about her. I still am

1 failing to see whatever mental state Mr. Li is trying
2 to establish through his witnesses. It's just been
3 straight character testimony against Ms. Thompson. I
4 think because we now we have testimony on the record
5 about physical altercations, I don't think there is
6 any fixing it, Judge. I'd ask you to grant us a
7 mistrial based on his testimony.

8 MR. LI: Your Honor, we weren't going into it, we
9 were going into his physical --- we're not going into
10 the stabbing. I've tried very hard to not going into
11 any of the stuff that you ruled on. We are not going
12 into sort of violence on Ms. Courtney's part.

13 THE COURT: He just said they got into a physical
14 altercation, a fight.

15 MR. LI: Where he was the aggressor. Where he
16 put his hands on her. We are not going to into
17 Courtney putting his --- putting her hands on him.

18 THE COURT: That's not what he said.

19 MR. LI: I can ask him to clarify it. We are not
20 going in that direction, Your Honor.

21 THE COURT: Why would you be going anywhere near
22 it?

23 MR. LI: Because I wanted to show that he did try
24 to stand up for **Victim** that time.

25 THE COURT: Proffer the testimony.

1 MR. LI: Okay.

2 BY MR. LI:

3 Q Were there times that you put your hands --- that
4 you put your hands on Ms. Thompson to try to stop her
5 from getting mad at **Victim**?

6 A Uh-huh.

7 THE COURT: Is that a yes?

8 THE WITNESS: Yes, sir.

9 MR. LI: I'll move on. I'll move on from there.
10 That's where we were headed to that. We're not going
11 to go ---

12 THE COURT: You're motion for a mistrial is
13 denied. We have not reached the level of manifest
14 necessity. But, Mr. Li ---

15 MR. LI: Yes, sir.

16 THE COURT: You're on a tightrope.

17 MR. LI: Yes, sir.

18 THE COURT: Do you understand me?

19 MR. LI: Yes, sir.

20 THE COURT: There is no more guessing, no more
21 speculation, no more thinking. No more maybe. I'm
22 going to give you the latitude to lead him a little
23 bit to avoid any of these issues.

24 MR. LI: Yes, sir.

25 THE COURT: Do you understand me?

1 MR. LI: Yes, sir.

2 THE COURT: Okay. Bring the jury back.

3 DEFENDANT GUINYARD: Judge?

4 THE COURT: Hold on. Deputy, tell him to stop.

5 Okay, yes, Mr. Guinyard.

6 DEFENDANT GUINYARD: I thought you said anytime I
7 was stepping up and I got put out for my son, I could
8 speak on that, you know, when I was taking up for my
9 son.

10 THE COURT: I understand. Here's what I need you
11 to do. I need to answer questions directly, okay.
12 Just answer the question directly, okay.

13 MR. LI: I'll skip that question all together.

14 MS. PINNOCK: Well, Judge, now we have a
15 different issue.

16 MR. LI: Well, I can go with that and ---

17 THE COURT: You can go back to where you were.

18 MR. LI: Okay.

19 (WHEREUPON, the jury entered the courtroom at
20 2:53 p.m.)

21 THE BAILIFF: All jurors are present, Your Honor.

22 THE COURT: All right. Thank you very much.
23 Welcome back.

24 You may continue, Mr. Li.

25 MR. LI: Thank you.

1 BY MR. LI:

2 Q And you've had a chance to stand up for **Victim**
3 while you were at Beaverbrook?

4 A Yes, sir.

5 Q And you've actually put your hands on
6 Ms. Thompson before to try to stop her, correct?

7 A Yes, sir.

8 Q And can you count the number of times where
9 you've been put out for trying to stand up for **Victim**?

10 A A bunch of them.

11 Q Now, I want to move away from that towards ---
12 closer towards the day of the incident, okay.

13 A (Nods in the affirmative.)

14 Q On Saturday --- when did Courtney go into the
15 hospital to give birth?

16 A Saturday the 29th at like five, six o'clock in
17 the morning.

18 Q It was early in the morning?

19 A (Nods in the affirmative.)

20 Q Okay. And that day you were at home with **Victim**
21 by yourself?

22 A Uh-huh.

23 Q Because somebody else had come and picked up
24 **Girl Mi**?

25 A Uh-huh.

1 THE COURT: Please say yes or no.

2 THE WITNESS: Yes.

3 BY MR. LI:

4 Q Okay. And do you remember what you cooked for
5 dinner on Saturday night?

6 A I cooked rice and pork chop.

7 Q Did you give some to **Victim**?

8 A Yes.

9 Q What kind of plate did you fix him?

10 A Like a 12-year-old plate.

11 Q A big boy plate?

12 A Yeah, a big boy plate.

13 Q And that night, what time did you go to sleep on
14 Saturday night?

15 A Saturday night he went to sleep at like --- maybe
16 like 11 or 10.

17 Q Okay. Did you notice anything wrong with him at
18 that time?

19 A No, I didn't notice anything but the cut on his
20 arm. That's all I know.

21 Q Did you notice that he was having problems
22 raising his hands?

23 A No.

24 Q Did you notice that he was having problems
25 sitting down?

1 A No.

2 Q And on Sunday, do you remember what time you woke
3 up on Sunday?

4 A Sunday, I woke up early on Sunday.

5 Q What time did **Victim** wake up?

6 A He woke up early, too.

7 Q On Sunday?

8 A Uh-huh.

9 Q Did **Victim** ask for something to eat that morning?

10 A Yeah. He asked me for something to eat. I asked
11 him what do he want some (unintelligible) or some
12 cereal, and he said he want some cereal.

13 Q He wanted cereal?

14 A Uh-huh.

15 Q Okay. And did you give him cereal?

16 A So I gave him a big bowl of cereal.

17 Q And how were you feeling on Sunday?

18 A I was just ready for Courtney to come home so I
19 could see my newborn baby.

20 Q Were you feeling happy?

21 A Yeah, I was feeling happy that she was going to
22 have the baby.

23 Q She already had the baby at that time, right?

24 A Uh-huh.

25 Q Now, on Sunday night, what did y'all eat for

1 dinner?

2 A We ate leftovers because it was still stuff left
3 over from when we had pork chops and rice, so I cooked
4 the same thing.

5 Q What were you and **Victim** doing during Sunday?

6 A We watched TV. I was like when does it come on,
7 so I can watch the BET awards. I wanted to watch the
8 BET awards.

9 Q The BET awards?

10 A Uh-huh.

11 Q So after you ate dinner, you and **Victim** just
12 watched TV?

13 Q How long did you watch TV?

14 A We watched TV from till it came on to about when
15 we winded back, so every time I was winding it back,
16 it prolonged the show.

17 Q So this was on the D.V.R.?

18 A Yeah.

19 Q So on the awards shows, they have music acts?

20 A Uh-huh.

21 Q And you're watching --- it started at what, about
22 8:00?

23 A Uh-huh.

24 Q And you watched --- what time, did you go to
25 sleep?

1 A We went to sleep like three or four o'clock in
2 the morning.

3 Q Three or four in the morning?

4 A Uh-huh.

5 Q And **Victim** just went off to bed?

6 A He was on the floor watching TV. I was like go
7 on and use the restroom. Lay down. He went to use
8 the restroom, and then he went and laid down.

9 Q And on Monday, Monday morning, what time did you
10 wake up on Monday?

11 A Monday morning, I woke up early like 7:00, 7:15,
12 7:30 something like that.

13 Q Did you call --- did you have a chance to talk to
14 Courtney?

15 A I had talked to Courtney to try to get money off
16 the card.

17 Q You were asking her to let you to get money off
18 the card?

19 A Yeah.

20 Q What did she say to that, the first time?

21 A The first time she said no. I was mad because
22 she wouldn't let me get the money off the card.

23 Q What did you do after that?

24 A I went in to my son to where he was at and said,
25 "Son, did you use the restroom?" He looked at me and

1 said, "No."

2 Q Then he fell back asleep?

3 A And then he fell back asleep, yeah.

4 Q Did you notice a puddle of pee at that point?

5 A No, he was lying on his stomach. If he had peed,
6 I couldn't see it.

7 Q And he was sleeping on the floor?

8 A Yeah, he was sleeping on the floor.

9 Q Why was he sleeping on the floor?

10 A Because him, **Girl Mi** and my little girl, they
11 share a bed, but he kept peeing in the bed so we
12 wouldn't let him sleep in the bed with my little girls
13 no more.

14 Q Okay. Now, there's been some talk about why that
15 room was so empty. Why was that back room so empty?

16 A Because that was the play room. That's where all
17 the toys and stuff was and where they would go and
18 play.

19 Q Was that the place you were going to put your new
20 baby?

21 A Yeah, we was.

22 Q Okay. And so you checked on **Victim**?

23 A Uh-huh..

24 Q Then what happened? Did you make another phone
25 call?

1 A Yeah, I went back in, sat on the bed, watched TV.
2 I called Courtney again.

3 Q Why did you call Courtney again?

4 A Because I was trying to go down there and pull
5 the money off her card.

6 Q Why was that?

7 A Because before she comes, I want to already have
8 the money so I could pay the cab.

9 Q Was there something else you wanted to get?

10 A Yeah, I had wanted to go and get some cigarettes
11 and beer.

12 Q Okay. So after the second phone call, were you
13 then allowed to get some money?

14 A Yeah, she told me to go ahead and get it.

15 Q Okay. And what did you do after that?

16 A I ran to the store, got the beer, got the
17 cigarettes, and pulled \$200 off the card from the ATM
18 machine. I ran back to the house --- I went back to
19 the house to see if my son had woke up, but he was
20 still asleep.

21 Q Has **Victim** ever peed in his sleep before?

22 A Yeah, he done peed in his sleep numerous of
23 times, numerous of times.

24 Q Numerous times?

25 A Uh-huh.

1 Q Okay. At that point when you went back and
2 checked on him, did he have pee?

3 A No, I didn't see no pee.

4 Q From then, did you go back --- what did you do
5 after you smoked your cigarettes and you had a beer?
6 What did you do after that?

7 A I had went back in the room. I had fell asleep.

8 Q When was the next time --- when do you remember
9 waking up?

10 A My mother had called me and asked me how Courtney
11 and my newborn baby was. She asked me when Courtney
12 was coming home. I said, "Let me call her and find
13 out what time she is going to get discharged or what's
14 taking so long."

15 Q And after you woke up, do you remember when
16 Courtney came home?

17 A She came home by Blue Ribbon cab.

18 Q Okay. Do you remember what time it was?

19 A It could have been like 1:30. I know it was
20 going on like two o'clock.

21 Q Okay. Describe what happened when she first got
22 to the door?

23 A Well, when she knocked at the door, I had came to
24 the door. She had my baby in her hand, and she
25 knocked on the door, so I opened the door. So when I

1 went out there, I had went out and got the bags and
2 stuff. I paid the cab and then I went back in the
3 house.

4 Q When you went back in the house, tell me exactly
5 what you did.

6 A When I went back in the house, we went to the
7 back room and we was walking back. By me having her
8 bag, I took the bag --- I went and put them in the
9 room.

10 Q The play room?

11 A I went and put it in the play room. I heard
12 Courtney say, "Oh, this motherfucker done peed in my
13 house again."

14 Q So you saw that she was mad?

15 A She was pissed, yeah.

16 Q Did she lay her hands on **Victim** ?

17 A I didn't see her }lay her hands on him.

18 Q But would you say she was mad but not too mad?

19 A She was pissed, but she wasn't too mad. She
20 couldn't have prevented that.

21 Q Okay. Then what did you do after that, after you
22 put the bags down?

23 A I put the bags down. I went in the room with
24 Courtney. We was talking about her birth, and she
25 said she wanted to take a shower. She said she didn't

1 want to have no more kids because that hurt, the pain,
2 she had to go through that pain by herself and I
3 didn't know how that feels.

4 Q Okay. And what did --- what was **Victim** doing at
5 this point?

6 A **Victim** was sitting right there --- he was
7 standing right there while me and Courtney was
8 talking.

9 Q How did he react to the new baby?

10 A He said, "That's the kid. That's the baby."
11 Courtney was like, "Yeah, but don't worry about it.
12 You're going to help me clean this piss up off this
13 floor."

14 Q Okay. So how much time would you say, just an
15 estimate, how much would you say that you spent in
16 that room playing with the new baby?

17 A Probably an hour-and-a-half, two hours.

18 Q Did you do anything in between time? Did you go
19 smoke a cigarette?

20 A Yeah, me and Courtney went outside to smoke a
21 cigarette. I just told my son to stand there --- to
22 go stand there while we went outside to smoke a
23 cigarette.

24 Q So you and Courtney both went outside to smoke?

25 A Yeah, we both went outside.

1 Q When you went back in the home, what did you do
2 then?

3 A Courtney went back in before me, because you
4 know, with a newborn baby, after you been smoking, you
5 got to go wash and get that smoke off of you.

6 Q Right.

7 A So she went back in before me.

8 Q Okay. And --- but when you got back in there,
9 what did you do?

10 A I went and did the same thing, I went and washed
11 that stuff off me and changed my shirt.

12 Q At some point did you begin to cook?

13 A Yeah, I started cooking.

14 Q What were you making that night?

15 A I had some steaks. There were three steaks and
16 some bell peppers, rice and I had bought us some eggs.

17 Q And was there also --- there was also rice?

18 A Yeah, there was rice.

19 Q And the three steaks, who were they supposed to
20 be for?

21 A Me, Courtney, and my son.

22 Q So when you're in the kitchen and you're cooking,
23 did you ever see **Victim** again at this point?

24 A Yeah, he came around. He probably had been
25 around there and said, "Dad, can I have some water,"

1 so I gave him some water.

2 Q Did you hear Courtney yelling anything to **Victim**
3 while he was getting water?

4 A No, she would tell him to come back around, but
5 he was trying to prolong and stay in the kitchen with
6 me so he didn't have to go and clean up.

7 Q Did you try to punish **Victim** at some point in the
8 kitchen?

9 A Yeah, I told him to go stand there and hold his
10 hands up right here, so I could see him. I had him in
11 my eyesight so I could see him while I was cooking and
12 see what was going on.

13 Q So you actually made him hold his hands up like
14 this? (indicating)

15 A Yeah.

16 Q Why did you do that?

17 A I tried keep him from going to Courtney, cause,
18 you know, he didn't want to go back there.

19 Q Did it make it look like --- were you trying to
20 make it look like ---

21 A Like I was punishing him, disciplining him.

22 Q Okay. And where did **Victim** eventually go?

23 A She calls him and tells him to bring his ass back
24 to help her get the pee up off the floor that he had
25 did.

1 Q Okay. And was that the last time you saw **Victim**
2 alive?

3 A That's the last time I seen him, yeah.

4 Q So you went back there --- **Victim** went back there
5 and you stayed in the kitchen and kept cooking.

6 A Yeah.

7 Q All right. Take us through exactly what you saw
8 next or what you heard.

9 A I heard the shower come on, but I heard the
10 shower come on and I got my phone. I got the phone
11 and I had the fan on, and the four eyes was on, and
12 the back door was open ---

13 Q Why is the back door open?

14 A Because we got a newborn baby and got the four
15 eyes on the stove and ---

16 Q Smoke detector?

17 A Yeah, and I ended up cooking on the electrical
18 outlet and anytime the outlet get heated up, it's so
19 sensitive that it would go off and if it would go off
20 it would scare my baby.

21 Q Okay. So that's what was going on while you're
22 cooking?

23 A Uh-huh.

24 Q What's the next thing you remember hearing?

25 A I heard a little --- I heard a boom.

1 Q Okay. What did you do after that?

2 A It took me like four or five minutes, but I cut
3 stuff off, the stuff I was cooking, cut the fan off.
4 I had Kool-aid, too, so I sat it down, upside down ---

5 Q And as you're walking?

6 A I hear Courtney saying, "Baby, look. Baby, look.
7 Baby, look." It was coming from the back room. I
8 never got a chance to make it to that room. I'm
9 leaving my kitchen and she got my son like when you're
10 going to ---

11 Q So she was coming town the hallway?

12 A She was coming down the hallway, yeah.

13 Q Just when you were getting ---

14 A Yes.

15 Q And what was she saying to you?

16 A "Baby, look. Baby look."

17 Q What did she have in her hands?

18 A She had my son in her hands like a newborn baby.

19 Q Okay. And how are you feeling at that point?

20 A I didn't know what to do because I was shocked.

21 I didn't know what to do.

22 Q Okay.

23 A I was in shock.

24 Q And did you see --- what did Courtney do after
25 that?

1 A Courtney got ahold of him, took him to the front
2 room, laid him down and sat down with him and she
3 called 911.

4 Q And you heard her call 911?

5 A I heard 911. I was right there while she was
6 going the CPR and everything.

7 Q Was this on speaker?

8 A It was on speakerphone.

9 Q She had laid the phone down?

10 A She had laid the phone down and talked to them on
11 the loud speaker.

12 Q And 911 was giving her instructions on how to
13 save **Victim**'s life?

14 A Yes, sir.

15 Q Okay. And was she doing it?

16 A Yeah, she was doing everything they said.

17 Q She was doing everything they said?

18 A Uh-huh.

19 Q Did they ever tell you that two people should be
20 doing CPR?

21 A No, they never said nothing about two people.

22 Q So you stayed there?

23 A I stayed right there until I heard an ambulance.

24 Q Okay. Now what happened when you heard the
25 sirens?

1 A I was scared and shocked and panicked and I was
2 walking around and didn't know what to do.

3 Q So what did you do?

4 A I walked to the back of the room, I got my
5 newborn baby, and got the bottle and went and hid in
6 the closet.

7 Q You took him and you hid in the closet?

8 A Yeah, I hid.

9 Q What did you hear when you were in the closet?

10 A I heard the ambulance and sirens and stuff like
11 that. I heard doors opening and stuff like that.

12 Q What did you hear them say about **Victim**?

13 A As soon as they came in, Courtney said, "Help me,
14 help me." They put the thing on him, and said that he
15 gone.

16 Q How did you feel?

17 A I was shocked. I didn't know what to do. I'm
18 just in a cloud shaking, you know.

19 Q Have you ever lost --- has any of your children
20 ever died before.

21 A No, that was my firstborn. That's the only time
22 experiencing that.

23 Q Have any of your children been brought to you in
24 their mother's arms before?

25 A No, sir.

1 Q Did you know how to feel?

2 A No.

3 Q Now, you heard some testimony here about ---
4 you've seen a pipe, a shower rod?

5 A Uh-huh.

6 Q Have you seen that shower rod before?

7 A That's my second time seeing it today or when
8 they put it out, it was my second time seeing it.

9 Q I'm just asking you, have you seen that shower
10 rod before, before here in court?

11 A Uh-huh.

12 Q How did your blood get on that shower rod?

13 A I was in there playing a game and my little girl,
14 my girl and ---

15 Q Do you remember how long ago this was?

16 A It was like, probably like two weeks before the
17 incident with my son.

18 Q And what happened?

19 A I was in there playing a game.

20 Q Where?

21 A In their room playing a game.

22 Q On what?

23 A Playstation 3. I was playing a game and I hear
24 my son telling my little girl, "Stop, **Girl Mi**, stop.

25 **Girl Mi** hit me with a stick." That's what he was

1 saying.

2 Q How are you feeling at this time?

3 A I was just really playing the game. I wasn't
4 thinking anything of it. I just playing the game, so
5 I said, "She won't do nothing." She grabbed that and
6 was mad and ---

7 Q This is what you're thinking in your head?

8 A Yeah. I heard him say, "Daddy, Daddy, **Girl Mi**
9 hit me with a stick."

10 Q Okay, so then what did you do?

11 A I walked back there and she said, "Didn't I tell
12 you about pissing in the house."

13 MS. PINNOCK: Your Honor.

14 BY MR. LI:

15 Q Then what did you do?

16 A That's when she ---

17 THE COURT: Stop. Stop.

18 MS. PINNOCK: Objection. That whole answer was
19 hearsay.

20 THE COURT: Sustained. Disregard that
21 testimony. Move on.

22 BY MR. LI:

23 Q What did you do next?

24 A What did I do next?

25 Q Yes..

1 A When I walked back there?

2 Q Yes.

3 A I snatched the stick and the stick cut my hand
4 and I threw the stick in the play room on that
5 shelf. That's the last time I seen it till they
6 brought it out.

7 Q Okay. And the last place you put that pole was
8 where?

9 A In the play room closet up there on the shelf.

10 Q Now, there's some talk of when you were at the
11 police station?

12 A Huh huh.

13 Q Did you ever tell Courtney, "Free me, free me"?

14 A I never tell her to free me. I said, "Courtney,
15 tell the truth." I never said to free me. I said to
16 tell the truth.

17 Q Were you anxious to get back to your kids?

18 A Yeah, I was very anxious to get back to my kids.

19 Q When you rode with Ms. Metze to --- when you rode
20 with Ms. Metze to drop off Courtney at the
21 reenactment, do you remember this?

22 A Uh-huh.

23 Q Did she dropped you off at the store?

24 A She dropped me off at the store at the bottom of
25 the hill.

1 Q Did you at any point go back to Beaverbrook?

2 A No, I never did go back to Beaverbrook.

3 Q When was the last time you were at Beaverbrook?

4 A That day, that day that the police escorted me to
5 headquarters.

6 Q Were you there. --- you were there when you
7 dropped off Courtney? You were with Ms. Metze?

8 A Yeah, I was with Ms. Metze when she dropped off
9 Courtney.

10 Q But you didn't go inside?

11 A No, I didn't go inside.

12 Q On that day, when Courtney was supposed to come
13 home on Monday, had you fed **Victim** that day?

14 A No, I hadn't fed him because he didn't get up
15 until Courtney had walked in the room and said he done
16 pissed on the floor again.

17 Q You didn't feed him that day?

18 A No, I didn't feed him that day.

19 Q Antonio, have you ever beaten **Victim** or any of
20 your other children?

21 A I would pop my kids, but I never really put my
22 hands on them physically to hurt them, but I done
23 popped them.

24 Q Have you ever hit them with a closed fist or any
25 sort of slapping?

1 A I wouldn't never hit them with my hands or no
2 object or nothing like that.

3 Q Have you ever helped Courtney --- have you ever
4 helped Courtney beat your son?

5 A No, sir.

6 Q And she asked you?

7 A Yeah, she asked me to hold him down, but I never
8 listened to her what she said.

9 Q About that?

10 A About that.

11 Q Did you love **Victim**?

12 A Loved him to death.

13 Q You still love **Victim**?

14 A Yes, sir.

15 Q You miss him?

16 A Like a motherfucker.

17 Q What's the one thing you remember most about
18 **Victim**?

19 A That he liked fire trucks.

20 MR. LI: No further questions.

21 THE COURT: Mr. Guinyard, there will be no
22 profound language in this courtroom unless you're
23 quoting somebody. Do you understand me?

24 THE WITNESS: I'm sorry, sir.

25 THE COURT: Okay. Cross-examination?

1 MS. WALKER: Thank you, Your Honor. .

2 CROSS-EXAMINATION:

3 BY MS. WALKER: .

4 Q Mr. Guinyard, Ms. Thompson treated **Victim** pretty
5 poorly?

6 A She didn't treat him bad.

7 Q She beat him with a cable cord, yes?

8 A (Nods in the affirmative.)

9 Q So that's treating him poorly.

10 A Yes.

11 Q She did that more than once?

12 A I only seen it like one time.

13 Q You only saw that one time?

14 A Uh-huh.

15 Q She would get mad at him for eating.

16 A She wouldn't get mad at him for eating, I
17 wouldn't know that. She never would get mad at him
18 when I was there for eating.

19 Q She treated him so badly that you had to stand up
20 for him and protect him, right?

21 A Yes, ma'am.

22 Q And how many times now did you see her physically
23 abuse your son?

24 A I only seen like two times, you know, like the
25 two accidents that I didn't do nothing about, but I

1 didn't now, how overboard it was going or how
2 overboard it was.

3 Q When you say you didn't know how overboard it was
4 going, what do you mean?

5 A I didn't know it was that bad.

6 Q You lived there?

7 A Like off and on.

8 Q Were you there in late June?

9 A Late June?

10 Q Uh-huh.

11 A No, I wasn't there.

12 Q You weren't there?

13 A You mean at Beaverbrook?

14 Q Yes.

15 A June? Yeah, but I was like in and out. I was
16 getting put out, and I was out and then back and
17 forth.

18 Q Well, why did you keep going back?

19 A Because I had nowhere else to go.

20 Q You didn't think to get an apartment of your own?

21 A I can't get no apartment. I got a marijuana
22 charge that ---

23 Q No, no. I'm not talking about an apartment that
24 the government pays for. I'm talking about your own
25 apartment?

1 A No, I can't get no apartment because first you
2 have to get a job.

3 Q Did you ever think about getting a job?

4 A I only got like five interviews. They wouldn't
5 hire me because I had tattoos on my face.

6 Q Where did you interview?

7 A I interviewed at like Church's Chicken, Lizard's
8 Thicket ---

9 Q Your testimony is that Lizard's Thicket doesn't
10 hire people with tattoos on their face?

11 A They don't hire people with tattoos on their
12 face, period. That's not professional.

13 Q That's not --- tattoos on your face aren't
14 professional?

15 A I'm saying they're not going to hire you with
16 tattoos on your face.

17 Q Your testimony is that Lizard's Thicket doesn't
18 do that?

19 A No.

20 Q Where else?

21 A Church's Chicken, Wendy's, Captain D's and I even
22 went to the chicken farm.

23 Q To the one in West Columbia?

24 A Yes, ma'am.

25 Q So your testimony is you didn't have any money to

1 get your own place?

2 A Yes.

3 Q So in January you didn't have any money?

4 A No, ma'am.

5 Q In February you didn't have any money?

6 A No, ma'am.

7 Q March?

8 A No, ma'am.

9 Q April?

10 A No, ma'am.

11 Q In May you didn't have any money?

12 A No, ma'am. I didn't have no income because I was
13 working with my cousin and it was under the table
14 moving furniture and stuff like that. It wasn't
15 enough money to pay no rent or nothing like that.
16 Pays \$300 or \$400 a month.

17 Q That's all the money you had at any one given
18 time?

19 A All what money?

20 Q You would only get \$300 or \$400 a time?

21 A I was saying, not with how much it costs every
22 month to pay rent, \$400 or \$500 a month.

23 Q I'm sorry. I'm not trying to put words in your
24 mouth. I just have a hard time understanding what
25 you're saying. You're saying \$400 or \$500 a month is

1 what you needed?

2 A Uh-huh.

3 Q And when you got put out, where would you go?

4 A I would walk from Beaverbrook over to where I
5 know people was at in the area, Benedict.

6 Q So you would have places to go when you were put
7 out?

8 A Not really. I just would go to people's house.
9 Sometimes I would sleep in the park.

10 Q And at no point in time did you ever know that
11 your son was being abused or, as you put it, that it
12 went as far as it went?

13 A Well, I know I was standing up for him and would
14 get put out.

15 Q Did you ever bathe your son?

16 A Huh?

17 Q Did you ever bathe your son?

18 A Bathe my son? He bathe his self. I had bathe
19 him before in the past like ---

20 Q Did you help him change and put on clothes, help
21 him get dressed?

22 A No, he put on his own clothes.

23 Q So you're saying you never saw ---

24 A I seen **Victim** one time --- I seen him with
25 bruising on his back when we came to my mother's

1 house.

2 Q Okay. So you did see bruises on him?

3 A I saw whip --- I didn't see no bruising on him.

4 Q You saw whip marks on the boy?

5 A Uh-huh, I seen two of them.

6 Q When did you call the police and say someone has
7 whipped my son. He has welts. He's been bruised?

8 A I would call my mother and my mother would call.

9 Q I'm not asking when you would call your mother.

10 A My mother would call.

11 Q I'm asking when did you call the police.

12 A I would call my mother and my mother would call.

13 Q So is the answer that you did not call the
14 police?

15 A I called my mother. My mother could call.

16 Courtney toll me if I called DSS, they would take all
17 my kids.

18 Q And you didn't want all your kids to be taken?

19 A No.

20 Q So your testimony before this jury is that your
21 son went from this, this smiling happy child playing
22 with toys to this child with cuts on his ear, with a
23 behind that's swollen, with a back that looks like
24 this and you knew nothing about it?

25 A No, not at that point.

- 1 Q Not ---
- 2 A Not at that point.
- 3 Q You didn't know this?
- 4 A No.
- 5 Q Your son couldn't raise his arm.
- 6 A My son could raise his arm. If he couldn't raise
7 his arm, I would have called the ambulance. I would
8 have called the police.
- 9 Q He had a fractured arm. You heard the testimony,
10 right?
- 11 A If he had a fractured arm, it had to be right
12 then. It couldn't be when I was there with him.
- 13 Q I'm sorry. I couldn't understand you.
- 14 A It couldn't be when I was there with him that he
15 had a fractured arm.
- 16 Q Well, he did. He had a fractured arm. You're
17 saying he was holding his arms up like this?
18 (indicating)
- 19 A Yeah, he was holding his arm up like this.
20 (indicating)
- 21 Q Despite the fact that it's medically impossible?
- 22 A The only thing that I saw was that his arm was
23 cut.
- 24 Q I want to show you a picture from Facebook,
25 State's Exhibit 259. From May 10th of 2013 was when

1 you didn't have any money, right?

2 A No, I didn't have any money.

3 Q What is this?

4 A Oh, that's Quinton's money.

5 Q You had this money?

6 A That was Quinton's money. That wasn't my money.

7 MS. WALKER: Your Honor, at this point the State
8 seeks to admit 259 into evidence.

9 MR. LI: No objection, Your Honor.

10 MS. PINNOCK: No objection.

11 THE COURT: State's 259 without objection.

12 (WHEREUPON, State's Exhibit Number 259 was
13 admitted into evidence.)

14 BY MS. WALKER:

15 Q So in May you didn't have any money?

16 A That was Quinton's money. That was my kid's
17 money.

18 Q That you flashed on Facebook?

19 A Yeah.

20 Q You said that you told Courtney to tell the
21 truth?

22 A Uh-huh.

23 Q What truth was that? What was it that you were
24 trying to get her to say?

25 A I tried to get her to tell the truth that I

1 didn't beat my child and to let me go home.

2 Q When did you first notice your son in a puddle of
3 urine on July 1st?

4 A I did not know until Courtney came in the room
5 and she had came back. I did not know that.

6 Q So you were mistaken when you told police
7 officers that he was lying in a puddle of urine before
8 he left to go get a beer?

9 A I never told the police officer that.

10 Q That's your testimony?

11 A I never told them that he was laying in --- I
12 never told him that. They asked me what happened that
13 day. I told them what happened. I gave them the
14 truth.

15 Q And you fed him pork chops on, I guess, that was
16 Saturday night?

17 A Yeah, we had pork chops on Saturday night.

18 Q I can't hear you.

19 A Pork chops and rice on Saturday night.

20 Q Was he able to hold that down?

21 A Yeah.

22 Q And he wasn't lethargic?

23 A No, there wasn't nothing wrong with him but the
24 cut on his hands --- on his arm.

25 Q He didn't complain of being sore?

1 A No.

2 Q And he was sitting down normally despite his
3 behind looking like this?

4 A He was sitting down.

5 Q What time did he finally wake up on the 1st?

6 A On the 1st?

7 Q Uh-huh.

8 A I had woke him up early that morning.

9 Q When he finally got up?

10 A When he finally got up --- well, he didn't get up
11 until Courtney came home and she started yelling about
12 the piss. I didn't see the piss.

13 Q My question is what time was that?

14 A Probably like, Courtney got home about 2:00.

15 Q What time did you wake up?

16 A What time I woke up? I woke up early because I
17 was trying to get the money so when Courtney came home
18 she wouldn't have to spend no money going back to the
19 store because that was extra money.

20 Q Okay, well, my question is what time did you wake
21 up?

22 A What time I woke up? It was like 7:15, 7:30,
23 maybe 6:00.

24 Q So you were about seven hours that day before he
25 got up?

1 A No. I had just woke up. You asked me what time
2 I woke up. I told you I woke up Monday morning at
3 like about 7:00.

4 Q But he didn't get up until about 2:00 p.m.

5 A Uh-huh. He didn't get up until his mama came
6 home.

7 Q Right, so you were up for about seven or eight
8 hours before he got up?

9 A No, I was asleep, but I had woke up so I could
10 call Courtney.

11 Q You were asleep and awake at the same time?

12 A No, I was asleep. I had woke up like 7:15. I
13 called Courtney and went and asked my son did he have
14 to go the restroom. He said no, he was sleeping,
15 so I just went along and left him sleeping. I didn't
16 see no pee then.

17 Q Right. That was at 7:00 in the morning?

18 A Yeah, that was like 7:00. I got off the phone
19 with Courtney the first time.

20 Q And **Victim** didn't get up until 2:00 in the
21 morning --- 2:00 in the afternoon?

22 A He got up after Courtney had got home.

23 Q And you didn't think it was odd that he was
24 sleeping all day?

25 A No, cause we stayed up all night watching the BET

1 awards and didn't go to sleep for ---

2 Q You watched the BET awards for seven hours,
3 right?

4 A Till 3:00 or 4:00.

5 Q You watched it from --- what time did you start
6 watching it?

7 A Probably like 8:00.

8 Q So you watched the BET awards for seven or eight
9 hours that night?

10 A No, I kept rewinding the show back, the
11 performances back.

12 Q So yes, you did or no, you didn't?

13 A I watched it like a good bit, but I don't think
14 it was no seven hours. I watched it a good bit
15 though.

16 Q Okay. And despite your son bleeding out
17 internally at that point, he was still the same happy
18 kid he was whenever he was with you?

19 A He wasn't hurting.

20 Q Oh, he was hurting.

21 A I didn't know he was hurting. He didn't say he
22 was hurting. The only thing I noticed was his arm
23 with a cut on it.

24 Q How did he get that cut?

25 A I don't know. After I had got put out and I came

1 back like Saturday --- I came back, like I got put out
2 on Saturday, I came back --- I got put out that
3 Saturday, Sunday, Monday. When I come back on Tuesday
4 that's when I saw that cut on his arm.

5 Q Did you ask him what happened?

6 A No, I asked what had happened and Courtney said
7 **Girl Mi** had done scratched him with nail or something
8 like that.

9 Q Is **Girl Mi** the one that beat him so hard he got
10 blood on the pole, right?

11 A No, **Girl Mi** didn't beat him with the pole. I
12 said I snatched the pole.

13 Q I'm not talking about your blood.

14 A Oh.

15 Q I'm talking about your son's blood.

16 A Well, when I took the pole, I didn't see no cut
17 on him, on his arm. It poked at my hand. It's from
18 when I snatched it from **Girl Mi**.

19 Q But she must have beaten him pretty hard with it.
20 You agree with me, right?

21 A No. She would hit with it. That made me snatch
22 it.

23 Q And how old was with she at the time she was
24 executing this pole beating?

25 A Like three.

1 Q And you were aware that your son was holding his
2 arm awkwardly though, weren't you?

3 A No, he was just holding his hand up like this.

4 Q May 16th you didn't get a text message from
5 Courtney that said, "Come look how this boy is holding
6 his hands. He looks like a RERE."?

7 A May 16th.

8 Q Here you go.

9 A I don't remember that.

10 Q You don't remember that text message?

11 A No, I don't remember that.

12 Q I want to talk to you about November 16th
13 of 2012. Do you remember law enforcement coming to
14 your house and asking you about your son?

15 A November 2012? I can't ---

16 Q November 16th, 2012?

17 A Where was I staying? Was it at Allen Benedict
18 Court?

19 Q You tell me.

20 A They done came so many times. I don't know what
21 you're talking about, what one you're talking about.

22 Q Do you remember a time when --- do you remember a
23 time when the police came and it was just you then,
24 and they came to check on your son? Let's talk about
25 the time in April of 2013?

1 A I remember --- I remember the police coming.

2 Q And do you remember them --- at that point in
3 time you knew he had been beaten with the cord, right?

4 A That was like old. This was like 2012 with the
5 cord.

6 Q But you knew he had been beaten with the cord at
7 that point?

8 A Yeah, I knew. I knew.

9 Q And you knew that his mother would get mad at him
10 for using the bathroom in the house?

11 A Uh-huh.

12 Q And that she would physically punish him for
13 that?

14 A Yes.

15 Q You knew that she was not feeding him as much as
16 you would like her to feed him, right?

17 A Yes.

18 Q April, when you were alone with your son and the
19 police came and talked to you about how he was doing,
20 you said that he was fine, right?

21 A Like April when they came, yeah, he was fine.

22 Q So it sounds like Courtney, I guess, was the head
23 of the household, right?

24 A Yes.

25 Q Things went the way she said they went?

1 A It was our house. She was on the lease. I
2 wasn't on the lease. I could get kicked out, put out
3 any given time, so she was the head of the household.

4 Q And you never --- you didn't have your own place
5 to go because you didn't get a job or an apartment or
6 anything like that?

7 A No. I didn't have my own place to go.

8 Q And your testimony is that your son --- you heard
9 a thump?

10 A I heard a boom.

11 Q You heard a boom?

12 A Yeah.

13 Q And you talk about how much you loved your son.

14 A Uh-huh.

15 Q You miss him?

16 A Uh-huh.

17 Q You have to say yes or no.

18 A Yes.

19 Q That you stood up for him when his mother's
20 punishments would go too far?

21 A Yes.

22 Q But when he was in her arms, in and out of
23 consciousness and dying, when he needed you the most,
24 you went and hid in a closet?

25 A If that accident didn't happen, if you was in my

1 situation at the time ---

2 Q I'm not talking about me being in your situation.

3 I'm talking about what you did.

4 A You would you ever know what to do legally if you
5 seen your kid like I seen my kid. You would probably
6 know what to do legally.

7 Q Because certainly you don't want to help him.

8 You want to go hide in the closet, right?

9 A I sat right there while Courtney was on the phone
10 with the paramedics while she performed the CPR.

11 Q What were you saying to Courtney?

12 A I didn't know what to do. I was in shock. I was
13 pacing. I didn't know what to do.

14 Q So you did what any good father would do, you
15 went and hid in the closet?

16 A No. I went and got my baby and I hid in the
17 closet.

18 Q Okay, you went and got your baby and the two of
19 you hid in the closet?

20 A I walked back there and got my baby when I heard
21 the door start to open.

22 Q Because according to the statement that you gave
23 law enforcement, when accidents like this happen, they
24 take your children, right?

25 A Yes.

1 Q So when children fall down, law enforcement
2 swoops in and takes the rest of the kids in the house?

3 A No, they investigate first and see what it was
4 before they take the kids. They not just going to
5 take them.

6 Q So there is an investigation and then the
7 children get taken?

8 A If they find out what the investigation come
9 from.

10 Q So you knew that something had happened to your
11 son at that point, right, you knew something more than
12 a fall had happened to him.

13 A No, I didn't know nothing more than a fall
14 happened to him. I heard a boom. I went back to see
15 where it came from.

16 Q Mr. Guinyard, you said if everything is okay,
17 they don't take your kids, right?

18 A Yeah.

19 Q But when things are bad, they take your kids?

20 A Right.

21 Q You were concerned about them taking your kids?

22 A Uh-huh.

23 Q What happened that made you so concerned they
24 were going to take your kids if he just fell off the
25 dresser?

1 A I never said he fell off the dresser, I said I
2 heard a boom. You didn't never hear me say he fell
3 off a dresser.

4 Q So what happened that they were going to take
5 your kids, what happened?

6 A Because I didn't really know. I know you never
7 heard me say he fell off the dresser. I said I heard
8 a boom.

9 Q No, no, no, my question is, what happened that
10 was going to make the police take your kids?

11 A Because, I guess, they was going to investigate
12 and see he had been beaten and they were going to take
13 my kids.

14 Q And you knew that he had been beaten even at that
15 point in time?

16 A No, I did not.

17 Q You just said that once they investigated they
18 were going to know he had been beaten.

19 A Yes, after they investigated it.

20 Q So you knew that he had been beaten. If you
21 didn't know that he had been beaten, how would an
22 investigation definitely lead to them finding out that
23 he had been beaten?

24 A You got to break that down for me because I don't
25 understand what you ---

1 Q You're right. That's my fault.

2 A --- what you getting at.

3 Q Let me break it down for you.

4 A Uh-huh.

5 Q You get in the closet because once they
6 investigate, they're going to take your kids?

7 A I get in the closet to protect my baby. That's
8 what I got in the closet for.

9 Q Protect him from who?

10 A From the law, from the police or anybody else.
11 That's why I got in the closet with my newborn son, to
12 protect him.

13 Q Okay. And you said though to law enforcement
14 that because when things like this happen, they take
15 your kids?

16 A Yeah, when they do the investigating to see what
17 the reason for the death is.

18 Q Right. So at that point in time you had concerns
19 about what the investigation would show so you hid in
20 the closet?

21 A I really didn't know what the investigation would
22 be, what the cause would be, if it was suspicious
23 death or what it was. I just know is my son is gone.

24 Q It was suspicion to you?

25 A No, it wasn't suspicious to me.

1 Q Then why did you --- you have to explain to me
2 why you hid in the closet.

3 A Because I was scared and I was shocked and I had
4 to protect my son, so I hid in the closet. That's why
5 I hid in the closet.

6 Q What were you afraid of?

7 A What was I afraid of?

8 Q You say you were scared?

9 A I was just protecting my son and I was in shock.

10 Q Protecting him from what?

11 A The law, the police.

12 Q What were the police going to do to him?

13 A Take him. They took him out of my hands when I
14 came outside, when I came out from the closet and when
15 I sat on the front porch.

16 Q So you didn't want them to hold your son?

17 A I didn't want nobody to hold my son.

18 Q Okay. Were you in here when you --- you were
19 here and heard the pathologist testify?

20 A Yes.

21 Q The lady who did the autopsy?

22 A Yes.

23 Q You heard about all of your son's injuries?

24 A A lot of words they be using I didn't understand.
25 I don't know.

1 Q Me, too, but you heard about your son's injuries?

2 A Yes.

3 Q About all the bleeding that he had going on?

4 A That's what they say. That's what she said. If
5 that's what she said, that's what she said.

6 Q You heard that?

7 A Yeah, I heard it.

8 Q And that he would have been lethargic, like
9 tired?

10 A Yeah, I heard that.

11 Q But your testimony to this jury is that despite
12 the fact that he was bleeding out, you had on the
13 29th, 30th and 1st of July, a perfectly healthy child
14 who could raise his arms above his head and had no
15 other pain that he was complaining of?

16 A No, he didn't have no pain and he didn't show no
17 pain or tell me he was hurting. The only thing I seen
18 was the scar on his arm.

19 MS. WALKER: I don't have any further questions.

20 MS. PINNOCK: May it please the Court.

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION:

23 BY MS. PINNOCK:

24 Q Mr. Guinyard, what was **Victim**'s birthday?

25 A **[REDACTED]**.

1 Q 2009?

2 A Yes, ma'am.

3 Q He is named after you, right?

4 A Yes, ma'am.

5 Q He is a junior. You're a senior, right?

6 A Yes, ma'am.

7 Q Now, I don't think I --- you mentioned something
8 a second ago. I don't think I'm clear on it. Did you
9 just tell Ms. Walker that you did not live on
10 Beaverbrook in June?

11 A In June, it was back and forth like I stayed
12 there, then I get put out. I stayed there and then I
13 get put out.

14 Q Did you live there or didn't you?

15 A Yeah, I lived there for like off and on. When
16 you stay somewhere and you don't get put out, that's
17 your own home. Being that it was off and on, it was
18 temporary. If I just stayed there, I never would have
19 gotten put out.

20 Q Your belongings wasn't there?

21 A The clothes that Courtney had got me.

22 Q Your mom went and got your clothes the day after,
23 so your clothes were there?

24 A She went and got my clothes. That's what the
25 investigator or somebody said. I'm not sure.

1 Q Okay. Now, you kept mentioning over and over
2 again that your relationship with Courtney was all
3 right?

4 A It was.

5 Q It was good, but then it kind of got all right?

6 A Yes.

7 Q How many children did y'all have together?

8 A Five.

9 Q Other than the new baby that we know was born
10 June 29th, 2013, when were their birthdays, the other
11 four?

12 A **Girl Mi** 's was [REDACTED] and **Girl M** 's was
13 [REDACTED], [REDACTED], **Girl Z** was [REDACTED].

14 Q What years?

15 A I mean, **Girl Z** --- **Girl M** 's birthday, [REDACTED]
16 [REDACTED], **Girl Z** 's birthday was [REDACTED] and **Girl Mi**
17 birthday was on [REDACTED].

18 Q What years?

19 A **Girl Mi** 's birthday was 2010 ---2010, 2011, 2012.
20 You asked me the year?

21 Q Yep.

22 A Oh, what you mean by that?

23 Q Their years. So **Victim** was born in 2009?

24 A Uh-huh.

25 Q You had another child born in 2010?

1 A Uh-huh.

2 Q Another one born 2011?

3 A Uh-huh.

4 THE COURT: Say yes or no.

5 BY MS. PINNOCK:

6 Q 2012?

7 A Yes.

8 Q And 2013?

9 A Yes.

10 Q Okay. Now, you've been sitting in here all last
11 week and sitting in here all day today?

12 A Uh-huh.

13 Q Are you telling the jury that the investigators
14 made up the fact that you told them that you left
15 **Victim** laying in a puddle of piss in his room while
16 you went to the store?

17 A Yeah, they can't show it on record that I told
18 them that.

19 Q So they made it up?

20 A They had to.

21 Q Okay. And they questioned you July 1st and
22 July 2nd at their headquarters, right?

23 A Yes, ma'am.

24 Q You decided you were not going to go to the house
25 with Courtney the afternoon of July 2nd?

1 A For what?

2 Q For the reenactment.

3 A They never called me to go. They called Courtney
4 to go. It was Courtney's house. They never called me
5 to go.

6 Q But you were ---

7 A I was with Courtney when she went.

8 Q You were in the car, but you didn't get out of
9 the car?

10 A No, I didn't get out of the car.

11 Q So you opted not to go?

12 A They didn't never call me. They said they wanted
13 Courtney to come.

14 Q They gave you a call after that?

15 A Yeah.

16 Q You met at headquarters?

17 A Yeah, they told me met them at headquarters.

18 Q Who called you, Courtney or the investigator?

19 A I mean, the investigator called my phone, and
20 told me to meet them at headquarters and Angie Metze
21 took me to headquarters. I was in the car with her
22 and she took me to headquarters.

23 Q When they were questioning you on the 2nd, you
24 told them, "You're wasting your time. I'm not going
25 to change my story."?

1 A When they questioned me and asked me what had
2 happened, I gave them the truth. I told them what I
3 did that day and what all had happened and went on
4 that day. They never did ask me what happened in the
5 past. They asked me what happened that day, and I
6 told them exactly what happened that day.

7 Q You told them on the 2nd that you woke up what
8 time?

9 A When I woke up on the 2nd?

10 Q I'm sorry, when you were there on the 2nd, you
11 told them you woke up what time?

12 A I didn't talk to them on the 2nd because my story
13 stayed the same. I never changed my story. I talked
14 to them on the 1st that night.

15 Q You didn't talk to any investigator on July 2nd?

16 A No. They came to the jail --- no, I didn't talk
17 to the investigator. They came in, but I didn't talk
18 to them or let them know cause I told them the truth.
19 There was nothing else to tell.

20 Q I'm not asking if you gave a statement. I'm
21 asking if you talked to them.

22 A No, you asked me a question. I told them
23 everything that happened that day and that's what I
24 told them.

25 Q Okay. And that's what you told them on the 1st?

1 A Uh-huh.

2 Q So what time did your get up on the 1st?

3 A On the 1st, I got up early on the 1st.

4 Q What time was early?

5 A Like 7:00 or something.

6 Q So you get up at 7:00?

7 A Uh-huh.

8 Q You're now saying that you checked on **Victim**?

9 A I had called Quinton first. Then I went and
10 checked on **Victim**.

11 Q You didn't tell them that, did you?

12 A No, because --- no.

13 Q So now you're saying you checked on him. You
14 asked him if he had to use the restroom?

15 A Uh-huh.

16 Q Now, you're saying that he told you no and went
17 back to sleep?

18 A No, he told me no and went back to sleep.

19 Q And he's sleeping on the floor?

20 A Yeah, he is sleeping on the floor.

21 Q Your testimony now is that you did not see any
22 urine on the floor?

23 A No, I didn't see any urine on the floor, because
24 he was laying on his stomach and I couldn't see no
25 urine.

1 Q You told them that you --- after Courtney got
2 home at some point, you started cooking dinner?

3 A 'I didn't just start cooking dinner after Courtney
4 got home.

5 Q At some point, you started cooking dinner?

6 A Yes, ma'am.

7 Q And while you're cooking dinner, you said you
8 heard a boom?

9 A I heard a boom.

10 Q You waited four or five minutes before going to
11 see what happened?

12 A I really didn't get a chance to see what happened
13 because after I finished cleaning everything off, and
14 shutting the fan off, like by the time I stepped right
15 there to go back there, Courtney was walking back with
16 my son.

17 Q What size oven do you have?

18 A Probably normal size.

19 Q A normal size, four eyes?

20 A Yes.

21 Q Four controls?

22 A Yes.

23 Q Four to five minutes to turn it off?

24 A Yes.

25 Q Four to five minutes to turn the fan off?

1 A No, I was just four or five minutes --- that's
2 what they put on paper, but it's four or five minutes
3 to --- I had to shut the door, cut the eyes off, put
4 the Kool-aid down upside down right there by the sink.
5 By the time I was fixing to go back there, Courtney
6 was walking down the hallway to meet me. When I took
7 one step, Courtney was already there meeting me and
8 saying "Look, baby. Look, baby, he is not breathing.
9 Look, baby. Look, baby."

10 Q So you turned the eyes off?

11 A Uh-huh.

12 Q Shut the door?

13 A Uh-huh.

14 Q You shook up some Kool-aid?

15 A I already had the Kool-aid in my hands ---

16 Q So you put it down?

17 A Upside down on the sink.

18 Q Okay. And four to five minutes passed. Were or
19 they making that up, too?

20 A It was written four or five minutes, but that's
21 what was on the paper.

22 Q That's not true either?

23 A Well, I told them four or five minutes for it.

24 Q And you told them that you left **Victim** at home
25 while you went up the street to the store, first thing

1 that morning?

2 A Yes, I left **Victim** on the floor at the sleep.

3 Q And you went and purchased the beer. You came
4 back and drank the beer at what time?

5 A It wouldn't be no more than about 8:00, right
6 about 8:00.

7 Q And then you decided to go back to sleep?

8 A Yeah, I had fallen asleep.

9 Q Report was four, right?

10 A Uh-huh.

11 Q Is your testimony now that he didn't get up until
12 Courtney came home?

13 A Yeah, he didn't get up. Courtney woke him up
14 with all that yelling and telling me he done pissed on
15 the floor. All that loud stuff done woke him up.

16 Q And he is four?

17 A Yeah, he is four.

18 Q So he did not wake up at all that day until
19 Courtney got home?

20 A Yeah.

21 Q Right?

22 A Uh-huh.

23 Q And you just testified that when she got home,
24 what happened? You played with the new baby, right?

25 A Yeah, I played with the new baby.

1 Q She is in there trying to clean up the mess?

2 A Yeah.

3 Q She is making **Victim** help her clean up the mess?

4 A Uh-huh.

5 Q That's what you testified to today?

6 Q So when you told the investigator on
7 July 1st, 2013, that you had played with **Victim** in his
8 room, that wasn't true either?

9 A Played with him --- yeah, I had played with him
10 for a minute but then he had went back to sleep. He
11 was happy that his brother was going to come home.

12 Q So now he woke up and you were playing with him?

13 A No, he woke up for a little bit and then he was
14 going back to sleep.

15 Q Okay. Let me ask you this, Mr. Guinyard. When
16 did you --- you said that you were standing there
17 watching Courtney perform 911 --- not --- perform CPR?

18 A Yes.

19 Q Did you go outside and wait for the ambulance?

20 A No.

21 Q Did you ask her if she heard him breathing?

22 A No, I was sitting right there, and I was seeing
23 how he would breathe.

24 Q Okay. But you didn't render any aid?

25 A Huh?

1 Q You didn't help?

2 A I was in shock.

3 Q You were in shock. Did you help her?

4 A I was in shock. I didn't know ---

5 Q Did you help her?

6 A I was in shock. I didn't know what to do.

7 Q So that's a no?

8 A I was in shock.

9 THE COURT: Sir, you need to answer the question
10 directly and then you'll be given an opportunity to
11 explain yourself.

12 THE WITNESS: No, I did not help her because I
13 was in shock.

14 BY MS. PINNOCK:

15 Q You did not help her?

16 A No.

17 Q When you heard EMS knock on the door --- whoever
18 it was, you didn't know if it was EMS, the fire
19 department, sheriff's department, you didn't know who
20 it was. Did you open the door?

21 A No, I did not open the door.

22 Q You ran away?

23 A I had walked to the back room, picked my newborn
24 baby up.

25 Q Between the time that EMS went like this

1 (knocking) you had walked back to the room, picked up
2 your baby, and then hid in the closet?

3 A Yes.

4 Q From the second they knocked on the door?

5 A Yes.

6 Q When you heard them come in and tell Courtney
7 that her son was gone, you didn't come out of the
8 closet?

9 A No, ma'am.

10 Q Somebody had to catch you coming out the back
11 door, trying to leave out the back door of your house
12 before anybody knew you were inside, right?

13 A Yes, ma'am.

14 Q Where were you going?

15 A I didn't know, ma'am, I didn't know, ma'am.

16 Q You were going to take the child that you wanted
17 and leave out the back door, weren't you?

18 A I didn't hear what you said.

19 Q You were going to take the child that your
20 wanted, your new baby, and leave out the back door?

21 A I didn't get a chance to leave out the back door.

22 MS. PINNOCK: Beg the Court's indulgence.

23 (Pause.)

24 BY MS. PINNOCK:

25 Q Okay. A couple more things. You said that you

1 didn't tell anybody what happened in the days leading
2 up to **Victim**'s death because nobody asked you?

3 A No, they never asked me. They asked me what
4 happened that day.

5 Q You didn't think it was important to tell me them
6 everything I saw was fine?

7 A Only thing they asked me was they said tell me
8 everything that happened that day when you first got
9 up. I gave them everything I did on a piece of paper.
10 They were typing it.

11 Q Okay, and again you didn't call 911?

12 A No.

13 Q You didn't try to do CPR?

14 A No.

15 Q You didn't even ask anybody on the scene if your
16 son was okay, did you?

17 A I didn't know what to do because I still was in
18 shock.

19 Q Okay. So that's a no?

20 A Yes.

21 MS. PINNOCK: Thank you.

22 THE COURT: Redirect?

23 MR. LI: No, Your Honor.

24 THE COURT: Thank you very much, sir. You may
25 step down.

1 THE COURT: State ready?

2 MS. CAMPBELL: (Nods in the affirmative.)

3 THE COURT: Mr. Li?

4 MR. LI: Yes, Your Honor.

5 THE COURT: When they can come back in, you can
6 officially rest on the record.

7 MR. LI: Yes, sir.

8 THE COURT: For the record, you are renewing your
9 previous motions that you have previously made?

10 MR. LI: Yes, sir.

11 THE COURT: Okay. I'll deny those motions.

12 MS. CAMPBELL: Your Honor, for the record I'm
13 renewing my mistrial motion.

14 THE COURT: All right. Very well. That motion
15 is denied. Thank you.

16 THE BAILIFF: All jurors are present, Your Honor.

17 THE COURT: Thank you very much. Welcome back,
18 ladies and gentlemen.

19 Mr. Li, you may call your next witness.

20 MR. LI: Your Honor, Defendant Guinyard rests.

21 THE COURT: All right. Thank you, Mr. Li.

22 Ladies and gentlemen, as I told you before,
23 Ms. Thompson does not have to present any defense if
24 she does not want to. However, she has the
25 opportunity to do so if she chooses.

1 Ms. Pinnock, do you have any witnesses to call?

2 MS. PINNOCK: Yes, Your Honor. May it please the
3 Court. The defense calls Ms. Jacqueline Richburg.

4 THE COURT: Please come forward, ma'am.

5 JACQUELINE RICHBURG,

6 after being duly sworn, testified as follows:

7 THE CLERK: Have a seat and state your name for
8 the record.

9 THE WITNESS: Jacqueline Richburg.

10 DIRECT EXAMINATION:

11 BY MS. PINNOCK:

12 Q Ms. Richburg, where are you employed?

13 A City of Columbia.

14 Q And do you also have dealings with 911
15 Communications?

16 A Yes.

17 Q How long have you worked with 911 Communications?

18 A Thirty-two years.

19 Q What are some of the duties that your job
20 requires in the communications?

21 A I am responsible for --- well, one of my duties
22 is that I'm responsible for maintaining and pulling
23 recordings for the police, fire department, EMS, and
24 citizens.

25 Q Okay. I am going to hand you what's been marked

1 as Defense Exhibit one. Did you have a chance to
2 review that?

3 A Yes.

4 Q And what is that?

5 A It's a CD recording of a phone call.

6 Q Is it a 911 phone call?

7 A Yes.

8 Q Do you recall the date?

9 A It was in July.

10 Q July 1st, 2013?

11 A Okay. I remember July.

12 Q Okay. And you said that is something that your
13 job requires you to do as part of the regular practice
14 of your business?

15 A Yes.

16 Q And from your review of that recording, did it
17 seem as though it had been changed or altered in any
18 way from the original?

19 A No.

20 MS. PINNOCK: Your Honor, at this time I would
21 offer Defense Exhibit 1 into evidence.

22 MS. CAMPBELL: Your Honor, it's already been
23 marked as State's Number 223 if she wanted to use that
24 copy. Either way, we have no objection.

25 MR. LI: No objection, Your Honor.

1 THE COURT: All right. Defendant's 1, admitted
2 without objection.

3 (WHEREUPON, Defense Exhibit Number 1 was admitted
4 into evidence.)

5 MS. PINNOCK: Thank you, Your Honor.

6 Thank you, Ms. Richburg.

7 That's all I have, Judge.

8 THE COURT: Cross?

9 MS. McDUFFIE: None from the State, Your Honor.

10 THE COURT: Mr. Li?

11 MR. LI: No.

12 THE COURT: Have a nice day.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you.

15 All right. You may call your next witness.

16 MS. PINNOCK: Thank you, Your Honor. I'd call
17 Courtney Thompson.

18 THE COURT: All right. Ms. Thompson, please come
19 forward and be sworn.

20 COURTNEY THOMPSON,
21 after being duly sworn, testified as follows:

22 THE CLERK: Please have a seat. State your name.

23 THE WITNESS: Courtney Thompson.

24 DIRECT EXAMINATION:

25 BY MS. PINNOCK:

1 Q How are you doing?

2 A (There was no response.)

3 Q Hanging in there?

4 A Yes, ma'am.

5 Q Now, Courtney, let's be straightforward, you know
6 exactly why you're here, right?

7 A Yes, ma'am.

8 Q You've heard everything that was presented last
9 week?

10 A Yes, ma'am.

11 Q You've heard the testimony of witnesses today?

12 A Yes, ma'am.

13 Q I'm going to ask you what every person in this
14 room is wondering, Courtney, did you kill your son,

15 **Victim** ?

16 A I did not.

17 Q Did you kill your son?

18 A No, ma'am, I did not.

19 Q Did you beat your son on July 1st, 2013?

20 A No, ma'am, I did not.

21 Q Did you beat your son on July 29th, 2013? I'm
22 sorry, on June 29th, 2013?

23 A No, ma'am, I was not there. I was in the
24 hospital.

25 Q You were still in the hospital?

1 A Yes, ma'am.

2 Q And actually you were in the hospital from the
3 29th, the 30th, and into the 1st, right?

4 A Yes, ma'am, I was.

5 Q Courtney, I'm going to have to ask you some
6 questions that are very sensitive. When **Victim** came
7 back to live with you, after you went through
8 everything that they asked you to do to get your son
9 back, did you lay your hands on him in the past?

10 A In the past?

11 Q Yes.

12 A I did.

13 Q Can you tell the jury a little bit about that?

14 A Yes, ma'am. I beat him with a cable cord.

15 Q You beat him with a cable cord?

16 A Yes, ma'am.

17 Q Do you remember when that was?

18 A A little bit after I had got him back.

19 Q Within a couple of months?

20 A Yes, ma'am.

21 Q Let me back up again, Courtney. Do you know
22 Antonio Guinyard?

23 A I do, yes, ma'am.

24 Q He is the father of your five children, isn't he?

25 A Yes, ma'am, father of my last five.

1 Q Your last five?

2 Q How many children do you have total?

3 A Seven.

4 Q But only five are with Mr. Guinyard?

5 A Yes, ma'am.

6 Q Now, you said that you had hit **Victim** --- you had
7 beat **Victim** with a cable cord shortly after him coming
8 home?

9 A Yes, ma'am.

10 Q When he first got home, how was it? How was it
11 having him with you?

12 A I loved to have my baby back, and I was excited.
13 I was proud of myself because I went through a lot to
14 get him back. Everything was okay at first.

15 Q Now, when you say at first, what do you mean?
16 Things started changing?

17 A Yes, ma'am, he started going to the bathroom.

18 Q He stopped going to the bathroom in the toilet?

19 A Yes, he started going on himself, using the
20 bathroom on his self, yes, ma'am.

21 Q Now, Courtney, when that started happening, how
22 did you deal wit?

23 A I called his foster parent first, and I asked her
24 was he having those kind of accidents at her house.
25 She told me no.

1 Q She told you no?

2 A Yes, ma'am.

3 Q What did you do after you called his foster
4 mother and she told you that she wasn't having those
5 problems?

6 A Well, him peeing and pooping on himself got
7 worse, so I start making him put his hands up.

8 Q Uh-huh.

9 A Before I beat him, before I beat him with that
10 cable cord, I started making him put his hands up and
11 I started putting him in time out and making him sit
12 on the toilet for two hours a day.

13 Q And you said that was before you had hit him with
14 a cable cord?

15 A That was before.

16 Q But at some point you do acknowledge that you hit
17 him?

18 A I did.

19 Q Can you tell us about that day? How did you feel
20 when that happened?

21 A That day he just kept going on himself. He kept
22 going and he would sit in front of me just peeing and
23 pooping on himself. I just got overwhelmed. You
24 know, I was trying to make him put his hands up, put
25 him in the corner, putting him on the toilet. I got a

1 little angry at him, and I beat him with the cable
2 cord. When I saw the marks on his back I felt bad. I
3 felt bad as a mother. I knew that I had to come up
4 with some way else to punish him because I couldn't
5 put my hands on him no more.

6 Q So you left marks on him?

7 A I left marks on his back, yes, ma'am.

8 Q And you said at that point you decided you needed
9 to figure something else out?

10 A Yes, ma'am.

11 Q What else did you figure out? Who did you do?

12 A Didn't give him no food.

13 Q Okay.

14 A I didn't give him no food.

15 Q You didn't give him any food?

16 A Yes, ma'am.

17 Q Now, when you're saying you didn't give him any
18 food, Courtney, are you talking about one day or
19 multiple days?

20 A Multiple.

21 Q How long did you make **Victim** go without food?

22 A Four days with nothing but water and four more
23 days with just water and bread.

24 Q So eight days you deprived your son of food?

25 A I did, yes, ma'am.

1 Q And you admit that you did that?

2 A Yes, ma'am.

3 Q Are you proud that you did that?

4 A No, ma'am.

5 Q Now, Courtney, when did you say you first started
6 having problems, it was shortly after he came back?

7 A Shortly after I got him back, yes.

8 Q And when you hit him with the cable cord, where
9 were you living at that point?

10 A Allen Benedict Court.

11 Q And when did you move over to Beaverbrook?

12 A February 5th.

13 Q Now, after you moved in February, I want to fast
14 forward to the day that **Victim** died. You were pregnant,
15 right?

16 A Yes, ma'am, I was.

17 Q Do you remember what day you went to the
18 hospital?

19 A I was having pains June 28th, and I called the
20 ambulance I think and went June 29th at four --- three
21 or four o'clock in the morning.

22 Q Okay. And you called the ambulance. Did you
23 have a car?

24 A I did not, no, ma'am.

25 Q That's why you had to call for them to come get.

1 you?

2 A Uh-huh.

3 Q And they took you from your house on June 29th to
4 Richland Memorial Hospital, right?

5 A Yes, ma'am.

6 Q Now, while you were there, Courtney, let me ask,
7 did you at talk to --- who was at your house the day
8 you left?

9 A When I first left, it was just Antonio Sr.,
10 **Victim**, and our other kids, **Girl Mi** and
11 **Girl M** and **Girl Z**.

12 Q So you, Mr. Guinyard and four of your children?

13 A Yes, ma'am.

14 Q Now, when you left, did you make arrangements for
15 people to come pick up some of your children?

16 A Yes, ma'am, because Antonio was supposed to come
17 to the hospital, him and **Victim**, him and my baby **Victim**.
18 So yes, ma'am, I called their Godmothers to come pick
19 them up.

20 Q Okay. And that was on the 29th?

21 A Yes, ma'am, before I went into labor.

22 Q Now, while you were in the hospital, did you talk
23 to Antonio?

24 A The first --- yes, ma'am, I talked to him a good
25 bit of times when I was in the hospital.

1 Q There were a lot of phone calls, a lot of stuff
2 going on at that point, right?

3 A Yes, ma'am.

4 Q Do you remember if you talked to **Victim** while you
5 were in the hospital?

6 A I did, yes, ma'am, I did.

7 Q Now, before we get to that, I want to ask you,
8 when you were giving birth, did you have to have a
9 C-section or was it a vaginal delivery?

10 A Vagina delivery.

11 Q Did you have any medication?

12 A Before they popped my water, they gave me an
13 epidural in my back.

14 Q Okay. Now, you said you did talk to **Victim** while
15 you were in the hospital?

16 A I did, yes, ma'am.

17 Q Do you remember what day that was? And if you
18 don't, that's fine.

19 A I don't remember what day it was, no, ma'am.

20 Q But you do remember having a conversation on the
21 phone with him?

22 A I do.

23 Q Tell me about that.

24 A Antonio called me and he said, "Baby, this
25 fucking boy wants to talk to you," and I told him that

1 I was in pain. Can he call me back later. He said,
2 "No, no, just talk to this fucking boy." I got on the
3 phone with my baby then. He asked where I was at. I
4 told him I was in the hospital, and he said, "Mama,
5 can you come and get me." I said, "No son. I just
6 had a baby. I can't come right now." I asked him
7 why. I asked him why, what's wrong. He said my daddy
8 won't stop hitting me with the stick. /

9 Q When he told you that, what did you do, Courtney?

10 A I told put him Antonio on the phone. Let me ---
11 you know, I asked him was he okay. He said, "Mama, I
12 just want to lay down," but he wasn't talking in his
13 regular voice. He said, "I'm real weak and real
14 tired." He was like, "Mama, I just want to lay down."
15 I told him to put Antonio on the phone, and I talked
16 to Antonio.

17 Q What did Antonio tell you when you got off the
18 phone with him?

19 A I asked Antonio why was he beating my baby with a
20 stick. He said, "Courtney, this boy is telling a
21 fucking lie. I'm not beating him with no stick."
22 Then he said, "I can't wait for you to come home and
23 get this fucking boy."

24 Q Was there something else going on in the house
25 that Antonio told you about?

1 A He said, he said, "This fucking boy can piss on
2 everything in this motherfucking house. He done
3 pissed up all his clothes and I ain't washing shit."

4 Q That's what he told you when you talked to him on
5 the phone that day?

6 A Yes, ma'am.

7 Q Now, did you talk to him again a number of times
8 before you ended up going home?

9 A I did.

10 Q And let me ask you this, how did you eventually
11 end up getting home to your house?

12 A I took a cab, a Blue Ribbon cab.

13 Q You took a cab?

14 A Yes, ma'am.

15 Q Do you remember exactly what time they came and
16 picked you up?

17 A I don't know.

18 Q Do you know exactly what time you got home in the
19 afternoon?

20 A No, ma'am, I just know I got home sometime in the
21 afternoon.

22 Q Tell me what happened when the cab pulled up
23 outside of your house.

24 A When the cab pulled up outside of my house, he
25 honked the horn three times. Nobody came to the door,

1 so I asked him, can he get out and knock on the door.
2 He did. He got out and knocked on the door and hopped
3 back in his cab. Nobody came to the door, and he
4 honked the horn again. Antonio came out. And when he
5 came out, he grabbed the baby. I grabbed a little
6 small bag with pads in it.

7 Q Uh-huh.

8 A He grabbed the baby first, put the baby in the
9 house, came back and got the rest of the stuff.

10 Q Now, Courtney, let me ask you this, what's the
11 first thing you noticed --- what's the first thing you
12 did when you got into your house?

13 A When we got to the house, I asked Antonio where
14 was my baby. He said, "He wants to sleep. Let him
15 sleep."

16 Q And did he tell you where he was sleeping?

17 A No, ma'am.

18 Q What did you do next?

19 A I went --- well, I passed the girls' room. He
20 was not there, so I went and opened the door to the
21 back room and he was there.

22 Q What's the first thing you noticed when had you
23 opened the door, Courtney?

24 A The smell. The smell from the room. It was
25 really really stinking. It was really stinking.

1 Q And after you noticed the smell, what's the next
2 thing you noticed?

3 A I noticed my baby was on the floor, butt naked in
4 a puddle of pee from his feet to his shoulder.

5 Q He was lying in it?

6 A Yes, ma'am.

7 Q You said he was lying there with no clothes on?

8 A No clothes, butt naked.

9 Q What did you see happen next?

10 A I went --- I called his name. He did not
11 respond, and I touched him and he still did not
12 respond, and I got down. I shook him. I shook him a
13 little bit to wake him up, and I said, "Son," I said,
14 "I'm home." He looked up and he said, "Mama."

15 Q After that happened, Courtney, after **Victim** woke
16 up, what did you do?

17 A When he woke up, I asked him to come on, the baby
18 is in the other room because my kid's, other babies,
19 always asked about me being pregnant. They knew there
20 was a baby in my belly. They was always talking about
21 when he was coming out of my belly.

22 Q Okay.

23 A So I told him, I said, "Hey, the baby is in the
24 other room, come on, get up."

25 Q What happened at that point?

1 A He tried to get up, but he fell back on the
2 floor. He fell back into the floor.

3 Q After **Victim** fell back to the floor, what
4 happened next?

5 A I look at Antonio. I looked at Antonio, and I
6 just knew something wasn't right the way his body
7 looked, the way he was swollen, the way he looked, I
8 just knew something wasn't right. I picked my baby up
9 --- I didn't pick him up, I pulled his arm so he
10 could, you know, it would help him up and he stood to
11 his feet a little bit. He stood to his feet, and I
12 asked Antonio why was he laying there like that in the
13 puddle of piss.

14 Q Tell the jury what happened next.

15 A (There was no response.)

16 Q Courtney, tell the jury what happened next.

17 A He turned on the light, and he said, "This boy
18 done pissed." That's not him, he don't do that. He
19 don't keep pissing in the same spot like that. I know
20 my baby. He wouldn't just keep on pissing in the same
21 spot.

22 Q What happened after you got **Victim** on his feet,
23 Courtney?

24 A Antonio turned on the light, and Antonio yanked
25 him up by his neck and took him in the room that me

1 and him shared, me and Antonio Sr. shared and balled
2 him up between his legs.

3 He balled him up between his legs. He was like
4 this. His butt and his back was --- he was between
5 Antonio's legs, like this folded up, and Antonio
6 grabbed that white pole and beat my baby with it.

7 Q What did you do when you saw him hit him with a
8 pole?

9 A I told him to stop that. I was going to call the
10 police on him. So he dropped him to the ground. He
11 dropped him to the ground and he told me, "Well, you
12 fucking deal with him. You handle him." He was going
13 on and on about where his baby was going to sleep at.
14 His baby cannot sleep in that piss, in that pissy
15 room.

16 Q What did you do?

17 A I grabbed the baby carrier --- not the carrier,
18 but his bassinet and put it in my room, the room that
19 me and Antonio shared. Antonio he was still going on
20 about that pee. I told him that I would clean it up,
21 and he said, "No, baby, you just got home from the
22 hospital. You in pain. Let that fucking boy clean it
23 up. Let him clean it up." I said something about
24 that no, I would help him. I went and grabbed the
25 Pine Sol bottle and a rag. I gave him a bar of soap

1 and I gave him a rag. We was trying to clean it up
2 for 10 or 15 minutes. It was just too much. It just
3 wouldn't come up. The whole time we was cleaning it
4 up, he would lay his head down, he would just lay his
5 head on the rug and doing this. He said, "Mama, can I
6 lay down, can I lay down?"

7 Q Let me stop you there, Courtney. After you tried
8 to clean up the spot in the room and **Victim** was trying
9 to help you, when you realized you couldn't get it up
10 because there was so much, what happened? What did
11 you do?

12 A I told Antonio that it was not coming up; that it
13 was not going to come up. He said, "That fucking boy
14 going to clean that pee up." He was just going on and
15 on about that pee. I told him that the housing
16 authority --- I was up under the housing authority.
17 Anything that goes wrong with the house or apartment,
18 it's their job to come and fix it. I told him that
19 the housing authority will clean it up. They'll send
20 somebody out here to clean it up.

21 Q Was that the end of the conversation or did it
22 continue?

23 A No. It didn't, and that's it. That was the end
24 of that conversation.

25 Q Okay. after you told Antonio that you were going

1 to just call the housing authority to get everything
2 taken care of, what did you try to do next?

3 A . My baby wanted to lay down, too. He wanted to
4 lay down. The whole time that I was there, he just
5 didn't wanted to be bothered. He just want to lay
6 down. He just said, "Mama, can I just lay down." He
7 wasn't acting right. He was not acting like himself,
8 because he just keep wanting to lay down.

9 Q Did you tell him to go lay down?

10 A I did.

11 Q Did he actually go lay down?

12 A He took out to lay down, but Antonio said, "No,
13 hell the fuck no, he is not going to lay down. He is
14 going to piss over that room." He made him stand up
15 in the kitchen with his --- he had one arm in the air
16 and one arm was barely in the air.

17 Q After Antonio made **Victim** stand up in the
18 kitchen, where were you? Where were you when that was
19 happening?

20 A In the home. I was there.

21 Q Right. What were you doing, I'm sorry?

22 A Well, when he got him in the kitchen, I was
23 getting my stuff prepared for the shower.

24 Q Why did you have to take a shower? Why did you
25 decide to take a shower?

1 A Because the whole time --- well, the epidural
2 that was in my back, it wasn't placed right. I was in
3 so much pain that when I was in the hospital, I never
4 took a shower and I had just given birth so when I got
5 home, I just wanted to take a shower. I just want to
6 get in the shower.

7 Q Now, Courtney, let me ask you this. Did you ever
8 actually get in the shower?

9 A I did not.

10 Q Why not?

11 A When I was going to the shower, Antonio called
12 me. He was in the kitchen, and my baby was in the
13 kitchen, **Victim**. Me and Antonio Sr. was having some
14 conversation. I can't remember what we was talking
15 about, but I remember my baby looked at me. He looked
16 at me, and he said, "Mama, can I please just lay
17 down," and --- no, wait, he asked can he sit down at
18 this time, because his dad had already told him that
19 he can't lay down. He said, "Mama, can I please sit
20 down." I told him to go in my room and told him I was
21 going to put on cartoons.

22 Q Courtney, did **Victim** ever make it to your room?

23 A No, no, ma'am, he never made it.

24 Q What happened?

25 A He passed out and hit his head on the corner of

1 the door.

2 Q You say he passed out?

3 A Yes, ma'am, he just --- I don't know if he passed
4 out or he fainted, I don't know. I just know he
5 dropped.

6 Q And what did you do?

7 A He hit his head on the corner of my door and the
8 upper part of his body was twisting this way and the
9 lower part of his body was twisting this way. He was
10 in a very awkward position. I called for Antonio. I
11 said, "Baby, come look." He stepped out of the
12 kitchen, and he said, "He's faking." I said, "No,
13 he's not faking." When I picked my baby up, he just
14 went limp in my arms.

15 Q You said when you picked him up, he went limp in
16 your arms?

17 A Yes, ma'am.

18 Q What did you do after that.

19 A I rushed into the front room. I sat down with
20 him in my lap. I was on the phone with 911 and the
21 lady, finally, she answered.

22 Q So you called 911?

23 A I did.

24 Q Where was Antonio when you were calling 911?

25 A He was nowhere in sight. I never saw him. I

1 never saw him from the time I went and picked my baby
2 up and the time I got in the front room. I didn't see
3 him no more. When I said, "Look," I didn't see him no
4 more.

5 MS. PINNOCK: Can I borrow that?

6 MS. WALKER: Sure.

7 MS. PINNOCK: Does it just turn on?

8 MS. WALKER: I'll do that.

9 (Pause.)

10 BY MS. PINNOCK:

11 Q Courtney, you said while you were in the living
12 room calling 911 that you did not see Antonio?

13 A I did not, no, ma'am.

14 Q Did you have any idea where he went?

15 A No, ma'am.

16 Q But he was not in there with you?

17 A He was not in there with me, no, ma'am.

18 MS. PINNOCK: Beg the Court's indulgence.

19 (Pause.)

20 Q Courtney, while that's loading, when EMS got
21 there --- do you remember when they got there?

22 A I do.

23 Q Was Antonio there with you?

24 A No, ma'am, he was not.

25 Q And when you were talking with the 911

1 dispatcher, were you trying to do everything they told
2 you to do?

3 A I tried, but it was just too late. I tried.

4 Q But he explained to you how to do CPR, right?

5 A He did.

6 (WHEREUPON, the 911 phone call was played for the
7 jury.)

8 (The witness covered her ears and cried.)

9 (The witness sobbed uncontrollably.)

10 BY MS. PINNOCK:

11 Q Courtney, do you need a minute?

12 A (There was no response.)

13 MS. PINNOCK: Your Honor, if we could just have
14 one minute.

15 THE COURT: All right. Ladies and gentlemen,
16 step back to your jury room. Do not discuss the case.
17 Keep an open mind. We'll be back with you in just a
18 few minutes.

19 (WHEREUPON, the jury left the courtroom at
20 4:39 p.m.)

21 (Pause.)

22 DEFENDANT THOMPSON: I want to go. I want to go.

23 MS. PINNOCK: Huh?

24 DEFENDANT THOMPSON: I want to go.

25 MS. PINNOCK: You want to go?

1 Your Honor, I actually can move on. I don't have
2 to play the tape, once she calms down.

3 (Pause.)

4 MS. PINNOCK: Are you okay?

5 DEFENDANT THOMPSON: (Nods in the affirmative.)

6 MS. PINNOCK: Are you okay? Take a sip of your
7 water.

8 DEFENDANT THOMPSON: I don't want any.

9 MS. PINNOCK: I think we're ready, Judge.

10 THE COURT: Okay.

11 (WHEREUPON, the jury entered the courtroom at
12 4:43 p.m.)

13 THE BAILIFF: The jurors are all accounted for.

14 THE COURT: Yes, sir.

15 Yes, ma'am, continue.

16 MS. PINNOCK: May it please the court.

17 THE COURT: Yes, ma'am.

18 BY MS. PINNOCK:

19 Q Courtney, I'm not going to play the rest of the
20 tape, okay? We're going to move on. I want to talk
21 to you about when --- you remember going to
22 headquarters that night, right?

23 A Yes, ma'am.

24 Q And you remember that you gave a statement to
25 Investigator Holdorf?

1 A Yes, ma'am.

2 Q And you met with them again the following day on
3 the 2nd, right?

4 A Yes, ma'am.

5 Q You met them first at your house and then later
6 on you went to headquarters?

7 A Yes, ma'am.

8 Q And you were answering questions? They were
9 asking your questions?

10 A Yes, ma'am.

11 Q And you gave them the statement?

12 A Yes, ma'am.

13 Q Both nights you gave them a statement?

14 A Yes, ma'am.

15 Q Were you truthful with the investigators on those
16 night?

17 A I was not, no, ma'am.

18 Q Why not, Courtney?

19 A Because I tried to protect my kid's father,
20 Antonio Guinyard, Sr.

21 Q You tried to protect him?

22 A I did.

23 Q Tried to protect him from what you saw?

24 A Yes, ma'am.

25 Q And that's why you told them those things?

1 A Yes, ma'am.

2 Q Courtney, on July 1st, 2013, did you hit **Victim**

3 **[REDACTED]**?

4 A I did not. No, ma'am, no.

5 Q You didn't hit him?

6 A No, ma'am, I did not.

7 Q On the 29th before you left your house, did you
8 hit **Victim**?

9 A I did not. My baby was up and he was fine. He
10 was okay.

11 Q And when you saw Antonio Guinyard hit him, what
12 did you say?

13 A I told him to stop. I told him that I was going
14 to call the police.

15 MS. PINNOCK: Thank you, Courtney. Answer any
16 questions they have for you, okay.

17 CROSS-EXAMINATION:

18 BY MS. CAMPBELL:

19 Q Ms. Thompson, you testified that you didn't hit
20 your child on the 29th?

21 A No, ma'am, I did not.

22 Q The 30th?

23 A No, ma'am.

24 Q Or the 1st?

25 A No, ma'am, I did not.

1 Q When was the last time you beat your child?

2 A When he first came back, a little after he came
3 back.

4 Q So a little after he came back, over a year prior
5 to this is the last time, according to you, that you
6 beat your child?

7 A Yes, ma'am.

8 Q Well, on February the 21st, your sister
9 surreptitiously took photographs of his back?

10 A Yes, ma'am, she did.

11 Q And there just happened to be cord marks like you
12 admitted to hitting him on his back on February 21st?

13 A Uh-huh.

14 Q Almost a year later?

15 A Yes, ma'am.

16 Q Were those from when you had beaten him back in
17 May or June?

18 A They was --- yes, ma'am. They never healed. The
19 marks healed, but the black spots stayed there.

20 Q And the black spots we're talking about was what
21 was there when he died?

22 A Yes, ma'am.

23 Q But then the pictures on February 21st, you could
24 see the outline from the cord that you supposedly had
25 used some eight, nine, ten months earlier. Is that

1 what you're telling this jury?

2 A Yes, ma'am, I am.

3 Q Because after doing that to him, you realized you

4 had gone too far.

5 A I did.

6 Q And you never touched your child again?

7 A No, ma'am, I did not.

8 Q You would starve him, but you didn't touch him?

9 A I starved him, yes, ma'am, but I did not touch

10 him.

11 Q Who named him **Victim**?

12 A Me.

13 Q **Victim**?

14 A No, ma'am, **Victim**, **Victim**.

15 Q **Victim**?

16 A **Victim**, yes, ma'am.

17 Q And everybody has been saying **Victim**?

18 A Yes, ma'am.

19 Q And when did you name him that, before he was

20 taken away from you or after you got him back?

21 A When he was born. When he was in N.I.C.U.

22 Q You just broke down because you heard the 911

23 call?

24 A Yes, ma'am.

25 Q It was that much for you?

1 A Yes, ma'am.

2 Q Why were you Googling about seizures prior to
3 making that 911 call?

4 A That didn't happen.

5 Q That didn't happen?

6 A No, ma'am, I had Googled that after Holdorf had
7 dropped me and Antonio Sr. off at my mother's house.

8 Q So the phone records are wrong?

9 A Yes. They're not actual records.

10 Q Did you ever use your phone to make text
11 messages, to send text messages?

12 A Several times, yes, ma'am, I did.

13 Q And you ---

14 A Not that day, no, ma'am.

15 Q Not that day. Do you remember getting text
16 messages from Antonio on occasion?

17 A I do, yes, ma'am.

18 Q And I want to show you --- do you remember what
19 his number was?

20 A I don't, no, ma'am.

21 Q Was it 297-2240?

22 A I can't remember.

23 Q Do you ever remember getting this text message on
24 June 20th, 2013, that I have highlighted from him?

25 A June 16th?

1 Q The one that's highlighted.

2 A I do.

3 Q On 5/20, actually it's May 20th, 2013.

4 A I got that from him, yes, ma'am.

5 Q What did he say to you in that one?

6 A He said, "I'm so --- " let me see, he said, "I'm
7 so tired of dis fucking boy."

8 Q And that's what he sent you about y'all's
9 firstborn on May 20th?

10 A Yes, ma'am.

11 Q And then you would send him text messages about
12 your child?

13 A I did, yes, ma'am.

14 Q I'll show you this one from May 25th some five
15 days later that you sent to him. If you could read
16 the highlighted part?

17 A It says, "I love my kids just not that boy.
18 That's the only one that I wish I can take back. I'm
19 not sorry for having my daughters and this baby."
20 I'm...that's it.

21 Q Okay. And which son were your referring to
22 because at that point **Baby A** wasn't born?

23 A I had another son, **Boy JL** (phonetic).

24 Q That's not the son you were referring to. He
25 wasn't with you.

1 A He wasn't with me, no, ma'am, but I had another
2 son.

3 Q So you didn't like him either?

4 A I loved him, but you asked me.

5 Q That so that wasn't about **Victim**?

6 A No.

7 Q It just happened to be five days after he texted
8 you about how tired he was ---

9 A No, I'm sorry. I'm confused. That wasn't about
10 **Boy JL**, that was about **Victim**.

11 Q Okay, and then than same day when you got the
12 text from Antonio about how he was tired of that F'ing
13 boy, what did you write him back?

14 A This whole --- read the whole thing?

15 Q Read the whole thing; read whatever you want.

16 A It says, "I know, right. They're going to think
17 that we keep him away and from around people because
18 we beat him."

19 Q So you were writing him that they think we keep
20 him away from people because we beat him?

21 A Yes, ma'am, but we wasn't referring to us beating
22 him. We was talking about him hurting himself and he
23 had injuries that --- not injuries, but he was hurting
24 himself and we didn't want people to think that we
25 was doing it.

1 Q So all these injuries ---

2 A Not the injuries --- I'm not talking about the
3 injuries that the lady testified to, no, ma'am, not
4 them.

5 Q Which injuries are you talking about that he did
6 to himself?

7 A He had a bloodshot eye one time that he had poked
8 himself in the eye, and he had a really bad --- I
9 think bite mark, somewhere on his arm that he bit
10 himself.

11 Q Well, he didn't bite himself on the back, did he?

12 A No, ma'am, he did not.

13 Q He didn't cut his arm open, did he?

14 A No, ma'am, he did not.

15 Q Did he break his own arm?

16 A No, ma'am, he caused other injuries to himself.

17 Q Did he break his one rib on this side, the left
18 side?

19 A He did not.

20 Q Did he break his rib in the back?

21 A He did not.

22 Q Did he beat himself to the point where he bled
23 out and went into hemorrhagic shock?

24 A No, ma'am, he did not.

25 Q Then on the 26th of May, about a little over a

1 month prior to, did you send another text about your
2 son that you loved so much to Antonio?

3 A You got it.

4 Q Do you remember writing him, "Baby," and this is
5 what your saying to Antonio, "you should hear this
6 boy's stomach. It sounds like demons inside him is
7 hungry. It doesn't sound like how me and your stomach
8 will growl or a normal person's stomach. You can tell
9 it's something else inside him. That's what he was
10 feeding. It sounds like it's mad because it's not
11 eating. Man, this shit is scary."?

12 A (There was no response.)

13 Q Do you remember that one?

14 A I do, yes, ma'am.

15 Q Do you remember since you've been arrested on
16 this charge making phone calls to relatives?

17 A Uh-huh.

18 Q To friends?

19 A Yes, ma'am.

20 Q And you know that those are recorded?

21 A I --- I know that they was recorded, but I didn't
22 know that y'all could pull them.

23 Q Well, just yesterday at 4:00 p.m. ---

24 A Uh-huh.

25 Q Do you remember talking to --- was it a family

1 member? Do you remember who you were talking to about
2 4:00 p.m.?

3 A I can't remember.

4 Q Telling them, "I want the jury to find me guilty
5 of unlawful conduct and let me go on the homicide by
6 child abuse."

7 A Okay. From what --- that's what I did. All I am
8 accounted for with my child is --- I did not kill my
9 baby. I wasn't there. I did not kill him.

10 Q We'll get back to that. Then on February 10th of
11 this year, we have another phone call where you talked
12 about how you were going to take the rap and free
13 Antonio so he could get the kids?

14 A I remember that, yes, ma'am, because his mother
15 told me that --- Patricia Guinyard told me that if I
16 was to free her son, that she would make sure she get
17 my kids and that they will come and visit me every
18 week, and I love my kids.

19 I just don't want to be without my kids so when
20 somebody tells me that they would bring kids to see me
21 every week, yes, I said that.

22 Q Because it's important to you that somebody get
23 your kids back?

24 A Yes, ma'am.

25 Q Because you had multiple conversations with Betty

1 Corbett or other family members?

2 A I did, yes, ma'am.

3 Q About how you wanted to get your kids back
4 because you wanted to be able to sue DSS for
5 \$3 million?

6 A I didn't say million. I'm not suing DSS.

7 Q And it was important for your kids to get back to
8 some family member to get the money?

9 A It's wasn't about the money. I didn't know
10 nothing about the money until ---

11 Q Do you remember why you were suing DSS?

12 A I'm not suing DSS, ma'am. I'm in jail. I'm not
13 suing DSS.

14 Q Do you remember why y'all were talking about
15 y'all suing DSS?

16 A I remember me talking about to my grandmother
17 about why they was trying to sue DSS.

18 Q Because you said that DSS never should have given
19 him back to us anyway?

20 A I didn't say that. I don't remember saying that.

21 Q Do you remember the phone call, the one that's
22 even been placed into evidence?

23 A (No response.)

24 Q It's played here in court last week. Do you
25 remember that one? That was your voice. That was on

1 April 20th of this year.

2 A Who was I talking to?

3 Q You tell me. I wasn't on the phone.

4 A I think I do remember y'all playing that in
5 court. Yes, ma'am.

6 Q And you said that you want Antonio to be with the
7 children?

8 A I did say that, yes, ma'am.

9 Q And you said, "Yes, because ---" and you were
10 talking to Nicole, "--- because Antonio's balls were
11 not that big to take this charge so I could get out
12 and take care of our children."

13 A Yes, ma'am.

14 Q "His balls are not that big, but I would just do
15 it so he can get our kids."

16 A That's what I said, yes, ma'am.

17 Q And then you talked about the shower rod?

18 A Uh-huh.

19 Q And how, "Antonio beat that boy until --- "
20 excuse me --- "the motherfucker went flat."?

21 A The pole. I called it a pole --- I said that
22 about the pole, yes, ma'am.

23 Q You said that the shower rod. Do you want to
24 look at it?

25 A I was the motherfucker went flat. I was talking

1 about the pole.

2 Q And then you and Nicole had a conversation about
3 why you flipped out one day in court?

4 A Yes, ma'am.

5 Q Because she talked to you about he was eventually
6 going to pass because of all the injuries and pass
7 means die?

8 A That's what she said --- the lady --- when she
9 said --- when we was at the other court that the lady
10 who did his autopsy, she said that's what she had said
11 in court.

12 Q And then you reapplied, "He was already gonna die
13 before that day."

14 A He was already going to die before that day?

15 Q That's what you said.

16 A Because ---

17 Q Nicole said, "Yeah. She is saying he was
18 hemorrhaging from the inside," and you said, "Yep."

19 A That's what I was talking about, the injuries,
20 that the autopsy lady was referring to.

21 Q And then at some point, Nicole said y'all
22 shouldn't talk about this anymore, right?

23 A If that's what you heard, yes, ma'am.

24 Q Your testimony here today is that while you were
25 in the hospital, you got a phone call from Antonio,

1 right?

2 A I did, yes, ma'am.

3 Q Now, you lied in all those prior statements.

4 We'll just throw those out. Those are all lies?

5 A Most of them.

6 Q Most of them. But your testimony here today,
7 after you've reviewed all the evidence in this case is
8 that you were in the hospital. You had an epidural.

9 You got a phone call from Antonio and he put little
10 **Victim** on?

11 A Yes, ma'am.

12 Q And **Victim** didn't sound right?

13 A He did not, no, ma'am.

14 Q And he begged you to come get him. That's your
15 testimony?

16 A He did, yes, ma'am.

17 Q And you knew something was wrong because he did
18 not sound like himself?

19 A He did not sound like himself, no, ma'am.

20 Q What did he tell you Antonio had been doing to
21 him?

22 A Beating him with a stick.

23 Q And at that point, who did you call? Did you
24 call the police?

25 A No, ma'am, I did not.

1 Q Did you call DSS?

2 A I did not.

3 Q Why not? If your child was being beaten, why
4 wouldn't you do anything to help him?

5 A Because I already asked Antonio, the father.

6 Q Antonio is the one hitting him.

7 A I asked Antonio the father was he hitting him.
8 He said, no that he was not hitting him.

9 Q Had you ever seen Antonio hit him before?

10 A Yes, ma'am, I have.

11 Q Tell us about those times when you witnessed
12 Antonio hitting him in the weeks leading up to his
13 death?

14 A Antonio punches him in the chest really really
15 hard and just one time he just punched him in the
16 chest and he fell to the floor.

17 Q Is that the only thing you remember about how
18 Antonio beat your child prior to his death in those
19 weeks leading up to it?

20 A Well, for the last three days I wasn't there ---

21 Q I got that.

22 A --- so I can't tell you about that.

23 Q Got it. You left on the 29th in the early
24 morning hours and you didn't come back until some time
25 in the afternoon on the 1st, right?

1 A Yes, ma'am.

2 Q Okay. Taking those days out ---

3 A Okay.

4 Q --- what did you notice about your child's
5 condition after you had starved him over the last five
6 months? Did you notice anything about his ribs being
7 sore?

8 A Sore?

9 Q Sore, painful, did he cry out? Did you notice
10 anything about him that was unusual?

11 A Not until after I got home, no, ma'am.

12 Q Okay. What about his arm? Was he able to just
13 use it, put it up in the air, grab things, catch a
14 ball?

15 A After I got home. I didn't notice how bad his
16 body was until after I got home on the 1st.

17 Q You didn't notice anything up until the 29th?

18 A No, ma'am.

19 Q What about his mental faculties in that week
20 before? Did you notice he was lethargic, tired,
21 throwing up, nauseated?

22 A He did not throw up when I was home and like I
23 keep telling you, ma'am, that I didn't know that my
24 baby was in that bad of a condition, that bad off,
25 until I got home.

1 Q Did you think the bite mark --- how did that get
2 there? You blamed **Girl Mi** in your statement, but you
3 said that's a lie. Do you know?

4 A I don't know how that got there.

5 Q What about the black eyes that would have been
6 there with the subdural?

7 A I didn't notice no black eyes.

8 Q You didn't notice those black eyes for the week
9 before this happened?

10 A No, he didn't have no black eyes the week before
11 this happened. My baby was in good condition. He was
12 in good health before I left and went to the hospital.
13 He was active, he was running around, he was playing.
14 He was a normal baby, a normal four-year-old.

15 Q No problems?

16 A No problems.

17 Q Well, let me ask you about this shirt. It wasn't
18 on him when he died.

19 A No, ma'am.

20 Q I'm showing you State's Exhibit 249. When did
21 that happen before y'all buried it in the master
22 bedroom closet?

23 A I didn't see that shirt until the day I took it
24 off him. After his sister's party, after **Girl Z**'s
25 party, I didn't see that shirt anymore.

1 Q When was **Girl Z.**'s party?

2 A March 7th.

3 Q Would you agree with me that this shirt is
4 covered with blood?

5 A Yes, it is, yes, ma'am.

6 Q So at some point did you see all the bleeding
7 your child did while wearing that shirt?

8 A I didn't see that shirt no more since March 7th.
9 It was not on there.

10 Q Did you ever see the cuts and the abrasions that
11 are all over his neck, his back, his torso that would
12 have caused that kind of bleeding?

13 A He ---

14 Q In the weeks and months leading up to his death?

15 A He did not have marks and cuts all over his body
16 that bled out. He had scratches and scrapes that they
17 testified to.

18 Q When you got home from the hospital --- you said
19 Antonio said he didn't hit him, so you just took him
20 at his word?

21 A He didn't say that when I came home from the
22 hospital, ma'am. He said that when I was in the
23 hospital.

24 Q Let me back up. I'm sorry.

25 A Okay.

1 Q While you were in the hospital, you said Antonio
2 told you he hadn't hit him?

3 A He told me he was not beating him, no, ma'am.

4 Q But you knew he had beaten him before, didn't
5 you?

6 A Yes, ma'am.

7 Q So you took Antonio's word over your child?

8 A I did.

9 Q So when you got home, your testimony is, --- and
10 approximately what time was it when you got home?

11 A I'm not sure.

12 Q Would 2:00 be about, right?

13 A I'm not sure. It was afternoon.

14 Q Was it --- did the cab come when you called them
15 at 1:00?

16 A They did not come right away. I had to call them
17 twice. They eventually came, but they were taking too
18 long. I don't know the time, ma'am.

19 Q Well, was it --- okay. You don't want to say
20 what time it was, that's fine. When you got home in
21 the cab, right?

22 A Yes, ma'am.

23 Q You walked in. I believe your testimony was a
24 minute ago now, this time, that you noticed some ---
25 that you found him where?

1 A In the back room.

2 Q And what was he doing?

3 A Lying down like in a fetus (sic) position, with
4 urine from his feet to his shoulders.

5 Q Lying in, I think you called it, a pile of piss?

6 A Yes, pee.

7 Q I'm sorry. Pee. Is that the right word?

8 A Yes, pee.

9 Q Lying there. He obviously had something wrong at
10 that point?

11 A There was something definitely wrong, yes, ma'am.

12 Q At that point did you notice his black eyes?

13 A No, ma'am, I did not.

14 Q Did you notice the cut to his lip?

15 A No, ma'am.

16 Q Did you notice the cuts to his ears?

17 A I did not.

18 Q But something was obviously wrong. You, as a
19 mother, now confirmed what you heard over the phone in
20 this new story. So seeing his condition, what did you
21 do?

22 A I didn't call the police or nothing. I didn't do
23 nothing.

24 Q Because this is before your testimony here today
25 where you said he picked him up and put him in a ball

1 between his legs and beat him with a pole?

2 A Yes, ma'am.

3 Q And when he beat him with the pole, did he ---
4 what area of his body was he beating him with?

5 A The butt and the back.

6 Q Did you see any bleeding at that point?

7 A I didn't see no bleeding from his butt or his
8 back. I just noticed when he dropped him that his
9 butt was --- his butt was really swollen.

10 Q At this point you still haven't called 911,
11 right?

12 A No, ma'am I did not.

13 Q When you saw Antonio snatch him, and I believe
14 you said you snatched him up around the neck?

15 A Yes, ma'am.

16 Q So he could put him between his legs and beat
17 him?

18 A Yes, ma'am.

19 Q At that point, did you run and try to grab him
20 from him?

21 A I did not, but I told him if he didn't stop, I
22 was going to call the police, so he dropped him.

23 Q So at this point your son has complained. He is
24 not acting right. There are obvious problems with
25 him. You've witnessed this brutal --- it was a brutal

1 beating, wasn't it?

2 A It had to be, yes, ma'am.

3 Q Well, you saw it.

4 A I didn't --- he didn't beat him that bad that
5 day. He beat him with a pole, but not that bad. He
6 hit him probably about three times.

7 Q So at that point you called the police?

8 A I did not.

9 Q In fact, you watched as Antonio told him to clean
10 up the mess?

11 A Did I watch that?

12 Q Did you help him?

13 A Yes, we tried to get it up. It wouldn't come up.

14 Q And what was his condition at this point as he is
15 bleeding out?

16 A When we was cleaning up the pee, he was weak. He
17 looked tired. He could barely lift his head and he
18 was just complaining that he was sleepy, and I recall
19 him saying that his head was hurting.

20 Q Oh, you did listen to the testimony. At that
21 point you called the police or not?

22 A I did not call the police that day, ma'am, until
23 my baby was breathing funny.

24 Q And just so I'm sure, at that point you go and
25 your get in the shower?

- 1 A I did not get in the shower. I was ---
- 2 Q Excuse me, let back up.
- 3 A I went to get in the shower.
- 4 Q Oh, you went to get in the shower, but before you
5 can get in the shower, what draws your attention?
- 6 A Antonio Sr. called my name.
- 7 Q And where was **Victim**?
- 8 A In the kitchen with one arm up and one halfway
9 down.
- 10 Q And one halfway down. Do you remember which was
11 which?
- 12 A I don't. No, ma'am, I don't.
- 13 Q And then what happened?
- 14 A Me and Antonio Sr. was having ---
- 15 Q A conversation?
- 16 A --- a conversation and my baby asked me could
17 he --- he just kept saying, "Mama, I just want to sit
18 down." I told him to go in my room to sit down, and I
19 was going to put on some cartoons, but he never made
20 it to the room.
- 21 Q In fact, I think you said he passed out or
22 fainted, whatever, but he dropped?
- 23 A He fell, just fell.
- 24 Q Where was he?
- 25 A He was headed to my room.

1 Q And at that point he went limp?

2 A No, he did not go limp. He went into like a
3 seizure. Like his body started twisting. I called
4 Antonio Sr. to come and look. I went to pick him up.
5 When I picked him up, he went limp.

6 Q At that point, was he breathing?

7 A Funny. He was breathing, but funny.

8 Q And then you took him into the front room?

9 A I took him to the front room, yes, ma'am.

10 Q At that point you called 911?

11 A Yes, ma'am.

12 Q And where was your phone?

13 A Where was my phone?

14 Q Uh-huh.

15 A On the floor beside --- no, when I was on the
16 phone with 911, I was on it, but when they told me to
17 do CPR, I put it on speaker on the floor.

18 Q I got that part. Where did you get it from?

19 A Where did I get my phone from?

20 Q (Nods in the affirmative.)

21 A It was ---

22 Q It certainly wasn't there on **Victim** when he fell?

23 A No, it wasn't.

24 Q You picked him up and put him in the front room?

25 A Yes.

1 Q Where was your phone?

2 A I can't remember.

3 Q Because you had on a hospital gown, so it wasn't
4 on you.

5 A I normally keep my phone between my breasts so
6 Antonio Sr. couldn't go in it.

7 Q Do you remember when the police got there, after
8 EMS got there?

9 A I remember when the ambulance came, yes, ma'am.

10 Q And they're asking you what had happened?

11 A I don't remember them asking me what had
12 happened.

13 Q And you didn't tell him that Antonio had beat
14 your child that day?

15 A No, ma'am, like I said before, I told a lot of
16 lies to cover up for my kid's father.

17 Q In fact, when they caught Antonio trying to sneak
18 out the back and slip around to the front, you were
19 even yelling to Antonio what the story was supposed to
20 be?

21 A No, ma'am, I was not.

22 Q Why did you repeat the same story four times
23 while you were there together?

24 A Ma'am, I didn't repeat same story four times.

25 Q So the police are wrong about that, too?

1 A Yes, the police is wrong about a lot of things.
2 They not right all the time, they wrong about a lot of
3 things. They wrong in this case, yes, ma'am, that's
4 wrong.

5 Q And as time has passed, you've realized that
6 Antonio --- he is just not a good father. I mean, he
7 was bad. He beat your child and your testimony here
8 to this jury is he caused the death and you were a
9 good mother that day?

10 A No, I'm not --- I'm saying, yes, he caused my
11 child's death, but I'm not saying I'm a good mother
12 because clearly I made a lot of mistakes that prove
13 I'm not a good mother.

14 Q Was Antonio in the home prior to all this?

15 A Ma'am?

16 Q Was Antonio living you prior to **Victim** dying?

17 A Yes, ma'am, he was staying with me. He never
18 moved out.

19 Q In fact, I think there were --- on your Facebook
20 accounts some photographs that you posted on the 14th
21 of June, you Antonio doing selfies?

22 A Selfie, what's that?

23 Q When you take a picture of yourself?

24 A Yes, ma'am.

25 Q But your testimony to this jury today, although

1 it's never been heard before, is that Antonio did it
2 and he was a bad father?

3 A Ma'am?

4 Q What you explained to them today is what
5 happened?

6 A Yes, ma'am.

7 Q Do you remember back when you went in for a
8 hearing on February 18th, 2014?

9 A A hearing for ---

10 Q A hearing here in this courthouse about your
11 children?

12 A Yes, ma'am.

13 Q And do you remember taking the stand and
14 testifying?

15 A Yes, ma'am.

16 Q Okay. And that would have been just like three
17 or four months ago, right, in February?

18 A Yes, ma'am.

19 Q And do you remember taking an oath to tell the
20 truth, just like you did here today. Do you remember
21 that?

22 A I do, yes, ma'am.

23 Q At that point the lawyers asked you some
24 questions, right?

25 A Yes, ma'am, they did.

1 Q And they couldn't ask you about what happened
2 today. But they asked you, "Do you believe, ma'am,
3 it's in your best interest to your minor children for
4 Mr. Guinyard's rights to be terminated?"

5 A And I said no.

6 Q And you said, "No, ma'am." They asked you, "Why
7 is that?"

8 MS. PINNOCK: Objection, Your Honor. May we
9 approach.

10 THE COURT: Okay.

11 (WHEREUPON, a bench conference was held in the
12 presence, but not within hearing of the jury.)

13 MS. CAMPBELL: I'm sorry, ma'am. I apologize.

14 THE COURT: Objection overruled.

15 BY MS. CAMPBELL:

16 Q They asked you, "Why is that?" Do you remember
17 what you said?

18 A Why his rights shouldn't be terminated? I said
19 because he's a good father, yes, ma'am.

20 Q And then they asked you, "So I would assume
21 you're still under the opinion that his rights should
22 not be terminated." You answered, "I mean, I don't
23 think mine should either." Then they answered,
24 "Because he is a good father?" And you said, "Yes,
25 I'm a good mother."

1 A The reason why I said he is a good father is
2 because he is a good father to his kids, our younger
3 kids, the younger four kids, but he was not a good
4 father to **Victim** and his rights --- yeah, his
5 rights should not be terminated to his four kids
6 because he loved them, he treated them like angels.
7 It was just **Victim** that he did not treat well.

8 Q Do you remember them also asking you about your
9 memory of what happened on July 1st involving your
10 son?

11 A I don't. I don't remember that.

12 Q Do you remember telling them, "I just had a baby
13 a couple of days and I was on a lot of pain medication
14 because my pelvic bones were broke when I had my sixth
15 child. I was under a lot of medication. I had just
16 lost a deceased son. I just lost a son. My baby
17 passed in my arms ---"

18 A I remember. I remember.

19 Q "So I was up under a lot. I don't remember much
20 of nothing that day."

21 A I remember.

22 Q "I don't remember what I said. I don't remember
23 much of nothing that day."

24 A Yes, ma'am, I do remember.

25 Q "The only thing I remember is I lost a child and

1 I was grieving over my baby?"

2 A Yes, ma'am, I remember that.

3 Q So nothing you said should be considered?

4 A I just didn't want to talk about it, keep talking
5 about the same thing over and over. That hurts me the
6 most.

7 Q You testified that your children went to their
8 Godparents?

9 A They did.

10 Q And Ms. Metze came and she got **Girl M** ?

11 A Yes, ma'am. Ms. Metze came and got Ms. ---
12 Ms. Metze came and got **Girl M** and **Girl Mi** .

13 Q And then Ms. Gooden had **Girl Z** ?

14 A She came and got **Girl Z** .

15 Q Why didn't you get them to take **Victim** ?

16 A Because nobody wanted to deal with him because
17 his bathroom problems and they said he was just to
18 wild for them. It's --- my sister testified that he
19 was too wild for her. A lot of people said he was too
20 wild. He was to hyper and he had bathroom problems.

21 Q Ms. Metze would have been happy to take **Victim** .

22 A No, ma'am. She did not. No, that's what she is
23 telling you, but no. No one wanted to take him
24 because if that was it, he would have went. No one
25 was willing to take him and deal with him.

1 Q It wasn't because y'all needed to make sure that
2 one saw him so they could see his condition?

3 A Ma'am?

4 Q You couldn't let **Victim** go anywhere because if
5 anyone saw him, they would know what his condition
6 was?

7 A Like I say, my baby was all right. He was
8 perfect before I left and went to the hospital, so
9 yes, anybody could have come and got him who wanted
10 to, but they did not want to.

11 Q Do you know why **Victim** --- I mean, Antonio, was
12 on the front porch waiting for them to make sure they
13 didn't go inside?

14 A I was in the hospital then. I don't know.
15 Something probably could have happened when I first
16 went in the hospital. I don't know. I was in the
17 hospital. I can't said what happened at Beaverbrook
18 when I went there.

19 Q Finally, Antonio's mother, is she here in the
20 courtroom?

21 A Patricia Guinyard, yes, ma'am.

22 Q Is she back there on the ---

23 A She is there, yes, ma'am.

24 Q Do you remember a period of time when was it
25 Natalie or Nicole that had **Victim**?

1 A Neither one of them had **Victim**. That's just what
2 they're telling you. You just can't believe that.

3 No, neither one of them had **Victim**.

4 Q So you're the only one telling the truth?

5 A Ma'am?

6 Q Never mind.

7 THE COURT: Mr. Li.

8 MR. LI: Ms. Eisenhower.

9 THE COURT: I'm sorry, Ms. Eisenhower. No
10 disrespect intended. I'll be happy to hear from you.

11 MS. EISENHOWER: Thank you, Your Honor.

12 CROSS-EXAMINATION:

13 BY MS. EISENHOWER:

14 Q Ms. Thompson, on July 1st you gave a written
15 statement to law enforcement, correct?

16 A Yes, ma'am, I did.

17 Q And on July 2nd you gave another statement?

18 A Yes, ma'am, I did.

19 Q You gave a different written statement?

20 A Yes, ma'am, I did.

21 Q Again, on July 2nd you gave a verbal statement?

22 A Yes, ma'am, the reason why I gave a verbal
23 statement is because when I talked to Antonio Sr. in
24 that break room, he was telling me that he couldn't go
25 to prison because they was going to rape him in prison

1 and everything that they was going to do to him.

2 Q And just the other day, we heard a phone call
3 that you made while you were in jail to your cousin
4 Latoya Thompson where you gave yet another version of
5 events that occurred on July 1st?

6 A If she said I had a conversation, yes, I
7 understand.

8 Q That wasn't you on the phone call with Latoya?

9 A I was not on any phone call with Latoya, no.

10 Q On the 911 call, didn't you tell the 911
11 dispatcher that **Victim** had jumped off a dresser?

12 A The 911 dispatch?

13 Q Yes.

14 A No, ma'am, I don't believe I did.

15 Q That's not what we just heard?

16 A I didn't hear it.

17 Q Okay. And today you have yet another version of
18 events that occurred on that day?

19 A Yes, ma'am, the truth, yes, ma'am.

20 Q And today your testimony is that Antonio beat ---
21 has beaten **Victim** before in the past?

22 A He know it, yes, ma'am. It's true.

23 Q Didn't you yourself yell at Antonio because he
24 wouldn't beat **Victim**?

25 A No, ma'am, that never happened. He is just

1 trying to cover for himself.

2 Q So you're saying that all of your family members
3 that have sat up here and testified that you have, at
4 times ---

5 MS. PINNOCK: Objection. Pitting.

6 THE COURT: It's pitting. Sustained.

7 BY MS. EISENHOWER:

8 Q So on July 1st, you were bringing your newborn
9 baby home, who was supposed to sleep in the play room,
10 correct?

11 A It was not a play room. We just had toys in it
12 because it was children in the home.

13 Q Was that where he was supposed to sleep?

14 A He was supposed to sleep in the room with **Victim**
15 and **Baby A**, yes.

16 Q And you were tired from being in the hospital and
17 giving birth?

18 A I had just had a baby. I was very tired, yes,
19 ma'am.

20 Q And you testified today that you would get ---
21 you used to get really frustrated when **Victim** would
22 use the bathroom in the house and on himself?

23 A Yes, ma'am, but not on Beaverbrook because it
24 changed.

25 Q But you had been upset with him before for using

1 the restroom ---

2 A Yes, ma'am. Yes, ma'am.

3 Q And when you came home the day of **Victim**'s death,
4 you walked in, you smelled that awful stench?

5 A I did.

6 Q You walked into the room to see that **Victim** had
7 the nerve to pee in that room where your baby was
8 going to sleep?

9 A Yes. I saw pee, but I knew something was wrong.
10 He wouldn't have just done it. It was not only just a
11 pee spot. It was a pee spot from his feet to his
12 shoulder. Any parent would have knew that something
13 was wrong, something was wrong with they child. I
14 could tell my baby was beaten or something happened to
15 my child when I was in the hospital caused by his
16 father.

17 MS. EISENHOWER: Nothing further.

18 THE COURT: Redirect?

19 MS. PINNOCK: No, Your Honor.

20 THE COURT: Thank you, ma'am. You may step down.

21 Lawyers approach.

22 (WHEREUPON, a bench conference was held in the
23 presence, but not within hearing of the jury.)

24 You can stand up, stretch, talk. Give me just
25 one minute.

1 based upon that I did not know whether or not the
2 defendants were going to testify and they were not
3 required to tell me, okay.

4 Now that they have both testified, I am going to
5 deem that this evidence is admissible and so you will
6 see things that look contradictory to what you saw
7 before. This is not the fault of either side and
8 neither side has done anything --- none of the sides
9 have done anything to keep anything from you. These
10 were legal decisions that I made, so this should not
11 be prejudicial as far as you saying I haven't seen
12 this before or this looked different or you didn't
13 tell me about this to either the State or Defendant
14 Guinyard or Defendant Thompson, okay. All right.

15 Yes, ma'am.

16 MS. McDUFFIE: If it pleases the Court, Your
17 Honor, the State would recall Jane Powell.

18 THE COURT: All right. Ms. Powell, please come
19 forward.

20 JANE POWELL,
21 after being duly sworn, testified as follows:

22 THE CLERK: Please have a seat. State your full
23 name for the record.

24 THE WITNESS: Jane Williams Powell.

25 DIRECT EXAMINATION:

1 BY MS. McDUFFIE:

2 Q Deputy Coroner Powell, we have discussed a
3 reenactment that you did with Courtney Thompson that
4 occurred on July 2, 2013?

5 A Correct.

6 Q That reenactment in and of itself was video
7 taped, correct?

8 A Correct.

9 Q From the moment you started until the reenactment
10 ended, the entire thing was captured on video?

11 A Yes, ma'am.

12 Q Have you had an opportunity to view State's
13 Exhibit 258?

14 A Yes, ma'am.

15 Q Is that a complete and accurate copy of the video
16 reenactment that was done with Courtney Thompson on
17 July 2nd, 2013?

18 A Yes, it is.

19 THE COURT: Your Honor, at this time, we'd offer
20 State's 258.

21 THE COURT: Over Defendant Thompson's objection.
22 (WHEREUPON, State's Exhibit Number 258 was
23 admitted into evidence.)

24 MS. McDUFFIE: Your Honor, permission to publish
25 to the jury?

1 THE COURT: Yes, ma'am.

2 All right. Ladies and gentlemen, while they're
3 setting this up, once the video comes on, I will
4 tinker with the lights a little bit. Just kind of
5 give me a sign on what helps or what doesn't help. I
6 can't see it from your point of view, so if --- I'll
7 turn down or turn up the lights. If it helps or
8 doesn't help, just let me know. Tell me when you're
9 ready.

10 BY MS. McDUFFIE:

11 Q Once again, Investigator Powell, this is the
12 entirety of the reenactment and the statements
13 Courtney Thompson made to you on July 2nd, 2013?

14 A Correct.

15 Q And this occurred sometime shortly after
16 3:00 p.m.?

17 A Yes.

18 THE COURT: Is it on, Ms. McDuffie.

19 MS. McDUFFIE: Yes, Your Honor.

20 THE COURT: Does that help?

21 MS. McDUFFIE: Yes, Your Honor.

22 THE COURT: Okay. Can everybody see?

23 THE JURORS: Yes.

24 (WHEREUPON, the videotape was played for the
25 jury.)

1 BY MS. McDUFFIE:

2 Q Deputy Coroner Powell, that was a complete
3 reenactment that was done with Courtney Thompson on
4 July 2, 2013?

5 A Correct.

6 MS. McDUFFIE: No further questions.

7 MR. LI: Nothing, Your Honor.

8 MS. PINNOCK: Thank you, Your Honor.

9 THE COURT: Call your next witness.

10 MS. McDUFFIE: The State would call Investigator
11 Travis Holdorf.

12 THE COURT: Please come forward and be sworn.

13 TRAVIS HOLDORF,
14 after being duly sworn, testified as follows:

15 THE CLERK: Please have a seat. State your full
16 name for the record.

17 THE WITNESS: Travis Holdorf.

18 DIRECT EXAMINATION:

19 BY MS. McDUFFIE:

20 Q Investigator Holdorf, we previously discussed at
21 length two written statements that were taken from
22 Courtney Thompson by you at the sheriff's department.
23 The first one on July 1st and then followed by
24 July 2nd?

25 A Yes, ma'am.

1 Q And, prior to the Court's previous rulings, we
2 couldn't get into the entirety of those statements; is
3 that correct?

4 A Yes, ma'am.

5 Q The statement that Courtney Thompson made on
6 July 1st, 2013, at 21:45 hours. I show you what's
7 been marked as State's Exhibit 260?

8 A Yes, ma'am.

9 Q Is that the original first statement that --- a
10 copy of the original first statement that Courtney
11 Thompson made at the sheriff's department?

12 A Yes, ma'am, it is.

13 MS. McDUFFIE: Your Honor, at this time we'd
14 offer State's 260.

15 THE COURT: Over defense objection.

16 (WHEREUPON, State's Exhibit Number 260 was
17 admitted into evidence.)

18 BY MS. McDUFFIE:

19 Q Can you tell the jury what the only difference is,
20 in the first statement and what's previously been told
21 to the jury?

22 A Yes, ma'am, on page three, and this is the first
23 statement we took on the 1st, the question was, "Did
24 Antonio do anything to harm **Victim** today?" The
25 response was, "No, Antonio was not inside the house."

1 He could have been on the porch, but he was not in the
2 house."

3 Q Was that consistent with what law enforcement had
4 learned up to that point?

5 A Yes, ma'am.

6 Q You also did an investigation in this case and
7 got phone records, other information, things of that
8 nature; is that correct?

9 A Yes, ma'am.

10 Q And there were some text messages that were
11 talked about yesterday?

12 A Yes, ma'am.

13 Q Mr. Guinyard's phone number in March, April, and
14 May of 2013 --- what was that phone number?

15 A March, April and May it would have been 297-2240
16 and in May, it was changed to 563-3109.

17 Q So that 297 number on those text messages, that
18 was Mr. Guinyard's phone number at the time those text
19 messages were done?

20 A Yes, ma'am.

21 Q And then when you --- I believe it was just
22 talked about on the video, as well, you actually got
23 Courtney's permission and looked through her phone
24 that evening?

25 A Yes, ma'am.

1 Q Do the phone records that are in evidence, do
2 those accurately reflect what the call logs were in
3 her phone?

4 A Yes, ma'am.

5 Q However, the time is four hours ahead in these
6 records?

7 A Yes, ma'am.

8 Q Did the 911 call show up on her records?

9 A It does not show up on her records.

10 Q Do we know why that is?

11 A It's not uncommon. It happens more often than
12 not where a 911 call does not show up.

13 Q However, dispatch does have a record of it and
14 that call came in at 6:12 p.m.?

15 A It does.

16 Q On July 1st?

17 A Yes, ma'am.

18 Q From her cell phone?

19 A Yes, ma'am.

20 Q Investigator Holdorf, the call that's also been
21 discussed at length to Nicole --- I'm sorry, to
22 Crystal Thompson, that also shows up on her phone
23 records at approximately 5:11 p.m.?

24 A Yes, ma'am.

25 Q Finally, you also took a written statement from

1 Courtney Thompson on July 2, 2013?

2 A Yes, ma'am.

3 Q I'm showing you State's Exhibit 6?

4 A Yes, ma'am.

5 Q I believe 6-A was already in evidence. That
6 would be the redacted version and this is the complete
7 second statement you took from her?

8 A Yes, ma'am.

9 MS. McDUFFIE: Your Honor, at this time we'd
10 offer State's Exhibit 6 into evidence.

11 THE COURT: Over defense objections.

12 (WHEREUPON, State's Exhibit Number 6 was admitted
13 into evidence.)

14 MS. McDUFFIE: Your Honor, permission to publish.

15 THE COURT: Yes, ma'am.

16 MS. McDUFFIE: Investigator Holdorf, Ms. Thompson
17 was advised of her rights prior to giving the second
18 statement?

19 A Yes, ma'am.

20 Q On a written sheriff's department form?

21 A Yes, ma'am.

22 Q And again at the top of this statement?

23 A Yes, ma'am.

24 Q This statement is done in question and response
25 form?

1 A Yes, ma'am.

2 Q And the responses are whose?

3 A Courtney Thompson's.

4 Q Investigator Holdorf, if you could please publish
5 the statement to the jury.

6 A Yes, ma'am.

7 The first question is:

8 Question: "Courtney, are there any changes you
9 would like to make to your previous statement?"

10 Response: "Yes. The first one was not true."

11 Question: "Why did you not tell the truth?"

12 Response: "I was scared that you were going to
13 put my kids into foster homes and split them up."

14 Question: "What happened yesterday with your
15 son, **Victim**?"

16 Response: "When I came home from the hospital, I
17 walked in his room. I saw my son lying on the
18 floor naked in a pile of piss. I called his
19 name. He was very weak. His eyes were barely
20 open. I asked him what was wrong. Antonio was
21 mad because **Victim** had peed on the floor and he
22 accused me of taking up for **Victim**. I asked
23 him --- excuse me, he asked for some water.

24 I looking at Antonio and asked him why my child
25 was asking for water and if he gave him something

1 to eat and drink. He said, 'I fed the fucking
2 boy. The boy just doing that shit because you're
3 here.' I got him a cup of water from the green
4 cup in the kitchen. **Victim** was drinking water
5 like he had not had water in days. I put the cup
6 back in the kitchen, went in the living room and
7 got him some clothes to put on. I got him some
8 light gray jeans and a green shirt. **Victim** was
9 so weak that his feet, legs, knees, butt, and
10 arms were swollen and kind of blue. I asked
11 Antonio what happened to my fucking child.
12 Antonio was just out of it --- excuse me, **Victim**
13 was just out of it. Antonio said there was
14 nothing wrong with him. He was just putting on a
15 show because I was here. He said I was always
16 taking up for that motherfucking child.
17 Antonio came in the room and jacked **Victim** up by
18 the neck, picked him up. He said he was going to
19 clean that piss up off the floor. Antonio threw
20 **Victim** a bar of pink soap. I got the bottle of
21 Pine Sol, put some water and soap and poured it
22 on the pee. Antonio was yelling to clean the
23 fucking floor up. **Victim** was on the floor and
24 his head was down. I said that I would help him,
25 and I got on the floor to help. Antonio was

1 cussing him out like a dog. I was telling
2 Antonio that I was tired and my back hurt.
3 Antonio was mad because **Victim** had pissed and it
4 stunk like an old man. Antonio went back in the
5 kitchen and was cooking. I went to take a
6 shower. I heard **Victim** crying like he was in
7 pain and getting hit. I jumped out of the
8 shower. **Victim** was stretched out on the floor in
9 my room. I told Antonio that if he touched my
10 kid again, I would call the police. He was in
11 the room standing next to **Victim**. Antonio said
12 that no one did nothing to that boy, and he was
13 just doing it because I was home.
14 Antonio went back in the kitchen. I stood **Victim**
15 up. He dropped to his knees. **Victim** was
16 breathing funny. **Victim** fell to the floor. I
17 asked him if he could get up and he said yeah.
18 He stood up and I told him to sit down. He sat
19 down. Antonio was asking if I was going to let
20 him get away with it like he was a dog. Antonio
21 wanted him to stand up. **Victim** was walking down
22 the hall and he collapsed after taking about
23 three steps. **Victim** balled up. It looked like
24 he was having a seizure. I called Antonio and
25 asked him what he did. I picked my baby up and

1 pried the lip out of his mouth. I carried him to
2 the front room. I went to get my phone. Antonio
3 told me not to call the police. I told Antonio
4 that he was not breathing.

5 Antonio said that he was going to get the baby
6 and was going to go. Antonio was saying that
7 **Victim** did something, the same thing yesterday,
8 when he put him in the shower and woke him up. I
9 called 911 and told them that my son was not
10 breathing. Antonio was running around getting
11 dressed to leave.

12 I talked to **Victim** that morning around 11:00 a.m.
13 My son told me that Antonio had beat him with a
14 pole."

15 Q Let me stop you right there. The phone calls
16 where she talks about talking to or calling Antonio's
17 phone multiple times, those are also reflected on
18 these records?

19 A They are.

20 Q And those records are --- the timing is accurate
21 with the exception of the four hour difference?

22 A Yes, ma'am.

23 Q It's four hours ahead. On those phone records,
24 as well, the Google searches that Ms. Thompson is
25 doing about what to do if your child has a seizure,

1 were those from before or after 911 was called?

2 A This would have been before.

3 Q It's also possible to scroll through that phone
4 log while calls are being placed?

5 A It is.

6 Q Please proceed.

7 A Response: (continued) "I talked to **Victim** that
8 morning around 11:00 a.m. My son told me that
9 Antonio beat him with a pole. Antonio called and
10 said that I better talk to the boy before he
11 killed him. I asked him what he was doing. He
12 said the boy was pissing in the motherfucking
13 house. Antonio hid in the closet and the police
14 came and they caught him trying to sneak out."

15 Question: "Have you seen Antonio hit **Victim**
16 before?"

17 Response: "Yes. He would push him and make him
18 head his head on shit all the time. Antonio beat
19 him while I was in the hospital."

20 Question: "Has Antonio said anything to you
21 about what happened?"

22 Response: "Last night he told me he pulled
23 **Victim**'s ear. He did not say why. When I
24 talked --- excuse me, when I asked him to have
25 five minutes with him and I will tell you

1 everything you wanted me to know, he wanted me to
2 take his charges. He wanted me to take his
3 charges so he could go home and get the kids. I
4 asked him why. He said y'all already thought I
5 did it."

6 Question: "Why did you get in the shower?"

7 Response: "I was bleeding from having a baby."

8 Question: "Have you hit your children before?"

9 Response: "No, I don't hit them."

10 Question: "Do you know what white stick **Victim**
11 was talking about getting hit with?"

12 Response: "No, the broom was already broken.
13 The only white pole was an extra shower curtain
14 rod in the hall closet."

15 Question: "How would you discipline your
16 children?"

17 Response: "I would turn the TV off."

18 Question: "Have you seen Antonio hit your
19 children?"

20 Response: "No."

21 Question: "What do you know about the cigarette
22 burns to **Victim**'s body?"

23 Response: "I don't know about that."

24 Question: "Did Antonio love **Victim**?"

25 Response: "No. He would tell him all the time

1 and Antonio would say that he did and would say
2 --- excuse me, let me start that over again.

3 Question: "Did Antonio love **Victim**?"

4 Response: "No. He would tell him all the time
5 and Antonio would say that all he did was cause
6 problems. We asked our family several times to
7 get custody of **Victim**. They would not because
8 **Victim** would hurt himself and would shit and piss
9 in the house."

10 Question: "Is there anything that you have not
11 told us about **Victim**'s death?"

12 Response: "No, I have told you everything. When
13 I got home, I saw blood flecks on the walls in
14 the bedroom, on the wall in the hallway and my
15 door. There was blood on the closet door in my
16 room and the door had a hole in the middle.
17 There was blood on the carpet."

18 Question: "Is there anything that you want to
19 add or change about your statement?"

20 Response: "No."

21 And it's signed by myself and Captain Melton.

22 It's also signed by Ms. Courtney Thompson and a copy
23 is given to her.

24 Q Investigator Holdorf, that statement was made
25 when?

1 A July 2nd.

2 Q Of 2013?

3 A Yes, ma'am.

4 Q And the phone call that was played for the jury
5 the other day in the court, that phone call was made
6 on April 20th, 2014?

7 A Yes, ma'am.

8 Q Are you aware that the DNA report in this case
9 was issued and was published and came out on
10 April 21st of 2014?

11 A Yes, ma'am, it was --- she talks about the pole
12 the day before we had the official results.

13 Q And she also talked about the pole on July 2,
14 2013.

15 A Yes, ma'am.

16 Q And the DNA report came out when?

17 A On the 21st.

18 Q Of April?

19 A April 21st, 2014.

20 MS. McDUFFIE: Nothing further, Your Honor.

21 THE COURT: Yes, sir.

22 MR. LI: May it please the Court.

23 CROSS-EXAMINATION:

24 BY MR. LI:

25 Q Investigator Holdorf, Courtney Thompson was made

1 law that I have to take up with the lawyers. I'll be
2 back with you in just a few moments. Do not discuss
3 the case. Keep an open mind. We'll see you back in
4 just a few minutes. Thank you.

5 (WHEREUPON, the jury left the courtroom at
6 10:44 a.m.)

7 THE COURT: All right. Anything, Mr. Li?

8 MR. LI: Your Honor, just to renew all prior
9 motions and objections.

10 THE COURT: All right. Ms. Pinnock?

11 MS. PINNOCK: Your Honor, at this time, I would
12 also renew all of our pretrial motions and all of our
13 objections throughout the testimony.

14 THE COURT: All right. My ruling on those is the
15 same as before based on the reasoning that I
16 previously provided. All right.

17 Okay. Let's talk about this jury charge. The
18 State's request to charge, Number 1, that's in
19 already. The State's request to charge Number 2 --- I
20 mean, sorry. I'm sorry, I'm reading it wrong.
21 Defense --- Defendant Thompson's request to charge
22 Number 1 on multiple counts is in already. Defendant
23 Thompson's request to charge on co-defendants, that's
24 in already. Defendant's request to charge Number 3 on
25 extreme indifference, it's already in the charge.

1 Court, when I charge you on the law, your undivided
2 attention. Thank you very much.

3 Ms. Campbell.

4 MS. CAMPBELL: May it please the Court.

5 THE COURT: Yes, ma'am.

6 MS. CAMPBELL: Good morning.

7 THE JUROR: Good morning.

8 CLOSING STATEMENT:

9 MS. CAMPBELL: The first thing I would like to do
10 on behalf of the State of South Carolina and on behalf
11 of **Victim** is to thank you for your
12 service in this case.

13 Over the last seven days, each and every one of
14 you has paid close attention to lengthy and at times
15 horrible evidence that has come before you, and I want
16 to go ahead and apologize profusely for the types of
17 things we have exposed you to. You have had to listen
18 to this heart wrenching account of child abuse.

19 You have been exposed to images and to
20 photographs that no one should have to see, but as
21 hard as it has been for each of you to hear and to see
22 this evidence, remember **Victim**, four-year-old **Victim**
23 because he had to live it. He had to live the horror,
24 endure the pain that never stopped until he literally
25 breathed his last breath. The paper, inflicted by the

1 very people who should have been there to protect him,
2 the ultimate betrayal.

3 He was tortured by his own parents, beaten by mom
4 and dad, a slow, agonizing painful death. So on
5 behalf of the State, we apologize for exposing you to
6 that, but I think as you have seen over the past week,
7 it was necessary for you to get the full picture of
8 what this child went through at the hands of not one
9 person, but both of the people who had the absolute
10 duty to protect him.

11 Now, as the judge just told you, you're going to
12 hear from me, and I'm going to talk to you a little
13 bit on the front end about the law in this case and
14 how it applies. Then you're going to hear from both
15 defense, and then I'll have an opportunity to get back
16 up in front of you and talk to you a little bit more
17 about the facts in this case.

18 As you listen to me talk about the law or anyone,
19 remember, ultimately once you hear from all of us, the
20 judge is going to charge you. Judge Hood is going to
21 charge you what the law is and what the law is that
22 you should apply in this case. If I say anything
23 different or anything that contradicts what he says,
24 it's not intentional. Take the law as he gives it.
25 In that same light, in that same vein, if either side

1 mischaracterizes the facts, you remember because the
2 evidence and the testimony is what you got from this
3 stand and what can you consider, as the judge will
4 instruct you.

5 The evidence is the testimony, the sworn
6 testimony and the physical evidence that is entered.
7 Some of them records, some of them photos. That's
8 evidence. What is not evidence? Questions by the
9 lawyers, fishing expeditions, innuendo, conjecture,
10 speculation or just plain wishful thinking. That is
11 not evidence, and the roles in this courtroom as the
12 judge has told you are very specific.

13 The State's role is to bring forward all the
14 relevant admissible evidence as to what happened in
15 the time period that **Victim** was alive and what led to
16 his death. The defense's role is to defend the
17 client.

18 The judge's role is very important. He has to
19 decide what is admissible, according to the rules as
20 he just explained to you. Something may not be
21 admissible one time, come in later.

22 Then he must charge you on what the law is.
23 Ladies and gentlemen, the most important role in this
24 courtroom by far is yours. Each of you individually
25 and then once the judge charges you on the law ✓

1 collectively. When you get back in that jury room,
2 you have to determine what happened leading up to this
3 child's death. It is up to you to determine that and
4 to judge the credibility of the witnesses, and I'll
5 get back to that.

6 Now, in a criminal case, it's somewhat unique
7 because in criminal court, the State must bring forth
8 live testimony. A defendant has a right to confront
9 each and every witness against him.

10 You have not heard anything about depositions
11 being taken. You have heard references to reports.
12 They are not necessarily admissible. There are
13 exceptions. You haven't seen any audiotaped
14 depositions that were brought before you.

15 The reason for that is that he has a right or she
16 has a right to confront each and every witness so that
17 you the jury can then judge their credibility.

18 You can make that determination. That's the
19 reason for that. That's why you haven't heard from
20 any of those --- seen those reports and things of that
21 nature. You have the right, even with doctors for
22 them to come in here and tell you what their findings
23 are.

24 Now, the burden of proof in criminal cases, as it
25 should be, is on the State of South Carolina to prove

1 these defendants' guilt beyond a reasonable doubt. I
2 submit, ladies and gentlemen, in this courtroom with
3 these two defendants, that is a burden the State
4 welcomes.

5 With this case and this evidence, the burden of
6 proof is beyond a reasonable doubt. I submit the
7 evidence is overwhelming, but what is reasonable
8 doubt? The judge will instruct you on that. It's
9 been defined by our case law. Reasonable doubt can be
10 considered, and it's a simple explanation, reasonable
11 doubt is the kind of doubt that would make a
12 reasonable man hesitate to act.

13 As you listen to the judge, notice the
14 terminology he uses, things like reasonable, language
15 such as that. The judge will also instruct you that
16 there's been a further definition by the courts that
17 may aid you in determining whether or not the State
18 has met their burden of proof. Proof beyond a
19 reasonable doubt is proof that leaves you firmly
20 convinced of the defendant's guilt. There are very
21 few things in this world that we know with absolute
22 certainty. In criminal cases, the law does not
23 require proof that overcomes every possible doubt. If
24 based on your consideration of the evidence, you are
25 firmly convinced that the defendant is guilty of the

1 crime charged, you must find him or her guilty. If on
2 the other hand, you think there is a real possibility
3 that he or she is not guilty, then you give him the
4 benefit of the doubt and find him not guilty. The law
5 even recognizes that we don't have to overcome every
6 possible doubt.

7 Proof beyond a reasonable doubt is proof that
8 leaves you've firmly convinced. Ladies and gentlemen,
9 I submit in this courtroom in this case, the proof is
10 overwhelming. Now, the judge will tell you that you
11 will have on each one of these defendants two verdicts
12 that you must reach. There are two separate charges.
13 He will send back verdict forms on each those.

14 You must consider each charge separately. You
15 must consider the guilt or innocence of each defendant
16 separately. Those are going to be his instructions to
17 you, and the first indictment I want to talk to you
18 about, and as he said, the indictment is a charging
19 paper in order to get the case to court. It's not
20 evidence that's before you, but the indictments
21 against each of these individuals are homicide by
22 child abuse and nobody is going to get up here and
23 dispute that there was a child under the age of eleven
24 or that he died.

25 What are the elements of homicide by child abuse?

1 In our South Carolina code of laws, the definition is
2 a person is guilty of homicide by child abuse if the
3 person causes the death of a child under the age of 11
4 while committing child abuse or neglect. I'll get
5 back to some of these terms in a minute. While
6 committing child abuse or neglect. Because it's very
7 specific when I go to the definitions in this statute.
8 It doesn't --- because of the nature when involving
9 children under the age of 11, the law, the legislature
10 even recognizes that it can be an act or omission, a
11 failure to act is considered an overt act because the
12 law protects our children as it should.

13 While committing child abuse or neglect and the
14 death occurs under circumstances manifesting an
15 extreme indifference to human life and, ladies and
16 gentlemen, this case reeks at the very least of
17 extreme indifference to human life. He was their
18 punching bag.

19 The judge will also define some of these terms
20 for you in order to help you reach a verdict that
21 speaks the truth. Child abuse or neglect, as the
22 judge will charge you, means an act or omission by any
23 person which causes harm to the child's physical
24 health or welfare, just causes harm, an act or
25 omission, a failure to act or an act, and I submit

1 ladies and gentlemen, the evidence in this case is
2 overwhelming that both of these did overt acts, but
3 the law doesn't even require that.

4 We don't even have to prove that, an act or
5 omission which causes harm, and I submit subdural
6 hematomas, subarachnoid, terms I don't even want to
7 know, broken bones, broken ribs. Beaten so badly he
8 bled out and went into hemorrhagic shock, that's acts.
9 Harm to a child's health and welfare occurs when a
10 person inflicts or allows to be inflicted upon the
11 child physical injury, including injuries sustained as
12 a result of excessive corporal punishment. Excessive
13 corporal punishment alone meets the definition. We
14 are way beyond excessive corporal punishment.

15 As you listen to the judge when he talks about
16 time periods, basically all we have to prove, because
17 the testimony from the experts is in the last few
18 weeks and we even narrowed it down to just the last
19 two weeks, those acts alone caused or contributed to
20 this child's death. It does not matter which one
21 struck the final blow as the other one held him down.
22 It doesn't matter which one was in the home the day
23 before.

24 If in that two week period any acts occurred
25 contributing or causing this child's death --- and

1 I'll get back to the expert testimony.

2 If he fails to supply with adequate food,
3 clothing, shelter, or healthcare and the failure to do
4 so causes a physical injury or condition resulting in
5 death. His and her --- admitted intentionally, not
6 feeding this child. Remember how they laughed about
7 how his stomach growled? Did it contribute to his
8 death? Did it weaken him so that he bled out faster?
9 That alone, not even coupled with all the other
10 injuries, or abandoning the child resulting in the
11 child's death. If only they had been.

12 What is manifesting itself in extreme
13 indifference? The judge will charge you, and I
14 submit, ladies and gentlemen, in this case with this
15 type of child abuse, for anyone to get up here and
16 argue that these two didn't act with extreme
17 indifference to human life is absurd. Extreme
18 inference is in the nature of a culpable mental state
19 and therefore is akin to intent. In this state,
20 indifference in the context of criminal statutes has
21 been compared to the conscious act of disregarding a
22 risk. Again, it can be the causative or the lack of
23 doing anything which a person's conduct has created or
24 a failure to exercise ordinary or due care.

25 For purposes of the homicide by child abuse

1 statute, extreme indifference has been defined as a
2 mental state akin to intent, characterized by a
3 deliberate act culminating in death. That deliberate
4 act can be an action, such as beating, hitting him in
5 the head, breaking his arm, breaking one rib, breaking
6 another rib or the failure to do anything about it.
7 Listen carefully as the judge instructs you on the
8 law.

9 The judge will also instruct you that not only an
10 act or omission, but the parents by law have a special
11 duty. The mother and father are the joint natural
12 guardians of their minor children and are equally
13 charged with the welfare and education of their minor
14 children and the care and management of the estates of
15 their minor children and the mother and father have
16 equal power, rights, and duties.

17 Just because he is the father doesn't mean that
18 he doesn't get held to the same standard that she does
19 and just because she is the mother doesn't excuse her.
20 They are equal in the eyes of the law. Neither parent
21 has the right, paramount to the right of the other to
22 turn the custody of the minor or the control of the
23 services or earnings of the minor. Each parent,
24 whether the custodial or non-custodial parent of the
25 child, has equal access and the same right to obtain

1 all educational records, medical records. In other
2 words, under the law, they are both responsible.

3 Now, the second charge that's before you in a
4 time period that spans his entire life because there
5 was abuse towards this child, be it not like he got
6 later, from the time he was two months old, and then
7 he was placed out of her care and his care for three
8 years where he thrived, and then he is put back and
9 the abuse starts again and accelerates and accelerates
10 and accelerates. That is the evidence before you.

11 There is another charge. Because of that time
12 period leading up to his death, and it's unlawful
13 conduct towards a child.

14 The judge will instruct you this is the second
15 verdict you shall have to reach. It is unlawful for a
16 person who has charge or custody of a child or who is
17 the parent or guardian of a child or who is
18 responsible for the welfare of a child to, number 1,
19 place the child at unreasonable risk of harm affecting
20 the child's life, physical or mental health, or
21 safety; do or cause to be done unlawfully or
22 maliciously any bodily harm to the child so that the
23 life or health of the child is endangered or likely to
24 be endangered or willfully abandon the child; to do
25 anything to place him at unreasonable risk. That

1 again is either an action or a failure to act that
2 places this child at unreasonable risk.

3 Unlawful conduct towards a child. Courtney
4 Thompson said, oh, yeah, I'm guilty of that. That's
5 what I want you to find me guilty of. Mr. Guinyard
6 said, oh, yeah, she was a bad mother. I'll get back
7 to the defenses in this case.

8 I submit --- I could be wrong --- no one is going
9 to argue that they aren't guilty of those. That's
10 what they want you to focus on, not the actions, not
11 the horrible beatings that caused this child's death.

12 The judge will tell you there are different ways
13 in which the State can prove its case through what we
14 call direct evidence or circumstantial evidence. What
15 is direct evidence? Direct evidence is merely the
16 kind of evidence that one perceives through their
17 senses. Typically it's eyewitness testimony. In this
18 case you heard about a lot of direct evidence, direct
19 evidence from the sisters, from the mother, although
20 every time --- never mind.

21 Direct evidence of repeated abuse towards this
22 child by either one and or both parents. That's
23 direct evidence, what they perceived.

24 Direct evidence, Crystal Thompson talking about
25 what she heard on the phone that day when she thought

1 she hung up that was then corroborated by
2 circumstantial evidence, the phone records. So what
3 is circumstantial evidence? Direct evidence is the
4 testimony of a person who asserts or claims to have
5 actual knowledge of a fact, such as an eyewitness.

6 Circumstantial evidence is proof of a chain of
7 facts and circumstances indicating the existence of a
8 fact. The law makes absolutely no distinction between
9 the weight or value to be given either direct or
10 circumstantial evidence. Nor is a greater degree of
11 certainty required of circumstantial evidence than of
12 direct evidence.

13 You should weigh all of the evidence in the case
14 and after weighing all the evidence, if you are not
15 convinced of the guilt of the defendant beyond a
16 reasonable doubt, you must find the defendant not
17 guilty. If on the other hand, you are convinced,
18 firmly convinced of the defendant's guilt beyond a
19 reasonable doubt, you must find him guilty.

20 So it's not that one type of evidence is better
21 than another, but in this case what you do have is you
22 have both, you have direct evidence and you have
23 circumstantial evidence. DNA evidence is
24 circumstantial. Phone records are circumstantial
25 evidence. Does it corroborate the direct evidence in

1 this case? Those are the types of things you can
2 consider. The judge will also instruct you that in
3 our state you have heard evidence of whether one or
4 both of these defendants either took drugs and/or
5 drank alcohol on the final day of **Victim**'s life.

6 The judge will instruct you that voluntary
7 intoxication is not a defense to any crime in this
8 state. If a person chooses to goes out and
9 voluntarily take drugs or voluntarily drink alcohol,
10 its doesn't mean that they can then go out and beat
11 their child to death. It doesn't excuse them. They
12 are held to the same standard as if they were sober,
13 and I submit that by the time **Victim**'s life, the final
14 beating took place around five something that
15 afternoon, everybody was sober. They were angry, but
16 they were sober, but it wouldn't even matter if they
17 weren't.

18 Now, the Judge is also going to instruct you that
19 in certain instances, you heard from expert witnesses.
20 A person such as I --- I can't come into a courtroom
21 and get on the stand and give opinion testimony on
22 what something indicates or what it means. In order
23 for a person to do that, they have to have certain
24 training and certain education. That's why you heard
25 us go through people's backgrounds, what their

1 training was, what their education was, where they
2 went to medical school, things of that nature. The
3 reason for that is very simple. Before they can give
4 an opinion about any testing they did, such as with
5 the DNA, they must be qualified as an expert.

6 Expert testimony can be considered the same way
7 you do any other testimony in this case, but in
8 considering expert testimony, you have to see if they,
9 in fact, have the education and everything to give an
10 opinion. You can also with expert testimony see if
11 their testimony is corroborated by other testimony the
12 same way you do any other evidence.

13 Now, the judge will also instruct you that in
14 every case in criminal law, we must prove criminal
15 intent. What is criminal intent? Very simply, ladies
16 and gentlemen, criminal intent it's a conscious
17 wrongdoing, a knowing act of not doing the right
18 thing. In this case, because of this unique homicide
19 by child abuse statute, it can be an act or omission
20 to act, a failure to act. Conscious wrongdoing when
21 somebody should have done something.

22 I submit, ladies and gentlemen, when a
23 four-year-old is walking around with a broken arm for
24 six weeks, that alone is an act or failure to act, and
25 I can go through a litany of others, which I will at a

1 later time.

2 The judge will instruct you in determining
3 criminal intent, we can't take a person and
4 determine exactly what was in their mind in and around
5 the time of the events, but what you can do --- we
6 can't dissect a person's brain and prove with
7 certainty that they had criminal intent in mind, but
8 what you can do is look at their acts leading up to
9 and around the time of the events we're talking about.
10 In this case on the unlawful conduct, it's a four year
11 period. Three years, of course, he was in foster
12 care, but the entire rest of it, that 15, 16, 17
13 months, you can look at all that. You can look at
14 that actions around the time of the event, what they
15 were saying, what they were doing when they beat him
16 to death. You can look at their actions afterwards.
17 Were they forthright? Did they tell the truth? Was
18 their story consistent or did it change every time
19 they opened their mouth?

20 You can look at their actions as whether or not,
21 when police arrived, they were hiding in the closet.
22 Criminal intent, a conscious wrongdoing. The final
23 thing I want to talk to you a little bit is
24 credibility, because with this case, as in every
25 criminal case, credibility is important.

1 The judge will instruct you in determining
2 credibility, you can believe one against many, you can
3 believe many against one; you can believe some of
4 what a witness says, none of what a witness says, or
5 all of it. When looking at their bias, their
6 prejudice, what do they have to gain or to lose? Do
7 they have some kind of dog in the fight? Do they have
8 a reason to testify a certain way? Do they have a
9 reason to keep changing their testimony? Those are
10 all things about credibility.

11 I beg you, judge the State's witnesses. Judge
12 each and every one of their credibility. Judge the
13 experts, the DNA, the child abuse pediatrician, the
14 pathologist. What do they have to gain or to lose?
15 And the judge will also instruct you that the
16 defendants had absolutely no obligation to put up a
17 case, and that's true, as it should be. They do not
18 have to prove themselves innocent, but once they
19 choose to put up evidence, you judge it the same way
20 that you judge every other witness in this case.

21 Is their testimony corroborated by other
22 testimony? Is their testimony corroborated by any of
23 the evidence? There is testimony from both of them
24 that there was absolutely nothing wrong with this
25 child prior to two or three days, according to her,

1 according to him, up until then. You judge them.

2 All we ask is that once you consider all the
3 evidence, and again I apologize for the nature of this
4 evidence, is that you hold them responsible.

5 They made choices. **Victim** didn't have any
6 choices.

7 Thank you.

8 THE COURT: Mr. Li?

9 MR. LI: Thank you, Your Honor. May it please
10 the Court.

11 THE COURT: Yes, sir.

12 CLOSING STATEMENT

13 MR. LI: When we go home, we're going to get us
14 some pizza. We're going to get three slices a piece.
15 Three slices? That boy don't need three slices. All
16 right, son. We're going to get two. Everything is
17 going to be fine. We're going to get two. Two, he
18 don't need two. All he is going to do is shit on my
19 floor. All right, son, we're going to have one, but
20 we're going to be okay. All right. We're going to be
21 fine.

22 Ladies and gentlemen, that is a snapshot of
23 Antonio Guinyard's life. It doesn't make it right.
24 It doesn't make it wrong. That is what he lived with.
25 Antonio Guinyard is never going to win Father of the

1 Year. He is poor, didn't have a steady job, never had
2 a place to call his home. He had to depend on other
3 people for transportation. He depended on other
4 people to fill out the food stamp application and job
5 applications, but, you know what, there's a lot of
6 good dads out there that are poor and uneducated that
7 would have done more, but to say that Antonio Guinyard
8 did nothing with an extreme indifference to human life
9 is simply false. He loved his children. His children
10 loved him. He loved his family. Every person that
11 knew them well that got up on this stand told you
12 that. And most of them were the State's witnesses.

13 Would someone with an extreme indifference to
14 human life feed their child? Would someone with an
15 extreme indifference to human life give them water and
16 drink when they're thirsty? Would someone with an
17 extreme indifference to human life try to sneak them
18 food when he wasn't supposed to have it? Would
19 someone with an extreme indifference to human life sit
20 out on the porch with their son waiting to be let back
21 in? Does someone with an extreme indifference to
22 human life go with a grandmother of the child and
23 secretly cut the cable cord before the mother gets
24 back so she wouldn't get mad, so she wouldn't know?

25 Let's talk about the State's case. They have a

1 pole. They have a shower rod, and it's got his blood
2 on it. He came and told you, Antonio Guinyard got on
3 the stand and told you where that blood came from.

4 What you think of that, what you think of that,
5 that's in your discretion, but how absurd is it to
6 think that a man goes from never beating his child,
7 never laying a hand on him, never using a weapon,
8 never using a closed fist, never slapping across the
9 face, never punching him in the back, goes from never
10 doing that to all of the sudden beating him with a
11 pole? How does that make any sense? What was it
12 about Beaverbrook? What was the difference between
13 Allen Benedict Court and Beaverbrook that just made
14 him completely flip?

15 That just doesn't make any sense.

16 Next, the State is going to try to tell you that
17 Courtney tried to cover up for Antonio. She was
18 shouting something only the front porch that she loved
19 Antonio and she wanted to cover up for him.

20 At first, when we heard that jail phone call, I
21 was like that's not good. Listen to that phone call,
22 listen to that jail phone call. Listen how she talks
23 about the man she is suppose to be covering up for.
24 His balls ain't that big. His balls too small to take
25 that charge. Listen to it. Listen to what she says.

1 She threw him under the bus the first instant they
2 told her, you know what, this autopsy doesn't make
3 sense. This autopsy doesn't --- your story doesn't
4 make sense. Oh, you know what happened, well, yeah,
5 Antonio did the whole thing. Antonio --- just read
6 her second statement when you get in there. It is
7 basically a self-confession other than the fact that
8 she used Antonio's name. Listen to the way she
9 describes **Victim**, listen to the way she describes how
10 Antonio got mad at **Victim** and the things that he
11 supposedly did to **Victim**. That is basically a
12 self-confession with somebody else's name written over
13 hers.

14 She has changed her story so many times we can't
15 even count. Antonio has done nothing but tell the
16 truth. He gave one statement because that statement
17 is the only one he knew. He can't tell you what
18 happened in that back room because he can't tell you
19 what he doesn't know, what he didn't see.

20 Now, you've heard some talk about a possible
21 camera, okay. They're going to insinuate that Antonio
22 had something to do with the disappearance of this
23 camera even though they have no proof of it. They're
24 going to insinuate that and I can't stop them, okay.
25 What if those cameras were there? What if the cameras

1 were there on July 1st, what would you see? What you
2 would see is Courtney Thompson coming home from the
3 hospital. She is mad. She is mad because she sees
4 the pee on the floor.. She is tired and she is
5 exhausted.

6 When she first gets back, she is not that mad.
7 She is a little bit angry, but everything is okay.
8 She is on her knees. She has Pine Sol. She is
9 cleaning up the pee then all of a sudden, here comes
10 **Victim** after just drinking another glass of water.
11 Drinking a glass of water after he had just peed in
12 the new baby's room. That's when she loses it. She
13 grabs a pole. She beats him like she has done so many
14 times before. She turns him over. She breaks his
15 rib. She punches him in the butt causing the final
16 hemorrhages and, you know what, at that point, you
17 probably would see that **Victim** is still alive. He is
18 bleeding slowly from the inside. He is losing the
19 final amounts of blood, I guess.

20 Courtney goes to shower. I don't know if she
21 gets in. I don't know if she doesn't, but then all of
22 the sudden you hear a collapse (indicating) and that
23 was **Victim** falling, falling into his seizure.

24 She runs back into the room. She doesn't know
25 what to do. She is panicked. At this point, it's

1 probably around 6:00, 6:02 and she Googles what am I
2 supposed to do, what to do when a boy has a seizure,
3 what to do when a child has a seizure. She finally
4 realizes that she can't help this boy. She takes
5 **Victim**, walks him out and says, "Look,
6 baby, look," and from there, Antonio told you what he
7 remembered, what he saw. She did call 911 and the boy
8 probably was taking his last breath.

9 After that the State wants to tell you, the State
10 wants to tell you that he was hiding in a closet; that
11 he was hiding in a closet like he had done something
12 wrong.

13 Antonio Guinyard doesn't have the play by play of
14 what to do when your firstborn son is brought to you
15 from taking his last breath of air in his mother's
16 arms. He doesn't have the right answer. He doesn't
17 know what to do, what to say. He is in shock. It has
18 been engrained in his mind that authorities get
19 involved in cases like and his kids would get taken
20 away. He goes in the back room, grabs his kid and
21 hides.

22 Now, the State also wants to tell you that the
23 hemorrhaging in the buttocks and the broken rib would
24 have caused noticeable pain. The child would have had
25 trouble raising his hands and he would have had

1 trouble sitting down.

2 We agree. They just want to tell you that
3 Antonio is lying. They want to tell you that Antonio
4 did witness these things, but didn't do anything about
5 it. They failed --- they want you to forget that Dr.
6 Durso got up on the stand and she told you that the
7 rib fracture was within twenty-four hours. The
8 hemorrhaging in the buttocks, she could only date it
9 to 18 hours, but they were likely caused during the
10 final impacts. They were likely caused during the
11 final blows.

12 What happened in that room with **Victim**
13 and Courtney Thompson caused those injuries. Both
14 sides are going to tell you that he didn't do CPR. He
15 didn't. He didn't do CPR. Courtney was on the phone.
16 The people at 911 were telling her this is what you do
17 for --- this is what you do for CPR. They didn't say
18 it involved two people. It wasn't like he was going
19 to try. Somebody was already doing it. CPR doesn't
20 require two people.

21 Then you're going to hear about Antonio letting
22 them sleep in a pile of pee. Antonio checked on him
23 in the morning. **Victim** was known to pee in his ---
24 during his sleep. When he leaves to go to the store,
25 comes back, at some point **Victim** peed during his

1 sleep. Yes, he let him sleep in a pile of pee.

2 Finally, the State wants you to listen to the
3 phone call of Crystal Thompson, a woman whose own
4 mother got up here and said that she was a compulsive
5 liar. She claims that she heard Antonio help Courtney
6 beat **Victim** to death.

7 Courtney has asked **Victim** in front of other
8 people before --- Courtney has asked Antonio in front
9 of other people before to help hold the legs of
10 **Victim**. She has asked other people to help hold the
11 legs of **Victim**. What she said when that phone call
12 rang, what she said in that back room, **Victim** can't
13 tell you --- I mean, Antonio can't tell you. He
14 wasn't there. I can tell you this, he never held him
15 down so that Courtney could beat him, and he has never
16 done that before. What is it about Beaverbrook that
17 changes a man's fundamental nature? A person who has
18 never beat his children before all of the sudden moves
19 into a nicer home in a nicer neighborhood and all of a
20 sudden now he starts beating his children? It doesn't
21 make any sense.

22 The State wants you to believe that there is a
23 man in the kitchen cooking three steaks. I want you
24 to pay attention to State's Exhibit 30. Three steaks.
25 He is sitting there cooking dinner, cooking eggs,

1 steaks and rice over here and then takes a trip to the
2 back room, beats his child to death and then what,
3 comes back and finish cooking? That does not scream
4 of or reek of a person who had an extreme indifference
5 to human life.

6 I don't even think the State believes --- I don't
7 think the State even believes their own case. I don't
8 think they believe that Antonio ever laid a hand on
9 **Victim**. I think what they're going to say is that he
10 could have done more, that Antonio could have done
11 more. You know what, maybe he could have, but if
12 that's the case, Gladys could have done more. Natalie
13 could have done more, Charles could have done more,
14 DSS could have done more. It's not about not doing
15 more. It's about not doing more with an extreme
16 indifference to human life.

17 They want to paint a picture of Antonio sitting
18 on the couch drinking a beer while Courtney is over
19 there beating up **Victim** and he just doesn't care. He
20 is just sitting there laughing. They want to paint a
21 picture of Antonio not calling DSS, not caring what
22 happened to **Victim**.

23 Antonio had it in his mind, rightly or wrongly,
24 he had it in his mind that if you call DSS, you were
25 going to lose all your kids. That was all he had. He

1 is not a rich man. He is not a smart man. What he
2 had was his family. He loved his family and rightly
3 or wrongly, if he called DSS, in his mind, he was
4 going to lose everything. The only things he had. He
5 was going to lose Courtney. He loved Courtney. Yes,
6 he should have called DSS. Yes, he should have called
7 the cops, but he didn't do it with an extreme
8 indifference to human life.

9 He thought he could save **Victim** and keep his
10 family. He tried his best to stop her when he was
11 there. If this case were about a mother --- if this
12 case were about a mother who loved her child, who was
13 poor, who was uneducated, and was kicked out countless
14 numbers of times who had nowhere else to go, but loved
15 the man she was with, and this case was about a father
16 a father who used to starve his children, starve his
17 child, would abuse one of their children until one day
18 he went too far, there is no way the State would come
19 up here ask you to fine her guilty of killing her son.
20 There is no way the State would come up here and tell
21 you that she cared more about her life than she did
22 for the family she tried to protect. But, that's not
23 the case here.

24 Antonio Guinyard is not a perfect father by any
25 means. He could have done better, but he didn't do so

1 with an extreme indifference to human life. He loved
2 his family. He was stuck in a situation where he
3 couldn't even stand up and ask for more pizza for his
4 child. I can't relate to that, but I haven't walked a
5 mile in his shoes. I haven't made that walk from
6 Beaverbrook to Allen Benedict. I haven't been stuck
7 out in the cold. I haven't been stuck out homeless
8 and having to sleep in the park, having to go to
9 friend's houses. I can't tell you. I can't relate to
10 that pizza story, but I haven't walked a mile in his
11 shoes. I can tell you this, though, Antonio Guinyard
12 does not deserve the same fate as the person who beat
13 her child and starved her child to death.

14 Thank you.

15 THE COURT: Thank you, Mr. Li.

16 MS. PINNOCK: May it please the Court.

17 THE COURT: Yes, ma'am.

18 CLOSING STATEMENT:

19 MS. PINNOCK: Good morning. I have absolutely no
20 idea how to explain to you how hard it is to stand up
21 here, and I have absolutely no idea how to explain to
22 you how hard it must be to be in Courtney's shoes.
23 Mr. Staggs told you on Monday of last week --- Tuesday
24 of last week, whenever we started, that y'all have the
25 hardest job in this case. It is the absolute hardest

1 job for any case that I've seen because we're dealing
2 with two separate charges. We're dealing with two
3 separate defendants and y'all have to make the
4 decision about what the State has proved and what the
5 State has not proved, and that is a hard, hard job.

6 The facts of this case are bad. They are bad.

7 **Victim** had a very, very bad life.

8 Saying bad is probably an understatement, but because
9 there are two different charges that y'all have been
10 asked to decide on, two different charges, you have to
11 apply the evidence that has been given to you to the
12 law for each of those charges to make your decisions.

13 You have to be able to separate them. It's not
14 one big --- we can't wrap it all together. They are
15 separate. That's what makes your job so hard.

16 I don't think I ever envisioned myself sitting in
17 a position where I'm telling you, as a jury in this
18 case, to convict my client of what she did. Convict
19 her of what she did. She is guilty of being a bad
20 mom. She is guilty of beating **Victim** with a cable
21 cord. She is guilty of not giving him food when he
22 was hungry. Convict her of it. It's okay. That's
23 what you are required to do. What she did not do, and
24 what you cannot convict her of, is homicide. She did
25 not kill her son and they have told you nothing,

1 nothing that happened in the days leading up to
2 **Victim**'s death that Courtney did.

3 And they haven't told you anything about her not
4 helping because she told Antonio to stop. If you
5 don't stop, I'm going to call the police. That's what
6 she did, and then she called 911 for help.

7 Now, Courtney took the stand. She took the stand
8 yesterday. Y'all saw her testify. She didn't have
9 to. She did not have to get up there. She did not
10 have to testify, but when she sat up there, she did
11 something that was not easy. She admitted to you to
12 everybody who has been watching, everybody in this
13 courtroom, I was a bad mother.

14 When Ms. Campbell asked her about it she said,
15 I'm not saying I was a good mother. I was a terrible
16 mother to my child, and she admitted to what she did,
17 and she had to.

18 She had to tell you what she did. We're not
19 denying it happened. There is no excuse for it. You
20 can dislike her because of it. We are not trying to
21 win any sort of popularity contest. It's okay to
22 dislike her for what she did. It's okay. We're not
23 asking you to like her. That's not what a court of
24 law is about.

25 A court of law is about facts, it's about

1 evidence, and it's about the law. It's not about who
2 you like more, and a bunch of testimony that you heard
3 this past week, a bunch of it was presented to you in
4 an effort to make you hate her.

5 People getting kicked out of the house has
6 nothing to do with this. Everything she has ever done
7 in her life that was unfair to somebody has nothing to
8 do with why we all sat here for seven days, nothing to
9 do with it.

10 Trying to paint her as bad of a person as they
11 possibly can to make you hate her. You cannot convict
12 Courtney for murdering her son because you don't like
13 her. She did not kill her son, and she told you what
14 she saw that day.

15 She told you what she did, and she told you what
16 he did. She told him to stop. She called for help.
17 When she realized her son needed help, she called for
18 help.

19 Homicide by child abuse, that's what everybody
20 has been talking about. That's been the focus of
21 every single person who got up there to testify, and
22 you've been exposed to some terrible graphic pictures.
23 We've seen pictures --- I've seen pictures like that
24 before. They bother me, and I to do it on a regular
25 basis, unfortunately.

1 I highly doubt that y'all have ever experienced
2 anything like that, and I know it had an affect on
3 you, and it was hard, but your emotions cannot get in
4 the way of what you said you would do when you took
5 your oath. You can't make your decision based on your
6 emotion. You can't.

7 You apply the evidence to the law when you're
8 deliberating in this case, emotions aside. It's easy
9 for me to say, but I know it's hard to do. It's human
10 nature. We are human beings. We act with emotion.
11 We act on impulse, but that's not what a jury's job
12 is, so you have to leave your emotions in here when
13 you go back to the jury room. You can't take them
14 with you. You take what you've been presented. You
15 take the law as the judge tells you about, and you
16 make your decision based on those two things and those
17 two things alone.

18 Now, the unlawful conduct, I don't even need to
19 talk about that. When Courtney --- when **Victim** was
20 born, he was put into DSS custody when he was two
21 months old. She wasn't beating him. She wasn't
22 starving him.

23 You heard the testimony. The car seat hit a door
24 and they thought he was going to fall out. That is
25 why they took him. That is why he was placed in DSS

1 custody. Don't let anybody try to convince you it was
2 something else. It wasn't.

3 The car seat hit the door and they thought he was
4 going to fall out. Now, the State is up here talking
5 about four years of abuse, four years of abuse, which
6 again makes you try to see something that's not there.

7 He wasn't even with Courtney, and he was not
8 being --- as far as I know, not being abused while he
9 was living with his foster parent, so there's two
10 months at the beginning of his life where the car seat
11 hit the door and they decided they were going to take
12 him.

13 He comes back in April of 2012, so from June of
14 2009 to April of 2012, he is not there. In April
15 of 2012, he comes home and Courtney told you herself
16 things were good and then things started getting bad.
17 She was excited to have her son home. She had worked
18 hard to get him home and then she started making some
19 of poorest decisions she could have made. She treated
20 him terribly. She hit him and she left marks and she
21 told you she did that.

22 That's unlawful conduct by itself. She told you
23 she would not feed him. That's unlawful conduct. But
24 that's not murder.

25 **Victim** was not starved to death. He was

1 beaten to death by the hands of his father on July
2 1st. The medical testimony from Dr. Durso and
3 Dr. Rosa both said that if **Victim** had gotten medical
4 care, he could have lived, but there was something
5 that happened. There is an act that happened that
6 pushed his poor body over the edge, that pushed him
7 over the edge and Courtney told you what happened.
8 She told you what she saw. Now, at first, I'm going
9 to tell you again, she lied. She lied. She told you
10 she did. She was trying to cover up what happened.
11 It didn't make sense. Y'all are going to have her
12 statements. It didn't make sense.

13 You're going to have the video. It didn't make
14 sense, but do not think for one second that when they
15 told her about the autopsy that she automatically
16 started pointing the finger at somebody else. She
17 continued to try to cover for him. She did.

18 She admittedly lied to law enforcement and she
19 was wrong for that. Then she said let me sit down
20 with him. Let me talk to him and I will come back and
21 I will tell you what I saw. She came back and she
22 told you what she saw. Let me sit down with him and I
23 will come back and tell you what I saw, and that's
24 what she did.

25 She also told you that while she was talking to

1 him, Antonio told her to take the charge. They think
2 you did it anyway. You might as well go ahead and
3 take it. Let me get out of here. He loves his family
4 and he loves Courtney. They think you did it. Go
5 ahead and take it off me so I can go home.

6 The only concern from Antonio Guinyard since
7 July 1st, 2013, has been getting out of jail. Get me
8 out, free me is not the same thing as I didn't do it.
9 Free me is not the same thing as I didn't do it.
10 Courtney went to the hospital to have her seventh
11 child. There's been a lot of talk about how many kids
12 she has. The coroner went to extreme lengths in that
13 video to ask her, well, do you work, does he work?
14 Let's talk about what you don't have. Let's talk
15 about the furniture that's missing out of your house.
16 Let's talk about all these things that don't matter.
17 Fact: Courtney is uneducated. Fact: She was
18 unemployed. Fact: She was poor. She didn't own
19 anything, but that doesn't make --- that doesn't
20 change anything. None of that stuff matters. It
21 doesn't matter where the children slept. Oh, you have
22 three kids in a bed. It doesn't matter. Are you
23 moving in or moving out? It doesn't matter.

24 What we know is on June 29th Courtney went to the
25 hospital. She left early that morning and the only

1 people at the house when she left was Antonio
2 Guinyard, Sr. and four of her children, **Victim**,
3 **Girl M**, **Girl Mi**, and **Girl Z**. They are the only
4 people left at the house.

5 What we know is that Courtney called people to
6 come pick up the girls, leaving Antonio and **Victim** in
7 the house alone. That was on June 29th, early morning
8 of June 29th. We know that she was in the hospital
9 until July 1st. We know that she was. Nobody is
10 saying that she wasn't. She gets home in the
11 afternoon, and she says --- she finds her son laying
12 in a puddle of urine, naked, with the door shut.

13 We know that Antonio Guinyard said he's been
14 sleeping all day. He wasn't sleeping. Four years old
15 don't sleep until 2:00 in the afternoon. He was
16 laying in his room with the door shut in a puddle of
17 his own urine.

18 Antonio Guinyard gets up, leaves the house,
19 leaves him there to go take care of some other things
20 that were a little bit more important, leaves him
21 there by himself with the door shut. He never told
22 anybody that he checked on him. He never told anybody
23 that he had asked him if he had to go to the bathroom.
24 He said, "No, I'm sleeping," so he left him alone. He
25 left him there by himself with the door shut.

1 He was not sleeping. Courtney gets home later
2 that afternoon. She finds him laying there. She gets
3 him up. "Baby, wake up." She helps him stand. He is
4 acting tired. "Mama, I just want to lay down."

5 "He is not going to lay down. He is going to
6 clean up that piss in his room. Are you going to let
7 him off? Are you going to let him keep doing it?
8 He's going to clean it up."

9 Courtney gets on the floor after just getting
10 home to help him clean up the mess. The mess was so
11 big, she could not get it up. That's how much there
12 was, and it soaked through the carpet into the
13 padding.

14 When they cut the carpet out, they brought the
15 padding, too. It had soaked all the way through. It
16 was not one accident that happened at 2:00 when
17 Courtney got home. It had been laying there and it
18 soaked all the way through.

19 They can't get it up. Something is wrong with
20 **Victim**. When Courtney got home, she didn't know how
21 serious it was. She did not know how bad her son was
22 hurt.

23 When she witnesses Antonio hitting him with the
24 pole, she tells him to stop. "Stop or I'm going to
25 call the cops." So he drops him only the floor and

1 leaves him there. Courtney stands him up, tells him
2 to go to her room. Shortly after that, **Victim** hits
3 the floor, and he hits the floor for the final time.

4 Courtney scoops him up and yells for Antonio. He
5 is running around. I guess, as he said, to go get his
6 baby to go hide in the closet. He went and got the
7 baby that he wanted and hid in the closet.

8 As Courtney is carrying her son in her arms, he
9 goes limp. She calls 911. When she realized how bad
10 it was, she called 911 for help. She didn't run away.
11 She didn't try to hide it. She called for help.

12 On July 1, 2013, she tried to help, but by then
13 it was too late.

14 (WHEREUPON, the 911 phone call was played for the
15 jury.)

16 MS. PINNOCK: The woman who just held her son
17 down and told somebody else to beat him, that didn't
18 happen. That is not a mother who just held her son
19 down and told somebody to beat him. That did not
20 happen.

21 Now, the law requires the State to show that it's
22 an act that Courtney did or something she did not do
23 that caused his death. Listen closely to what the
24 judge says.

25 Everything she did in the past did not cause his

1 death. There is an insane amount of injuries to this
2 poor child, but the healing rib fracture, the healing
3 arm fracture did not cause his death..

4 They are there. They exist, and it's terrible,
5 but they did not cause his death. What caused
6 **Victim**'s death was the hemorrhaging, the bleeding in
7 his back, his butt and down into his legs. That's
8 what did it, and the pathologist testified that the
9 only timeframe that she could put on those bruises is
10 either they were more than 18 hours or less than 18
11 hours because some of the blood that she saw had
12 evidence of healing and because of what was there that
13 was old, the new injury pushed him over the edge.

14 All the other stuff did not cause his death and
15 that's what they have to prove to you, but that is
16 just not true. The rib and the arm that were healing
17 did not cause his death. That means they did not
18 happen on that day. They were healing.

19 Some of the other injuries that you heard
20 testimony about are also old. I'm not a doctor, and I
21 mess up words all the time so I'm not going to pretend
22 to say them, but some of the injuries on his scalp, on
23 his brain were old. They were healing. They did not
24 cause his death. That's why your job is so hard
25 because all this information that you have, will have

1 with you --- it's --- they're putting it on you to
2 separate what applies to one charge and what applies
3 to the other. It's extremely difficult. We had a
4 hard time with it preparing the case.

5 What applies to which one that you've been given
6 so much and now, you have, you have to separate it,
7 and you have to judge what they have told you about
8 Courtney Thompson, and I will tell you the law
9 requires that you convict her of the unlawful conduct
10 towards a child.

11 As a parent standing here, it hurts me to hear
12 about what she did because it was wrong. It was
13 wrong. There is no excusing it. There is no
14 justifying it. It was wrong. It was wrong and it was
15 criminal and that's what she did, but she did not kill
16 her son. That woman on that tape did not kill her
17 son.

18 If you don't stop on the call to police and when
19 she realized how bad he was hurt, she called for help.
20 That is not an omission to act. It is an act to stop
21 what she said happened.

22 Don't dislike her so much that you convict her of
23 homicide. Everybody has tried to do a good job at
24 making you not like her, but you cannot convict her
25 because you don't like her. You can't.

1 She did not kill her son. Convict her of what
2 she is guilty of.

3 Thank you.

4 THE COURT: Ms. Campbell.

5 MS. CAMPBELL: May it please the Court.

6 CLOSING STATEMENT:

7 MS. CAMPBELL: As we prepare for trial, you try
8 to anticipate what the defense is going to be.
9 Typically in a homicide by child abuse case it's not a
10 one or two. First of all the injuries that are going
11 to be testified to didn't really cause the death. It
12 was a natural cause. Maybe the child had a blood
13 disease or some other condition that actually caused
14 the death. It wasn't the injury inflicted by another
15 person.

16 The most typical defense is very simply, I didn't
17 do it. I didn't do that injury, and in listening to
18 the defenses as they have gotten up here in opening
19 arguments, both Mr. Li and Mr. Staggs sat there and
20 talked to you and told you flat out about what a
21 miserable life this child had, how much pain he was
22 in, but don't blame their client because they have the
23 perfect out. If they just keep the finger at each
24 other, how are you supposed to decide?

25 But in order for that defense to work for them,

1 you have to ignore the law as the Judge is going to
2 instruct you. I submit the State has presented
3 overwhelming evidence. For Ms. Pinnock to get up here
4 and say that the only thing that caused this child's
5 death totally contradicts what all the expert
6 testimony you heard was. It wasn't the final beating
7 alone. It was the repeated beatings, the healing.
8 Remember they objected to these pictures. On the back
9 of the arms. On the back of the legs, on the back,
10 the buttocks, so much bleeding that it literally bled
11 into his scrotum so it was enlarged.

12 Nobody got up here and testified that this was a
13 single event alone. Did this single event push him
14 over? The brain had blood on it. There was blood
15 everywhere. Remember that it was consistent with what
16 could have been a seizure or very simply you see it in
17 children who chew their lip because it's so painful,
18 the beating their getting.

19 Ms. Pinnock got up here, the art of confessing
20 error. Admit to this jury, oh, yeah, she is guilty of
21 the minor offense, just don't convict her on the major
22 offense, the homicide.

23 To get up here and for either of these defendants
24 to say to you that they wouldn't have noticed these
25 injuries, that this child was fine with his hands up

1 in the air? That he seemed fine until she got home.

2 For Ms. Pinnock to get up here and argue that
3 Courtney Thompson did everything she could, oh, yeah,
4 she was a bad mother and I'll get back to the bad
5 mother part, did everything she could to protect her
6 child. By her own admission on the latest story she
7 came up with, because she keeps changing it as she
8 hears the evidence, she knew that day at the hospital
9 that her child was being beaten and she did nothing.

10 That alone makes her guilty, and Mr. Guinyard
11 gets up here and says this child was fine; that no one
12 would have noticed the injuries to this child. He was
13 fine. He never saw anything. He doesn't know
14 anything, and his defense is to get up here and insult
15 human nature. His defense is he is too poor. He is
16 too dumb to be decent? That's insulting to people
17 everywhere who may not be the most affluent, but who
18 work hard, get jobs, people who take care of their
19 children. That's insulting, and they got up here and
20 talked about how these people didn't have much and
21 they were being ridiculed by Jane Powell because they
22 didn't have furniture.

23 Yeah, they only had two beds. They had three
24 TVs. That was a priority. They had a Time Warner
25 security system. That was a priority, not a bed for

1 **Victim**. Not any of the therapy he needed, not any of
2 the schooling that was important. Not any of the
3 medical attention that was necessary.

4 Their priority was cable TV, and they're too
5 poor? The defense has gotten up here and said, oh,
6 oh, they may be guilty of unlawful neglect towards
7 this child and this child may have had a horrible
8 existence, but just ignore all the evidence.

9 Mr. Guinyard got up here with his lawyer, didn't
10 mention the pole that had **Victim**'s blood, had his
11 blood, too. He says **Girl Mi** --- blame everybody.
12 The common theme here is he didn't do anything wrong.
13 She may have done something wrong a long time before,
14 remember that year before when she might have beaten
15 him with a cord and she might not have not given him
16 some food on occasion, but neither one is responsible
17 for the massive overwhelming injuries that caused this
18 child's death in the weeks leading up to his death.

19 Ladies and gentlemen, that is simply ridiculous.
20 To say that no one would have seen this. To say that
21 these two did everything they could. They hid the
22 child from the other people who were coming to pick up
23 their other children. They couldn't give **Victim** to
24 anybody because he was in such bad shape. That's the
25 defense in this case?

1 Now, I want to take a little bit of time to talk
2 about --- and nobody is up here trying to --- the
3 State is not up here trying to paint a picture. We
4 aren't up here trying to ask you to speculate or use
5 conjecture. We are only asking you to judge the
6 evidence, the cold hard evidence. Facts are a hard
7 thing to get around. In doing that, yes, we ask you
8 to judge them, their credibility. Why does their
9 story change?

10 Why does Antonio Guinyard suddenly need to
11 distance himself. I was never in the house. I don't
12 know what you're talking about. There are photos of
13 them doing selfies two weeks before, and suddenly here
14 we are ten months later and I was never there.

15 They hid the child because he was so injured.
16 Who did you hear from the State? First responders on
17 the scene, and I'll get back to the EMTs. It's
18 important. You heard this 911 call and nobody is
19 going to get up here and argue that Courtney Thompson
20 when she wants to can scream, but even when she was on
21 that stand yesterday, I ask you, did you see tears?

22 She is able to scream, manipulate. She can do
23 that, and she did that on that 911 call, but did you
24 notice something when we saw that reenactment that was
25 video taped when she said she was having to do CPR to

1 "try to bring him back to life" that's because by the
2 time she calls 911 at 6:12 that evening, he has been
3 dead for over an hour. She has Googled seizures.
4 It's all in the phone records. Nobody talked about
5 them to make sure that she has the symptoms right, so
6 she can explain this and, oh, how she did CPR and did
7 everything to save this child.

8 Even in the reenactment, she is talking about how
9 the child was bleeding profusely from the mouth, that
10 she got it all over her hands. Well, if she is doing
11 CPR and breathing in this child's mouth, when the EMTs
12 get there, when the fire department gets there, where
13 is the blood? Shouldn't her mouth be covered in it?
14 Distraught? Shouldn't it at least be seen somewhere?
15 It's not there because she never did it, because once
16 he's dead, they have that, oh my God moment. What do
17 we do now? Well, let's look up about seizures. We'll
18 say he had a seizure. Maybe he did. It would be
19 consistent with someone who died the horrible death
20 this child did. Let's get it, right.

21 For an hour they figure it out, and amazingly
22 enough, the other defense in this case is, oh, just
23 randomly call everyone liars. Gladys said Crystal is
24 a liar. That makes it so. Isn't it amazing that
25 Crystal got those details right about the beating and

1 hold him if she just magically didn't hear this?
2 Because when she went to the police distraught about
3 what happened to her nephew as they had all been to
4 the police over and over, not about just one of them,
5 isn't it amazing that she was that clairvoyant if she
6 didn't hear it herself. She didn't say they strangled
7 him. She didn't say they hit him in the face. Hold
8 him down while I beat him, which magically is what
9 happened, and oh, by the way, which is totally
10 corroborated by the phone records. They didn't
11 address that.

12 So let's talk about the witnesses you did hear
13 from. The credible evidence that proves both of these
14 defendants guilty. All we're asking is that you hold
15 them responsible. They made their choices and by the
16 way, it's not a defense that they may want you to
17 think that he just does what he's told.

18 It doesn't fly. Listen carefully to the judge's
19 charge. It's not okay if I walk up to Ms. Walker and
20 say beat her to death. That doesn't excuse her from
21 that.

22 Listen carefully to the Judge. He won't instruct
23 you that, oh, if Courtney told him to do it, it makes
24 it okay. Oh, if Antonio told her to do it, it makes
25 it okay. The law recognizes this exact situation.

1 That's why it's written the way it is. Because when
2 two people are together participating in a crime such
3 as this, it doesn't matter by whose hands the overt
4 final act happens.

5 If one is even allowing the other to do it, and
6 this child did not receive all those injuries, despite
7 what they just said, on July 1st. Remember the
8 doctor's testimony, both of them, it was a
9 culmination, all the blood under the skin, in the
10 arms, in the legs, in the back, in the buttocks, in
11 the brain contributed, homicide by child abuse. And
12 she kept referring to this as murder. This is
13 homicide by child abuse. It's the killing by means of
14 child abuse. That's the charge before you.

15 Who did you hear from? Peter Biviano who is with
16 Columbia Fire Department. What did he tell you when
17 he got there? She was hysterical, then her demeanor
18 changed and she is on the phone. When they got there,
19 they looked around the house. They couldn't find
20 Antonio. Nobody checked deep in the closet back where
21 they buried the bloody shirt to see if he was back
22 there.

23 Trobathian Johnson, Jimmy Wilder both got there,
24 basically did the same thing the fire department did,
25 checked to see if anyone was around. At this point

1 until Eric Shaw gets there, nobody has seen Antonio
2 Guinyard, and I submit, ladies and gentlemen, why is
3 he hiding in the closet? His explanation on the stand
4 yesterday, well, when accidents happen --- and then it
5 changed, remember, oh, well the investigator was going
6 to reveal abuse, yet he says he didn't know about
7 abuse, but oh, once again, clairvoyant, he is able to
8 know that there will be findings of abuse. I submit
9 that's a confession under the law.

10 Eric Shaw, when he first walks in, the first
11 thing out of her mouth is SIDS. SIDS? But then he
12 notices --- remember, the gate open, you have the
13 photographs. He sees a trampled area in the back. He
14 goes back there to look to see what's going on. Then
15 he sees Antonio Guinyard with his newborn baby trying
16 to sneak out the back, not distraught, demeanor calm,
17 not crying, not upset, not trying to help his son.

18 It doesn't take someone who has graduated from
19 college to know that when your child quits breathing,
20 you should try to help him. Why is he fleeing?
21 Because he knows the gig is up.

22 Oops, went too far this time. Guilt, that he
23 brings him out onto the front porch. Courtney is
24 already out there. Remember, she is on the phone by
25 this time. Look at the phone records. You'll see.

1 She is making phone calls. Go to the bottom of page
2 four on those phone records and you'll see the phone
3 calls --- remember you have to subtract four hours ---
4 to Crystal Thompson, and then what happens after that.
5 Look at the time before 6:12 who she calls before
6 6:12. Crystal's two minute phone call at 5:05. At
7 5:07, a 20 second call. She is trying to call Nicole.
8 She is panicked, panicked at that moment.

9 And remember, do you remember how the call even
10 references why she is calling that day in that phone
11 call, that jail phone call that we put in. That's the
12 phone call they're referring to. Five web search
13 about seizures from 6:03 to 6:05 and then at
14 6:12 there is the 911 call. It doesn't show up on the
15 log because they don't. There is no dispute she made
16 the call. She even explains in the video why it
17 didn't show up. And then the next call is at 6:48
18 when she's out on the front porch.

19 Do you remember her demeanor, it goes from every
20 single witness, yes, she was crying. Yes, she was
21 loud, she was upset, never saw tear. That's her MO.
22 He comes out on the front porch and while they're
23 together, remember what Shaw told you. She starts
24 repeating, he jumped off the dresser and hit his head
25 --- or you remember. If I misquote anything, please

1 remember it as you remember it, okay. Something to
2 that effect. She says it four times. Wants to make
3 sure he hears it so he knows what the going story is.
4 Evidence of guilt, Albert McLendon is there. You
5 heard from Jane Powell the next day. She gets in
6 touch. She asks both Antonio and Courtney to go.
7 Courtney tells him not to go.

8 She is the one that's going to handle the story
9 part. You just saw the reenactment, the details.
10 That's what her story is, not that Antonio did it.
11 Not that she did it, but that is just a fall or she
12 heard a bump, a boom, I think is how she describes it.
13 I don't mean to misquote.

14 At that point, she reacts and calls 911 almost
15 immediately. Remember something else about that day,
16 too. She described --- where she has told all these
17 different stories about what happened when she got
18 home, she did that, she did this. Then she started
19 claiming up about the pee and had to get in the
20 shower. She even changed her story yesterday that she
21 hadn't gotten in the shower yet. She had already
22 heard everybody testify that she wasn't wet, so now it
23 changed so she wasn't in the shower yet, and it
24 changed about where the phone was, so that's all
25 different.

1 She is home for four hours before 911 is called.
2 She gets home --- or even three-and-a-half. Somewhere
3 around 2:00, by her own admission, in one of her
4 versions. So what's going on in that four hours?
5 Because to hear her tell it, it's not even an hour.

6 You heard from Investigator Chris Lindler and
7 what did he tell you? Basically that he was involved
8 in the investigation in a very limit fashion, but he
9 heard, along with Holly Wagner and Investigator
10 Holdorf, as they're in that room that second night
11 together, that break room. What does he hear Antonio
12 say to her? Free me. Get me off, whatever. Not, I
13 didn't do this, tell them the truth.

14 It goes on. Investigator Michael Laurita, and
15 you're going to have this statement back there. He
16 takes the statement from Antonio Guinyard about what
17 he knows, and at this point, they don't have all the
18 details down because Courtney has been saying he was
19 out of the house. Then she says he was in the house.
20 Now, his thing is he is cooking and the defense just
21 got up here and argued that he couldn't be cooking and
22 have done this or known about it. We don't know when
23 he was cooking. The fact that he cooks three steaks
24 not two, makes him not guilty? That's the defense?
25 Maybe she needed an extra one. Maybe he did.

1 You can look at the pictures of **Victim**. He
2 didn't really get steak. Captain Lancy Melton who
3 participated, Sergeant Robert Walters was at Alvin S.
4 Glenn. He was the one that got the jail phone call
5 for us. Remember, the one where she said she knew
6 they were recorded, but she didn't know we could get
7 them? We'll get back to those. Investigator Holly
8 Wagner, Lieutenant Brian Metz, Travis Holdorf took
9 statements.

10 The defense is that she was just covering for
11 Antonio. That's one of the defenses. She is just
12 covering for Antonio. She gives a second statement on
13 July 2nd after their alone together in a room
14 together and they have a private conversation which no
15 one is privy to but the two of them.

16 Can you imagine what was going on? You take it.
17 No, you take it. They're going to get us. They know
18 what happened. They've done the autopsy. They know
19 how bad the injuries are. At that point, she has got
20 to come up with a new story, so she is not protecting
21 her loved one for very long because by the time she
22 gives her second statement, he is all over it. He did
23 it. He did it, he did it.

24 Miraculously, at this point, the defense wants
25 you to think that yeah, she was horrible to this child

1 for the entire time after she got him back from foster
2 care. By the way, we aren't the ones that said he
3 tortured for four years. No, luckily for this child,
4 he was in foster care for three years. We brought
5 that evidence before you. It was only when he was
6 returned back to not one or the other, but both of
7 them that his life became a living hell.

8 She immediately points the blame to him that
9 night. Now, that story is different and I'm not going
10 to belabor this, but you go back there and look at her
11 different stories if you want to, the first one, the
12 boom, what happened, then when confronted with the
13 autopsy, oops better make something better. It's not
14 looking good for me. Okay. It was Antonio and then
15 here today ten months later after listening to all the
16 evidence in the case, she comes back before you, I may
17 have beaten him on one occasion right after I got him,
18 but then I learned that I shouldn't do that. Then
19 some other vague time, she starved him for eight days,
20 gave him water for four and bread and water for four
21 and then, oh, but I learned.

22 In order to try to seduce you into just finding
23 her guilty of the lesser charge and exonerating her of
24 the greater because according to them, and this is
25 their defense for Courtney Thompson that she was a

1 horrible mother. They said that in their opening.
2 One event right after he comes and then you learn the
3 error of your ways does not mistake you a horrible
4 mother.

5 But then miraculously on July 1st and they said
6 this in opening, she did everything right. She was a
7 great mother. That is their defense, but let's look
8 at the forensics in this case. You heard from
9 Investigator Oates. What does he find? He finds that
10 when he gets into that house that day that they're
11 collecting certain items. Most significant is that he
12 and Sergeant Richards together find spots of blood not
13 in one room, not just in this play room --- and you
14 have the things and you have the diagram that shows
15 where all this blood was located and pretty much all
16 this blood, other than that on the light switch in
17 their bedroom, is **Victim**'s.

18 What's the explanation for that if he wasn't
19 beaten repeatedly? You heard from investigator Scott
20 Schroder. He took photographs of the victims --- of
21 the defendants, excuse me, that night, as far as
22 they're physical appearance and you'll have these back
23 there with you. Photographs showing how they
24 appeared, what their appearance was. Did they have
25 any injuries, anything.

1 Showing their hands. Is that consistent with
2 somebody having used a pipe? You heard from
3 Investigator Tim Lee who went back to the scene
4 reenactment. He also later collected the bloody
5 shirt. The bloody shirt size five that belonged to
6 this child. It was covered in blood, his blood, and
7 buried in the closet. Do you think they should
8 probably hide that before the police got there that
9 day? It was found by his own mother who went to the
10 scene who actually took **Baby A**, Antonio Guinyard's
11 own mother. And all this about how he was put out all
12 those times and he had nowhere to go.

13 Okay, if she didn't like Courtney, why didn't his
14 mother take him? That doesn't even make sense that he
15 had nowhere to go, but that doesn't work for the
16 story.

17 Investigator Kristen Polis went out to the scene
18 that day. That's when they found significant evidence
19 in this case. They knew more at that point. They
20 were looking for things. There had been a mention of
21 a pole. When they looked in the closet, they found a
22 broken broom, they found a curtain rod, but then
23 hidden behind the bed in the master bedroom was the
24 pole, the pole that according to Courtney Thompson in
25 her April 20th phone call, which was the day before

1 the DNA results came back that Antonio had used and
2 beat it flat on one end, hitting the child, and she
3 says he didn't have any knowledge?

4 It doesn't matter whether she beat him or he beat
5 him with it. This is what they beat him with, and
6 there's no dispute that day the beating took place by
7 one or the other because there is no dispute in this
8 case that these were the only two with access, and
9 when they took this pole, Courtney Thompson knew that
10 it would have blood on it; that this was the pole used
11 to beat him and low and behold, not only does it have
12 the child's blood, but it has Antonio Guinyard's
13 blood. Now his thing is to point to **Girl Mi**. She's
14 three, there are photographs of her. Look at her.
15 Did he on some prior occasion cut himself, beating the
16 child with this pole as he grips it because of the
17 sharp edges before he grabbed him by the left arm to
18 beat him? This was their tool. This was their potty
19 training enforcement.

20 You also heard from a number of witnesses in the
21 case, and I want to talk a little bit about what they
22 said. Depending on which defendant is questioning, at
23 different times they will say, "Oh, they just aren't
24 telling the truth." The testimony in this case is
25 overwhelming; DSS was called repeatedly. People tried

1 to intervene on behalf of **Victim**; that even the
2 sisters that didn't live there, even doctors that
3 didn't know him, even people who took care of her
4 other children, Ms. Metze repeatedly called DSS to try
5 and help **Victim**, but their defense is that neither one
6 of them thought that was necessary so they aren't
7 guilty. That's their defense, that they didn't see
8 any of the bruises?

9 So what did you hear from some of the witnesses
10 in this case? Mostly family members.

11 You heard from Crystal Thompson. She is a
12 sister. On prior occasions she has seen Courtney hit
13 him and these are from our notes, but you remember the
14 testimony, okay. Hit **Victim** with a clothes hanger, a
15 coat hanger, drop cord, cable cords and her knees.
16 She saw Antonio hit **Victim** twice and punch him.

17 Antonio made **Victim** sit on the toilet for three
18 hours. That was another one of their potty training
19 tools. Heard Courtney tell Antonio he was not hitting
20 **Victim** hard enough and when **Victim** grew up, he would
21 beat Antonio up. **Victim** had gone into her bag and got
22 a cracker and tried to eat it. Do you remember that
23 same phone call where supposedly she didn't have any
24 information.

25 Do you remember what corroborates that? Remember

1 when the pathologist testified, she testified about
2 the stomach contents. She had a small amount of a
3 tannish substance, I don't know if she said liquid or
4 substance, consistent with having eaten that cracker.
5 He didn't have any steak in his stomach. He didn't
6 have any other food in his stomach. Does that
7 corroborate what she heard?

8 And then heard the baby getting beaten. Heard
9 **Victim** cry for help, "Help me, Lord," knew it was his
10 voice because of his stutter. Do you remember when we
11 heard from other people talking about how **Victim** would
12 talk? Supposedly character people for Antonio
13 Guinyard, Charles Robinson, his good friend. They all
14 imitated his stutter. His voice was distinctive. How
15 did you know it was him; I heard the stutter. Told
16 him to spread his hands out. Told Antonio to put the
17 baby down and hold **Victim**'s legs, heard Antonio and
18 Courtney talking, the two voices on the phone, and
19 heard Antonio say, "He is not moving." That's at
20 5:07.

21 One didn't know what the other was doing. They
22 had a conversation about how to beat him. Courtney
23 said she didn't care if the retarded bastard died.
24 Those are her words, not mine. Do you remember the
25 text message, he is such a RERE.

1 If DSS did not take him, she was going to kill
2 him, and bury him so DSS would not take her other
3 babies. There are other people that would take
4 **Victim**. You hear from his foster mother. This wasn't
5 a child, by the way, that had autism. This wasn't a
6 child that had anything more than a stutter. This was
7 a child that reacted badly to an environment that was
8 hostile and had a few accidents. The more they beat
9 him, the worse it got.

10 The night after **Victim**'s death, Antonio and
11 Courtney again together go over to Gladys' house. The
12 sisters are there. Courtney got an evil look on her
13 face and she said, "No, don't do nothing for him."
14 She didn't even want him to have a funeral. Then
15 later on that night, she is laughing. Do you
16 remember, she is laughing about **Girl Mi** and said
17 **Girl Mi** bit **Victim** and left a mark on his back, as
18 she laughed about that because there is a bite mark on
19 his back. It's healing, but it's not a three-year-
20 old's bite mark. It's consistent with an older
21 teenager or an adult. That made her laugh? She just
22 bit him for the fun of it?

23 Antonio was in the house when the cable cord
24 incident took place and the clothes hanger and it was
25 rare for Antonio to be kicked out.

1 You heard from another sister, Natalie Thompson.
2 Remember all these people are pretty much tied into
3 their statements because when **Victim** first died, they
4 all went to the police and corroborated. "Saw Antonio
5 hit him but not hurt him but hit him because he
6 couldn't control his bowel movements. Sometimes he
7 couldn't control his urine. Antonio would get mad at
8 him sometimes. Courtney used a belt, a shoe, a
9 hanger." Again, these are only excerpts of our notes.
10 You remember the testimony.

11 Antonio present when Courtney beat him. She had
12 gone to DSS so often that they asked her to get proof
13 and she tried. She took photographs on February 21st
14 of his back, and she begged DSS to help. She even in
15 April took them to her own pediatrician and said look
16 at these. She didn't take them, actually she gave
17 them to Ms. Metze who took them, excuse me.

18 Even the sisters tried to protect **Victim**, they
19 took body shots, the face to show who he was, **Victim**
20 was hungry, thirsty being denied food. Then she told
21 a story about how Courtney went in the cell phone
22 place, Antonio was supposed to stay in the van because
23 they never left him around Natalie because they knew
24 Natalie had reported them. She didn't even know he
25 was in the back of the van, but the next thing she

1 heard was the sounds of him as he finished the whole
2 can of soda so quickly, and remember his lips were
3 cracked and bloody. The top lip was puss filled. She
4 crushed up a bag of chips and tried to feed it to him
5 before they got back. Not obvious, the child ate out
6 of the trash can. Courtney wanted him to go back to
7 DSS, so they could give him a beating and a killing
8 and a raping. She repeatedly called DSS, not just on
9 Courtney but on Courtney and Antonio.

10 Who else did we hear from? Nicole or Maria
11 Nicole Thompson. Courtney and Antonio had **Victim** once
12 he was released from foster care, around Easter
13 of 2013, he peed on the floor. She heard Courtney
14 beating him. The last time Nicole saw him was on
15 Easter. He was limping and had bruises on his back.
16 Two weeks before Courtney was getting ready to have
17 the baby, the new baby **Baby A**, Nicole went over to
18 Beaverbrook. She didn't want to go to the house. She
19 didn't see him because she was scared they would put
20 two and two together and figure out she had called
21 DSS. She called DSS to report **Victim**,
22 Antonio and Courtney Thompson. And then you heard
23 from her mother who was kind of all over the place.
24 She considered Antonio a son and obviously has some
25 allegiance to him. Is there some kind of money

1 motivation there? We'll get back to that.

2 Animals shouldn't have been treated the way
3 **Victim** was treated. If he spilled something, he would
4 be slapped hard with an open hand by his mother.
5 Courtney hit him with a cable cord once. Courtney
6 punched him with her fist once. Courtney's mother
7 tried to stand up for **Victim** and she was put out. She
8 tried to stand up for **Victim** and was put out. She
9 didn't have anywhere to go either. She knew what was
10 going on, but the defense is Antonio Guinyard didn't?
11 Courtney said that **Victim** would drink out of the
12 toilet he was so thirsty.

13 Then you heard from Latoya Anderson who spoke to
14 Courtney who Courtney, months later bragged about how
15 she starved him for eight days, said **Victim** was
16 possessed, that Antonio said he was tired of him and
17 that Courtney was relieved when he died. I guess he
18 couldn't mess up her carpet any more.

19 You heard from Angela Metze and what was
20 Ms. Metze's role in this family? Remember there was a
21 child **Girl M** that she took into her home. She kept
22 **Girl M** most of the time, who was the younger sister
23 of **Victim**. She tried her best to help this family.
24 She told you that she would take **Victim**. She had
25 already taken **Girl M**, but he was a sweet happy boy at

1 first; that things started to change. She went to DSS
2 over and over to try and protect **Victim** from his
3 parents, but on the date in question, she gets a phone
4 call --- and it's in there. She actually goes and
5 picks them up. No, excuse me, let me back up. She
6 gets a phone call that morning around 2:30. She had
7 actually talked, I think, to Nicole or Natalie, one of
8 the sisters around midnight on her phone, on
9 Courtney's phone. Then she actually talks to Courtney
10 about 2:30 or 3:00 that morning. What is Courtney
11 saying? "I got to get out of here. These people are
12 all crying. Come get me and Antonio."

13 So she shows up the next morning. You can even
14 see in the phone calls where Courtney is calling her
15 constantly around 8:00, 9:00 the next morning probably
16 trying to find out where she is. She goes and picks
17 her up and takes her places. She actually listens to
18 the reenactment because Courtney has her phone on
19 speakerphone.

20 She tried to protect **Victim**. You heard from
21 Kimberly Gooden. She and Ms. Metze are the two people
22 Courtney called when she went into the hospital. By
23 the way, she could call an ambulance for herself when
24 she was in labor, but not while **Victim** was being
25 beaten. She calls them on the 29th and says, "I'm in

1 labor. I'm at the hospital. I need you to go get ---"
2 with Ms. Metze, she said that wanted her to take
3 **Girl Mi** and **Girl M**. I can't remember whether she
4 said she already had **Girl M** and that just picked up
5 **Girl Mi** and that Ms. Gooden went and picked up the
6 one they call **Girl Z**, the youngest.

7 But what was significant, because remember when
8 Ms. Metze went there, she didn't even tell Antonio
9 what time she was getting there. Antonio was on the
10 front porch with **Girl Mi**, has all her stuff out
11 there, doesn't allow her in the house. She never lays
12 eyes on **Victim**. The same is true with Ms. Gooden.
13 This goes back to some of the text messages. "We need
14 to hide him. People think we are beating him."

15 You heard from Princess Hodges who talked about
16 just her first experience with Courtney Thompson here
17 at the courthouse, how she saw an incident and at that
18 point is when **Victim** was initially taken when he was
19 two months old in June of that year, in 2009, and kept
20 in foster care until April of 2012.

21 You heard from Ms. Jones. Ms. Jones was the
22 person who had **Victim** in her foster care from 2010
23 until he was returned to his parents in 2012.

24 You heard what she did with him. How she was
25 worried because he wasn't speaking enough. He did

1 have a stutter. How she took him to speech therapy.
2 She took him to physical therapy. They did testing.
3 He saw the doctor on a regular basis. You even heard
4 from Monica McCutcheon his own --- excuse me, before
5 Monica McCutcheon, you heard from her how he was doing
6 well. You heard from Dr. Rosa, how she reviewed all
7 his records and he was in good shape; that when he was
8 released to this family, he was on track, three years
9 old, doing well, almost heavy and happy, played well
10 with others, was evaluated, was not autistic. All he
11 needed was a little speech therapy.

12 But right after **Victim** was returned to Courtney
13 and those, she gets a phone call, do you remember she
14 said within a day or two from Courtney. He is messing
15 up. He is going all over. Told her at that point
16 gave her advice on what to do because **Victim** was
17 completely potty trained when he left a safe wholesome
18 environment, told her if you need any help, I'll be
19 glad to help you.

20 Then you also heard from Karen Davis Tucker, who
21 overheard a conversation on July 11th after they were
22 arrested between Antonio Guinyard and Courtney
23 Thompson. Do you remember she is the lady that works
24 here in the courthouse? Antonio told Courtney, "Do
25 what I tell you and everything will be all right," yet

1 he is the one being manipulated? Courtney, "I'm not
2 sure I can do that." "Do you remember what happened
3 that day?" Not, "I don't know what happened that
4 day." "Do you remember what happened that day?" Both
5 were there, "Other women in jail have killed their
6 children and their lawyers have gotten them off."
7 That's what she is concerned about.

8 Now, I want to talk a little bit about the
9 medical evidence in this case. You have heard from
10 various doctors. EMS is the first on the scene. When
11 they get there and you even heard it on the end of the
12 911 tape. They put the line on him, nothing, but
13 what's significant? He is cold to the touch. Now,
14 remember, this is July. it's sweating weather inside
15 that house.

16 The palms of his hands, the soles of his feet
17 have that gray ashey color because, according to ---
18 if you believe Courtney Thompson, he had just finished
19 breathing right before she calls 911, according to
20 her. Not according to the phone records. So why is
21 he cold to the touch? Is it more consistent with them
22 having to do their research and come up with a story
23 for an hour before the 911 dramatic call is made?

24 You also heard from Dr. Olga Rosa. The injuries
25 to this child. The defense talked about it in closing

1 argument. This is what was testified to. Again, you
2 remember it.

3 If you take his body and just split it up into
4 different areas, we can talk about the injuries to his
5 face and his head. He had two black eyes, two black
6 eyes. Lacerations in the mouth, lip, subdural
7 hematomas to the side and the back of the head.
8 Subarachnoid hemorrhage, multiple impact points.
9 Remember from the one side to the back, at least four
10 or more impact points. That means blunt trauma to
11 different areas, different planes, I think is how they
12 described it, of the head.

13 With his brain injuries, he would have been
14 symptomatic prior to that time of his death for at
15 least 72 hours to seven days prior. That is the state
16 of healing that the various injuries were in. So for
17 at least three days prior to this, that would include
18 actually the day before she goes to the hospital,
19 until up to a week before, he would have been
20 nauseated, lethargic, vomiting, obvious pain, maybe
21 having seizures, and they missed that? And by the
22 way, this is something that contributed. The blood on
23 the brain. Remember, it was the total blood loss that
24 caused this child's death. Ribs, the left side,
25 chronic, had been broken ten days to six weeks prior

1 to his death. That's what she can say.

2 I'll get back to the text messages which talk
3 about how he is holding things funny, such as his arm.
4 Right back tenth rib, acute, happened within eighteen
5 to twenty-four hours, that final beating. Extremely
6 painful. This child was in pain from just his ribs
7 from anywhere from six weeks up until the moment he
8 died.

9 Arm, left humerus, both chronic and acute
10 consistent with when they would grab him by the left
11 arm to hold him to beat him. It would be rebroken.
12 Couldn't say how many times. How painful is that?
13 Chronic in stages of healing. He wouldn't be able to
14 use it, and he would have been guarded because it
15 would have been so painful. Let's move on to the back
16 the hip, the buttocks, deep soft tissue hemorrhage.
17 Deeper on the left buttocks. It was swollen, and how
18 did she put it? So that it was distended. Blood had
19 nowhere else to go was leaking into his scrotum so the
20 scrotum was swollen. He had a pale thyroid consistent
21 with having bled out, in the manner in which he did,
22 not from a gunshot wound, not from being stabbed, but
23 from being beaten to death by his parents.

24 Scars, bite marks, healing abrasions to the neck,
25 the torso, the arms. The last weeks of his life

1 possible malnutrition. Remember, they couldn't
2 calculate his weight exactly because the last time he
3 went to a doctor, which was Dr. McCutcheon back in
4 September of 2012, which was one time they did take
5 him to the doctor, his weight was, I believe, 44,
6 45 pounds. You remember. At the time of his death
7 his weight was 46 pounds, which was also the same
8 weight he was at 45 pounds in January before he was
9 released back to the parents, so in that 18-month
10 period she calculated --- his weight couldn't be
11 calculated, but she said 46 pounds, but a lot of that
12 would have been the swollen tissue, the blood and the
13 tissue. She estimated that his weight, he might have
14 lost up to six pounds, so in that 18 months period, he
15 lost five to six pounds, possible malnutrition, blood
16 loss, excruciating pain in the weeks --- last weeks of
17 his life would have been excruciating. Serious
18 injuries in the days leading up to the death that he
19 died from chronic child abuse.

20 You also heard from Dr. Kiersten Lofton, who
21 testified how she tried, when she saw the pictures, to
22 get this child help. She called DSS, they sent it
23 back, said no. They said it was a skin --- some type
24 of rash. That didn't happen.

25 Finally, we heard about some jail phone calls,

1 one of which is in evidence and others which we asked
2 her about yesterday. "Did not offer me a plea. I
3 don't want to plead guilty Antonio's balls is not that
4 big to take this charge, so I can get out and take
5 care of our children. His balls not that big, but I
6 would do it just so we can get our kids."

7 You know about the shower rod. The shower rod,
8 Antonio beat that boy until the motherfucker went
9 flat. Excuse my language. This was the day before
10 anybody had published the report saying there was
11 blood on that and it came back to little **Victim**.

12 The lady was saying he was hemorrhaging because
13 of the bruises so I guess that day when everything
14 happened and Courtney answered, he was already going
15 to die before that day and you got the phone call. He
16 was going to die. He was dying slowly, then this
17 whole different story; I'm not going to go through it
18 again. Just one more.

19 Ladies and gentlemen, why does she keep having to
20 change her story? Because none of them work. None of
21 them do anything but implicate them in the death of
22 this child. Why did Antonio Guinyard get up here and
23 start saying, "I was kicked out of house. I was
24 kicked out of the house. I was kicked out of the
25 house." Because his story didn't work.

1 "Antonio's mama told me if I would take the
2 charge, I would get visits every weekend and she would
3 put money in my canteen."

4 Other calls, from January, multiple calls through
5 the spring. "We need to get the kids so we can get the
6 money. I'm going to sue DSS for \$3 million because
7 DSS never should have returned **Victim**."

8 February, "Going to free Antonio so he can get
9 the kids, get the money." Monday May 26th, "I want
10 the jury to find me guilty of unlawful conduct and let
11 me go on the homicide charge." She didn't know we
12 could get those.

13 Timeline, [REDACTED] 2009, **Victim** was born. By
14 June 19th almost exactly two months later, he is taken
15 into DSS custody after the incident which Princess
16 Hodges saw.

17 He then stays in DSS custody in foster care and
18 by March of 2012, he is potty trained. He is in
19 therapy. He has social adaptive skills. There is no
20 autism. He is ruled out for special needs programs
21 and he is big for his age. By April 6th that next
22 month, he is returned to Courtney and Antonio.

23 On September 11th, 2012, Dr. McCutcheon sees that
24 the child is regressing. This is the first time she
25 even sees him and knows that. She recommends follow

1 up appointments. He is not enrolled in Head Start.
2 He is not enrolled in any of the therapies that have
3 been recommended for him. Remember he had a special
4 condition as a child and needed to see, I believe, a
5 neurologist --- I don't remember what type of doctor
6 it was. None of the was done. She calls DSS.

7 February 21st photos of **Victim**'s back were taken
8 because at that point both Gladys, Crystal, whoever,
9 the sisters, Natalie at least, had all reported her to
10 DSS and DSS said get me proof. She gets proof.
11 Nobody believes her. Then remember the significant
12 time period of Easter, because remember pretty much
13 after Easter nobody really sees this child. There may
14 have been one or two occasions, but by Easter of 2013,
15 which is March 31st of 2013, **Victim** is pretty much in
16 isolation.

17 On April 5th, 2013, Ms. Metze takes the pictures
18 that Natalie has given her and goes to see Dr. Lofton.
19 She calls DSS. Richland County becomes involved.
20 They're told it's just a skin rash. She calls DSS
21 back and says, "No, it's still neglect, do something."
22 Within two months, **Victim** died of blunt force trauma.

23 Finally, text messages. May 16th of 2013, almost
24 exactly six weeks before. Do you remember that time
25 period about chronic abuse, sent to Antonio from

1 Courtney, "Come look at how this boy holding his hand.
2 Look, he's a RERE." That's what she calls him, a
3 RERE, a retard. And Antonio didn't know anything?

4 The next one, from her to Antonio, "I know,
5 right. They going to think that we keeping --- " and
6 this is on May 20th, okay. "I know, right. They
7 going to think that we keeping him away from around
8 other people because we beat him."

9 Neither one knew anything? Moving on, on the
10 same day a few minutes later back from Antonio to her,
11 "I'm so tired of dis fucking boy."

12 May 25th to Antonio from Courtney, "I love my
13 kids, just not that boy. That's the only one I wish I
14 could take back. I'm not sorry for having my
15 daughters and this baby. I'm pregnant."

16 On July 1st of 2013, **Victim** peed on the
17 floor, and that infuriated them, they had a newborn, a
18 good baby, they were bringing back.

19 When she walked in, did she start going
20 ballistic? Or when she walked in, is that when **Victim**
21 peed on the floor? How dare he. You saw the evidence
22 of how they tried to clean it up and it wouldn't come
23 up. The little RERE had done it again. Both of them
24 are there. Both of them are participating.

25 We don't have to show which one, show the final

1 blow. We don't even have to show that both of them
2 participated, although I submit we have.

3 At that point, they decided to teach him what
4 ended up being his final lesson. He didn't do it
5 anymore. And this, they blamed the sisters, called
6 them liars. They blamed **Girl Mi**. They blamed pretty
7 much anybody. because that's what they do.

8 Even when confronted by the photographs, he
9 didn't have any money to go anywhere and his
10 explanation was, oh, this was Courtney's tax money.
11 What tax money? She didn't work. She didn't pay
12 taxes.

13 How did the shirt get bloody? I don't know.
14 Blame **Girl Mi**. They counted on the fact it was their
15 child, so who cared. Even if they did beat him to
16 death, who would investigate.. Even if there was an
17 investigation, no one would ever really see the full
18 extent of how they mistreated **Victim**. They counted
19 on the fact that even if law enforcement did their job
20 and found out about what happened that no one would
21 care enough about **Victim**. He was just a retard, for
22 them to charge them with it. They counted on the fact
23 that even if they got charged, they just told a story,
24 just stuck to it. If they didn't just tell a story
25 and just kept changing it as the information evolved,

1 they counted on the fact that nobody would care about
2 this child.

3 They even had a tattoo. It was pretty much game
4 over for **Victim**. They counted on the fact that even
5 if her family members --- and he wouldn't beat them in
6 front of her family members. he reserved that for the
7 luxury of their own home, if they saw some of the
8 beatings, they wouldn't come to court and testify, and
9 they counted on the fact that even if they did
10 testify, as long as they just called everybody a liar,
11 who is going to believe them anyway? And they counted
12 on the fact that the records wouldn't show that much,
13 but they did. They counted on the fact that they just
14 said that you can't believe Crystal and pointed the
15 finger at each other. What's the jury going to do.
16 They counted on the fact that the jury wouldn't care.
17 He was just a little autistic retard.

18 Ladies and gentlemen, I submit they
19 miscalculated.

20 Crystal testified that in his last moments he
21 cried out, said, "Help me, Lord." You know, earlier
22 you heard the testimony how he would always cry out
23 for his dad, and the reason a four-year-old who is
24 being beaten doesn't cry out for their mother or for
25 their father is because those are the very demons that

1 are beating them. It won't do him any good. The only
2 person left available for him to cry out to is the
3 Lord to help him and maybe they did put him out of his
4 misery. Tell them it's not okay. Hold both of them
5 responsible for their choices, their acts, their
6 inhumane treatment of a little boy who went from this
7 to this. (indicating)

8 The system failed **Victim**. All we ask for is
9 justice.

10 THE COURT: Thank you. Ms. Campbell.

11 All right. Ladies and gentlemen, you have two
12 options at this point. Option number one is we're
13 going to take a break because my court reporter has
14 been going for over two hours nonstop. You can have a
15 short ten minute break, and I can come back and charge
16 you on the law and then you may begin deliberating at
17 the appropriate time when I tell you or we can take a
18 30 minutes break and you can eat lunch and then come
19 back and charge on the law.' I'll leave it up to your
20 decision. Mr. Foreman, if you want to talk among
21 yourselves. How ever you want to do it, I want to do
22 what's most convenient for you.

23 THE FOREMAN: Take the 30 minutes, Judge.

24 THE COURT: Okay. So what we're going to do is
25 take a 30 minute break. I assume their food is here;

1 can you check on that?

2 THE CLERK: It's here, yes.

3 THE COURT: It's here, okay. We're going to take
4 a 30 minute break. Let you eat your lunch. Stretch
5 your legs. Use the facilities whatever you need to.
6 When we come back in, I'll charge you on the law.
7 Keep an open mind, do not discuss the case. We'll see
8 you back at about 2:30. Everyone remain seated while
9 the jury is excused.

10 (WHEREUPON, the jury left the courtroom at
11 2:01 p.m.)

12 THE COURT: All right. Now listen, we're going
13 to start this jury charge at 2:30. During the jury
14 charge the door is locked. If you want to be in here
15 and hear it, you need to be in here before 2:30.
16 Otherwise, you will not be able to get in. Okay.
17 Thank you very much.

18 (WHEREUPON, a lunch break was taken.)

19 THE COURT: All right. Let's bring them in.
20 Please lock the back door.

21 THE BAILIFF: All jurors are present, Your Honor.

22 THE COURT: All right. Thank you very much,
23 Mr. Burgess.

24 JURY CHARGE

25 All right, ladies and gentlemen, we have reached

1 the point of the trial where it is my responsibility
2 to tell you what the law is in this state as it
3 pertains to this case. Let me give you this
4 admonition up front. These charges, we call them jury
5 charges, are written for one defendant, so if I do not
6 use the plural form, I'm not separating in between
7 defendants, but everything that applies to all the
8 parties in this case and both defendants, so if I have
9 missed a spot where I say defendant singularly, I mean
10 both defendants by that. That's just my warning to
11 you up front. There is nothing that especially
12 applies to one over the other, okay.

13 The indictments charged the defendants with
14 homicide by child abuse and unlawful conduct towards a
15 child. I remind you that the fact that these
16 defendants were arrested, charged, and indicted is not
17 evidence in this case and cannot be considered by you
18 as evidence of guilt in this case, nor does it create
19 any presumption or inference of guilt. These
20 documents are simply the formal written instruments
21 which contain the charges made against the defendants.
22 They are the formal documents by which these cases are
23 brought into this court.

24 Now, these indictments in this case allege
25 several different offenses against the defendants.

1 The charges are homicide by child abuse and unlawful
2 conduct towards a child. Each indictment charges a
3 separate and distinct offense. You must decide each
4 indictment separately on the evidence and the law
5 applicable to it uninfluenced by your decision on any
6 other indictment.

7 The defendants may be convicted or acquitted on
8 any or all of the offenses charged. You will be asked
9 to write a separate verdict of guilty or not guilty
10 for each indictment and for each defendant.

11 I charge you that there are two defendants in
12 this case, each of whom is charged with homicide by
13 child abuse and unlawful conduct towards a child. The
14 case of each defendant and the evidence and the law
15 concerning that defendant should be considered
16 separately and individually. Your verdict does not
17 have to be the same for both defendants. The fact
18 that you may find one defendant guilty or not guilty
19 should not control your verdict as to the other
20 defendant.

21 Where more than one person is charged with a
22 crime, if the evidence warrants it, you may convict
23 one and acquit the other or you may acquit both or you
24 may convict both. It will be depend on your view of
25 the testimony and the evidence. You must take each

1 defendant and consider the evidence as to that
2 defendant and my instructions on the law that I'm
3 giving you now. You will then write a separate
4 verdict of guilty or not guilty for each defendant and
5 for each charge.

6 Now, to these charges, both defendants have pled
7 not guilty to the indictments and that plea puts the
8 burden on the State to prove the defendants' guilt.

9 A person charged with committing a criminal
10 offense in South Carolina is never required to prove
11 himself or herself innocent. I charge you that it is
12 an important rule of law that the defendant in a
13 criminal trial no matter what the seriousness of the
14 charge may be will always be presumed to be innocent
15 of the crime for which the indictment was issued
16 unless guilt has been proven by evidence satisfying
17 you of that guilt beyond a reasonable doubt.

18 This presumption of innocence does not end when
19 you begin deliberations, but it accompanies the
20 defendants throughout the trial until you reach a
21 verdict of guilt based upon evidence satisfying you of
22 that guilt beyond a reasonable doubt.

23 The presumption of innocence is like a robe of
24 righteousness placed about the shoulders of the
25 defendants, which remains with the defendants until it

1 has been stripped from the defendants by evidence
2 satisfying you of the defendants' guilt beyond a
3 reasonable doubt.

4 The presumption of innocence is not a mere legal
5 theory. It is not just a legal phrase. It is a
6 substantial right to which every defendant is entitled
7 unless you the jury are satisfied from the evidence of
8 the defendants' guilt beyond a reasonable doubt. The
9 State has the burden of proving the defendants guilty
10 beyond a reasonable doubt.

11 Some of you may have served as jurors in civil
12 cases where you were told that it is only necessary to
13 prove that a fact is more likely true than not true,
14 such as by the greater weight or the preponderance of
15 the evidence.

16 In criminal cases, the State's proof must be more
17 powerful than that. It must be beyond a reasonable
18 doubt.

19 Proof beyond a reasonable doubt is proof that
20 leaves you firmly convinced of the defendants' guilt.
21 There are very few things in this world that we know
22 with absolutely certainty and in criminal cases, the
23 law does not require proof that overcomes every
24 possible doubt.

25 If based upon your consideration of the evidence,

1 you are firmly convinced that the defendant is guilty
2 of the crime charged, you must find the defendant
3 guilty. If on the other hand, you think there is a
4 real possibility that the defendant is not guilty, you
5 must give the benefit of the doubt and find him or her
6 not guilty --- him and/or her not guilty.

7 Now, I remind you that during this trial you and
8 I have many and certain duties to perform. As the
9 trial Judge, it was my responsibility to preside over
10 the trial of this case, and I also have the duty to
11 rule on the admissibility of the evidence offered
12 during this trial.

13 You are to consider only the competent evidence
14 before you. There was testimony that was ordered
15 stricken from the record in this case during this
16 trial. You must disregard that testimony. You are to
17 consider only the testimony which has been presented
18 from the witness stand, any exhibits which have been
19 made a part of the record, and any stipulations of the
20 lawyers.

21 I have the additional duty to tell you what the
22 law is as it is applicable to this case. As the
23 presiding judge, I am the sole judge of the law on
24 this case. It is your duty as jurors to accept and to
25 apply this law as I give it to you.

1 If you already have an idea as to what the law is
2 or what the law should be and it does not agree with
3 what I now tell you the law is, you must abandon your
4 own idea because you are sworn to accept the law and
5 apply the law exactly as I give it to you.

6 In every case tried in this court before a jury,
7 the jury becomes the sole and exclusive judge of the
8 facts in any case. A trial judge cannot state,
9 comment on, or make my statement to a trial jury
10 about the facts of a case. Since you the jury are the
11 sole judge of the facts in of this case, you are not
12 to infer from what I have said during the progress of
13 this trial, in ruling upon the admissibility of
14 evidence or otherwise or anything that I say now
15 during the course of this instruction to you, that I
16 have any opinion about the facts in this case.

17 The law does not allow me to have an opinion
18 about the facts. This is a matter solêly for you to
19 determine. As jurors, it is your duty to determine
20 the effect, the value, the weight and the truth of the
21 evidence presented during this trial.

22 Now, the evidence from which you are to decide
23 what the facts are consist of the sworn testimony of
24 the witnesses, both on direct and cross-examination,
25 regardless of who called the witness, the exhibits

1 that have been received into evidence, and any facts
2 in which the lawyers have all agreed or stipulated or
3 that I have instructed you to find.

4 Certain things are not evidence and you may not
5 consider them in deciding what the facts are. The
6 arguments and the statements of the lawyers are not
7 evidence. The lawyers are not witnesses. What they
8 have said in their opening statements or closing
9 arguments and at other times is intended to help you
10 interpret the evidence, but it is not evidence. If
11 the facts as you remember them differ from what the
12 lawyers have said, your memory controls. The
13 questions and the objections by the lawyers are not
14 evidence. Attorneys have a duty to their clients to
15 object when they believe a question is improper under
16 the Rules of Evidence. You should not be influenced
17 by the objection or by my ruling on the objection.

18 Any testimony that has been excluded or stricken
19 or that you have been instructed to disregard is not
20 evidence and must not be considered.

21 Anything that you may have seen or heard when the
22 court was not in session is not evidence. You are to
23 decide the case solely on the evidence that came in in
24 this courtroom.

25 There are two types of evidence which are

1 generally presented: direct and circumstantial.
2 Direct evidence is the testimony of a person who
3 claims to have actual knowledge of a fact, such as an
4 eyewitness. It is evidence which immediately
5 establishes the fact to be proved.

6 Circumstantial evidence is proof of a chain of
7 facts and circumstances indicating the existence of a
8 fact. It is evidence which immediately establishes
9 collateral facts from which the main fact may be
10 inferred.

11 Circumstantial evidence is based on inference and
12 not on personal knowledge or observation. The best
13 example I can give you of circumstantial evidence is
14 this. Remember back a few months ago to January when
15 it was cold. You went to bed at night. Say you went
16 to bed at 10:00 o'clock and you looked out across your
17 front lawn. There was no rain, there was no snow, and
18 your front yard was brown because we were in the
19 middle of winter. You woke up the next morning and
20 your front yard was covered in snow. Okay. Now, did
21 you see it snow? No, it snowed while you were asleep.
22 Did you hear it snow? No. But when you looked
23 outside in the front yard the next morning, your front
24 yard was covered with snow, you could infer it snowed
25 during the night. That's the best example I have to

1 give you of circumstantial evidence. Now, the law
2 makes no distinction between the weight or the value
3 to be given to either direct or circumstantial
4 evidence. Nor is a greater degree of certainty
5 required of circumstantial evidence than of direct
6 evidence.

7 You should weigh all of the evidence in the case.
8 After weighing all the evidence, if you are not
9 convinced of the guilt of the defendant beyond a
10 reasonable doubt, you must find the defendant not
11 guilty.

12 Necessarily, you must determine the credibility
13 of the witnesses who have testified in this case.
14 Credibility is just a big word for believability. It
15 becomes your duty as jurors to analyze and to evaluate
16 the evidence and determine which evidence convinces
17 you of its truth.

18 In determining the believability of the witnesses
19 who is have testified in this case, you may believe
20 one witness over several or several over one. You may
21 believe a part of what a witness says, some of what a
22 witness says, all of what a witness says, or none of
23 what a witness says. You may consider whether any
24 witness has exhibited to you any interest, bias,
25 prejudice or other motive in this case. You may also

1 consider the appearance and the manner or the demeanor
2 of a witness while on the witness stand.

3 Now, the Rules of Evidence do not ordinarily
4 permit witnesses to testify to opinions or
5 conclusions. An exception to this rule exists for
6 someone that we call an expert witness, a witness who
7 by their education and experience has become an expert
8 in some art, science, profession or some calling, and
9 that witness is allowed to state an opinion as to
10 relevant and material matters in which the witness
11 claims to be an expert and may also state the reasons
12 for their opinions. You should consider any expert
13 opinion received in evidence in this case and like any
14 other evidence give it the weight you believe it
15 deserves.

16 If you decide that the opinion of an expert
17 witness is not based on sufficient education or
18 experience or if you conclude that the reasons given
19 in support of the opinion are not sound or that the
20 opinion is outweighed by other evidence, you may
21 disregard the opinion entirely.

22 An expert witness's testimony is to be given no
23 greater weight than that of other witnesses simply
24 because the witness is an expert.

25 Further, you are not required to accept an

1 expert's opinion even though it is not contradicted.
2 Now, in order to establish criminal liability,
3 criminal intent is required. For example, the mental
4 state required to be proven by the State for a
5 particular crime might be purpose, intent, knowledge,
6 recklessness or criminal negligence. These are
7 examples. Criminal intent must be proven by the State
8 beyond a reasonable doubt.

9 Criminal intent is always a matter that must be
10 determined by the jury from the circumstances
11 surrounding the situation. There is no way to prove
12 intent to a mathematical certainty.

13 There is no way medical science can dissect a
14 person's brain and determine what that person had in
15 mind, so the law says that criminal intent may be
16 inferred from the circumstances that existed.

17 This is how you make a determination of whether
18 or not the element that requires intent was present.
19 It is not necessary to establish intent by direct and
20 positive evidence. but intent may be established by
21 inference in the same way as any other fact by taking
22 into consideration the acts of the parties and all the
23 facts and circumstances of the case.

24 Criminal intent is a mental state, a conscious
25 wrongdoing. It is up to you to determine what the

1 defendant intended to do based on the circumstances
2 that existed.

3 Criminal intent can arise from action or a
4 failure to act. It may arise from negligence,
5 recklessness or indifference to duty or consequences
6 that are considered by the law to be the equivalent of
7 criminal intent.

8 Now, the defendants have presented evidence of
9 his and/or her good reputation and character to show
10 that it would be inconsistent with the defendant
11 committing the crime. The weight you give that
12 testimony, like all other testimony in this case, is
13 for you to decide in your good judgment.

14 You may consider testimony of the defendant's
15 good character along with all the other evidence in
16 deciding whether or not the defendant committed the
17 crime.

18 Mere presence at the scene is not sufficient to
19 prove someone guilty of a crime. A defendant's
20 presence where a crime is being committed or mere
21 association with a person who commits a crime does not
22 make a defendant an accomplice or aider and abettor of
23 the person committing the crime.

24 The burden is on the State to prove every element
25 of the crime charged.

1 Voluntary intoxication is not a defense to a
2 crime. A person who voluntarily becomes intoxicated
3 is just as responsible for the acts committed while
4 intoxicated as when the person is not intoxicated.

5 A statement alleged to have been made by the
6 defendant has been admitted into evidence in this
7 case. While the court has determined that the
8 statement is admissible, I instruct you that you make
9 the ultimate addition of whether or not the defendant
10 made the statement.

11 If the defendant did make the statement, you must
12 determine whether the statement was made by the
13 defendant voluntarily and of his or her own free will.

14 This means that the statement was not caused by
15 pressure, force, fear, threats, coercion, or
16 intimidation or by a hope or a promise of leniency or
17 a reward of any kind.

18 In determining whether the statement was
19 voluntary, you should consider both the
20 characteristics of the defendant and the details of
21 the questioning. Some of the factors that you may
22 consider or you must consider, excuse me, are the age
23 of defendant, the education or lack of education, the
24 mental ability or capacity of the defendant, the
25 defendant's IQ or intelligence, the defendants'

1 background and environment, the place and the length
2 of the detention, the nature of the questioning and
3 the advice or lack thereof to the defendant of his or
4 her constitutional rights, including but not limited
5 to the right to remain silent; that any statement
6 could be used against him or her in a court of law,
7 the right to have the lawyer present; that if he or
8 she could not afford a lawyer, a lawyer would be
9 appointed to represent him or her without any cost and
10 that he or she could stop making a statement at any
11 time.

12 You must carefully consider all the surrounding
13 circumstances before you give any weight to an alleged
14 statement. The State has the burden of proving beyond
15 a reasonable doubt that the alleged statement was
16 voluntarily. If you determine it was, you may give
17 the statement any further consideration you deem
18 proper. You must decide what weight, if any, should
19 be given to the alleged statement.

20 If you determine the alleged statement was not
21 the free and voluntary statement of the defendant, you
22 should not consider it at all.

23 The mother and the father, according to the law
24 of South Carolina, are the joint natural guardians of
25 their minor children and are equally charged with the

1 welfare and education of their minor children and the
2 care and management of the estates of their minor
3 children, and the mother and father have equal power,
4 rights, and duties and neither parent has any right
5 paramount to the right of the other concerning the
6 custody of the minor or the control of the services or
7 the earnings of the minor or any other matter
8 affecting the minor.

9 Each parent, whether the custodial or non-
10 custodial parent of the child, has equal access and
11 the same right obtain all educational records, medical
12 records, and the right to participate in their
13 children's school activities unless prohibited by a
14 court order.

15 The defendants are charged with homicide by child
16 abuse. The elements of --- I'm now going to go into
17 the elements of homicide by child abuse. The State
18 must prove beyond a reasonable doubt that the
19 defendants caused the death of a child under the age
20 of 11 while committing child abuse or neglect and that
21 death occurred under circumstances manifesting an
22 extreme indifference to human life. Child abuse or
23 neglect is a knowing act or knowing failure to act
24 that causes harm to the child's physical health or
25 welfare.

1 Harm to the child's physical health or welfare
2 means that the defendant either, Number 1: Inflicted
3 or allowed to be inflicted on the child physical
4 injury; Number 2: Failed to supply the child with
5 adequate food, clothing, shelter, or healthcare and
6 this failure caused a physical injury or condition
7 which caused death, or Number 3: Abandoned the child
8 causing the child's death.

9 The State must also prove criminal intent beyond
10 a reasonable doubt. Criminal intent is always a
11 matter that must be determined by the jury from the
12 circumstances surrounding the situation. Again, there
13 is no way to prove intent to a mathematical certainty.
14 The law says that criminal intent may be inferred from
15 the circumstances shown to have existed. It is not
16 necessary to establish intent by direct and positive
17 evidence, but intent may be established by inference
18 in the same way as any other fact by taking into
19 consideration the acts of the parties and all the
20 facts and circumstances of the case.

21 It is up to you to determine what the defendant
22 intended to do based on the circumstances shown to
23 have existed. Criminal intent can arise from an
24 action or a failure to act. The State must also prove
25 beyond a reasonable doubt that the death occurred

1 under circumstances showing an extreme indifference to
2 human life.

3 Extreme indifference is in the nature of a
4 culpable mental state and therefore is akin to intent.
5 In this state, indifference in the context of criminal
6 statutes has been compared to the conscious act of
7 disregarding a risk which a person's conduct has
8 created or a failure to exercise ordinary or due care.
9 Extreme indifference has been defined as a mental
10 state akin to intent characterized by a deliberate act
11 culminating in death.

12 The second charge before you is unlawful conduct
13 towards a child. I am now going to go over the
14 elements of this charge.

15 The defendants are charged with unlawful conduct
16 towards a child. The State must prove beyond a
17 reasonable doubt that the defendants had charge or
18 custody of a child or the parents or guardians of a
19 child or were responsible for the welfare of a child
20 and placed the child at an unreasonable risk of harm,
21 affecting the child's life, physical or mental health
22 or safety, did cause or cause to be done unlawfully or
23 maliciously any bodily harm to the child so that the
24 life or the health of the child was in danger or
25 likely to be in danger or willfully abandon the child.

1 The final part of my instruction to you is going
2 to cover some rules for your deliberations. Let me go
3 over just a few of them with you. You do not serve as
4 jurors to be partisans or advocates for either side.
5 You were chosen because both sides, or in this case,
6 all three sides believe that you could be fair and
7 impartial and decide the case solely on the evidence
8 without any bias or prejudice. That means that you
9 are to use your experiences in life, your good common
10 sense, and your sense of logic and reason. You bring
11 those things to bear on what you have heard in the
12 courtroom and once you do that, you will be able to
13 determine the truth of this case. Once you have
14 decided the truth, you take the truth and you apply it
15 to the law that I have given you. When you have done
16 that, you will be able to reach a verdict that will
17 speak the truth of this case.

18 Let say something to you about your
19 deliberations. Deliberation is defined as careful
20 consideration weighing up with a view to decision.

21 The genius of our jury system is that it allows
22 12 good men and women from 12 different backgrounds,
23 life experiences, and perspectives to consider the
24 evidence, talk about it, and reach a verdict. We call
25 them deliberations for a reason. You are to consider

1 the evidence in this case carefully and deliberately,
2 and discuss it in a calm, thorough and courteous
3 manner. Remember, you are not a partisan or an
4 advocate for either side, favoring one side or the
5 other. You are a judge, you are the judge of the
6 facts. Your sole interest is to find the truth from
7 the evidence that you have heard in this courtroom.

8 Listen to the views of all of your fellow jurors.
9 Consider other people's points and points of view and
10 talk through and discuss the evidence. Remember if
11 you are doing something deliberately, you are not a
12 big hurry, and you should not be in a hurry here.
13 This case is very important to all sides and this is
14 their only day in court. When you retire to your jury
15 room, you should discuss the case with your fellow
16 jurors to reach an agreement if you can. Your verdict
17 must be unanimous.

18 Each of you must decide the case for yourself,
19 but you should do so only after you have impartially
20 considered all the evidence, discussed it fully with
21 each other, and listened to the views of your fellow
22 jurors. Do not be afraid to change your opinion if
23 the discussion persuades you to, but do not come to a
24 decision simply because the other jurors think that it
25 is right.

1 It is important that you attempt to reach a
2 unanimous verdict, but, of course, only if each of you
3 can do so after having made your own decision. Do not
4 change an honest belief about the weight and effect of
5 the evidence simply to reach a verdict. In other
6 words, do not change your opinion solely for the sake
7 of reaching a unanimous verdict.

8 Now, there are eight possible verdicts in this
9 case. Mr. Foreman, I'm going to give you these
10 verdict forms and explain them to you. As I've told
11 you before, you must consider each defendant
12 separately and individually. You also must consider
13 each charge for each defendant separately and
14 individually.

15 So I have a verdict form for Mr. Guinyard, and I
16 a verdict form for Ms. Thompson. They have each
17 charge listed on them, and then it has Not Guilty and
18 Guilty as to each charge. Now, there is absolutely no
19 significance in the order that I put Not Guilty and
20 Guilty. I have to put it some way, so that's just the
21 way that I always do it.

22 You are to consider each defendant. This is many
23 Guinyard's with his name on the top. This is
24 Ms. Thompson's with her name on the top, separately
25 and individually and each charge separately and

1 individually. Your verdict must be unanimous. Then,
2 Mr. Foreman, you will be required to sign and date it.

3 Okay. Now, just a few other housekeeping
4 matters. Number one, I do not ever need to know the
5 count, okay. So if you need to communicate with me,
6 Mr. Foreman, you need to do so in writing, but at no
7 point during that do you ever need to tell me what the
8 count is, okay. Your count is for you to keep amongst
9 yourselves and the court does not need to be aware of
10 that, okay.

11 Second thing, there have been audio recordings
12 played and videos played. If you want a computer to
13 play these things or to watch the video, all you have
14 to do is let me know and I'll get you a device that
15 you can play that on. That's completely and totally
16 up to you. If you need it or you want it, send me a
17 note, and I'll send in a computer that will allow you
18 to either play anything that you have heard or watch
19 the video that was played for you this morning, either
20 one, okay.

21 Now, let me make sure I got everything. Okay.
22 Next rule, all twelve of you must be in the room to
23 deliberate. Okay. So if somebody needs to smoke or
24 somebody needs to make a phone call or somebody needs
25 to step out and get a breath of fresh air, the

1 deliberations must stop. So for deliberation to
2 occur, all twelve of you must be in the room together.

3 So, the last thing, your sign that you are
4 allowed to deliberate is when all of these exhibits
5 come back to you, okay. In just a moment I'm about to
6 release you. You're going to go back to your jury
7 room, and Mr. Foreman, you're going to take these with
8 you. You're still not going to be allowed to
9 deliberate, okay? When my alternate comes out and my
10 exhibits go in, that will all happen at the same time,
11 that will be your sign that you may begin
12 deliberations. If you need to communicate with me, do
13 so in writing and Mr. Tolbert, Mr. Burgess, they can
14 show you how to do that and explain to you.

15 Now, I have one more matter of law that I must
16 take up with the attorneys. Sometimes I forget to
17 tell you things that I'm supposed to, so they're going
18 to remind me if I do. If I need to tell you something
19 else, I will going to bring you back in. If not,
20 otherwise, do not discuss the case. Once my alternate
21 comes out and the exhibits go in, you can begin your
22 deliberations. Thank you very much. I appreciate
23 your attention.

24 (WHEREUPON, the jury left the courtroom at
25 3:05 p.m.)

1 Polis's testimony about the search on July 4th, it's
2 not up there. We haven't been able to find it so we
3 would withdraw that. I don't know ...

4 THE COURT: What is it?

5 MS. McDUFFIE: It's marked -- it would be
6 something that was done on July 4th, a picture of the
7 home --- of the search that was done on July 4th. If
8 it was marked at all, Your Honor. We're not sure that
9 it --- we would withdraw State's 199.

10 THE COURT REPORTER: According to my notes, it
11 was marked and it was entered, but it's not up here.

12 MR. LI: It was just a picture?

13 MS. McDUFFIE: (Nods in the affirmative.)

14 MS. PINNOCK: No objection.

15 MR. LI: No objection.

16 (WHEREUPON, State's Exhibit Number 199 was
17 withdrawn.)

18 MS. PINNOCK: Your Honor, for the record for Ms.
19 Thompson, I would again, since all the evidence is in,
20 I would renew all of previous motions and objections,
21 especially our motion for a mistrial based on the
22 defense presented by Mr. Li that violated
23 Ms. Thompson's right to a fair trial and due process,
24 and I would renew all our motions and objections at
25 this point.

1 THE COURT: All right. Very well.

2 MR. LI: Your Honor, we do the same.

3 THE COURT: All those motions and objections and
4 my rulings are the same based upon my previous
5 explanations.

6 THE COURT: All right.

7 MS. PINNOCK: And one more thing Judge, I'm
8 sorry, the phone records. We didn't think those were
9 going back because they were substituted.

10 MS. McDUFFIE: Your Honor, the large stack is
11 not.

12 THE COURT: All right. Make sure the exhibits
13 are right.

14 MS. PINNOCK: All right. Thank you.

15 THE COURT: Make sure my alternate gets pulled
16 when the exhibits go in.

17 THE BAILIFF: Yes, sir.

18 (WHEREUPON, the jury began deliberations at
19 3:13 p.m.)

20 (WHEREUPON, the jury sent out a note at
21 3:31 p.m.)

22 (WHEREUPON, Court's Exhibit Number 11 was marked
23 for identification only.)

24 THE COURT: All right. We're on the record.
25 Everybody is present. We have received a note, which

1 is marked as Court's Exhibit number 11. They either
2 want a transcript of the April 20th call from the
3 jail. They want a transcript of that, a transcript of
4 the 911 call or a court reporter transcript, none of
5 which are available, or it says a CD player to listen
6 to the call and the 911 call, so do we have some
7 device we can provide for them to listen to that on?
8 Okay.

9 Any objection to that, Mr. Li?

10 MR. LI: No, Your Honor.

11 THE COURT: Ms. Pinnock?

12 MS. CAMPBELL: No, sir.

13 THE COURT: Okay. Very well. Give it to one of
14 the bailiffs. We'll let you know.

15 MR. LI: Your Honor, it's the family court
16 transcript --- is that on there?

17 THE COURT: No, that's not on there.

18 MR. LI: They didn't ask for that?

19 THE COURT: No. It says, "Can we have a
20 transcript of the April 20th call?"

21 MR. LI: Right.

22 THE COURT: Of course, there isn't one, number
23 one. "Number two, can we have a transcript of the 911
24 call," which there isn't one that's been admitted into
25 evidence.

1 you will need to exit the courtroom now.

2 If there is any type of outburst or any other
3 issues that I deem to be inappropriate, more than
4 likely, you're going to be taken into custody. So
5 this is a courtroom. This is a very important case
6 for everybody involved.

7 If you're going to stay in here, you need to
8 behave. If you can't, you will not offend anybody to
9 go wait in the hall, and somebody can let you know
10 what happened.

11 Okay. All right. Bring in the jury.

12 (WHEREUPON, the jury returned to open court with
13 a verdict at 4:37 p.m.)

14 THE BAILIFF: All jurors are accounted for, Your
15 Honor.

16 THE COURT: Thank you, Mr. Burgess.

17 VERDICT

18 THE COURT: Mr. Foreman, it was my understanding
19 you have a verdict; is that correct?

20 THE CLERK: Yes, sir, we do.

21 THE COURT: Is it unanimous?

22 THE FOREMAN: Yes, sir.

23 THE COURT: If you will hand the forms to Mr.
24 Burgess, and he will pass then to the clerk.

25 Mr. Burgess, thank you. Ms. Pendergrass, you may

1 publish.

2 THE CLERK: Indictment numbers 2013-GS-40-6520
3 and 6521, the State of South Carolina vs. Robert
4 Antonio Guinyard, we the jury by unanimous consent
5 find for the defendant, Robert Antonio Guinyard, as to
6 the charge of homicide by child abuse on indictment
7 2013-GS-40-6520, guilty. As to the charge of unlawful
8 conduct towards a child on indictment 2013-GS-40-6521,
9 guilty. This is signed foreperson, juror number 133,
10 May 28th, 2014.

11 Indictment numbers 2013-GS-40-6515 and 6522, the
12 State of South Carolina vs. Courtney Shante Thompson,
13 we the jury find for the defendant, Courtney Shante
14 Thompson, as to the charge of homicide by child abuse
15 on indictment 2013-GS-6515, guilty. As to the charge
16 of unlawful conduct towards a child on indictment
17 2013-GS-40-6522, guilty. This is signed foreperson,
18 juror number 133, May 28th, 2014. Mr. Foreman, are
19 these your verdicts and the verdicts of the entire
20 jury?

21 THE FOREMAN: They are.

22 THE COURT: Anybody request that the jury be
23 polled?

24 MR. LI: Yes, sir.

25 MS. PINNOCK: Yes, sir.

1 THE COURT: Okay, ladies and gentlemen, you're
2 going to be asked two questions. Your juror number is
3 going to be called out. The questions are: Are these
4 your verdicts and are these still your verdicts. You
5 need to respond out loud when your juror number is
6 called to Ms. Pendergrass's questions.

7 THE CLERK: Juror number 133, are these your
8 verdicts?

9 THE JUROR: Yes, they are.

10 THE CLERK: Are these still your verdicts?

11 THE JUROR: Yes, they are.

12 THE CLERK: Juror number 143, are these your
13 verdicts?

14 THE JUROR: Yes.

15 THE CLERK: Are these still your verdicts?

16 THE JUROR: Yes.

17 THE CLERK: Juror number 24, are these your
18 verdicts?

19 THE JUROR: Yes, they are.

20 THE CLERK: Are these still your verdicts?

21 THE JUROR: Yes, they are.

22 THE CLERK: Juror number 212, were these your
23 verdicts?

24 THE JUROR: Yes, they are.

25 THE CLERK: Are they still your verdicts?

1 THE JUROR: Yes, they are.

2 THE CLERK: Juror number 3, were these your
3 verdicts?

4 THE JUROR: Yes.

5 THE CLERK: Are these still your verdicts?

6 THE JUROR: Yes.

7 THE CLERK: Juror number 280, were these your
8 verdicts?

9 THE JUROR: Yes.

10 THE CLERK: Are these still your verdicts?

11 THE JUROR: Yes.

12 THE CLERK: Juror number 139, were these your
13 verdicts?

14 THE JUROR: Yes.

15 THE CLERK: Are these still your verdicts?

16 THE JUROR: Yes.

17 THE CLERK: Juror number 289, were these your
18 verdicts?

19 THE JUROR: Yes.

20 THE CLERK: Are these still your verdicts?

21 THE JUROR: Yes.

22 THE CLERK: Juror number 234, were these your
23 verdicts?

24 THE JUROR: Yes.

25 THE CLERK: Are they still your verdicts?

1 THE JUROR: Yes.

2 THE CLERK: Juror number 302, were these your
3 verdicts?

4 THE JUROR: Yes, they are.

5 THE CLERK: Are these still your verdicts?

6 THE JUROR: Yes.

7 THE CLERK: Juror number 295, were these your
8 verdicts?

9 THE JUROR: Yes.

10 THE CLERK: Are they still your verdicts?

11 THE JUROR: Yes.

12 THE CLERK: Juror number 279, were these your
13 verdicts?

14 THE JUROR: Yes.

15 THE CLERK: Are they still your verdicts?

16 THE JUROR: Yes.

17 THE CLERK: The jury has been polled, Your Honor.

18 THE COURT: Thank you, ma'am. Anything further
19 from the State before I release the jury?

20 MS. McDUFFIE: No, Your Honor.

21 THE COURT: Mr. Li?

22 MR. LI: No, Your Honor.

23 MS. PINNOCK: No, Your Honor.

24 THE COURT: All right. Ladies and gentlemen, I'm
25 going to give you one final instruction and then I'm

1 going to send you back to your jury room. The clerk's
2 office will give you further instructions from there.

3 Let me say this to you. I know that I said this
4 to you at the beginning and I said this to you
5 throughout this week and last week. I want to thank
6 you sincerely for your service. Your service is
7 concluded and you have an exemption for the next three
8 years where you will not be required to serve in
9 circuit court if you do not wish to.

10 Now, sometimes after trials, lawyers want to
11 contact jurors about what they did right, what they
12 did wrong, what worked, what didn't work, things like
13 that. If you are contacted by a lawyer and you wish
14 to speak with the lawyer, you may. That is your
15 decision. If you are contacted by a lawyer or by a
16 party and you do not wish to speak with them about the
17 case just calmly say to them, I do not want to talk to
18 you about this. If anyone continues to harass you or
19 bother you in any way, shape or form, you pick up the
20 phone and you call Ms. McBride's office, the Clerk of
21 Court's office, and a circuit court judge will deal
22 with that very fast, immediately, and we will resolve
23 that issue quickly. You have a right not to be
24 harassed concerning this matter. However, you are now
25 free to discuss the matter with anybody that you want

1 to. Thank you very much. You may retire to your jury
2 room. We'll be right back with you.

3 Everyone remain seated why the jury is excused.

4 (WHEREUPON, the jury left the courtroom at
5 4:42 p.m.)

6 THE COURT: I'm going to go excuse the jurors,
7 and then we'll come back in for sentencing. Court is
8 in recess. You don't need to take the defendants out.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: All right. Is the State ready for
11 sentencing?

12 MS. CAMPBELL: The State is ready.

13 MR. LI: Your Honor, we would request to have
14 sentencing deferred to give him time to get things
15 together before ---

16 THE COURT: We're going forward today. Anything,
17 Ms. Pinnock?

18 MS. PINNOCK: I'm ready to go forward, but I need
19 to put some things on the record, Your Honor.

20 THE COURT: Okay. You can make your post-trial
21 motions.

22 MS. PINNOCK: Thank you, Your Honor. If it
23 please the Court, Your Honor.

24 At this point, I would renew all our previous
25 motions and objections. Specifically, Judge, I keep

1 coming back to my motion for a mistrial based on the
2 constitutional violation that Ms. Thompson suffered
3 from Mr. Guinyard presenting his defense. She has the
4 right to a fair trial; it's guaranteed to her under
5 the due process clause of the Constitution. Mr.
6 Guinyard also had the right to put up a defense, and I
7 think in weighing the constitutional issues, one was
8 weighed more than the another. I do think her right
9 to a fair trial was violated based on the testimony,
10 the character testimony that was presented against
11 her, when we never made her character an issue.

12 I understand Your Honor's ruling. I respectfully
13 disagree with your ruling. I would renew my motion
14 for a mistrial based on that fact.

15 Your Honor, I would also ask for a mistrial based
16 on the brevity of deliberations. I think for seven
17 days of testimony, the jury was out for a little over
18 an hour, so I would ask for you to grant a mistrial
19 because of the brevity of the deliberations.

20 THE COURT: All right. Thank you very much.
21 Your motions are denied. Do you join in those
22 motions, Mr. Li?

23 MR. LI: We join in those motions, Your Honor.
24 Additionally we make a motion for a mistrial based on
25 the fact that we were not allowed to present a full

1 and complete defense. In the closing, Ms. Luck made a
2 reference to --- Ms. Campbell made reference to
3 Mr. Guinyard not being able to go to his mother's ---
4 to his own mother's house who would take him in.

5 Your Honor, I believe we had some evidence which
6 would have explained those kind of questions, but due
7 to the fact that we couldn't get into false police
8 reports, threats of police and prior violence between
9 them, Your Honor. We just make that motion and also
10 renew all other motions and objections previously made
11 during the trial.

12 THE COURT: Okay. That motion is denied. All
13 previous motions are the same and my rulings and
14 explanation are the same.

15 All right. Mr. Guinyard, please come forward for
16 sentencing.

17 All right. Anything from the State?

18 MS. CAMPBELL: Your Honor, as far as his prior
19 record, starting back in 2006, he was convicted of
20 unlawful carrying of a weapon, two counts of
21 disorderly conduct; 2010, disorderly conduct, simple
22 possession of marijuana; 2012, giving false
23 information to police, public drunkenness, littering,
24 disorderly conduct; 2013, trespassing two counts,
25 disorderly conduct, public drunkenness, trespass, and

1 public drunkenness.

2 That was the extent of his record, Your Honor.

3 THE COURT: All right. Any other testimony you
4 want me to hear from or consider in sentencing?.

5 MS. CAMPBELL: Your Honor, the only other thing,
6 pursuant to the statute, I believe is any prior
7 allegations of abuse. I would just note, and this was
8 excluded from going in front of the jury. However,
9 there are two --- this would be an applicable offense
10 against Ms. Thompson, not him, sorry.

11 THE COURT: All right. Mr. Li.

12 MR. LI: Thank you, Your Honor.

13 THE COURT: I need a sentencing sheet, please,
14 whoever has that.

15 Thank you. Mr. Li, I'll be happy to hear from
16 you.

17 MR. LI: Thank you, Your Honor. Mr. Guinyard is
18 28-year-old. He has a tenth grade education. He is
19 from Atlanta, Georgia. I believe you heard as much of
20 his character as I could tell you from the testimony
21 of the witnesses, Your Honor. I know there's some
22 people here in the courtroom that would like to speak
23 on Mr. Guinyard's behalf.

24 Your Honor, in terms of sentencing we understand
25 that this is a serious charge and it's a serious case,

1 but we'd ask that you look at the disparity between
2 the two defendants, Your Honor.

3 My client had no history of beating **Victim**
4 **[REDACTED]**. We respectfully disagree with the
5 jury's verdict. We understand it. I know his
6 mother --- his mother is in the courtroom, Your Honor,
7 and I know that Ms. Maria --- Ms. Maria Thompson would
8 like to say a few words.

9 THE COURT: All right. Ms. Guinyard, would you
10 like to speak?

11 THE MOTHER: Yes.

12 THE COURT: Would you stand up for me, please.
13 Your name is Patricia Guinyard; is that correct?

14 THE MOTHER: Yes, sir.

15 THE COURT: All right. I'll be more than happy
16 to hear from you, Ms. Guinyard.

17 THE MOTHER: I'm sorry that this happened to my
18 grandson, but my son is a good child. Your heart
19 can't tell you who to trust. He made some mistakes in
20 getting mixed up with the wrong woman, but he hadn't
21 done this and he loved his kids and he would never,
22 never do anything to harm his kids like anyone in this
23 matter, and I would appreciate it if you would take it
24 in your heart and in your mind to please give him, you
25 know --- he would not do this, please. He would not

1 do this. He would not do this.

2 (crying.)

3 THE COURT: Thank you, Ms. Guinyard.

4 MR. LI: And, Your Honor, I think his ---

5 THE COURT: Anybody else? I don't want anybody
6 to say they haven't been given the opportunity to
7 speak on Mr. Guinyard's behalf.

8 MR. LI: There are a few people here, Your Honor,
9 and I believe you heard from them on the witness stand
10 when they telling you ---

11 THE COURT: Ms. Guinyard, I know that you were
12 here throughout the majority of the trial, as much of
13 the trial as you could be and you have continued to
14 support your son and your grandson in this matter and
15 in a very difficult situation, and I understand that
16 and appreciate that. I thank you for being here. I'm
17 sure that your son does also. I taken note of that
18 and note of you participation and note of the things
19 that you did after the July 1st incident to continue
20 to care for the children, so thank you very much.

21 Is there anything you'd like to tell me,
22 Mr. Guinyard? You do not have to. You are not
23 required to, but you are welcome to if you would like
24 to?

25 DEFENDANT GUINYARD: Yes, yes, sir.

1 THE COURT: Okay. I'll be happy to hear from
2 you.

3 DEFENDANT GUINYARD: I'd like to first apologize
4 to my kids for not being there for the last ten
5 months. I'd also like to apologize to my mother and
6 my other --- my baby mother's family. I'm an innocent
7 man, and I'm sorry that this happened. I tried my
8 best to do what I could do. I just can't do nothing
9 about it, and I just ask you to have mercy on me, have
10 mercy on me in my sentence.

11 THE COURT: Okay. Anything further, Mr. Li?

12 MR. LI: No, Your Honor.

13 THE COURT: All right. You all have a seat for
14 just a second. Bring up Ms. Thompson, please.

15 All right. Ms. Campbell.

16 MS. CAMPBELL: May it please the Court, Your
17 Honor. As far as this defendant's prior record, she
18 does have a conviction for assault and battery of a
19 school employee back in 2002.

20 Your Honor, as far as any prior allegations of
21 abuse pursuant to the statute, she did have two older
22 children that were mentioned in this case, but not
23 what happened to them. I believe at least one of them
24 was placed in foster care. I know that she did not
25 have rights to either one of them. She gave up her

1 rights to the second oldest, the older girl, at the
2 same time that **Victim** was put back in her care. She
3 had been in foster care, as well or in the care of
4 another person at that point.

5 THE COURT: All right. Thank you. Ms. Pinnock?

6 MS. CAMPBELL: Thank you, Your Honor. If it
7 please the court. Your Honor, since it was brought
8 up, her older two children were removed from her house
9 because her house got shot at. Those were the
10 circumstances leading up to those children being
11 removed. It was nothing that they had accused Ms. ---
12 that they accused Courtney of doing.

13 Your Honor, Courtney is 25. You know, she
14 maintains her innocence to the homicide charge. She
15 understands the jury convicted her. She understands
16 what that means and she understands what steps we're
17 going to take after this, but she maintains her
18 innocence on the homicide charge. You know, she is a
19 mother of seven. To say she made mistakes when
20 dealing with **Victim** is an understatement.

21 Judge, I don't believe that she killed her son.
22 She knows that she didn't kill her son, so all we can
23 say as far as sentencing is we are asking you to
24 have --- show some mercy. She understands what the
25 what the ranges are. She understands what Your Honor

1 does have the ability to do. We're just asking that
2 you show some mercy.

3 THE COURT: Does anybody want to speak on her
4 behalf? I know some of her sisters are here. If you
5 want to speak, just stand up and you'll be given an
6 tunnel to address the court.

7 Yes, ma'am, tell me --- remind me of your name,
8 please.

9 THE SISTER: Maria Thompson.

10 THE COURT: Yes, ma'am, Ms. Thompson, I'll be
11 more than happy to hear from you.

12 THE SISTER: I just want everybody to know that
13 regardless of what was going on, it was wrong, but
14 Courtney is my baby sister, and I know --- I don't
15 need to look at that person. I remember the little
16 girl with the long pony tail, and I just know that
17 it's going to be different. She is a good person. I
18 just want to tell her that I love her.

19 (crying.)

20 THE COURT: Thank you, ma'am. Ms. Thompson, I
21 know that you and your sisters have --- and your
22 mother has been here throughout as much of the trial,
23 when the sequestration order wasn't in effect, as
24 possible, and I appreciate and understand the
25 difficult position that you and your family was in

1 during this trial. You lost a nephew, you referred to
2 Mr. Guinyard almost as a brother-in-law, to which you
3 all obviously cared about and had feelings for and
4 your sister also in this case, so I do understand that
5 and understand the difficult predicament of the
6 family.

7 The one request that I would make of both
8 families is that between these two individuals, there
9 are four remaining living children, and Ms. Thompson
10 has two other children besides that; is that correct,
11 Ms. Thompson?

12 DEFENDANT THOMPSON: Yes, sir.

13 THE COURT: Okay. And I ask that those children
14 not be left out there untaken care of. That's very
15 important.

16 All right, is there anything you'd like to tell
17 me, Ms. Thompson? You do not have to, but you're
18 perfectly welcome to if you would like to.

19 DEFENDANT THOMPSON: I just want to tell you,
20 Your Honor, that I did not kill my baby. I did not
21 take my baby's life. I didn't.

22 SENTENCING:

23 THE COURT: Thank you, ma'am.

24 All right. The sentences on Mr. Guinyard are
25 that he be committed to the State Department of

1 Corrections for a determinate term of life without
2 parole and ten years on the unlawful conduct of a
3 child. His sentences are to be run concurrent.

4 Ms. Thompson, she is sentenced to the State
5 Department of Corrections for life without parole and
6 ten years on the unlawful conduct towards a child.
7 They are to be run consecutive. Credit for time
8 served for time served, central registry of child
9 abuse and neglect.

10 Thank you very much.

11 (WHEREUPON, Court was adjourned.)

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STATE'S EXHIBITS

Statement
State of South Carolina
County of Richland

Personally appeared before me this 1 day of July, 2013, at 2145 hours, an officer duly and legally authorized to administer oaths in the above named county and state aforesaid, comes one Courtney Thompson (DOB 06-06-88) of 104 Beaverbrook Rd. Daytime telephone number 201-3734. Nighttime telephone number _____.

Who makes the following statement under oath to wit:

I went to Richland Memorial hospital on 06-29-13 because I was having a baby. I went there by ambulance. Achilles Guinyard was born at 4:17 am. I got out of the hospital this afternoon at around 1:30-2pm. I took a blue ribbon cab. When I got to the house the cab driver was honking the horn and Antonio would not come out. I got out of the cab with my baby and knocked on the door. Antonio answered and got my stuff out of the cab and paid the cab driver. I walked in the house. I opened the door to the play room where the incident happened at to put my baby in bed. The room smelt like piss. Antonio said that tok (Robert Antonio Guinyard Jr DOB 04-18-2009) had pissed in the room. Robert is autistic and he will pee and poop where ever. I asked Robert if he peed in the room. I had a smile on my face so that he would know that I was not mad at him. He said yea mamma. I asked him what was he doing and he said that he was bending down and was looking at the thing on the floor (camera) and he could not hold it and went. I asked him if he was gong to help me clean up and he said yes mamm. I put my baby in the bed and rolled the bed into my room. Robert was asking questions about the baby and wanted to know of that was the baby that was in my belly. I told him yes. I told Antonio to give me my medicine. We call cigarettes medicine so that the kids will not know that I smoke cigarettes. I went on the porch and smoked a cigarette and Antonio came out and smoked with me. I asked where Robert was and he said that he was in the room standing over the baby. We finished and came back in. Robert asked me if we were going to clean the pp up. I got the bottle of pine sole but there was no pine sole in it. I put some soap in it and some hot water and shook it up. I grabbed a rag and the bottle and we went in the room. Robert grabbed the pink soap (Dove). I poured the water around the piss stain. Robert started wiping the floor with his hand. I had a greenish faded rag (washcloth) that I was scrubbing the floor with. It still smelled like pee. I told Robert that it was not coming up. I left the rag on the floor. I had to pee and blood was running down my leg because I just had a baby. I told my son that I was going to get in the shower. He said that he wanted something to eat. I told him to give me a second and let me take a shower. He said yes mamm. He was in my room watching Tv. I don't remember what he was watching. Antonio was in the kitchen cooking. He was listening to music on his phone. He was cooking the rice and steak and I was going to make a salad when I got out of the shower. Antonio said that he was going to show the baby off around the neighborhood.

This statement was made in the presence of Investigator Holmes, WOOD of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

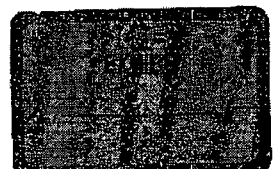
Sworn to and subscribed before me this 1 day of July, 2013.

Signed: Courtney Thompson

Witness: Patty Wood

Witness: _____

Mans H. V.
Notary Public for South Carolina
My commission expires 11/22/16



Statement
State of South Carolina
County of Richland

I was in the shower washing off and I heard a loud noise like a tumbling fall. I jumped out the shower immediately. I put my underwear back on that I just took off and put on the robe from the hospital. I checked my kitchen and no one was in the kitchen. I looked down the hall and walking to my room. I looked in my room and then I looked in the play room. He was on the floor near the spot where we had been cleaning up. His feet were toward the dresser. He was crunched up and his body was stiff. His butt was up in the air and he was on his kind on his head. It was an awkward position. He was biting his lip hard. It was bleeding really bad. I put my finger in his jaw and pried his mouth open a little but and pried his lip from his teeth. I did not know what was going on. When I popped his lip out from his teeth to keep him from biting it off he went flat on me. He just dropped. I screamed for Antonio and I screamed again. I wiggled his jaw and was calling him. He was not responding. I called Antonio I picked Robert up like he was a baby and took him to the front room (living room). Blood was coming from his lip. I had blood on my hand and went to my room to get my phone off the floor. I called 911. They told me how to do CPR. I did what he told me. I did it several times where I was pushing on his chest, breathing into his mouth and kept doing everything he told me to do until an ambulance got there. When they got there they put something on his chest and they did not do nothing. They just said that he was gone.

Q. Do you have anything to do with Robert's death?

R. No.

Q. Where you mad with your son today?

R. No. He is artistic. You can not get mad with an autistic child.

Q. Where you mad because he peed in the room?

R. No

Q. Have you abused your son Robert?

R. No.

Q. Have you not fed Robert because of his going to the bathroom problem?

R. No. It was not an everyday thing.

Q. What can you tell me about the injury to his Right arm?

R. His sister (Mi'Angel Guinyard 3 yo) had cut him with something while I was in the hospital. He said one time his sister did and another time he said a nail did it.

This statement was made in the presence of Investigator Holmes, Wood of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me
this 1 day of July 2013.

Signed: Courtney Thompson

Witness: Patty Wood

Witness: _____

[Signature]
Notary Public for South Carolina
My commission expires 1/22/16

Statement
State of South Carolina
County of Richland

- Q. What can you tell me about the finger nail marks on your son, Robert?
R. That is from his sister she scratches him.
- Q. What do you know about the bite marks on his back?
R. That is from his sister. He bit her and she bit him back. This was probably about two weeks ago.
- Q. What involvement has DSS had with your family and why?
R. A lady named Angie would not bring Madison Guinyard (2yo) back. I did a police report. The police came to my house several times. I have several case numbers. The police came and have taken photos of my kids from head to toe. Angie and her family would call because they wanted Madison. Angie is the mother of a guy I had slept with.

Another time I had Robert in a car seat and he was strapped in. I got mad at something with my oldest daughter. We were court and I slammed the doors open and they took Robert because they said that he almost fell out. I did everything they asked me to do and I did so that I could get Robert back.

- Q. What are the names and ages of all your kids?
R. Zuri Medlock is (girl) 7yo, Jalil Medlock (boy 6yo), Robert Guinyard (boy 4 yo), Mi'angel Guinyard 3yo girl, Madison Guinyard 2yo girl, Zamariah Guinyard 1yo, and my newborn Achilles Guinyard.
- Q. Is there anything about Robert's death that you have not told me about?
R. No.

This statement was made in the presence of Investigator WALDOFF, P. WARD of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me
this 1 day of July 2011.

Signed: Cantana Thompson

Witness: Patty Wood

Witness: _____

2
Notary Public for South Carolina
My commission expires 11/21/16.

Q: Why did you wait 4 to 5 minute before you went to go see what the boom was?

A: I was not sure what was wrong. I had to turn the stove and radio off. By the time i did that courtney was coming out the hallway with robert.

Q: What did you do when the police showed up at the house?

A: I did not know what to do so i got my new born baby and went into the closet to protect him because i did not want to take her away.

Q: Why did you think that they were going to take your baby away?

A: because when there are accidents like that they usually take babies away.

Q: How many beers did you have earlier in the day?

A: just one 24ounce beer around 8 or 9 this morning.

Q: Was anyone in the room with Robert?

A: I don't know

Q: What was Robert doing earlier in the day?

A: He got up and we watched TV. He was in his room playing and i went and played with him too. About an hour before the boom he came out and asked for a glass of water and i gave it to him.

Q: Where was Robert when you went to the store?

A: He was asleep at the house.

Q: What did Courney do when she came home?

A: She came in house said she was hurting. She sit down and we taked about her giving birth. She was walking around a straightening up and clean up a mess Robert made in the backroom where he peed on the floor, while i played with the baby. I went into the kitchen and she told me she was going to go take a shower.

Q: When the abulance came was Robert still breathing?

A: I don't know because i was in the closet with my baby by then.

Q: Did you and courtney get in any argument today?

A: Earlier around 9 o'clock she got mad at me over the phone about buying the beer but when she got home everything was cool.

Q: Did Robert do anything today to make you or courtney mad?

A: His mom got mad at him for peeing on the floor but she was not too mad. She just did not want to put the knew baby in the room with it smelling like that.

Q: Did Robert and the new baby get along?

A: yea he liked the new baby.

RG

RG

This statement was made in the presence of MV. Laurita of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. I do swear and affirm that the above statements are the truth, the whole truth, and nothing but the truth.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 20____

My commission expires: _____

SIGNED: [Signature]

WITNESS: [Signature]

RICHLAND COUNTY SHERIFF'S DEPARTMENT

INTERROGATION: ADVICE OF RIGHTS

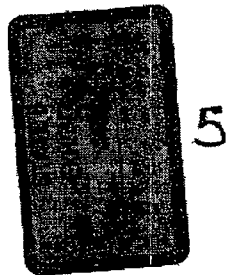
NAME: Courtney Thompson PLACE: 5623 Two Notch Rd

OFFICER(S): Holderf, Wagner

DATE: 7-2-13 TIME: 1645

YOUR RIGHTS

- Before we ask you any questions, you must understand your rights.
- You have the right to remain silent.
- Anything you say can be used against in court.
- You have the right to talk to a lawyer for advice before we ask you any questions, and to have a lawyer with you during any questioning.
- If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.



WITNESS: [Signature] SIGNED: Courtney Thompson

WITNESS: [Signature]

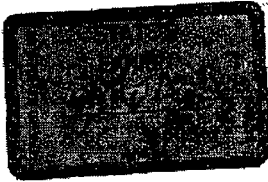
WAIVER OF RIGHTS

I have read this statement of my rights and understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me.

WITNESS: [Signature] SIGNED: Courtney Thompson

WITNESS: [Signature]

5623 TWO NOTCH ROAD, COLUMBIA, SC 29223
TELEPHONE: (803) 576-3000
WEBSITE: www.rcsd.net



6A

Statement of

Courtney Thompson
104 Beaverbrook Rd
Columbia SC 29229

Made at

Columbia, South Carolina, this 07-02-13, at 1927, in the presence of Inv. Holdorf, Capt Melton of the Richland County Sheriff's Department.

I, Courtney Thompson, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

Do make the following statement:

- Q. Courtney are there any changes that you would like to make to your previous statement?
- R. Yes. The first one was not the truth.
- Q. Why did you not tell the truth?
- R. I was scared that you were going to put my kids into foster homes and split them up.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: Capt. Melton

Signed: Courtney Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 2 pages and a true copy has been given to me this 2 day of July, 2013.

Sworn to and subscribed before me
This 2 day of July

Signed: Courtney Thompson

[Signature]
Notary Public for South Carolina
My commission expires 11/22/16

Q. What happened yesterday with your son Robert?

R. When I came home from the hospital, I walked in his bedroom and I saw my son laying on the floor naked in a pile of piss. I called his name and he was very weak. His eyes were barley open. I asked him what was wrong. He asked for some water.

I got him a cup of water in a green cup from the kitchen. Robert was drinking the water like he had not had water in days. I put the cup back in the kitchen and went in the living room and got him some clothes to put on. I got him some light gray jeans and a green shirt. Robert was so weak. His feet, legs, knee, but, and arms were swollen and kind of blue. Robert was just out of it. I got the bottle of pine sole and put some water and soap and poured it on the pee. Robert was on the floor and his head was down. I said that I would help him and I got on the floor to help. I was tired and my back hurt. I went to take a shower. I heard Robert crying like he was in pain and getting hit. I jumped out of the shower. Robert was stretched out on the floor in my room. I stood Robert up and he dropped to his knees. Robert was breathing funny. Robert fell to the floor. I asked him if he could get up and said yes. He stood up and I told him to sit down. Robert was walking down the hall and he collapsed after taking about three steps. Robert balled up and it looked like he was having a seizure.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: Capt. Melton

Signed: Courtney Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 2 day of July

Sworn to and subscribed before me
This 2 day of July 2013

Signed: Courtney Thompson

Travis H. K.
Notary Public for South Carolina
My commission expires 11/22/16

I picked my baby up and pried the lip out of his mouth. I carried him to the front room. I went to get my phone he was not breathing. I called 911 and told them that my son was not breathing. I talked Robert that morning at around 11 am and my son told me that he was beaten with a pole.

Q. Why did you get in the shower?

R. I was bleeding from having a baby.

Q. Have you hit your children before?

R. No. I don't hit them.

Q. Do you know what white stick Robert was talking about getting hit with?

R. No. The broom was already broken. The only white pole was and extra shower curtain rod in the hall closet.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: Capt. Melton

Signed: Courtney Strong

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 2 day of July

Sworn to and subscribed before me
This 2 day of July 2013

Signed: Courtney Strong

[Signature]
Notary Public for South Carolina
My commission expires 11/22/16

Q. How would you discipline your children?

R. I would turn the tv off

Q. What do you know about the cigarette burn on Robert's body?

R. I don't know about that.

Q. Is there anything that you have not told me about Robert's death?

R. No I have told you everything. When I got home I saw blood flecks on the walls in the play room. On the walls in the hall way and on my room door. There was blood on the closet door in my room and the door had a hole in the middle. There was blood in the carpet.

Q. Is there anything that you want to add or change about your statement?

R. No.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: Capt. Melton

Signed: Courtney Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 2 day of July 2013.

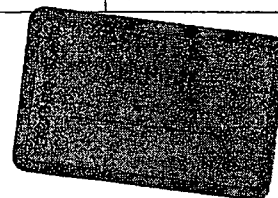
Sworn to and subscribed before me
This 2 day of July 2013

Signed: Courtney Thompson

[Signature]
Notary Public for South Carolina
My commission expires 11/27/16

PHONE RECORDS – COURTNEY THOMPSON

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/01/2013 4:03:09 AM	1-866-316-1029 FI	Chase Bank	0:55
In-Coming Call	07/01/2013 5:20:23 AM	803-497-3049 MaKayla	Nicole Thompson	40:20
In-Coming Call	07/01/2013 6:21:34 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:57
Out-Going Call	07/01/2013 6:28:31 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:32
In-Coming Call	07/01/2013 6:34:06 AM	803-297-3813 Sister Crystal	Crystal Thompson	0:27
Out-Going Call	07/01/2013 6:42:46 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:33
Out-Going Call	07/01/2013 6:44:31 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	1:18
In-Coming Call	07/01/2013 7:55:37 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	5:20
Out-Going Call	07/01/2013 8:01:15 AM	803-297-3813 Sister Crystal	Crystal Thompson	0:40
Out-Going Call	07/01/2013 9:24:45 AM	803-297-3813 Sister Crystal	Crystal Thompson	3:33
Out-Going Call	07/01/2013 11:04:43 AM	1-866-316-1029 FI	Chase Bank	0:48
In-Coming Call	07/01/2013 11:53:52 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	2:12
In-Coming Call	07/01/2013 11:58:44 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:07
In-Coming Call	07/01/2013 11:59:25 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:37
Out-Going Call	07/01/2013 12:10:45 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	3:30
Out-Going Call	07/01/2013 12:23:28 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	2:41
Out-Going Call	07/01/2013 12:26:14 PM	1-866-316-1029 FI	Chase Bank	3:04
Out-Going Call	07/01/2013 12:29:57 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	4:04
Out-Going Call	07/01/2013 12:43:27 PM	1-866-316-1029 FI	Chase Bank	0:04
Out-Going Call	07/01/2013 12:44:03 PM	1-866-316-1029 FI	Chase Bank	0:51
Out-Going Call	07/01/2013 12:46:30 PM	1-866-316-1029 FI	Chase Bank	0:12



TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/01/2013 12:46:30 PM	1-866-316-1029 FI	Chase Bank	0:56
Out-Going Call	07/01/2013 12:47:00 PM	1-866-316-1029 FI	Chase Bank	11:34
In-Coming Call	07/01/2013 1:03:12 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 1:05:02 PM	803-497-3049 MaKayla	Missed Call Nicole Thompson	0:00
Web History	07/01/2013 1:12:05 PM		http://www.google.com/search?q=social+security+number&action=devloc&safe=images&hl=en&gl=US&ie&v&source=mobilesearchapp-vs&channel=iss	
In-Coming Call	07/01/2013 1:12:46 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 1:14:03 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 1:17:54 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 1:23:42 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	3:06
Out-Going Call	07/01/2013 1:33:12 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:37
Out-Going Call	07/01/2013 1:33:55 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:28
Web History	07/01/2013 2:42:15 PM		http://www.google.com/search?q=my+purse&action=devloc&safe=images&hl=en&gl=US&ie&v&source=mobilesearchapp-vs&channel=iss	
Out-Going Call	07/01/2013 2:55:57 PM	803-434-2033	Palmetto Health Richland Birth Certificate Clerk	0:21
Web History	07/01/2013 3:05:48 PM		http://mobiledeals.com-mobile.mobi/36e729ec173b94133d8fa552e4029f8b/?i=97186da52161d4b0db10188798460a912b7&hi=0f72645d4fbc72a9f5822c367eff3d6f&h=a5bb29036b624ecf6d562c3d4dca446c&v=	
Web History	07/01/2013 3:05:48 PM		Auto Club	

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Web History	07/01/2013 3:05:48 PM		http://api.airpush.com/redirect.php?market=http://www.t60ttacker.com/?a=3qv2ro0&b=42q56fm&s1=C10&s2=xxxx&click=xxxx&phone=xxxx&apcd=cyJhcHBpZCI6MTMyMDc3LCJ3aWZpljoiMSlslnZlenNpb24iOiIljAilLCJwdXNoX2d1aWQiOiJhZWVmZjYwM2QzMmZINjYwZDcwNTZjNzk3MjlmYjU0MSlslmNvdW50cnkiOjEslmNhenJpZXliOjg4ODg4OCwiZGV2aWNlljoiMTAiLCJhcHBlaWQiOilxMTE0MDkiLCJwaG9uZUIvZGVsljoyMTMslm1hbnVmYWN0dXJleil6MjEslmNpdHkiOjAslN0YXRlljoxNjU2LCJpbWVpljoiYTQlZmMwZTM2MmVknZU2YWE3OWM5MTQzNTA5ZGNmOTgiLCJkZXZpY2VrdHlwZSI6IkFORFJPSURfMCIslmNhbxBhaWduaWQiOilxMDMxNTczliwiY3JlYXRpdmVpZCI6ljMxODk4MjllLCJlaWQiOilxNTEzMTEiLCJjdXliOiJvKzlxTE9PU0dwbHlXbFFROW5vUXF3eINtajA5M2JweFVfSE5nV2RocEtvPSlslmxwlljoiMjkwNTE3In0=	
Out-Going Call	07/01/2013 3:07:46 PM	803-434-2033	Palmetto Health Richland Birth Certificate Clerk	0:20
In-Coming Call	07/01/2013 3:16:15 PM	803-297-3813 Sister Crystal	Crystal Thompson	0:57
Out-Going Call	07/01/2013 3:36:13 PM	*86 Voicemail	Voicemail	0:37
Out-Going Call	07/01/2013 3:37:17 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:33
Out-Going Call	07/01/2013 3:37:55 PM	803-434-2033	Palmetto Health Richland Birth Certificate Clerk	0:00
Out-Going Call	07/01/2013 3:38:00 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:31
Out-Going Call	07/01/2013 3:38:37 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:25
Out-Going Call	07/01/2013 3:39:09 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:19

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/01/2013 3:39:34 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:37
In-Coming Call	07/01/2013 3:58:50 PM	803-297-3813 Sister Crystal	Crystal Thompson	7:48
In-Coming Call	07/01/2013 4:54:27 PM	803-807-9549 Mama House		0:00
Out-Going Call	07/01/2013 4:54:39 PM	803-754-8163	Blue Ribbon Taxi	1:28
Out-Going Call	07/01/2013 4:57:19 PM	803-434-7000 Richland Memorial Hospital	Richland Memorial Hospital	2:51
Out-Going Call	07/01/2013 5:01:02 PM	803-434-7000 Richland Memorial Hospital	Richland Memorial Hospital	0:54
In-Coming Call	07/01/2013 5:01:36 PM	803-391-2434 Kids Grandmother	Missed Call Patricia Guinyard	0:00
Out-Going Call	07/01/2013 5:02:03 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	0:05
Out-Going Call	07/01/2013 5:02:22 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	0:06
Out-Going Call	07/01/2013 5:02:49 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	1:37
Out-Going Call	07/01/2013 5:04:44 PM	803-807-3549 Mama House		1:43
Out-Going Call	07/01/2013 5:06:36 PM	803-754-8163	Blue Ribbon Taxi	0:35
In-Coming Call	07/01/2013 5:17:00 PM	803-297-3813 Sister Crystal	Crystal Thompson	0:40
Out-Going Call	07/01/2013 6:17:18 PM	*86 Voicemail	Voicemail	0:33
In-Coming Call	07/01/2013 6:23:18 PM	803-497-3049 MaKayla	Missed Call Nicole Thompson	0:00
In-Coming Call	07/01/2013 7:14:14 PM	803-807-9549 Mama House	Missed Call	0:00
Out-Going Call	07/01/2013 7:17:34 PM	803-497-3049 MaKayla	Nicole Thompson	0:34
Out-Going Call	07/01/2013 7:18:13 PM	803-807-9549 Mama House		27:50
In-Coming Call	07/01/2013 7:24:53 PM	803-497-3049 MaKayla	Missed Call Nicole Thompson	0:00
In-Coming Call	07/01/2013 8:03:35 PM	803-497-3049 MaKayla	Missed Call Nicole Thompson	0:00
In-Coming Call	07/01/2013 9:05:01 PM	803-297-3813 Sister Crystal	Crystal Thompson	2:11

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/01/2013 9:07:40 PM	803-497-3049 MaKayla	Nicole Thompson	0:20
Web History	07/01/2013 10:03:53 PM		http://www.google.com/search?q=when+a+child+have+a+seizures+what+to+do&action=devloc&safe=images&hl=en&gl=US&ie&v&source=mobilesearchapp-vs&channel=iss	
Web History	07/01/2013 10:04:11 PM		http://www.google.com/url?sa=t&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fwww.m.webmd.com%2Fa-to-z-guides%2Fnews%2F20000911%2Fwhat-to-do-if-your-child-has-seizure&ei=ufzRUYT5LY389gSkj4CYDg&usg=AFQjCNFHKW4pZ8nLAF9uUJU8grQ6eYNUQw	
Web History	07/01/2013 10:04:11 PM		http://www.m.webmd.com/a-to-z-guides/news/20000911/what-to-do-if-your-child-has-seizure	
Web History	07/01/2013 10:05:18 PM		http://www.google.com/url?sa=t&source=web&cd=2&ved=0CCAQFjAB&url=http%3A%2F%2Fwww.m.webmd.com%2Fa-to-z-guides%2Fwhat-to-do-during-a-seizure&ei=CP3RUeaflo_a9ASojYHwDQ&usg=AFQjCNGWPF8Qks07RUFKjUSDZ1KQZTzsNew	
Web History	07/01/2013 10:05:18 PM		http://www.m.webmd.com/a-to-z-guides/what-to-do-during-a-seizure	
Out-Going Call	07/01/2013 10:40:12 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:24
Out-Going Call	07/01/2013 10:40:53 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:24
Out-Going Call	07/01/2013 10:41:25 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:24
Out-Going Call	07/01/2013 10:41:59 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:25
Out-Going Call	07/01/2013 10:42:30 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:24
Out-Going Call	07/01/2013 10:43:00 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:26
Out-Going Call	07/01/2013 10:43:45 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:22
Out-Going Call	07/01/2013 10:48:24 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr	0:17

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/01/2013 10:48:47 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	2:04
Out-Going Call	07/01/2013 10:51:29 PM	803-457-6519 Ms. Angie	Angela Metze	0:15
Out-Going Call	07/01/2013 10:52:01 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:26
Out-Going Call	07/01/2013 10:52:41 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	0:29
Out-Going Call	07/01/2013 10:53:22 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:39
Out-Going Call	07/01/2013 10:54:15 PM	803-497-3049 MaKayla	Nicole Thompson	0:09
Out-Going Call	07/01/2013 10:54:45 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	1:32
Out-Going Call	07/01/2013 10:56:35 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	8:11
In-Coming Call	07/01/2013 11:05:29 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 11:06:05 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
Out-Going Call	07/01/2013 11:06:28 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	1:22
Out-Going Call	07/01/2013 11:15:00 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	3:08
Out-Going Call	07/01/2013 11:17:37 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	0:32
Out-Going Call	07/01/2013 11:18:23 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:31
In-Coming Call	07/01/2013 11:21:38 PM	803-391-2434 Kids Grandmother	Patricia Guinyard	0:58
In-Coming Call	07/01/2013 11:23:45 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:02
In-Coming Call	07/01/2013 11:26:30 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 11:32:59 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 11:48:15 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 11:49:17 PM	803-497-3049 MaKayla	Missed Call Nicole Thompson	0:00
In-Coming Call	07/01/2013 11:49:52 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 11:51:30 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
In-Coming Call	07/01/2013 11:55:15 PM	803-563-3109 Baby Daddy	Missed Call Robert Guinyard, Sr.	0:00
In-Coming Call	07/01/2013 11:58:40 PM	803-552-9345 Ms. Kim	Missed Call Kimberly Gooden	0:00
In-Coming Call	07/02/2013 12:07:12 AM	803-391-2434 Kids Grandmother	Missed Call Patricia Guinyard	0:00
In-Coming Call	07/02/2013 12:15:18 AM	803-297-3813 Sister Crystal	Missed Call Crystal Thompson	0:00
In-Coming Call	07/02/2013 12:18:49 AM	803-552-9345 Ms. Kim	Missed Call Kimberly Gooden	0:00
In-Coming Call	07/02/2013 12:19:29 AM	803-497-3049 MaKayla	Missed Call Nicole Thompson	0:00
In-Coming Call	07/02/2013 12:23:40 AM	803-743-6659	Missed Call	0:00
In-Coming Call	07/02/2013 12:54:38 AM	803-528-9950		0:00
In-Coming Call	07/02/2013 2:58:57 AM	803-544-9006	Missed Call	0:00
Out-Going Call	07/02/2013 3:24:51 AM	803-807-9549 Mama House		0:32
Out-Going Call	07/02/2013 3:25:29 AM	803-807-9549 Mama House		0:20
Out-Going Call	07/02/2013 3:25:52 AM	803-497-3049 MaKayla	Nicole Thompson	0:23
In-Coming Call	07/02/2013 3:26:37 AM	803-457-2882 Toya	Latoya Anderson	0:00
In-Coming Call	07/02/2013 3:28:09 AM	803-262-9886 Sister Melissa	Melissa Thompson	0:00
In-Coming Call	07/02/2013 3:29:16 AM	803-262-9886 Sister Melissa	Melissa Thompson	0:10
Out-Going Call	07/02/2013 3:55:14 AM	803-262-9886 Sister Melissa	Melissa Thompson	1:14
In-Coming Call	07/02/2013 3:57:10 AM	803-262-9886 Sister Melissa	Melissa Thompson	0:00
Out-Going Call	07/02/2013 3:57:50 AM	803-457-6519 Ms. Angie	Angela Metze	0:34
Out-Going Call	07/02/2013 3:58:37 AM	803-457-6519 Ms. Angie	Angela Metze	0:00
In-Coming Call	07/02/2013 3:58:38 AM	803-262-9886 Sister Melissa	Melissa Thompson	0:00
Out-Going Call	07/02/2013 3:58:44 AM	803-457-6519 Ms. Angie	Angela Metze	8:39
In-Coming Call	07/02/2013 4:00:14 AM	803-262-9886 Sister Melissa	Missed Call Melissa Thompson	0:00

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
In-Coming Call	07/02/2013 4:05:27 AM	803-563-3797 Brother cartoon	Missed Call	0:00
In-Coming Call	07/02/2013 4:07:55 AM	803-457-6519 Ms. Angie	Angela Metze	0:16
Out-Going Call	07/02/2013 4:36:15 AM	803-497-3049 MaKayla	Nicole Thompson	2:38
In-Coming Call	07/02/2013 4:36:52 AM	803-556-5611 Tierra	Tierra Scott	2:01
Out-Going Call	07/02/2013 4:41:06 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:48
Out-Going Call	07/02/2013 4:43:36 AM	1-855-388-7386	Time Warner Cable	2:15
Out-Going Call	07/02/2013 4:46:04 AM	1-800-892-2253	Time Warner Cable	0:31
Out-Going Call	07/02/2013 4:48:38 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	1:00
Out-Going Call	07/02/2013 4:52:03 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:22
Out-Going Call	07/02/2013 4:53:51 AM	1-800-892-2253	Time Warner Cable	1:24
Out-Going Call	07/02/2013 5:01:37 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:04
Web History	07/02/2013 5:59:29 AM		http://www.google.com/search?q=Time+Warner+Cable+security+system&action=devloc&safe=images&hl=en&gl=US&ie=v&source=mobilesearchapp-vs&channel=iss	
Web History	07/02/2013 5:59:55 AM		http://www.google.com/url?sa=t&source=web&cd=3&ved=0CD4QFjAC&url=http%3A%2F%2Fwww.timewarnercable.com%2Fhomeseccurity&ei=MWzSUBzoFon29gSp9YDQBg&usg=AFQjCNF0mXJ7VztJIrXRdhnbMCAMZ94JLg	
Out-Going Call	07/02/2013 6:02:37 AM	1-855-892-4444	Time Warner Intelligent Home	0:47
Out-Going Call	07/02/2013 6:03:55 AM	1-855-892-4444	Time Warner Intelligent Home	6:55
Out-Going Call	07/02/2013 6:11:02 AM	1-855-892-4444	Time Warner Intelligent Home	3:39
Out-Going Call	07/02/2013 6:14:47 AM	1-855-892-4444	Time Warner Intelligent Home	5:35
Out-Going Call	07/02/2013 6:21:46 AM	1-855-892-4444	Time Warner Intelligent Home	5:37

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
In-Coming Call	07/02/2013 6:37:56 AM	803-563-3797 Brother cartoon		0:50
Out-Going Call	07/02/2013 6:39:59 AM	803-457-6519 Ms. Angie	Angela Metze	29:18
Out-Going Call	07/02/2013 7:09:42 AM	803-695-6998 Van House		4:56
Out-Going Call	07/02/2013 7:14:45 AM	803-457-6519 Ms. Angie	Angela Metze	6:46
Out-Going Call	07/02/2013 7:31:40 AM	1-855-892-4444	Time Warner Intelligent Home	2:20
Web History	07/02/2013 7:36:31 AM		http://timewarnercable.com/en/residential-home/intelligenthome/equipment.html	
Web History	07/02/2013 7:36:31 AM		Home Security Equipment Time Warner Cable	
Web History	07/02/2013 7:42:53 AM		Home Security System & Home Monitoring System Time Warner Cable	
Web History	07/02/2013 7:43:13 AM		Time Warner Cable	
Web History	07/02/2013 7:43:44 AM		Signing In...	
Web History	07/02/2013 7:43:49 AM		https://ids.rr.com/nidp/saml2/sso	
Web History	07/02/2013 7:44:06 AM		Register - Time Warner Cable	
Web History	07/02/2013 7:44:44 AM		https://registration.timewarnercable.com/	
Web History	07/02/2013 7:44:44 AM		Register - Time Warner Cable	
Web History	07/02/2013 7:45:16 AM		https://mail.google.com/	
Web History	07/02/2013 7:45:44 AM		Wayfarer Redirect	
Web History	07/02/2013 7:49:00 AM		https://registration.timewarnercable.com/accountVerification?s=0DE4F98D-83CD-D821-1CB8-F7C39554867D	
Web History	07/02/2013 7:49:37 AM		Register - Time Warner Cable	
In-Coming Call	07/02/2013 8:00:22 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:29
Web History	07/02/2013 9:05:07 AM		columbia news	

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Web History	07/02/2013 9:05:09 AM		http://www.google.com/search?hl=en&redir_esc=&source=android-browser-type&v=133247963&qsubts=1372755908057&action=devloc&q=columbia+news&v=133247963	
Web History	07/02/2013 9:05:18 AM		http://m.wltx.com/	
Web History	07/02/2013 9:05:18 AM		http://www.google.com/url?sa=t&source=web&cd=2&ved=0CC8QFjAB&url=http%3A%2F%2Fm.wltx.com%2F&ei=tZfSUcGvlrN0wHViYDoDw&usg=AFQjCNFphN4VJMre_Ttkd5Gtc30nGMz-Q	
Web History	07/02/2013 9:06:02 AM		columbia abc news	
Web History	07/02/2013 9:06:03 AM		http://www.google.com/search?hl=en&redir_esc=&source=android-browser-type&v=133247963&qsubts=1372755963010&action=devloc&q=columbia+abc+news&v=133247963	
Web History	07/02/2013 9:07:19 AM		http://www.abccolumbia.com/news/local?m=y&smobile=y	
Web History	07/02/2013 9:07:19 AM		http://www.google.com/url?sa=t&source=web&cd=1&ved=0CCgQFjAA&url=http%3A%2F%2Fwww.abccolumbia.com%2Fnews%2Flocal%3Fm%3Dy%26smobile%3Dy&ei=65fSUcXrPlu00AH0roGICQ&usg=AFQjCNHLEF-vZnCcJZmj3_7X8SH42ucElg	
Web History	07/02/2013 9:07:19 AM		ABC Columbia Local News	
Web History	07/02/2013 9:07:58 AM		ABC Columbia	
Web History	07/02/2013 9:08:41 AM		http://www.abccolumbia.com/younews?m=y&smobile=y	
Web History	07/02/2013 9:09:10 AM		http://www.abccolumbia.com/mobile-override?view=web	
Web History	07/02/2013 9:09:41 AM		http://www.abccolumbia.com/news	
Web History	07/02/2013 9:12:11 AM		4 year old boy on Beaverbrook - Google Search	

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Web History	07/02/2013 9:12:34 AM		http://m.calibex.com/goto.jsp?p=356173&search=4%20year%20old%20child%20for&t=ag%3D3390966273&crd=63394&gg_aid=11251209873&gg_site=	
Web History	07/02/2013 9:12:34 AM		http://www.google.com/aclk?sa=L&ai=C1mGIW5nSUavuLOua6wGinoHYBdns0egD2Zu5nSrm2tHbLhAEI PupmAloCFD89erk-v__8BYMneu 4zYplwRyAEBqgQIT9AOAWQ3d Mk-W9dTfbf28NndN1mgEbBn9f4 GbmvgMwFBmURz3tgGAoAHf2F Hw&num=4&sig=AOD64_37K7HK DXKDNuCmP-2AeT7cEwKfTw&a durl=http://m.calibex.com/goto.jsp% 3Fp%3D356173%26search%3D4%2 520year%2520old%2520child%252 0for%26t%3Dag%253D339096627 3%26crd%3D63394%26gg_aid%3 D11251209873%26gg_site%3D	
Web History	07/02/2013 9:13:55 AM		abc new at 5am	
Web History	07/02/2013 9:15:02 AM		http://www.google.com/custom?dom ains=http%3A%2F%2Fwww.abccol umbia.com&q=4+year+old+boy+on +Beaverbrook+rd+bead+&sitesearch =&sa=Search&client=pub-90461655 71664830&forid=1&channel=&ie=1 SO-8859-1&oe=ISO-88591&safe= active&cof=+GL%3A1%3B+L%3A %3BS%3Ahttp%3A%2F%2Fhttp%3 A%2F%2Fwww.abccolumbia.com% 3BFORID%3A1%3B&hl=en	
Web History	07/02/2013 9:16:10 AM		Google	
Out-Going Call	07/02/2013 9:20:20 AM	1-855-892-4444	Time Warner Intelligent Home	4:33
Web History	07/02/2013 9:35:12 AM		twc intelligent home	
Web History	07/02/2013 9:35:13 AM		http://www.google.com/search?hl= en&redir_esc=&source=android- browser-type&v=133247963& qsubts=1372757712301&action=d evloc&q=twc+intelligent+home&v =133247963	

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Web History	07/02/2013 9:35:33 AM		http://www.google.com/url?sa=t&source=web&cd=2&ved=0CD4QFjAB&url=http%3A%2F%2Fwww.timewarnercable.com%2Fen%2Fresidential-home%2Fintelligenthome%2Fdownloads.html&ei=w57SUbmhBlm28wTV44CgDg&usg=AFQjCNHRyxWRjfyaG-06HQDda9bZ3QxZlA	
Web History	07/02/2013 9:35:34 AM		Intelligent Home Apps Time Warner Cable	
Out-Going Call	07/02/2013 10:03:10 AM	803-544-9006		0:47
Out-Going Call	07/02/2013 10:04:06 AM	803-545-3500	Columbia Police Department	1:44
Out-Going Call	07/02/2013 10:06:06 AM	803-545-3500	Columbia Police Department	0:50
Out-Going Call	07/02/2013 10:07:03 AM	803-544-9006		0:59
Out-Going Call	07/02/2013 10:08:12 AM	803-576-3000	Richland County Sheriff's Department	1:39
Out-Going Call	07/02/2013 10:51:03 AM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:35
Out-Going Call	07/02/2013 10:52:39 AM	803-457-6519 Ms. Angie	Angela Metze	2:34
Out-Going Call	07/02/2013 11:03:35 AM	1-855-892-4444	Time Warner Intelligent Home	3:31
Out-Going Call	07/02/2013 12:12:04 PM	803-457-6519 Ms. Angie	Angela Metze	0:38
Out-Going Call	07/02/2013 12:13:47 PM	803-457-6519 Ms. Angie	Angela Metze	1:36
Out-Going Call	07/02/2013 12:15:57 PM	803-695-6998 Van House		0:52
Out-Going Call	07/02/2013 12:19:17 PM	803-576-3000	Richland County Sheriff's Department	0:36
Out-Going Call	07/02/2013 12:21:13 PM	803-576-3000	Richland County Sheriff's Department	0:45
Out-Going Call	07/02/2013 12:22:14 PM	803-545-3500	Columbia Police Department	0:39
Out-Going Call	07/02/2013 12:23:17 PM	803-576-3000	Richland County Sheriff's Department	0:28
Out-Going Call	07/02/2013 12:23:54 PM	803-457-6519 Ms. Angie	Angela Metze	0:23
Web History	07/02/2013 12:32:06 PM		Facebook	

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/02/2013 12:35:40 PM	803-497-3049 MaKayla	Nicole Thompson	0:30
Out-Going Call	07/02/2013 12:36:16 PM	803-497-3049 MaKayla	Nicole Thompson	0:22
Out-Going Call	07/02/2013 12:37:02 PM	803-497-3049 MaKayla	Nicole Thompson	0:28
Out-Going Call	07/02/2013 12:37:35 PM	803-457-6519 Ms. Angie	Angela Metze	0:34
Out-Going Call	07/02/2013 12:38:14 PM	803-497-3049 MaKayla	Nicole Thompson	0:24
In-Coming Call	07/02/2013 12:38:53 PM	-2		0:25
Out-Going Call	07/02/2013 12:40:01 PM	803-497-3049 MaKayla	Nicole Thompson	0:28
In-Coming Call	07/02/2013 12:40:35 PM	-2		8:35
Out-Going Call	07/02/2013 12:49:21 PM	803-457-6519 Ms. Angie	Angela Metze	0:35
Out-Going Call	07/02/2013 12:50:16 PM	803-457-6519 Ms. Angie	Angela Metze	0:37
Out-Going Call	07/02/2013 12:51:18 PM	803-457-6519 Ms. Angie	Angela Metze	0:35
Out-Going Call	07/02/2013 12:53:09 PM	803-695-6998 Van House		1:52
Out-Going Call	07/02/2013 12:55:46 PM	803-576-3000	Richland County Sheriff's Department	1:18
Out-Going Call	07/02/2013 12:57:24 PM	803-457-6519 Ms. Angie	Angela Metze	0:32
Out-Going Call	07/02/2013 12:58:31 PM	803-563-3797 Brother cartoon		0:33
Out-Going Call	07/02/2013 1:02:26 PM	803-457-6519 Ms. Angie	Angela Metze	0:32
Out-Going Call	07/02/2013 1:03:02 PM	803-563-3797 Brother cartoon		0:33
Out-Going Call	07/02/2013 1:03:54 PM	803-563-3797 Brother cartoon		0:35
Out-Going Call	07/02/2013 1:04:54 PM	803-457-6519 Ms. Angie	Angela Metze	0:29
Out-Going Call	07/02/2013 1:05:28 PM	803-563-3797 Brother cartoon		0:35
Out-Going Call	07/02/2013 1:06:08 PM	803-563-3797 Brother cartoon		0:34
Out-Going Call	07/02/2013 1:06:48 PM	803-563-3797 Brother cartoon		0:33

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/02/2013 1:07:37 PM	803-563-3797 Brother cartoon		0:32
Out-Going Call	07/02/2013 1:08:16 PM	803-563-3797 Brother cartoon		0:31
Out-Going Call	07/02/2013 1:15:42 PM	803-457-6519 Ms. Angie	Angela Metze	0:37
Out-Going Call	07/02/2013 1:16:37 PM	803-563-3797 Brother cartoon		0:32
Out-Going Call	07/02/2013 1:27:43 PM	803-457-6519 Ms. Angie	Angela Metze	0:37
Out-Going Call	07/02/2013 1:38:56 PM	803-457-6519 Ms. Angie	Angela Metze	0:33
Out-Going Call	07/02/2013 1:39:36 PM	803-695-6998 Van House		0:53
Out-Going Call	07/02/2013 1:41:08 PM	803-563-3797 Brother cartoon		0:37
Out-Going Call	07/02/2013 1:42:01 PM	803-563-3797 Brother cartoon		0:37
In-Coming Call	07/02/2013 1:44:10 PM	803-556-5611 Tierra	Tierra Scott	0:18
Out-Going Call	07/02/2013 1:49:28 PM	803-457-6519 Ms. Angie	Angela Metze	0:30
Out-Going Call	07/02/2013 1:50:50 PM	803-695-6998 Van House		1:22
Out-Going Call	07/02/2013 1:52:16 PM	803-695-6998 Van House		4:57
Out-Going Call	07/02/2013 2:00:04 PM	803-457-6519 Ms. Angie	Angela Metze	0:37
Out-Going Call	07/02/2013 2:02:24 PM	803-576-3000	Richland County Sheriff's Department	3:03
Out-Going Call	07/02/2013 2:06:09 PM	803-457-6519 Ms. Angie	Angela Metze	0:35
Out-Going Call	07/02/2013 2:07:42 PM	803-576-3000	Richland County Sheriff's Department	5:50
Web History	07/02/2013 2:14:18 PM		http://www.google.com/search?q=what+does+a+species+didn't+mean&action=devloc&safe=images&hl=en&gl=US&ie&v&source=mobil esearchapp-vs&channel=iss	
Out-Going Call	07/02/2013 2:14:35 PM	803-576-3056	Inv. Travis Holdorf, RCSD	0:00
Web History	07/02/2013 2:14:50 PM		http://www.google.com/search?q=what+does+a+suspicious+death+means&action=devloc&safe=images&hl=en&gl=US&ie&v&source=mobilesearchappvs&channel=iss	

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Web History	07/02/2013 2:15:03 PM		http://press.uchicago.edu/Misc/Chicago/803988.html	
Web History	07/02/2013 2:15:03 PM		http://www.google.com/url?sa=t&source=web&cd=1&ved=0CB0QFjAA&url=http%3A%2F%2Fpress.uchicago.edu%2FMisc%2FChicago%2F803988.html&ei=SeDSUfKTMYs68ATR4oD4Ag&usg=AFQjCNGYp5lA6CNOo-25lFpPNmvqhaP6oA	
In-Coming Call	07/02/2013 2:16:52 PM	803-457-6519 Ms. Angie	Angela Metze	7:23
Out-Going Call	07/02/2013 2:37:28 PM	803-262-9886 Sister Melissa	Melissa Thompson	0:06
Out-Going Call	07/02/2013 2:37:43 PM	803-807-9549 Mama House		0:06
Out-Going Call	07/02/2013 2:37:55 PM	803-563-3797 Brother cartoon		0:20
Out-Going Call	07/02/2013 2:38:49 PM	803-513-9336 Mama Boyfriend		0:34
Out-Going Call	07/02/2013 2:39:35 PM	803-363-9887		0:28
Out-Going Call	07/02/2013 2:40:46 PM	803-363-9807		1:31
In-Coming Call	07/02/2013 2:58:45 PM	803-513-9336 Mama Boyfriend		4:40
Out-Going Call	07/02/2013 4:19:44 PM	803-457-6519 Ms. Angie	Angela Metze	0:37
Out-Going Call	07/02/2013 4:20:50 PM	*86 Voicemail	Voicemail	0:00
In-Coming Call	07/02/2013 4:23:14 PM	803-457-6519 Ms. Angie	Angela Metze	0:27
Out-Going Call	07/02/2013 4:43:22 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:40
In-Coming Call	07/02/2013 5:17:00 PM	803-363-9807		0:33
In-Coming Call	07/02/2013 5:59:35 PM	803-576-3000	Richland County Sheriff's Department	4:37
In-Coming Call	07/02/2013 6:07:20 PM	803-238-0084	Roger Hoefer, DSS	3:58
Out-Going Call	07/02/2013 6:13:50 PM	803-576-3037	Maj. Stan Smith, RCSD	0:53
Out-Going Call	07/02/2013 6:16:02 PM	803-434-7000 Richland Memorial Hospital	Richland Memorial Hospital	0:01

TYPE	TIME STAMP	PARTY	DESCRIPTION	DURATION
Out-Going Call	07/02/2013 6:16:21 PM	803-434-7000 Richland Memorial Hospital	Richland Memorial Hospital	1:03
Out-Going Call	07/02/2013 6:17:33 PM	803-576-1790	Richland County Coroner's Office	0:00
In-Coming Call	07/02/2013 6:23:44 PM	803-297-0098	Mildred Thompson	0:26
Out-Going Call	07/02/2013 6:26:02 PM	803-576-3037	Maj. Stan Smith, RCSD	0:44
Out-Going Call	07/02/2013 6:27:04 PM	803-518-4105	Inv. Travis Holdorf, RCSD	1:13
In-Coming Call	07/02/2013 6:39:05 PM	803-552-9345 Ms. Kim	Kimberly Gooden	0:00
In-Coming Call	07/02/2013 6:51:18 PM	803-738-6124		0:35
Out-Going Call	07/02/2013 6:57:33 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:44
Out-Going Call	07/02/2013 6:58:23 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	0:26
Out-Going Call	07/02/2013 6:58:55 PM	803-457-6519 Ms. Angie	Angela Metze	55:28
In-Coming Call	07/02/2013 7:59:24 PM	803-563-3109 Baby Daddy	Robert Guinyard, Sr.	1:06
Out-Going Call	07/02/2013 8:02:13 PM	803-457-6519 Ms. Angie	Angela Metze	2:37
In-Coming Call	07/02/2013 8:21:14 PM	803-457-6519 Ms. Angie	Angela Metze	0:33
In-Coming Call	07/02/2013 10:18:08 PM	803-556-5611 Tierra	Tierra Scott	0:00
In-Coming Call	07/02/2013 11:28:42 PM	803-457-6519 Ms. Angie	Missed Call Angela Metze	0:00

CN

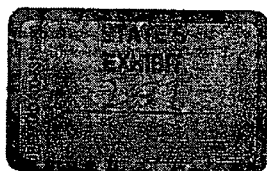
1312

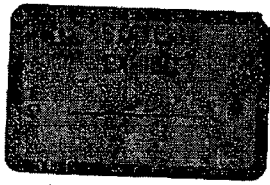
21.05.2014 14:40:28

Page 1

Booking History: Rev:01.07.2013 13:06:50 (D54), Acc:01.07.2013 13:07:34 (TB), Ve:267, Azo:103, Dr:
100

Booking number: 4110066 (Normal Booking)
Fleet: BLUE RIBBON (B)
Zone: ZONE 3 (1003)
Address: ZONE 3
COLUMBIA
SC
Apartment: RICHLAND-FRONT-CASH
Customer: Tel: 0032013734
Destination: BLUE RIBBON
ALIAS_BI_Ribbon





Statement
State of South Carolina
County of Richland

Personally appeared before me this 1 day of July, 2013, at 2145 hours, an officer duly and legally authorized to administer oaths in the above named county and state aforesaid, comes one Courtney Thompson (DOB 06-06-88) of 104 Beaverbrook Rd. Daytime telephone number 201-3734. Nighttime telephone number _____.

Who makes the following statement under oath to wit:

I went to Richland Memorial hospital on 06-29-13 because I was having a baby. I went there by ambulance. Achillies Guinyard was born at 4:17 am. I got out of the hospital this afternoon at around 1:30-2pm. I took a blue ribbon cab. When I got to the house the cab driver was honking the horn and Antonio would not come out. I got out of the cab with my baby and knocked on the door. Antonio answered and got my stuff out of the cab and paid the cab driver. I walked in the house. I opened the door to the play room where the incident happened at to put my baby in bed. The room smelt like piss. Antonio said that tok (Robert Antonio Guinyard Jr DOB 04-18-2009) had pissed in the room. Robert is autistic and he will pee and poop where ever. I asked Robert if he peed in the room. I had a smile on my face so that he would know that I was not mad at him. He said yea momma. I asked him what was he doing and he said that he was bending down and was looking at the thing on the floor (camera) and he could not hold it and went. I asked him if he was gong to help me clean up and he said yes mamm. I put my baby in the bed and rolled the bed into my room. Robert was asking questions about the baby and wanted to know of that was the baby that was in my belly. I told him yes. I told Antonio to give me my medicine. We call cigarettes medicine so that the kids will not know that I smoke cigarettes. I went on the porch and smoked a cigarette and Antonio came out and smoked with me. I asked where Robert was and he said that he was in the room standing over the baby. We finished and came back in. Robert asked me if we were going to clean the pp up. I got the bottle of pine sole but there was no pine sole in it. I put some soap in it and some hot water and shook it up. I grabbed a rag and the bottle and we went in the room. Robert grabbed the pink soap (Dove). I poured the water around the piss stain. Robert started wiping the floor with his hand. I had a greenish faded rag (washcloth) that I was scrubbing the floor with. It still smelled like pee. I told Robert that it was not coming up. I left the rag on the floor. I had to pee and blood was running down my leg because I just had a baby. I told my son that I was going to get in the shower. He said that he wanted something to eat. I told him to give me a second and let me take a shower. He said yes mamm. He was in my room watching Tv. I don't remember what he was watching. Antonio was in the kitchen cooking. He was listening to music on his phone. He was cooking the rice and steak and I was going to make a salad when I got out of the shower. Antonio said that he was going to show the baby off around the neighborhood.

This statement was made in the presence of Investigator Holmes, WEGD of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me this 1 day of July, 2013.

Signed: Courtney Thompson

Witness: Patty Wood

Witness: _____

[Signature]
Notary Public for South Carolina
My commission expires 11/22/16.

Statement
State of South Carolina
County of Richland

I was in the shower washing off and I heard a loud noise like a tumbling fall. I jumped out the shower immediately. I put my underwear back on that I just took off and put on the robe from the hospital. I checked my kitchen and no one was in the kitchen. I looked down the hall and walking to my room. I looked in my room and then I looked in the play room. He was on the floor near the spot where we had been cleaning up. His feet were toward the dresser. He was crunched up and his body was stiff. His butt was up in the air and he was on his kind on his head. It was an awkward position. He was biting his lip hard. It was bleeding really bad. I put my finger in his jaw and pried his mouth open a little but and pried his lip from his teeth. I did not know what was going on. When I popped his lip out from his teeth to keep him from biting it off he went flat on me. He just dropped. I screamed for Antonio and I screamed again. I wiggled his jaw and was calling him. He was not responding. I called Antonio I picked Robert up like he was a baby and took him to the front room (living room). Blood was coming from his lip. I had blood on my hand and went to my room to get my phone off the floor. I called 911. They told me how to do CPR. I did what he told me. I did it several times where I was pushing on his chest, breathing into his mouth and kept doing everything he told me to do until an ambulance got there. When they got there they put something on his chest and they did not do nothing. They just said that he was gone.

Q. Do you have anything to do with Robert's death?
R. No.

Q. Where you mad with your son today?
R. No. He is artistic. You can not get mad with an autistic child.

Q. Where you mad because he peed in the room?
R. No

Q. Have you abused your son Robert?
R. No.

Q. Have you not fed Robert because of his going to the bathroom problem?
R. No. It was not an everyday thing.

Q. What can you tell me about the injury to his Right arm?
R. His sister (Mi'Angel Guinyard 3 yo) had cut him with something while I was in the hospital. He said one time his sister did and another time he said a nail did it.

This statement was made in the presence of Investigator Harold Ward of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me
this 1 day of July 2013.

Signed: Courtney Thompson

Witness: Patty Ward

Witness: _____

Ima K. D.
Notary Public for South Carolina
My commission expires 11/22/16

Statement
State of South Carolina
County of Richland

- Q. Did Antonio do anything to harm Robert today?
 R. No. Antonio was not inside the house. He could have been on the porch but he was not in the house.
- Q. What can you tell me about the finger nail marks on your son, Robert?
 R. That is from his sister she scratches him.
- Q. What do you know about the bite marks on his back?
 R. That is from his sister. He bit her and she bit him back. This was probably about two weeks ago.
- Q. What involvement has DSS had with your family and why?
 R. A lady named Angie would not bring Madison Guinyard (2yo) back. I did a police report. The police came to my house several times. I have several case numbers. The police came and have taken photos of my kids from head to toe. Angie and her family would call because they wanted Madison. Angie is the mother of a guy I had slept with.

Another time I had Robert in a car seat and he was strapped in. I got mad at something with my oldest daughter. We were court and I slammed the doors open and they took Robert because they said that he almost fell out. I did everything they asked me to do and I did so that I could get Robert back.

- Q. What are the names and ages of all your kids?
 R. Zuri Medlock is (girl) 7yo, Jalil Medlock (boy 6yo), Robert Guinyard (boy 4 yo), Mi'angel Guinyard 3yo girl, Madison Guinyard 2yo girl, Zamariah Guinyard 1yo, and my newborn Achilles Guinyard.
- Q. Is there anything about Robert's death that you have not told me about?
 R. No.

This statement was made in the presence of Investigator Hollock, P. Wood of the Richland County Sheriff's Department.

I make this statement of my own free will and accord, without reward or intimidation. All of the above is the truth, the whole truth and nothing but the truth.

Sworn to and subscribed before me
 this 1 day of July 2015.

Signed: Constantine [Signature]

Witness: Patty Wood

Witness: _____

2
 Notary Public for South Carolina
 My commission expires 11/22/16.

COURT'S EXHIBITS

Motion by Defense (exclude photos)

Guinyard (Guinyard) in custody and transported to police headquarters for questioning. The child was transported to Palmetto Health Richland Hospital and an autopsy was scheduled the next day, July 2, 2013 at 9 o'clock a.m. Dr. Amy Durso of Professional Pathology Services performed the autopsy of the child and determined the cause of death to be "extensive soft tissue hemorrhage due to multiple acute and healing blunt force injuries due to non-accidental trauma." Crime Scene Investigator Yvonne Woods of the Richland County Sheriff's Department was present during the autopsy and took a number of graphic photographs, both pre- and post-dissection of the child. These photos have been provided to defense counsel through the discovery process.

II. THE LAW

In *State v. Brazell*, 325 S.C. 65 (1997), the defendant was convicted of armed robbery and murder. The defendant argued on appeal, amongst other things, that the trial judge erred in admitting the autopsy photographs during the trial. *Id.* at 21. Specifically, Brazell argued that "the photographs admitted into evidence by the trial court were highly prejudicial and served no purpose other than to arouse passion and prejudice in the jury." *Id.* The defendant argued at trial that the pictures were unnecessary because the state had presented evidence from law enforcement and medical personnel detailing the way that the victim was killed. Brazell further argued that the pictures failed the balancing test SCRE Rule 403 requires in that "their prejudicial effect outweighed their probative value." *Id.*

The Court disagreed and held that the admission of the photographs was not error. "A trial judge has considerable latitude in ruling on the admissibility of evidence and his rulings will not be disturbed absent a showing of probable prejudice." *Id.* (citing *State v. Kelly*, 319 S.C. 173

(1995)). “The determination of relevancy and materiality of a photograph is left to the sound discretion of the trial judge.” *Id.* However, “photographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are *irrelevant or not necessary to substantiate a material fact or condition.*” *Id.* at 25 (emphasis added). During the trial, the Judge considered the photographs sought to be admitted and selected three that depicted the crime scene. The judge ruled that the selected photos were relevant and the probative value substantially outweighed the danger of unfair prejudice. The Judge refused to admit other photos of the scene and autopsy photos because he found “the probative value to be outweighed by the unfair prejudice.” *Id.*

In *State v. Haselden*, 353 S.C. 190 (2003), the defendant was convicted at trial of murder and sentenced to death. On appeal, Haselden argued, amongst other things, that the photographs of the victim were improperly admitted during the sentencing phase of trial. During the trial, the pathologist who performed the autopsy testified to a number of external and internal injuries suffered by the victim leading to his death and that one injury suffered by the victim was visible from the outside. *Id.* The ultimate cause of death in this case was either; internal bleeding in the abdomen or swelling of the brain. The defendant was convicted and during the sentencing phase of the trial the state introduced pictures of the victim, over the defense objection, and was ultimately sentenced to death when the jury considered the aggravating factors.

On appeal, the Court held that there was no abuse of discretion in introducing the photographs to the jury, during sentencing, because “[they] were necessary to corroborate the pathologist’s testimony, to understand the true nature of the attack on [the victim], and were relevant to demonstrate the aggravating circumstances of physical torture.” *Id.* at 450. The Court ultimately held that the photographs were necessary to corroborate the pathologist’s

testimony so the jury can understand the true nature of the attack. In capital cases, during sentencing, photographs can be introduced as evidence in extenuation, mitigation or aggravation, which are things that the jury is required to consider during that stage. *Id.*

In 2010, the South Carolina Supreme Court addressed the issue of the admission of autopsy photos during trial. In *State v. Torres*, 390 S.C. 618 (2010), Torres appealed the trial court's admission into evidence autopsy photos during the sentencing phase of his capital murder trial. *Id.* at 620. Torres based his appeal on South Carolina Evidence Rule 403, arguing that the photographs were more prejudicial than probative and only "served to inflame the emotions of the jury." *Id.* The Court disagreed with Torres and held that the photographs were properly introduced during the sentencing phase of trial. Citing *State v. Brazell*, 325 S.C. 65 (1997) "photographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are irrelevant or not necessary to substantiate material facts or conditions." And in order to fail under SCRE 403 and be considered unfairly prejudicial, photographs must have a "tendency to suggest a decision on an improper basis, commonly, but not necessarily, an emotional one." *Id.* (citing *State v. Franklin*, 318 S.C. 47 (1995)). The Court also notes there is a different standard when dealing with the sentencing phase in capital cases. Citing *State v. Kornahrens*, "in the sentencing phase of a capital murder trial, the scope of the probative value is much broader than the guilt phase." *Id.* at 623 (citing *Kornahrens*, 290 S.C. 281 (1986)). The State offered the photographs into evidence during the sentencing phase to illustrate the circumstances of the crime and the character of the defendant. *Id.*

In *State v. Collins*, 398 S.C. 197 (2012), the defendant appealed, arguing that the trial court erred in admitting seven autopsy photographs of the victim's body. The Court of Appeals agreed and the conviction was reversed, stating that the "probative value is the measure of the

importance of that tendency to the outcome of a case. It is the weight that a piece of relevant evidence will carry in helping the trier of fact decide the issues.”² The Court also cited *United States v. Stout*, stating that “the more essential the evidence, the greater its probative value.” *Id.* (citing *US v. Stout*, 509 F.3d 792, 806 (6th Cir. 2007)). The State argued that the introduction of the photographs was not error. First, the State argued that the pathologist needed the photos to corroborate the testimony about cause of death. And second, that the photographs corroborated the testimony of dog behavior expert during the trial. *Id.* The Court rejected both arguments. When considering the testimony of pathologist, it was determined that the “photos add[ed] very little to the jury’s ability to understand the pathologist’s testimony...” *Collins*, 398 S.C. 197 at 204³. The State’s second argument regarding the testimony of a dog behavior expert was also rejected on the same reasoning. Restating the holding in *Torres* that, “photographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are...not necessary to substantiate material facts.” *Id.* (citing *State v. Torres*, 390 S.C. at 623).

The *Collins* Court also addresses the meaning of unfair prejudice. “Unfair prejudice does not mean the damage to the defendant’s case that results from the legitimate probative force of the evidence; rather it refers to evidence which tends to suggests decision on an improper basis.” *Id.* at 757 (citing *State v. Gilchrist*, 329 S.C. 621, 630 (Ct. App 1998)). “Rule 403 only requires suppression of evidence that results in unfair prejudice – prejudice that damages an opponent for reasons other than its probative value, for instance, an appeal to emotion...” *United States v. Mohr*, 318 F. 3d 613, 619-20 (4th Cir. 2003). Additionally, “the Supreme Court of the United States stated: ‘The term ‘unfair prejudice,’ as to a criminal defendant, speaks to the capacity of

² Probative means “tending to prove or disprove.” Black’s Law Dictionary 1323 (9th ed. 2009)

³ In 2013, the South Carolina Court of Appeals ruled that the admission of autopsy photographs during trial was not error. Based on the defense claim of accident, the Court held that “these photographs were introduced to corroborate the testimony of Dr. Ross, who testified regarding the victim’s various injuries, including the placement and severity of bruising, which would be inconsistent with an accidental injury.” *State v. Dial*, 405 S.C. 247 (2013).

some concededly relevant evidence to lure the fact finder into declaring guilt on a ground different from proof specific to the offense charged.” *Collins*, 398 S.C. at 207 (citing *Old Chief v. United States*, 519 U.S. 172, 180 (1997)). The Court ruled that the danger of unfair prejudice, with the seven photos in this case, was extreme. When analyzing the balancing test under SCRE 403 the Courts will give deference to the trial court ruling on objections. The Appellate Court’s “analysis is focused on the capacity of the photos to draw the jury’s attention away from the elements of the charge and moves it to the conduct of the defendant.” *Id.* at 209. The Court determined that when the jury viewed the photos, they prompted an extreme emotional response, and very likely caused the jury to express sympathy towards the victim. *Id.* This emotional response is a direct example of the definition of “unfair prejudice.” *Id.* It was ultimately held that, when performing the 403 balancing test that the photos were “beyond the outer limits of what our law permits a jury to consider.” *Id.* at 210 (see *Torres*, 390 S.C. at 624)⁴

Rule 403 of the South Carolina Rules of Evidence provides that “[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” S.C.R.E. 403. In determining whether certain photographs should be admitted into evidence, this Court must balance the probative value of the photographs against the danger of unfair prejudice. *State v. Collins*, 398 S.C. 197 (2012).

Probative value is the importance that a particular piece of evidence has on the outcome of a case in the sense that it tends to prove or disprove a certain fact or facts. *Id.* “It is the weight that a piece of relevant evidence will carry in helping the trier of fact decide the issues.” *Id.* Under SCRE 403, an analysis to determine probative value requires a court to “consider[] the importance of the evidence and the significance of the issues to which the evidence relates.”

⁴ See, *United States v. Thompson*, 359 F.3d 470 (7th Cir. 2004)(Other courts have identified additional improper grounds, such as when the evidence “appeals to the jury’s sympathies [or] arouses its sense of humor.”

Id. In considering the probative value of photographs it is important for this Court to bear in mind that “[p]hotographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are *irrelevant or not necessary to substantiate material facts*”. *State v. Torres*, 390 S.C. 618, 623, 703 S.E.2d 226, 228 (S.C. 2010) (emphasis added).

III. ARGUMENT

All photographs taken of deceased victims in this case must be barred from being introduced into evidence because these photographs have little probative value and the prejudicial effect would be extreme.

The balancing test required by Rule 403 requires that the photographs in this case be excluded from being introduced into evidence and shown to the jury during trial. Courtney Thompson has been charged with Homicide by Child Abuse and Unlawful Conduct Towards a Child. S.C. Code §13-3-85 states that:

(A)(1) a person is guilty of homicide by child abuse if the person:
causes the death of a child under the age of eleven while
committing child abuse or neglect, and the death occurs under
circumstances manifesting an extreme indifference to human life;

...
(B)(1) “Child Abuse is defined as “an act or omission by any
person which causes harm to the child’s physical health or
welfare.” S.C. Code §16-3-85(B)(1).

S.C. Code Ann. §16-3-85 (1976). The State is required to prove that Thompson inflicted injury or failed to act when injury was being inflicted on the child and because of that injury the child perished. The first set of photographs the defense anticipates the state will attempt to introduce were taken at Thompson’s home and depict the child lying lifeless on the floor. The defense urges the Court to exclude these photographs. The elements of the charge Homicide by Child abuse require that the child perished, however, the introduction of photographs showing a lifeless child lying on the floor has no probative value. Neither party will be challenging that the child is

deceased. The fact that a child is deceased is not a fact at issue in this case. The introduction of the photographs depicting the child lying lifeless on the floor inside of Thompson's home has an extreme prejudicial affect in that they will cause the jury to have an extreme emotional reaction and lead them away from making decisions on an appropriate basis. The only purpose to introduce these photographs would be to arouse the passions and prejudice of the jury, i.e. creating an emotional response, which is forbidden under SCRE 403.

The defense also anticipates the State will attempt to introduce autopsy photographs during their case-in-chief through the testimony of Dr. Durso. The Courts have addressed the admission of graphic autopsy photographs in the past, however, most of the analysis deals with sentencing in capital cases. The Courts recognize that there "is a different standard when dealing with the sentencing phase in capital cases." *State v. Torres*, 390 S.C. 618 (2010). The *Collins* Court reversed the conviction because of the abuse of discretion in introducing the autopsy photographs during trial. The argument presented on the justification of the admission of the photographs was that they were necessary to corroborate the testimony of the pathologist. *Collins* 398 S.C. 197 (2012). The Court held that the "photographs add[ed] very little to the jury's ability to understand the pathologist testimony." *Id.* It is anticipated that the testimony of Dr. Durso will be that the cause of death in this case was "extensive soft tissue hemorrhage due to multiple acute and healing blunt force injuries do to non-accidental trauma." The defense anticipates that the state will attempt to introduce photographs depicting the child's body pre- and post-dissection during the autopsy. These photographs are of a four year old child, lying face down on a gurney with incisions traveling down his back, through the buttocks and into the backs of his legs. Photographs were also taken with the child's scalp reflected down revealing the exposed skull and of the open torso revealing the inside of the chest cavity. These

photographs will create an extreme prejudice in this case. The minimal probative value of these photographs does not overcome the shock created when viewing them. The jury should not be subjected to viewing gruesome photographs when they do not add any understanding to the witness testimony. *Collins*, 398 S.C. 197 at 204. The defense anticipates that Dr. Durso will testify that the cause of death was ultimately a massive blood loss due to a number of hemorrhages in the soft tissue that ultimately led to a lack of oxygen and blood circulating through the organs and to the brain leading to his death. The defense further anticipates that Dr. Durso will testify that there was a mixture of chronic and acute injuries suffered by the child which all contributed to his death. This testimony by the witness will be sufficient to explain the injury and explain the extent of the injury. The fact that the child suffered injury is not an issue in this case. Introducing photographs of a child, whose body has been through the complete autopsy process, into evidence does nothing to help aid the jury in understanding the testimony of the witness, which is what our case law requires. The jury should not be subjected to viewing such graphic photographs when there is very minimal probative value, the photographs would be introduced solely to create an emotional response.⁵ The introduction of the photographs into evidence does not pass SCRE 403 balancing test. The photographs are of a nature that will create an extreme danger in causing the jury to make a decision based on an improper basis and should not be admitted into evidence. The testimony of the witnesses regarding the cause of death and injury inflicted on the child will be sufficiently proven through witness testimony alone. The photographs are not necessary to aid the jury to further understand the testimony of the witnesses as required by our Courts. Under the rule in *Torres*, "photographs calculated to arouse the

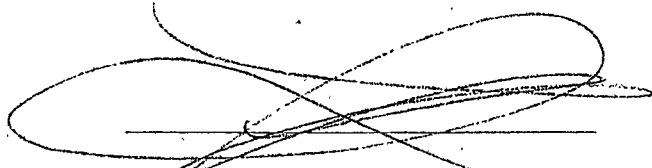
⁵ See *State v. Torres* (390 S.C. 618), "today we strongly encourage solicitors to refrain from pushing the envelope on admissibility in order to gain a victory which, in all likelihood, was already assured because of other substantial evidence in the case."

sympathy or prejudice of the jury should be excluded if they are irrelevant or *not necessary to substantiate a material fact.*" The photographs in this case should not be introduced into evidence because the probative value is substantially outweighed by an extreme prejudice.

CONCLUSION

Wherefore, for the forgoing reasons and any others that may be presented to this Court, Courtney Thompson, through her counsel respectfully request that this Court bar the introduction of any and all photographs taken of the deceased child in this case.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Tracy E. Pinnock', is written over a horizontal line.

Tracy E. Pinnock
Attorney for the Defendant
Richland County Public Defender's Office

1327

2013A4010202421

SCCA 518

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE 1307038001-R3

against

Courtney Shante Thompson

Address:

Columbia, SC 29203-

Phone: SSN:

Sex: F Race: B Height: 5 10 Weight: 170

DL State: DL #:

DOB: Agency ORI # 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Travis Holdorf - 644

Offense: Homicide by Child Abuse

Offense Code: 2356

Code/Ordinance Sec: 16-03-0085(A)(1)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on 3 July 2013

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Richland Bond Court

Personally appeared before me the affiant Travis Holdorf who

being duly sworn deposes and says that defendant Courtney Shante Thompson

did within this county and state on or about 7/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE: Homicide by Child Abuse

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about 7/1/13 while at 104 Beaverbrook in the Upper Township Magisterial District of Richland County, it is believed that the defendant did commit the crime of Homicide by Child Abuse, because she and the child's father, Robert Guinyard Sr. willfully and unlawfully caused the death of while committing child abuse and neglect. The mother and father caused the death by acts or omission causing physical harm to the child's health and wealth by inflicting or allowing being inflicted physical injuries which resulted in death under circumstances manifesting an extreme indifference to human life. The autopsy showed multiple blunt force trauma injuries to the child. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2013 defendant Courtney Shante Thompson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Richland Bond Court) as set forth below

DESCRIPTION OF OFFENSE: Homicide by Child Abuse

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 7/2/2013

(L.S.)

Signature of Judge

Benjamin Byrd

Judge Code: 7201

Judge's Address 1400 Huger Street

Columbia, SC 29201-

Judge's Telephone (803)576-2300

Issuing Court: Magistrate Municipal Circuit

Juror _____

on _____

Type and Amount: _____

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS



ARREST WARRANT

1329

2013A4010202422

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE 1307038001-R3

against

Courtney Shante Thompson

Address:

Columbia, SC 29203-

Phone SSN: Sex: F Race: B Height: 5 10 Weight: 170

DL State: DL #:

DOB: Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Travis Holdorf - 644

Offense: Unlawful Conduct Toward a Child

Offense Code: 2481

Code/Ordinance Sec: 63-05-0070

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Courtney S. Thompson on 3 July 2013

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions 1701 Main Street P O Box 192 Columbia, SC 29202

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Personally appeared before me the affiant Travis Holdorf who

being duly sworn deposes and says that defendant Courtney Shante Thompson

did within this county and state on or about 7/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE: Unlawful Conduct Toward a Child

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about 7/1/13 while at 104 Beaverbrook in the Upper Township Magisterial District of Richland County, it is believed that the defendant did commit the crime of Unlawful Conduct Toward a Child, because she and the child's father, Robert Guinyard Sr. willfully and unlawfully placed at unreasonable risk of harm affecting the child's life, physical and mental health or safety. An autopsy of the child showed numerous recent and healing injuries to include blunt force trauma to the child's head and torso as well as broken ribs. Both parents have admitted to being the soul caretakers of the victim. Affiant and others are witness to prove same.

Signature of Affiant

Signature of Travis Holdorf

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2013 defendant Courtney Shante Thompson

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Richland Bond Court) as set forth below:

DESCRIPTION OF OFFENSE: Unlawful Conduct Toward a Child

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 7/2/2013

(L.S.)

Signature of Issuing Judge Benjamin Byrd

Judge Code: 7201

Judge's Address 1400 Huger Street

Columbia, SC 29201-

Judge's Telephone (803)576-2300

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form 7, Provided by S.C. Attorney General April 21, 2003 SCCA 518

ORIGINAL

AFFIDAVIT

CLERK OF COURT



Ju e _____
 or _____
 Type and Amount: _____
 Name of Surety: _____

Name: _____
 Address: _____
 Telephone: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____

Name: _____
 Address: _____
 Telephone: _____

Decision: _____

Name _____
 Address: _____
 Telephone: _____

DISPOSITION before

Judge _____
 on _____
 by _____
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

Name: _____
 Address: _____
 Telephone: _____

Disposition: _____
 Sentence: _____

Name: _____
 Address: _____
 Telephone: _____

JURORS

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS

1331

2013A4010202419

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE 1307038001-R3

against

Robert Antonio Guinyard

Address:

Columbia, SC 29203-

Phone: _____ SSN: _____

Sex: M Race: B Height: _____ Weight: _____

DL State: SC DL #: 101962068

DOB: _____ Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Travis Holdorf - 644

Offense: Homicide by Child Abuse

Offense Code: 2356

Code/Ordinance Sec: 16-03-0085(A)(1)(

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant Robert A Guinyard on 3 July 2013

C. G. [Signature]
Signature of Constable/Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

Richland Bond Court

Personally appeared before me the affiant Travis Holdorf who

being duly sworn deposes and says that defendant Robert Antonio Guinyard

did within this county and state on or about 7/1/2013 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court)

in the following particulars:

DESCRIPTION OF OFFENSE: Homicide by Child Abuse

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about 7/1/13 while at 104 Beaverbrook in the Upper Township Magisterial District of Richland County, it is believed that the defendant did commit the crime of Homicide by Child Abuse, because he and Courtney Thompson willfully and unlawfully caused the death to _____ while committing child abuse and neglect. The mother and father caused the death by acts or omission causing physical harm to the child's health and welfare by inflicting or allowing being inflicted physical injuries which resulted in death under circumstance manifesting an extreme indifference to human life. An autopsy showed multiple blunt force trauma injuries to the child. Affiant and others are witness to prove same.

Signature of Affiant

Travis Holdorf

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road
Columbia, SC 29223-

Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe, that

on or about 7/1/2013 defendant Robert Antonio Guinyard

did, violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Richland Bond Court) as set forth below:

DESCRIPTION OF OFFENSE: Homicide by Child Abuse

Having found probable cause and the above affiant having sworn before me; you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 7/2/2013

[Signature] (L.S.)
Signature of Issuing Judge

Benjamin Ford

Judge Code: 7201

Judge's Address 1400 Huger Street
Columbia, SC 29201-

Judge's Telephone (803)576-2300

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge _____
on _____
Type and Amount _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros, etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



1333

ARREST WARRANT

2013A4010202420

STATE OF SOUTH CAROLINA

County/ Municipality of

Richland Bond Court

THE STATE 1307038001-R3 against

Robert Antonio Guinyard

Address: Columbia, SC 29203-

Phone: SSN: Sex: M Race: B Height: Weight: DL State: SC DL #: 101962068 DOB: Agency ORI #: 04000 Prosecuting Agency: Richland County Sheriff Department Prosecuting Officer: Travis Holdorf - 644 Offense: Unlawful Conduct Towards a Child

Offense Code: 2481 Code/Ordinance Sec: 63-05-0070

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Robert A Guinyard on 3 July 2013

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: Richland County General Sessions 1701 Main Street P O Box 192 Columbia, SC 29202

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA County/ Municipality of

Richland Bond Court

Personally appeared before me the affiant Travis Holdorf who being duly sworn deposes and says that defendant Robert Antonio Guinyard did within this county and state on or about 7/1/2013 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court) in the following particulars:

DESCRIPTION OF OFFENSE: Unlawful Conduct Towards a Child

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about 7/1/13 while at 104 Beaverbrook in the Upper Township Magisterial District of Richland County, it is believed that the defendant did commit the crime of Unlawful Neglect of a Child, because he and Courtney Thompson willfully and unlawfully placed, at unreasonable risk of harm affecting the child's life, physical and mental health or safety. An autopsy of the child showed numerous recent and healing injuries to include blunt force trauma to the child's head and torso as well as broken ribs. Both parents have admitted to being the soul caretakers of the victim. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Richland Bond Court

Affiant's Address 5623 Two Notch Road Columbia, SC 29223- Affiant's Telephone (803)576-3000

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 7/1/2013 defendant Robert Antonio Guinyard did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court) as set forth below.

DESCRIPTION OF OFFENSE: Unlawful Conduct Towards a Child

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 7/2/2013

Signature of Issuing Judge Benjamin Byrd Judge Code: 7201

Judge's Address 1400 Huger Street Columbia, SC 29201- Judge's Telephone (803)576-2300 Issuing Court: Magistrate Municipal Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ORIGINAL

AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

BAIL set by

Jur _____
on _____
Type and Amount: _____
Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant Attorney: _____
Decision: _____

DISPOSITION before

Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, nol. pros, etc.)
Disposition: _____
Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS



1335

WITNESSES

(S) Travis Holdorf

- Richland County Sheriff

ARREST WARRANT NUMBER

2013A4010202421

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

MAY 15 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4006515

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2013

42

**THE STATE
vs.**

Courtney Shante Thompson

**Indictment for
HOMICIDE BY CHILD ABUSE**

**SC Code: 16-03-0085(A)(1)
CDR Code: 2356**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

1337

WITNESSES

(S) Travis Holdorf
- Richland County Sheriff

ARREST WARRANT NUMBER

2013A4010202422

ACTION OF GRAND JURY

TRUE BILL

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4006522

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2013

42

THE STATE
vs.

Courtney Shante Thompson

Indictment for
CHILD - UNLAWFUL CONDUCT
TOWARDS A CHILD

SC Code: 63-05-0070

CDR Code: 2481

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on OCTOBER 16, 2013,
 the Grand Jurors of Richland County present upon their oath:

UNLAWFUL CONDUCT TOWARDS A CHILD

That Courtney Shante Thompson did in Richland County on or between April 18, 2009 to July 1, 2013, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child,

... age , place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, 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.



 DAN JOHNSON, SOLICITOR

1239

WITNESSES

(S) Travis Holdorf

- Richland County Sheriff

ARREST WARRANT NUMBER

2013A4010202419

ACTION OF GRAND JURY

TRIAL

Foreperson of Grand Jury
Date:

MAY 15 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4006520

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2013

42

**THE STATE
vs.**

Robert Antonio Guinyard

**Indictment for
HOMICIDE BY CHILD ABUSE**

SC Code: **16-03-0085(A)(1)**
CDR Code: **2356**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on OCTOBER 16, 2013,
the Grand Jurors of Richland County present upon their oath:

HOMICIDE BY CHILD ABUSE

That Robert Antonio Guinyard did in Richland County, on or between June
15, 2013 and July 1, 2013, cause the death of

while committing child abuse or neglect, and
the child's death occurred under circumstances manifesting an extreme
indifference to human life, in violation of Section 16-03-0085(A)(1), 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.



DAN JOHNSON, SOLICITOR

1341

WITNESSES

(S) Travis Holdorf
- Richland County Sheriff

ARREST WARRANT NUMBER

2013A4010202420

ACTION OF GRAND JURY

TRUE BILL

U
For
Date: **OCT 16 2013**

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2013GS4006521

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

OCTOBER TERM 2013

42

THE STATE
vs.

Robert Antonio Guinyard

Indictment for
CHILD - UNLAWFUL CONDUCT
TOWARDS A CHILD

SC Code: 63-05-0070
CDR Code: 2481

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

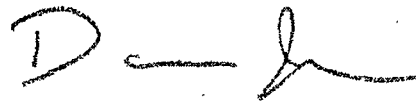
At a Court of General Sessions, convened on OCTOBER 16, 2013,
 the Grand Jurors of Richland County present upon their oath:

UNLAWFUL CONDUCT TOWARDS A CHILD

That Robert Antonio Guinyard did in Richland County on or between April 18, 2009 to July 1, 2013, while having charge or custody, or being the parent or guardian, or being responsible for the welfare of the minor child,

., place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did unlawfully or maliciously cause or cause to be done bodily harm to the child so that the life or health of the child was endangered or was likely to be endangered; or did willfully abandon the child, in violation of Section 63-5-70, 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE

INDICTMENT/CASE#: 2013 -GS- 40 - 6515

VS Courtney Shante Thompson

A/W#: 2013A4010202421
Date of Offense: 6-15-13 to 7-1-13
S.C. Code §: 16-03-0085(A)(1)
CDR Code #: 2356

AKA: _____
Race: Black Sex: Female Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ * SID# _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes from the defendant who was CONVICTED OF or PLEADS

TO: Homicide By Child Abuse

In violation of § 16-03-0085(A)(1) of the S.C. Code of Laws, bearing CDR Code # 2356

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 13099 x Courtney Thompson [Signature] 77518
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of LIFE days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total: \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____ Substance Abuse Counseling

*Fine:	\$ _____	Random Drug/Alcohol Testing	<input type="checkbox"/>
§14-1-206 (Assessments 107.5%)	\$ _____	Fine may be pd. in equal, consecutive weekly/monthly	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	pmts. of \$ _____ Beginning _____	
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ _____ Paid to Public Defender Fund	
§56-5-2995 (DUI Assessment)	\$12	Other: _____	
§56-1-286 (DUI Breath Test)	\$25		
§47.12 (Public Def/Prob)	\$500		
§14-1-212 (Law Enforce Funding)	\$25		
§14-1-213 (Drug Court Surcharge)	\$100		
§50-21-114 (BUI Breath Test Fee)	\$50		
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		
§90.7(SCCJA Surcharge)	\$5		
3% to County (if paid in installments)	\$ _____		
TOTAL	\$ _____		

LIFE W/O PAROLE

Appointed PD or appointed other counsel. §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge Re Hood
Judge Code: 2-164
Sentence Date 5-28-14

Clerk of Court/Deputy Clerk: Jeanette McBride
Court Reporter: Ambrogio

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF STATE

Richland

INDICTMENT/CASE#:

2013 -GS- 40 - 6522

AKA:

Race:

DOB:

Address:

City, State, Zip:

DL#

SID#

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

TO:

Unlawful Contact Towards Child

In violation of §

16-25-65

of the S.C. Code of Laws, bearing CDR Code #

2481

NON-VIOLENT

VIOLENT

SERIOUS

MOST SERIOUS

Mandatory GPS

§17-25-45

(CSC w/minor 1st or Lewd Act)

The charge is:

As indicted,

Lesser Included Offense,

Defendant Waives Presentation to Grand Jury,

(defendant's initials)

The plea is:

Without Negotiations or Recommendation,

Negotiated Sentence,

Recommendation by the State.

ATTEST:

[Signature]
Solicitor

(3004)
SC Bar #

[Signature]
Defendant

[Signature]
Attorney for Defendant

77918
SC Bar #

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

for a determinate term of 10

~~months~~ years or

under the Youthful Offender Act not to exceed

 years

and/or to pay a fine of \$;

provided that upon the service of

 days/months/years and or payment

of \$;

plus costs and assessments as applicable; the balance is suspended with probation for

 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are

incorporated by reference

CONCURRENT or

CONSECUTIVE to sentence on:

2013 GS 40 6515

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

PTUP

Total: \$ plus 20% fee: \$

 days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp

Recipient:

May serve W/E beginning

Substance Abuse Counseling

*Fine:

§14-1-206 (Assessments 107.5%)		\$	<u> </u>
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	<u> </u>
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	<u> </u>
§56-5-2885 (DUI Assessment)	\$12	\$	<u> </u>
§56-1-286 (DUI Breath Test)	\$25	\$	<u> </u>
§47.12 (Public Def/Prob)	\$500	\$	<u> </u>
§14-1-212 (Law Enforcement Funding)	\$25	\$	<u> </u>
§14-1-213 (Drug Court Surcharge)	\$100	\$	<u> </u>
§50-21-114 (BUI Breath Test Fee)	\$50	\$	<u> </u>
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	<u> </u>
§90.7 (SCJA Surcharge)	\$5	\$	<u> </u>
3% to County (if paid in installments)		\$	<u> </u>
TOTAL		\$	<u> </u>

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

prmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: Jeanette McBride

Court Reporter: Ambrosia

Presiding Judge Re Ford

Judge Code: 2168

Sentence Date 5-28-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
STATE

INDICTMENT/CASE#: 2013 GS- 40 - 6520

VS. Robert Antonio Hayward

AW#: 2013A4010 202419
Date of Offense: 6-15-13 to 7-1-13
S.C. Code §: 16-03-0085 (A)(1)
CDR Code #: 2356

AKA: _____
Race: Black Sex: Male Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL# _____ SID# _____

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment court is for the defendant who was

TO: Homicide by Child Abuse

In violation of § 16-03-0085 (A)(1) of the S.C. Code of Laws, bearing CDR Code # 2356

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (DSC w/minor 1st or Lewd Act)
The charge is: As indicted, Lesser included Offense, Defendant Waives Presentation to Grand Jury, _____ (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Lawrence H 13009 Robert Hayward 75429
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of LIFE days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____ Substance Abuse Counseling

*Fine: _____ \$ _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ _____
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§56-1-286 (DUI Breath Test) \$25 \$ _____
§47.12 (Public Def/Prob) \$500 \$ _____
§14-1-212 (Law Enforce. Funding) \$25 \$ _____
§14-1-213 (Drug Court Surcharge) \$100 \$ _____
§50-21-114 (BLI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
§90.7(SCCJA Surcharge) \$5 \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

LIFE W/O PAROLE

Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk Jeanette McBride
Court Reporter Ambrosio

Presiding Judge Reford
Judge Code: 2164
Sentence Date 5-28-14

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Kirkland
STATE

INDICTMENT/CASE#: 2013 -GS- 40 - 6521

vs. Robert Antonio Guinard

A/W#: 2013A4010202420
Date of Offense: 4-18-2014 7/1/13
S.C. Code §: 63-05-0070
CDR Code #: 2481

AKA: _____
Race: Black Sex: Male Age: _____
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____

SENTENCE SHEET

DL# _____ * SID# _____
*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who is CONVICTED OF or PLEADS TO: Unlawful Conduct Towards Child

In violation of § 63-05-0070 of the S.C. Code of Laws, bearing CDR Code # 2481
 NON-VIOLENT VIOLENT: SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 13009 Robert Guinard [Signature] 75429
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 10 ~~months~~ years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____

Total \$ _____ plus 20% fee: _____ \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED
 Set by SCDPPPS _____ Attend Voc Rehab Or Job Corp _____

Recipient: _____ May serve WE beginning _____ Substance Abuse Counseling

*Fine:	\$	_____
§14-1-206 (Assessments 107.5%)	\$	_____
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§47.12 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$100	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/fea	\$
§90.7(SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	_____

Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____
\$ _____ Paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk Jessette McBride
Court Reporter [Signature]

Presiding Judge Re Hood
Judge Code: 2164
Sentence Date 5-28-14

CERTIFICATE OF COUNSEL

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 entitled "revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 18, 2015



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