

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Doyet A. Early, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CANDICE BEASLEY,

APPELLANT

APPELLATE CASE NO. 2016-001908

RECORD ON APPEAL

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1 State of South Carolina
2 County of Lexington

Court of General Sessions

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5 State)
6)
7 v.)
8 Candice R. Beasley)
9 Defendant.)

Transcript of Record
2015-GS-32-1050
2015-GS-32-1393

10 August 10 - 12, 2015
11 Lexington, South Carolina

12
13 B E F O R E:

14 The Honorable Doyet A. Early, III, Judge; and a
15 jury.

16
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25 Circuit Court Reporter

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1 family, friends, so you know how to determine when
2 someone is telling the truth. Please maintain that
3 ordinary common sense when you listen to the
4 evidence in this case and determine what the true
5 facts are.

6 And then once you do that and determine those
7 true facts, you will apply it to the law as I give
8 it to you and you'll be in a position to render a
9 true and just verdict. So I ask that you pay close
10 attention. We'll get started here in just a few
11 minutes. And once the opening statements are made,
12 we'll start the testimony.

13 Any objections to my opening remarks by the
14 State?

15 MS. MAYES: None from the State, Your Honor.

16 THE COURT: By the Defendant?

17 MR. HUDSON: None from the Defendant.

18 THE COURT: Ms. Mayes.

19 MS. MAYES: May it please the Court.

20 THE COURT: Yes, ma'am.

21 MS. MAYES: What this case is really about is
22 broken trust; broken trust between a
23 parent-guardian. That is the role that Candice
24 Beasley had legally placed herself in back in 2014
25 when five-year-old Minor was hurt by her

1 repeatedly.

2 And when we talk about broken trust, it's
3 because the role of a guardian, a legal guardian, in
4 this situation, is to protect the child from harm,
5 known harm; to protect that child from any form of
6 abuse that might be out there in the community, in
7 society. But here Minor was abused in his own home
8 at the hands of his godmother. And that's what he
9 called her, Godmother Candice.

10 She had voluntarily placed herself in that role
11 as his legal guardian, which meant that Minor lived
12 in her home, a home here in Irmo in the Lexington
13 County area. Not only did Minor live in her home,
14 he was under her constant care and supervision. He
15 slept in her bedroom. And yet Candice Beasley, the
16 defendant in this case, ultimately told law
17 enforcement she had no knowledge that little Minor
18 had ever been injured in any way. It's a
19 five-year-old under her care and her supervision
20 living in her home.

21 Now, the facts of this case are actually very
22 simple when applied to the law. And at the very end
23 of this case Your Honor, Judge Early, will give you
24 a charge on the law which breaks down the elements
25 of both offenses, which are unlawful conduct towards

1 a child and infliction of great bodily injury on a
2 child.

3 But the testimony that you'll hear in this case
4 is that when Minor had -- he was five -- when he
5 had started kindergarten at Seven Oaks Elementary,
6 he didn't have any prior school experience, so he's
7 into this structured environment of going to school,
8 getting along with kids, for the first time in his
9 life.

10 So he enters kindergarten at Seven Oaks
11 Elementary and by October -- they start school in
12 August, so roughly two months. But by October,
13 school officials had become aware of numerous
14 injuries that had been inflicted on Minor And the
15 testimony that you'll hear, the medical testimony
16 that you'll hear, is that this was not a one-time
17 incident. These are repeated inflicted injuries.
18 Some are old, some are new, some are still bleeding,
19 some are scabbed over, some are scars, all in
20 numerous pattern injuries over his body; legs,
21 thighs, torso, abdomen, upper chest, back.

22 Now, when it comes to corporal punishment I ask
23 you to keep in mind, corporal punishment, spanking a
24 child, is legal. That's not what this was. That's
25 not what this was. Corporal punishment or spanking

1 of a child does not result in permanent or
2 long-lasting injuries or scars, scars that this
3 child still has on him today and probably forever.

4 This is physical abuse, child physical abuse,
5 and that's the reason that school officials
6 immediately notified law enforcement and the
7 Department of Social Services. You'll hear
8 testimony that they responded to the school
9 immediately, they saw the injuries on Minor He
10 was able to tell them exactly who did it and how she
11 did. Godmommy Candice, Godmother Candice, and she
12 did it with a jump rope.

13 Now, this isn't the kind of jump rope that most
14 of us remember from childhood where you've got a
15 little piece of rope that's attached to plastic
16 handles. This is a professional-grade jump rope
17 that's made of cable cord. And she was able to use
18 it as a specific instrument to inflict these pattern
19 injuries over and over. And she was doing it when
20 his clothing had been removed at her instruction.
21 So these injuries are inflicted directly upon his
22 skin.

23 So you'll hear testimony that after they find
24 out that Godmommy Candice is the suspect, Detective
25 Shannon Dykes with the Lexington County Sheriff's

1 Department, along with a DSS child protective
2 services caseworker Charlene Mooneyhan, went to the
3 residence of Candice Beasley to ask her how in the
4 world and why in the world did you inflict these
5 injuries on Minor

6 And you'll hear that her response to them was
7 she didn't even know he had injuries. Later in the
8 case, much later in the case, it will be apparent
9 that's a completely false statement. There is no
10 way that any caregiver would be unaware of these
11 injuries. They were readily apparent, some of them
12 he's still bleeding from.

13 So first she tells them, I didn't even know he
14 had injuries, and then she throws out, well, if he's
15 got injuries, maybe they happened on a playground.
16 Keep in mind, there's no playground that's going to
17 cause these injuries, inflicted pattern injuries.
18 And they know the source of these injuries because
19 Minor tells them at the school exactly how he got
20 them.

21 So they ask her, well, where is the jump rope?
22 She says she doesn't have a jump rope. Well, guess
23 what they found about five or six feet away from
24 her, the jump rope.

25 All of this testimony you'll hear throughout

1 the course of this case. But as I stated
2 previously, at the close, the law is actually very
3 simple. As legal guardian, it's her responsibility
4 to protect Minor from harm. Yes, he can be
5 disciplined, but this wasn't discipline. And after
6 all is said and done, I submit the State will meet
7 its burden of proof abundantly, and that is proof
8 beyond a reasonable doubt that Candice Beasley
9 inflicted injuries on Minor and that
10 Candice Beasley failed to protect Minor from harm;
11 in fact, she was the harm. Thank you.

12 THE COURT: Mr. Hudson.

13 MR. HUDSON: May it please the Court.

14 THE COURT: Yes, sir.

15 MR. HUDSON: My name is Stephen Hudson and I
16 practice law in Columbia, and I'm here for Candice
17 Beasley today.

18 You've been given a solemn duty, a
19 responsibility, and I know that you each will take
20 it to heart. You're going to hear a lot of
21 testimony, you're going to hear a lot of versions of
22 what happened, what could have happened, possibly
23 could have happened. You'll be asked to weigh that
24 against reasonable doubt, what the reasonable people
25 have questions at the end of the testimony.

1 If you have reasonable questions, for example,
2 when exactly did this happen, you're not going to
3 hear any evidence of the specific date, specific
4 location; you're going to hear evidence that there
5 was allegations that it took place at more than one
6 place.

7 You're going to hear, it is our position that
8 evidence will support, Candice Beasley wasn't the
9 only adult resident in the home. In fact, she lived
10 with her two sisters. There were three sisters
11 living together. So what you're going to hear about
12 is a young lady who was a lifelong, childhood friend
13 of Minor 's mother.

14 Minor 's mother experienced certain
15 difficulties and reached out to her childhood friend
16 and she asked for help. That's how you get to being
17 the custodian of your godchild. When she undertook
18 this obligation, you'll see she took the steps to go
19 to family court, secure a Court order to properly
20 place him in her home, to properly enroll him in
21 school.

22 You'll hear that he'd been in school, went to
23 school every day. And you'll hear the circumstances
24 surrounding how this began in terms of how it was
25 discovered. Now, you may hear that there are

1 allegations that these bruises happened over time.
2 because they were of different ages.

3 The child going to school every day, no
4 teacher, no nurse, no teacher's aide, no PE teacher
5 reports this, until one morning the child spills
6 syrup on his clothes and so his clothes have to be
7 changed. You'll be given the impression that this
8 happened over a series of time and what a monster
9 Candice is. It's just to the contrary; Candice is a
10 she's sacrificing person who sacrificed for this
11 child.

12 So if the question is how could she not know,
13 there will be questions posed to you of how did
14 others who saw the child on a day-to-day basis not
15 know? They saw him just as she saw him. They saw
16 him every day, they saw him Monday through Friday
17 during school, they spent more hours with him than
18 she did while he was awake and active. You're going
19 to have a question about who actually caused this.

20 There's going to be evidence that Minor will
21 hurt himself. There's going to be evidence that he
22 alleged others hurt him; his teachers, daycare,
23 foster parents. So you're going to hear a lot of
24 things about what happened, what possibly could
25 happen. But if you're not certain that Candice did

1 these things, you've been asked to determine and
2 speak the truth in your verdict.

3 Candice grew up in Missouri. She moved to
4 Lexington, South Carolina after she had visited her
5 sister who had moved to Lexington and decided she
6 enjoyed the state of South Carolina. So she moves
7 from Kansas City, Missouri to Lexington, South
8 Carolina and made this her home and got herself a
9 job.

10 Shortly after she moved here, her childhood
11 friend reached out to her in a series of text
12 messages asking for help because she could no longer
13 care for her five-year-old child. Candice stepped
14 up and brought the child into her home.

15 The child took swimming lessons, went to the
16 beach, she properly enrolled him in school. She did
17 this without any financial assistance from anyone
18 other than her sisters whom she lived with. The
19 child came with no clothes. The child basically
20 came with nothing. Candice stepped in in the role
21 of a parent, and she provided for this child.

22 Now, you'll be shown some pictures.
23 Pictures -- your first impression will be your
24 natural impression. I just ask that you, when you
25 see the pictures, remember, the four corners of the

1 pictures cannot tell you what went on on the outside
2 of that picture. So listen to the evidence and the
3 testimony of what happened on the outside of the
4 pictures. The pictures are what they are.

5 What I ask and what Ms. Beasley asks is that
6 you give her as much consideration as you give the
7 State, that you listen to everything that's
8 presented before you make your determination. And
9 once you get a chance to discuss this, once you get
10 a chance to apply the law and the instructions the
11 Judge will give you in this case, we'll ask you to
12 come back with a verdict of not guilty. Thank you.

13 THE COURT: You may call your first witness.

14 MS. MAYES: The State calls Michael
15 Satterfield.

16 MICHAEL SATTERFIELD

17 being first duly sworn, testified as follows:

18 THE WITNESS: Yes.

19 THE CLERK: Have a seat, please, sir. Once
20 you're seated, speak up loud and clear, state your
21 full name, spelling your last, please.

22 THE WITNESS: Okay. My name is Michael Ray
23 Satterfield, S-A-T-T-E-R-F-I-E-L-D.

24 DIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. And tell us a little bit about yourself.

2 A. Well, I've been in education for 34 years, I've
3 been married for 42. I have three children, three
4 grandchildren, and I live in the Chapin area.
5 That's where I'm going to retire.

6 Q. All right. And where are you currently
7 employed and in what capacity?

8 A. I'm employed at Seven Oaks Elementary as a
9 physical education teacher.

10 Q. Okay. And are you known there as Coach
11 Satterfield?

12 A. Yes.

13 Q. Okay. Now, going back prior to retirement,
14 what type of work did you do?

15 A. I spent the first 14 years of my life as a
16 teacher and a coach of various teams, football,
17 basketball, and things at the high school level.
18 Then I got into administration and I was the
19 assistant principal and then principal and I retired
20 as principal at Chapin High School.

21 Q. So following your work as a principal at Chapin
22 High School, did you have the opportunity,
23 post-retirement, to get back into education, working
24 with children?

25 A. I did. I spent a lot of time away from my

1 family in administration and I have a handicapped
2 son and I wanted to spend more time with him, so my
3 last couple of years I decided to go back doing
4 something that I enjoyed doing at the very beginning
5 and could spend more time with my family.

6 Q. Now I want to talk to you specifically about
7 the work you were doing at Seven Oaks Elementary
8 back around October of 2014. Were you working there
9 at that time?

10 A. I was.

11 Q. And did you have the opportunity to become
12 involved with a child, a kindergarten student, by
13 the name of Minor ?

14 A. I did.

15 Q. Okay. Tell us how you became involved with
16 Minor

17 A. Well, I first met Minor on back to school
18 night. He made a very strong impression on me. We
19 were greeting the students outside of the classroom
20 and Minor walked by and I stopped to talk to him
21 and said, what is your name, young fellow? And he
22 said, my name is Minor . I said, nice
23 to see you, Minor. He said, Minor
24 So he just reiterated to me.

25 And I was his teacher, of course. I teach all

1 of the children physical education along with
2 another teacher. And I'm also part of the PBIS team
3 which is a program that stands for Positive Behavior
4 Intervention and Support for students that struggle
5 with some of their behavior. And so I'm one of the
6 mentors in the program.

7 Q. All right. And is that program, the mentor
8 program that you mentioned, available even to
9 five-year-old kindergarten students?

10 A. Absolutely, yes.

11 Q. All right. And do you know whether or not
12 Minor was referred to you for involvement as a
13 mentor?

14 A. He was. I had -- the people that were in the
15 program came to me and asked me if I would be
16 willing to mentor one of our five-year-old students
17 and I said certainly. And when I found out that it
18 was Minor I was excited.

19 Q. All right. And, for example, if a student is
20 having trouble or difficulty adjusting to school or
21 to a structured environment, how do you go about
22 working with that student, even someone as young as
23 a kindergarten student, for positive reinforcement?

24 A. Well, with Minor what we did was we met and
25 talked and got to know each other. And that's sort

1 of what you do with the children. And then we set
2 up a program. And for him it was a daily checklist.
3 I met with him every morning and every afternoon
4 after school and we'd talk in the morning about what
5 the expectations were and some of the issues he
6 might have been having and what were some ways of
7 dealing with it of some other ideas and some ways he
8 could sort of make better decisions and better
9 choices.

10 And at the end of the day he'd come by and see
11 me and we would talk about how his checklist was
12 scored for each class, each area that he had gone to
13 such as related arts or to lunch or recess. The
14 teachers would sort of -- it's not really a score.
15 They might put a smily face or not a smily face.

16 And at the end of the day, we'd go over it,
17 review it. And if things were really good, we were
18 excited, we would high-five and do those kinds of
19 things. And if things weren't, you know, where we
20 hoped it would be, we'd talk about it and come back
21 the next day and start it all over again.

22 Q. Okay. And if there was an incident or occasion
23 where Minor had been written up by his teacher, his
24 kindergarten teacher, for act ing out in class or
25 some type of outburst or something of that nature,

1 would you ultimately be made aware of that?

2 A. Yes. There were a few times where he might
3 have had a tough time in class and my -- the
4 gymnasium was in proximity very close to his
5 classroom, and I'd go down and talk with him. And
6 sometimes I'd go down and just get him and bring him
7 to the gym and we'd shoot basketball or something
8 like that.

9 Most of the time it would be recorded on that
10 checklist if there was an issue. And the teachers
11 were very good and consistent about keeping me
12 attuned as to what was going on. And so by the end
13 of the day when he came to see me, we would --
14 again, we would have those little discussions.

15 Q. All right. And so these things you were
16 working on with Minor such as outbursts?

17 A. Outbursts were one of the things he was dealing
18 with, yeah.

19 Q. Okay. So moving forward, did you have the
20 opportunity at any point to actually make contact or
21 have communications with his legal guardian, Candice
22 Beasley, prior to October 14th of 2014?

23 A. Well, I believe that we had a meeting.
24 Typically before a child is placed into this
25 mentoring program, you have to get approval from the

1 parents or the legal guardian. And I believe we had
2 a meeting in the Kindergarten classroom and we met
3 at that time and we were given the thumbs-up to do
4 that and proceed with that. Yeah.

5 Q. At any point during that meeting did
6 Ms. Beasley make you aware that she was using any
7 type of physical punishment on the child?

8 A. I don't remember that coming up.

9 Q. So I want to ask you specifically about the
10 events of October 14th, 2014. What month does the
11 school year start there at Seven Oaks Elementary?

12 A. We usually start about the mid to third week of
13 August.

14 Q. All right. So October 14th would take us
15 through to approximately two months of that school
16 year?

17 A. Correct.

18 Q. The fall 2014 school year. Did you have
19 contact with Minor on that day?

20 A. I did.

21 Q. All right. And tell us about that.

22 A. Well, I had students coming into the gym and
23 Ms. Davis who is the kindergarten assistant came to
24 see me and she said, I need your help with
25 something, could you come with me. So I did and I

1 left my class with one of my other teachers and went
2 down to her classroom.

3 Apparently Minor during breakfast, had
4 spilled syrup on his clothes and was in the restroom
5 and they were changing clothes. So I went into the
6 restroom, knocked on the door. Initially he wasn't
7 crazy about opening the door, but we talked and he
8 let me in to help him with this situation of trying
9 to get his clothes off. I think he was having some
10 problems with his tennis shoes and getting his
11 shorts off. So I went in there to help him out and
12 that's when I noticed that he had several marks up
13 and down his body.

14 Q. All right. And at this point he had his pants
15 removed or at least pulled down?

16 A. They were at least pulled down, yes.

17 Q. And you could observe what part or parts of his
18 body?

19 A. Well, I could see part of his back because I
20 think he had it on his shirt too. But I could see
21 on the backs of his legs that he had a lot of, it
22 looked like, very severe marks on his body.

23 Q. And what was your reaction to that?

24 A. Well, I was appalled, of course, and very
25 concerned and worried. So I immediately took him to

1 the nurse, to the school nurse. The assistant with
2 me, actually. And I went and got the resource
3 officer and told him about what had transpired. And
4 then I believe the state law or at least I know
5 district policy is such that we notified DSS.

6 Q. Okay. And you mentioned the school resource
7 officer. So you have a school resource officer even
8 at the elementary school?

9 A. We do.

10 Q. And he's stationed there on a regular basis?

11 A. Yes.

12 Q. And do you know if he's a member of the
13 Lexington County Sheriff's Department?

14 A. He is.

15 Q. And that would be Resource Officer Barrett?

16 A. Yes.

17 Q. And you made the officer aware immediately?

18 A. Yes.

19 Q. And then, you said, school officials also
20 notified the Department of Social Services?

21 A. Well, I had to notify them. That's the law.

22 So I believe the assistant principal at the time was
23 the one that was at the school, and I think she was
24 in the front office. And when she became informed
25 of that, we went to her office and contacted them.

1 I think we used conference call to talk to them.

2 Q. Okay. And when you say that's the law, you're
3 talking about the mandatory reporter law?

4 A. Yes.

5 Q. Are you a mandatory reporter of child abuse?

6 A. I am.

7 Q. As a school official?

8 A. That's right.

9 Q. Now, just to clarify, when we talk about the
10 school, do you have a playground there on the
11 premises?

12 A. We do. We have two, actually.

13 Q. All right. And --

14 A. I'm sorry. We have three.

15 Q. All right. And what type of equipment is on
16 that playground?

17 A. For the kindergarten students, there are slides
18 and a new climbing apparatus and things for them to
19 ride around on the sidewalk. And I'm trying to
20 remember in kindergarten. But they're all things
21 that are fixed, you know, climbing things and things
22 like that.

23 Q. All right. And as P.E. coach, are you aware of
24 any child ever having injuries of this nature from
25 any of your playground equipment?

1 A. Never.

2 Q. And you observed the injuries yourself. Was
3 there anything about those injuries that would lead
4 you to believe they were caused by a playground
5 injury?

6 A. No.

7 Q. Now, in retrospect, you also teach P.E., you're
8 a P.E. coach there at Seven Oaks Elementary, did you
9 ever have Minor in one of your P.E. classes?

10 A. I do, twice a week.

11 Q. In retrospect, what if anything -- after you
12 became aware of the injuries on October 14th, what
13 if anything do you recall about Minor when he
14 participated in your P.E. program prior to that
15 morning of October 14th when you saw his injuries?

16 A. Well, upon reflecting on the whole situation, I
17 was talking with one of the teachers that I worked
18 with, I guess a few classes before that, I don't
19 know specifically how long before that, but maybe a
20 couple weeks before that, Minor -- when the
21 children come to P.E., they sit around a circle in
22 the middle of the gym and we talk and tell them what
23 we're going to be doing that day and then we do our
24 warm-up exercises.

25 And that day I kept the students that were

1 doing the sit-ups and the push-ups. And Minor
2 always gravitated towards me, we sat next to one
3 another and we would talk because we had that sort
4 of relationship. And we were going to do our
5 sit-ups and push-ups and I told Minor let's get in
6 the sit-up position and I was talking to the rest of
7 the students. I have about 40 or 45 students in
8 there at a time. And he said, Coach, can I do
9 push-ups instead of sit-ups because my back hurts
10 or...

11 Q. So he made that statement to you?

12 A. Yes.

13 Q. And at that time, did you actually lift up his
14 shirt or look at --

15 A. I did not.

16 Q. So at that time, even with that statement being
17 made, were you aware of his injuries?

18 A. I was not.

19 MS. MAYES: Nothing further.

20 THE COURT: Cross?

21 MR. HUDSON: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. HUDSON:

24 Q. Mr. Satterfield, your testimony is that you see
25 and meet with Minor sometimes twice a day?

1 A. I'm sorry. I didn't hear you.

2 THE COURT: Come forward a little bit,

3 Mr. Hudson.

4 Q. Your testimony was that you, from time to time,
5 would have to meet with Minor twice a day.

6 A. No, sir. I'm -- once he got into the mentoring
7 program, we had a schedule where I saw him every
8 morning and every afternoon when he was at school.

9 Q. So you saw him twice a day after he was in the
10 mentoring program?

11 A. Yes.

12 Q. Okay. And you saw him each and every day that
13 he was in that mentoring program?

14 A. Yes, sir.

15 Q. Okay. And did you ever have an occasion to
16 write Minor up on a referral for his behavior?

17 A. I did write Minor up one time during P.E.
18 class.

19 Q. Do you remember what it was that he did?

20 A. He hit or kicked another student.

21 Q. Okay. Could he have kicked -- I mean, you
22 wrote him up, so there's a document that reflects
23 the write-up; correct?

24 A. Yes.

25 Q. And it's referred to as the Seven Oaks

1 discipline referral form?

2 A. Correct.

3 Q. Would that form help to refresh your memory as
4 to exactly what you wrote?

5 A. I mean, I'll be glad to look at it. I remember
6 that I did write him up. Students, even though
7 they're in the mentoring program, they're still
8 subject to the discipline and consequences.

9 MR. HUDSON: May I approach the witness?

10 THE COURT: Yes, sir.

11 Coach, just read over that and then he'll ask
12 you questions about it.

13 THE WITNESS: Okay.

14 BY MR. HUDSON:

15 Q. All right. Mr. Satterfield, can you tell me
16 exactly what you wrote him up for?

17 A. I wrote him up for kicking another student in
18 the groin during exercise.

19 Q. Okay. Is that -- can you read for me verbatim
20 or is that what it says?

21 A. That's what it says. It said it was not
22 provoked.

23 Q. Okay. That means his behavior was such that he
24 kicked another student without being provoked to do
25 so?

1 A. Correct.

2 Q. Okay. And what date did that happen?

3 A. September 8th.

4 Q. Of 2014?

5 A. Yes, sir.

6 Q. And school had started, I believe, in August of
7 2014; correct?

8 A. Correct.

9 Q. Why is it that a child would be put in the
10 mentoring program again?

11 A. Well, part of the PBIS program is we are --
12 it's set up in tiers, tier 1, 2, and 3. A tier 1
13 student -- the PBIS committee would meet once a week
14 to talk about students that had more than one
15 referral to try to look for positive ways of
16 intervening to try to keep them from repeating the
17 behaviors.

18 If Minor had more than just a couple of
19 referrals at that point in time, then he'd be one of
20 the students that they would consider for tier 2 and
21 that's where a mentor is provided for the students.

22 Q. Okay. And he fell in the tier 2 category?

23 A. I'm assuming so, yes, sir.

24 Q. That's because -- can we also then assume he's
25 had more than one write-up, several write-ups?

1 A. Yes, sir.

2 Q. Okay.

3 MR. HUDSON: At this time, Your Honor, I'd like
4 to move this referral statement into evidence as
5 Defendant's 1.

6 MS. MAYES: I object to that document, Your
7 Honor. I believe it's not in the original format.
8 It's got some added notations to it.

9 THE COURT: You got a clean copy?

10 MR. HUDSON: I can get a clean copy.

11 THE COURT: All right. We'll admit it with the
12 understanding that you'll put the clean copy -- I
13 assume you got some notes on it.

14 MR. HUDSON: It's highlighted.

15 THE COURT: Just do one that's not highlighted.

16 Madam Court Reporter, just remind us as we go
17 along to substitute it.

18 (Defendant's Exhibit No. 1 marked for
19 identification and admitted into evidence.)

20 BY MR. HUDSON:

21 Q. Coach Satterfield, you were -- you're a P.E.
22 teacher; right?

23 A. Yes.

24 Q. And children are sometimes sent to you as
25 opposed to being sent to in-school suspension?

1 A. No, sir.

2 Q. So if they're supposed to go to in-school
3 suspension, that's where they go?

4 A. Right.

5 Q. So Minor is only sent to you as part of the
6 mentoring program?

7 A. No. Minor wouldn't be sent to me if he got in
8 trouble in another class, no.

9 Q. Let's clarify. Minor came to you then for the
10 scheduled appointments for your mentoring sessions?

11 A. Right. Each morning before school started, he
12 would come to me and we would talk about having a
13 great day and what are the things we could do, and
14 goal was to shoot for a really good week with all
15 positive marks on his behavior sheet.

16 And at the end of the school day, he'd come
17 back by and show me his chart and we would go over
18 it together and sort of try to celebrate the things
19 he had done really well. And if he had difficulty,
20 we would talk about what we could have done a little
21 differently.

22 Q. You indicated that he had a problem with
23 outbursts. That's what you testified to; correct?

24 A. In my -- yeah. He did.

25 Q. Okay. These are the things that were necessary

1 for him to come and be part of the mentoring
2 program. Were there any comments or issues that
3 relate to him striking other students?

4 A. Well, I'm not sure I understand. Comments by
5 who?

6 Q. His involvement in the mentoring program.

7 A. Right.

8 Q. You gave me the impression, and correct me if
9 I'm wrong, that it had to do with the student
10 experiencing certain issues.

11 A. Right.

12 Q. One of them you named when you were questioned
13 by the State was outbursts.

14 A. Right, right.

15 Q. You recall that?

16 A. Right.

17 Q. Then I'm trying to get you to tell me, if you
18 can you recall, any other possible issues that you
19 were made aware of concerning Minor

20 A. Well, yeah, I mean, he would throw temper
21 tantrums, so to speak, he might hit or push another
22 student. But those were the behaviors that we were
23 working on treating -- being respectful and treating
24 others well.

25 Q. Do you ever recall him having problems being

1 disrespectful to his teachers?

2 A. You'd probably have to ask a teacher that. I
3 never had any issues with disrespect. He was always
4 very pleasant with me and, I mean, he always
5 responded very well to me when we had our
6 discussions and talks.

7 Q. Now, October the 14th when you discovered the
8 marks on Minor body, did you meet with him that
9 morning?

10 A. I did.

11 Q. You did. Okay. And in meeting with him that
12 morning, you didn't notice anything concerning --
13 you didn't see any of these marks, did you?

14 A. I don't recall anything, no. I was not aware
15 of the marks until I went to the kindergarten
16 classroom.

17 Q. Okay. And you would have met with him probably
18 the day before if this wasn't a Monday; correct?

19 A. If he would -- I would have met with him every
20 morning and every afternoon. And there may be an
21 occasion sometimes if a student is late to school or
22 they're in breakfast or there's something special
23 going on with the news program or something like
24 that, sometimes it's a little delayed. But,
25 typically, I would meet with him every morning and

1 every afternoon.

2 Q. So is it safe to say that leading up to October
3 14th, you had opportunity to observe Minor on more
4 than three occasions?

5 A. I would say yes.

6 Q. Okay. And more than four occasions?

7 A. I mean, I had him since the beginning of the
8 school year.

9 Q. And from then until October 13th, there was
10 nothing that you saw that would raise to the level
11 of you having to report; correct?

12 A. No.

13 Q. Because, otherwise, you would have reported it?

14 A. Absolutely.

15 Q. Absolutely? Now, concerning Minor you told
16 us about your first impression of him. Did he seem
17 to be a bright child to you?

18 A. Very.

19 Q. He came to school, you never noticed anything
20 about his -- untoward about his appearance, he was
21 always dressed appropriately; correct?

22 A. Correct.

23 Q. Clean?

24 A. Yep.

25 Q. Seemed to be nourished properly for a child of

1 his age?

2 A. Yeah.

3 Q. Okay. And you said you met with Ms. Beasley at
4 least one time; correct?

5 A. Right.

6 Q. Okay. And in terms of her willingness to allow
7 you or allow him to be part of the program, do you
8 sensing any hesitance about this on her part?

9 A. I don't remember any hesitance, no.

10 Q. Okay. So from what you saw of Minor in your
11 day-to-day interaction with him, he seemed to be
12 well-dressed, appropriately dressed, clean,
13 nourished properly, and he had a custodian or
14 guardian or godmother who seemed to be willing to do
15 the things necessary to help with his development?

16 A. Yeah.

17 MR. HUDSON: A moment of the Court's
18 indulgence, Your Honor.

19 No further questions, Your Honor.

20 THE COURT: Redirect?

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

22 REDIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. Just to clarify, Coach Satterfield, when you
25 normally see Minor at school, was he wearing

1 clothing?

2 A. Yes.

3 Q. And until that morning of October 14th when he
4 spilled the syrup and had to change clothes, had you
5 ever seen him without his pants on?

6 A. No.

7 Q. Had you ever seen him with his shirt pulled up?

8 A. No.

9 Q. And I want to ask you in response to some of
10 the questions that Mr. Hudson was asking you,
11 including about that write-up, based upon your
12 background and education as a school principal, do
13 children sometimes act out at school as a result of
14 what they're experiencing at home?

15 A. Absolutely.

16 MS. MAYES: Nothing further.

17 THE COURT: All right. You may step down. May
18 he be excused from his subpoena?

19 MR. HUDSON: Your Honor, I had -- just to
20 clarify on a question --

21 THE COURT: My protocol is direct, cross, and
22 redirect, no recross. I feed everybody out of the
23 same spoon.

24 You may step down.

25 MS. MAYES: No objection from the State to him

1 being released.

2 THE COURT: Any objection to him being released
3 from his subpoena?

4 MR. HUDSON: Just so long as if I need him --

5 THE COURT: If I need you back, Coach, can you
6 come over?

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. Next witness, please.

9 MS. MAYES: Yes, sir, Your Honor. May we
10 approach?

11 (Sidebar conference.)

12 THE COURT: All right. Ladies and gentlemen,
13 we're going to take an early break because I've got
14 to take up a short matter with them concerning the
15 next witness. So step back in your jury room. How
16 about select a foreperson for me and I'll be right
17 back with you in just a few minutes. Don't discuss
18 the case and don't deliberate.

19 (The jury exits the courtroom at 2:07 PM.)

20 THE COURT: All right. As I understand, the
21 next witness is the child, Minor
22 correct?

23 MS. MAYES: That's correct, Your Honor.

24 THE COURT: Let's bring him in and I will
25 conduct an inquiry to make a determination as to

1 whether I feel that he's competent to testify.
2 Reading all of the cases, they put the duty on me to
3 make a determination as to his competency concerning
4 his age and his ability to tell the truth and so
5 forth, so I'll ask him some questions regarding
6 that.

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

8 The State calls Minor

9 THE COURT: Good afternoon, Minor
10 How are you?

11 THE WITNESS: Good.

12 Minor

13 being first duly sworn, testified as follows:

14 THE WITNESS: Yes.

15 THE CLERK: So help you God?

16 THE WITNESS: Yes.

17 THE CLERK: Have a seat right up there, Minor

18 IN-CAMERA EXAMINATION

19 BY THE COURT:

20 Q. How you doing, Minor

21 A. Good.

22 Q. Give me five. What's up?

23 A. Nothing.

24 Q. Tell me how old you are.

25 A. Six.

1 Q. Six. When's your birthday?

2 A.

3 Q. Where did you get that -- I love that shirt and
4 tie. That's good-looking.

5 A. That beautiful lady right there (indicating).

6 Q. Which one?

7 A. My mom.

8 Q. And that's --

9 A. She's behind there.

10 Q. I see her back there. Where did she buy that?

11 A. Burlington.

12 Q. Oh, that's the little thing you got in your
13 hand --

14 A. A star.

15 Q. A star. Where did you get that; when you buy a
16 hamburger or something you get a prize? Where was
17 it?

18 A. They just gave me a star.

19 Q. Oh, your mama gave you the star?

20 A. Huh-uh.

21 Q. Who did?

22 A. Her (indicating).

23 Q. That lady over there?

24 A. Yeah.

25 Q. Well, let me ask you a couple questions. Do

1 you know what it means when you don't tell the
2 truth? What's that called?

3 A. Lying.

4 Q. What does lying mean?

5 A. You're not telling the truth or not being
6 honest.

7 Q. And what happens to you when you don't tell the
8 truth and you're not honest?

9 A. I don't really know.

10 Q. Do you get in trouble?

11 A. Kinda.

12 Q. Kinda. Is it best to tell the truth or best
13 not to tell the truth?

14 A. It's best to tell me the truth.

15 Q. Tell me, why is that?

16 A. It's always right.

17 Q. It's always right. I wish everybody talked to
18 me like that. That's great. It's always right to
19 tell the truth.

20 A. Some people don't, I know.

21 Q. I know some people don't. But will you tell
22 the truth in this courtroom?

23 A. I will.

24 Q. Now, you know they're going to ask you some
25 questions, this lady right here, Ms. Mayes is going

1 to ask you some questions and this nice gentleman
2 over here, Mr. Hudson, is going to ask you some
3 questions. Will you make me a big promise?

4 A. Uh-huh.

5 Q. That's a yes?

6 A. (Nods head.)

7 Q. You have to say yes or no.

8 A. Yes.

9 Q. Yes, sir. Will you promise me that you will
10 answer all of the questions that they tell you
11 truthfully?

12 A. Yes.

13 Q. And you will not tell a story or a lie about
14 anything; is that correct?

15 A. Yes.

16 Q. And you can do that?

17 A. Yes.

18 Q. And you know you might get in trouble if you
19 don't tell the truth?

20 A. Yes.

21 THE COURT: All right. Anything else you want
22 me to ask him?

23 MS. MAYES: Nothing from the State, Your Honor.

24 THE COURT: Mr. Hudson?

25 MR. HUDSON: Nothing from the Defense, Your

1 Honor.

2 THE COURT: All right. Well, I find -- I've
3 got two boys and I've been around a long time --

4 CONTINUED IN-CAMERA EXAMINATION

5 BY THE COURT:

6 Q. What are you, almost six or six and a half?

7 A. Six.

8 Q. He's just about as precocious and intelligent
9 and understanding and knows the difference between
10 right and wrong --

11 A. How do you know that?

12 Q. I just know a lot of stuff. You are a smart
13 young man.

14 A. I know things from back in Kansas, a lot of
15 things.

16 Q. Back in Kansas?

17 A. Yes.

18 Q. What's that mean?

19 A. I lived in Kansas.

20 Q. You did? Well, do you like living in South
21 Carolina?

22 A. Better. But the traffic is so bad.

23 Q. Here or in Kansas?

24 A. Here and Kansas.

25 Q. But you got snow in Kansas, not here? Does it

1 snow in Kansas?

2 A. Yeah, it does snow in Kansas.

3 Q. You don't like the snow, do you?

4 A. I hate snow because the last time my mom parked
5 in the garage and she couldn't get out because the
6 snow was piled.

7 Q. My goodness. Did you help her get out?

8 A. No. She just couldn't get out the snow with
9 her car.

10 Q. What grade are you in now?

11 A. Not in a grade yet.

12 Q. Kindergarten?

13 A. Huh-uh. I'm in first grade.

14 Q. First grade. You like school?

15 A. I haven't been to school yet --

16 Q. You like kindergarten?

17 A. -- to my new school.

18 Q. I see. I see.

19 A. I'm in first grade.

20 Q. Okay. Well, I certainly find that he's
21 competent to testify. And I'm confident you'll tell
22 the truth. Right?

23 A. Yes.

24 Q. All right. Let's bring the jury back in.

25 We'll have 12 people over there for you to talk to

1 now, so you'll have to listen to --

2 A. Where did they go?

3 Q. Sir?

4 A. Where did they go?

5 MS. MAYES: Your Honor, I did have one matter.
6 I believe in opening argument Mr. Hudson stated in
7 reference to telling foster parents that -- or
8 saying that foster parents had hurt him. We'd have
9 a motion in limine to anything outside of the
10 disciplinary issues that were going on at the school
11 when he was in the custody of Ms. Beasley. Anything
12 that's occurred in foster care, whether it's a
13 behavioral issue or it's a specific incidence of
14 conduct, we would object to.

15 THE COURT: Well, he's got a -- you can't bring
16 it up through this child. He's got to bring it up
17 through whoever conducted the interview. We'll see
18 whether or not that's relevant at that point in
19 time. If he brings up anything, make an objection
20 and I'll rule on it.

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

22 THE COURT: All right. You ready to testify?
23 You ready to tell your side of the story?

24 THE WITNESS: Yes.

25 THE COURT: You have to speak up for me.

1 THE WITNESS: Okay.

2 THE COURT: All right. Bring in the jury.

3 THE CLERK: Your Honor, you wish him to come
4 down and then come back up?

5 THE COURT: He can stay right there.

6 While the jury is coming in, let me tell you
7 how it works. This lady is going to ask you
8 questions, and when she's finished asking the
9 question, then you answer. Don't interrupt her and
10 she won't interrupt you. Fair enough? Fair enough?
11 Say yes or no.

12 THE WITNESS: Yes.

13 MS. MAYES: Minor when you get asked a
14 question from me or from Mr. Hudson or from the
15 Judge, you have to say yes or no because this lady
16 is typing it all down. And so you have to say the
17 answer instead of just nodding. Is that okay?

18 THE WITNESS: Yes.

19 THE COURT: And keep your hands out of your
20 mouth, big boy.

21 MS. MAYES: And, Your Honor, that's why he has
22 that squeezy is to keep his hands out of his mouth.

23 THE WITNESS: It's to help me, like, squeezing.

24 THE COURT: Hang on to your squeezy for me.

25 Okay? Speak into that microphone too. Okay? Fair

1 enough?

2 THE WITNESS: Okay.

3 (The jury enters the courtroom at 2:15 PM.)

4 THE COURT: Ms. Golston, you're my forelady?

5 Thank you for agreeing to serve.

6 All right. Ladies and gentlemen of the jury,
7 this young man is Minor and he has
8 already been placed under oath and sworn to tell the
9 truth. The clerk administered the oath to him.

10 And, Ms. Mayes, you may proceed.

11 Minor do me a favor now. Listen to Ms. Mayes
12 and when she gets through with her question, you
13 speak into that microphone, because all these ladies
14 and gentlemen have to hear you. Okay?

15 THE WITNESS: Okay.

16 THE COURT: Fair enough?

17 THE WITNESS: Yes, sir.

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. And, Minor how old are you today?

21 A. Six.

22 Q. You're six years old. And how far have you
23 gotten in school so far?

24 A. First grade.

25 Q. So you're going -- are you going into first

1 grade or have you already done first grade?

2 A. I'm going into the first grade.

3 Q. Okay. So it's summertime, but when school
4 starts back, you'll be in the first grade?

5 A. Yes, ma'am.

6 Q. All right. And who do you live with right now?

7 A. My mom.

8 Q. And what is your mom's name?

9 A. Candice -- no.

10 Q. It's okay. Just take your time --

11 A. My mom.

12 Q. -- and if I ask you a question and you need me
13 to say it again, it's okay to let me know to ask it
14 again, because maybe I didn't ask it the right way.

15 Okay. Now, your mom that you live with right
16 now, is that somebody different than Candice
17 Beasley?

18 A. Yes, ma'am.

19 Q. Okay.

20 THE COURT: Speak into that little microphone
21 right there. You see that little black thing?
22 Yeah. Touch it, it won't hurt you.

23 THE WITNESS: Okay.

24 BY MS. MAYES:

25 Q. All right. Now, did you go to Kindergarten?

- 1 A. Yes, ma'am.
- 2 Q. All right. And before you lived here in South
- 3 Carolina, do you remember where you lived?
- 4 A. Kansas.
- 5 Q. Kansas. Okay. And then you came here to South
- 6 Carolina. And when you came here to South Carolina,
- 7 who did you live with?
- 8 A. My mom.
- 9 Q. Okay. And what do you mean by that?
- 10 A. I don't know.
- 11 Q. Okay. Let me ask you this way: When you came
- 12 here to South Carolina and you went to kindergarten
- 13 at Seven Oaks, do you remember that?
- 14 A. Yes, ma'am.
- 15 Q. Okay. And I'm going to show you a picture of a
- 16 house and ask you whether or not you've ever seen
- 17 this place before. This is State's Exhibit 1. For
- 18 now, I just want you to take a look at the picture.
- 19 Do you know what's in the picture? You ever seen it
- 20 before?
- 21 A. I seen it before.
- 22 Q. Okay. And how is it that you know what's in
- 23 the picture, that you've seen it before?
- 24 A. Because I've been there before.
- 25 Q. You've been there before. So I want to ask you

1 a little bit about that. This picture, who used to
2 live there?

3 A. My godmother, Auntie Foo Foo and Auntie Kimmy.

4 Q. Okay. Who else?

5 A. And me.

6 Q. And you. Okay. All right.

7 MS. MAYES: This photo, State's Exhibit 1, Your
8 Honor, the State would offer as evidence.

9 THE COURT: Any objection?

10 MR. HUDSON: No, sir.

11 (State's Exhibit No. 1 marked for
12 identification and admitted into evidence.)

13 BY MS. MAYES:

14 Q. So looking at this picture, Minor you said
15 you lived there and you named the other people
16 living there. Were they kids or grownups?

17 A. Grownups.

18 Q. Okay. And, again, what were their names or
19 what do you call them?

20 A. Aunties.

21 Q. Okay. Aunties. What were the name of -- what
22 was the name of your aunties that lived there?

23 A. Auntie Foo Foo and Auntie Kimmy.

24 Q. Auntie Foo Foo and Auntie Kimmy. Okay. And
25 who else?

1 A. And Godmommy Candice and me.

2 Q. Okay.

3 THE COURT: Speak into the black thing for me.

4 Okay?

5 THE WITNESS: Okay.

6 BY MS. MAYES:

7 Q. So Godmommy Candice lived here with you?

8 A. Yes.

9 Q. Okay. Now, who all had bedrooms in the house
10 that you remember?

11 A. I did --

12 Q. Okay.

13 A. -- with Godmommy Candice. Auntie Foo Foo had
14 her own room and Auntie Kimmy had her own room.

15 Q. Okay. So Auntie Foo Foo had her own room,
16 Auntie Kimmy had her own room, and you and Godmommy
17 Candice had a room?

18 A. (Nods head.)

19 THE COURT: Yes or no?

20 THE WITNESS: Yes.

21 Q. Okay. And were you living here at this house
22 with Godmommy Candice when you were in kindergarten
23 at Seven Oaks Elementary?

24 A. Yes.

25 Q. Okay. And that was back when you were five?

1 A. Yes, it was.

2 Q. Now, was there a day when you were going to
3 Seven Oaks Elementary in kindergarten that something
4 happened to your clothes?

5 A. I got syrup on my clothes.

6 Q. Okay. How did that happen?

7 A. I had spilled it because I opened it the wrong
8 way.

9 Q. Okay. And that happened at school?

10 A. Yes, ma'am.

11 Q. Okay. So when that happened, what did you have
12 to do?

13 A. Coach Satterfield came and got me.

14 Q. And what happened to your clothes?

15 A. Then I had to take them off, and then he had
16 seen what happened.

17 Q. Okay. So that's when he saw what happened,
18 when you took your clothes off?

19 A. Yes, ma'am.

20 Q. What was it that he saw?

21 A. Marks.

22 Q. Okay. And how did you get the marks?

23 A. I had got a beating.

24 Q. Okay.

25 THE COURT: I'm sorry. What did you say, son?

1 THE WITNESS: Beating.

2 THE COURT: Speak into that little black thing
3 and tell me again.

4 THE WITNESS: Beating.

5 BY MS. MAYES:

6 Q. And who was it that gave you the beating?

7 A. Godmommy Candice.

8 Q. Okay. Had that happened one time or more than
9 one?

10 A. More than one time.

11 Q. More than one time that you got a beating?

12 A. Yes, ma'am.

13 Q. Now, did Godmommy Candice do it or put marks on
14 you more than one time?

15 A. Yes, ma'am.

16 Q. I'm going to show you a picture of a boy. Can
17 you look at this picture of the boy. This is the
18 front of the boy and the back of the boy from the
19 top of the head all the way down to the bottom of
20 the feet. Can you show me on this picture where you
21 remember getting what you call a beating from
22 Godmommy Candice?

23 A. Right there.

24 Q. I'm going to give you this magic marker and if
25 you could just step down --

1 MS. MAYES: Your Honor, if he could have
2 permission to step down.

3 THE COURT: Sure.

4 BY MS. MAYES:

5 Q. -- and show us where you remember getting a
6 beating from Godmommy Candice.

7 A. I got one right here (indicating).

8 Q. Okay.

9 A. Here (indicating).

10 Q. Okay.

11 A. And that was -- (indicating).

12 Q. I know you were talking, but this lady needs to
13 hear you. What is this place that you pointed to
14 (indicating)?

15 A. Right here (indicating).

16 Q. What is that place on the body (indicating)?
17 If you could, say it loud enough for her to hear
18 you.

19 A. Stomach.

20 Q. Okay. And what is that place that you pointed
21 to (indicating)?

22 A. Back.

23 Q. And what are these places that you pointed to
24 (indicating)?

25 A. Sides, thighs, something.

1 Q. Thighs. Okay. Minor were you clothes on or
2 off when you got --

3 A. On.

4 Q. -- when you got the beatings from Godmommy
5 Candice?

6 A. On.

7 Q. Okay. And what exactly was she using to put
8 marks on you?

9 A. A jump rope.

10 Q. Okay. And when the jump rope actually touched
11 your skin, where were you?

12 A. I was in the middle of the -- I can't remember.

13 Q. Okay. Well, let me ask you like this: When
14 the jump rope actually touched your skin, what
15 position was your body in?

16 A. I don't know what position it was in.

17 Q. Okay. Let me ask you this way: When the jump
18 rope touched your skin where was your clothes?

19 A. On.

20 Q. All right. And how did the jump rope touch
21 your skin?

22 A. Hard.

23 Q. All right. Now, did anyone ever tell you to
24 take your clothes off?

25 A. No.

1 Q. When you were getting hit with the jump rope,
2 do you know -- I know I asked you what position your
3 body was in and you didn't know. But do you know
4 what position your clothing was in? Does that
5 question make sense?

6 A. Yes. Like my clothes that I'm wearing now.

7 Q. Okay.

8 A. I had no -- I had no shoes on or socks.

9 Q. Okay. And specifically -- or while you were at
10 this house, did you get hit with the jump rope by
11 Godmommy Candice one time or more than one time?

12 A. More than one time.

13 Q. Did you ever bleed?

14 A. Yes.

15 Q. All right. And who was the person that hit you
16 that made it bleed?

17 A. Godmommy Candice.

18 Q. Did it bleed from the jump rope or do you know?

19 A. Yes.

20 Q. What did it feel like?

21 A. Hard. Like -- kind of like not bumpy, but
22 hard.

23 Q. Did you ever do anything to protect yourself or
24 to try and make it stop?

25 A. Huh-uh. I couldn't.

1 Q. What do you mean by that, that you couldn't?

2 A. I mean, like, I can't. I can't.

3 Q. You couldn't?

4 A. Yes.

5 Q. After Coach Satterfield saw the marks on you,
6 did the police come to your school?

7 A. Only one policeman.

8 (State's Exhibit Nos. 6, 7, 9, 10, 11, 12, 13
9 marked for identification.)

10 Q. I'm going to show you some photos. This is
11 going to be State's Exhibits 8, 7, 9, 10, 11, 6, 12
12 and 13. First I'll just show them to you. If you
13 could, just look at them to yourself. Okay?

14 A. Wait. Stop. That's the one that hurted.

15 Q. Okay. And that's State's Exhibit 10. And you
16 said that hurted?

17 A. Uh-huh. And those two started bleeding.

18 Q. Okay. That's State's Exhibit 11, and you said
19 they were bleeding?

20 A. Those just stopped.

21 Q. Okay. State's Exhibit 12 that you're pointing
22 to. And then State's Exhibit 13?

23 A. That -- those, they just -- they were rusted
24 up -- they looked like they were bleeding.

25 THE COURT: I'm sorry. Get him to repeat that.

1 MS. MAYES: That is State's Exhibit 13, Your
2 Honor, and he said it looked like they were bleeding
3 and they were, I think you said, rusted up.

4 BY MS. MAYES:

5 Q. You mean scabbed over? Do you know what a scab
6 is?

7 A. Uh-huh.

8 Q. Okay. Now, Minor all the pictures I just
9 showed you, who is the person in the pictures?

10 A. Me.

11 Q. Okay. How did you get these marks that are in
12 the picture?

13 A. From a jump rope.

14 Q. Okay. And who left these marks on you?

15 A. Godmommy Candice.

16 Q. When you got these marks here that were
17 bleeding --

18 A. Looked like they were bleeding.

19 Q. Okay. Was your clothes on or off then?

20 A. Off kinda, but I had that on (indicating).

21 Q. Okay. When you say you had that on, you're
22 pointing to your underwear?

23 A. (Nods head.)

24 Q. Okay. I didn't make that clear to begin with,
25 so let me ask you again. Did you always at least

- 1 have your underwear on?
- 2 A. (Nods head.)
- 3 Q. Yes or no?
- 4 A. Yes.
- 5 Q. So you always had some clothes on; right?
- 6 A. Not that much.
- 7 Q. Okay. But you always had at least your
- 8 underwear on; right?
- 9 A. (Nods head.)
- 10 Q. Okay. So you always had those clothes on. But
- 11 where it's actually on your skin --
- 12 A. Some of them were scratched up, you know? See
- 13 those scratches? Some of them were scratched up. I
- 14 wasn't scratching them because I always wear --
- 15 wait, not those, not those. Hold on a second.
- 16 Q. Okay. So --
- 17 A. I would always -- wait. I would always -- let
- 18 me see. I would always wear these, so they would
- 19 scratch it up (indicating).
- 20 Q. When you say these, you're pointing to the
- 21 white part?
- 22 A. No, this. They would always scratch it up
- 23 because it got them things in it.
- 24 Q. All right.
- 25 A. Scratch it up.

1 Q. So the marks that we're looking at here, was
2 that underneath your clothing?

3 A. Huh-uh.

4 Q. Do you know what I mean by that?

5 A. No, ma'am.

6 Q. Okay. Let me ask you like this: You had your
7 underwear on, but to get these marks --

8 THE COURT: What number is that?

9 MS. MAYES: State's Exhibit 11, Your Honor.

10 Q. -- to get these marks, was anything in between
11 you and the jump rope?

12 A. Yes.

13 Q. What?

14 A. The marks.

15 Q. Okay. So it was the jump rope, your skin, and
16 the marks?

17 A. Yes.

18 Q. Now, when you said a police officer came to
19 your school, do you remember that?

20 A. Yes, ma'am.

21 Q. Did you tell the police who did it?

22 A. Yes, ma'am.

23 Q. Who did you tell them?

24 A. That Godmommy Candice had whooped me with a
25 jump rope.

- 1 Q. Okay. And there's another lady with blonde
2 hair, Ms. Charlene. You know Ms. Charlene?
- 3 A. (Nods head.)
- 4 Q. Did you tell her who did it?
- 5 A. Yes, ma'am.
- 6 Q. And did you tell them where they could find the
7 jump rope?
- 8 A. Yes, ma'am.
- 9 Q. Where did you tell them?
- 10 A. I thought that it was beside the door -- I
11 mean, not the door, the TV.
- 12 Q. Okay. What house was it at? Whose house was
13 it at?
- 14 A. Godmommy Candice, number 5.
- 15 Q. Number 5, that's the house number?
- 16 A. Uh-huh. Number 5.
- 17 (State's Exhibit No. 28 marked for
18 identification.)
- 19 Q. I'm going to show you what is State's Exhibit
20 28, and it's in a bag. But have you ever seen that
21 before?
- 22 A. Yes. But where's the other handle?
- 23 Q. Okay. So it's only got one handle right now --
- 24 MR. HUDSON: Your Honor, may I approach?
- 25 A. Probably --

1 THE COURT: Hold on a second, bud.

2 (Sidebar conference.)

3 THE COURT: Are you okay? You good?

4 THE WITNESS: Yes, sir.

5 THE COURT: Have you had an opportunity to look
6 at it, Mr. Hudson?

7 MR. HUDSON: I have, Your Honor.

8 THE COURT: Let the record reflect that this
9 Exhibit No. 28 was sealed. At a sidebar, counsel
10 wanted to look at it before any examination
11 concerning the rope. He's done so. We can now move
12 along. Is that fair, Mr. Hudson?

13 MR. HUDSON: It is fair, Your Honor.

14 THE COURT: Thank you.

15 BY MS. MAYES:

16 Q. Okay. Now, have you ever seen this before?

17 A. Yes, ma'am.

18 Q. Where was it the last time you saw it? Whose
19 house was it at?

20 A. Godmommy Candice.

21 Q. Okay. And you said you got the marks from a
22 jump rope?

23 A. It was from this one.

24 Q. This one. Okay.

25 MS. MAYES: Your Honor, this would be State's

1 Exhibit 28 for evidence.

2 THE COURT: Moving it into evidence?

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

4 THE COURT: Any objection?

5 MR. HUDSON: Your Honor, I'm not sure a proper
6 foundation has been laid yet.

7 THE COURT: He's identified the rope and where
8 it came from. If that's the objection, it's
9 overruled. Anything else?

10 MR. HUDSON: Nothing further, Your Honor.

11 (State's Exhibit No. 28 admitted into
12 evidence.)

13 BY MS. MAYES:

14 Q. Now, when you were in kindergarten, had you --
15 you had a teacher, and I don't know if you remember,
16 but her name is Ms. Zeigler. Do you remember
17 kindergarten at Seven Oaks?

18 A. Yes.

19 Q. Okay. Had you gotten in trouble? And I'm
20 going to use the word trouble, but what that means
21 is had your teacher sent home some reports on you?

22 A. Yes.

23 Q. Okay. And did Godmommy Candice know about the
24 reports that you had gotten at school?

25 A. Yes, ma'am.

1 Q. Okay. For things like, I'm going to use the
2 word outburst, that just means talking when you're
3 not supposed to talk.

4 A. (Nods head.)

5 Q. Or maybe getting in trouble because you pushed
6 or hit another student. Did that ever happen at
7 Seven Oaks?

8 A. Yes, ma'am.

9 Q. All right.

10 A. One time I had a referral and I threw it in the
11 trash.

12 Q. Okay. Why did you do that?

13 A. I ain't want to get in trouble.

14 Q. And when you say get in trouble, what do you
15 mean by that?

16 A. Like getting a whoopin like I did last time.

17 Q. Okay. And did you know that if you took the
18 referral home, you'd get a whoopin?

19 A. (Nods head.)

20 THE COURT: You have to say yes or no.

21 A. Yes, ma'am.

22 Q. Okay. And how did that make you feel?

23 A. Very bad.

24 Q. Did you feel safe in your house when you lived
25 with Godmommy Candice?

1 A. No.

2 Q. Minor the marks that you had that we looked
3 at in the pictures, do you still have some of them
4 today?

5 A. Yes.

6 Q. Where are they at on your body?

7 A. On my body.

8 Q. Okay.

9 MS. MAYES: May we approach, Your Honor?

10 THE COURT: Yes, ma'am.

11 (Sidebar conference.)

12 MS. MAYES: Nothing further from Mr. Mitchell
13 at this time, subject to the matter we addressed at
14 sidebar.

15 THE COURT: Mr. Hudson?

16 MR. HUDSON: May it please the Court.

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. HUDSON:

20 Q. Hi, Minor

21 A. (Waves hand.)

22 Q. My name is Steve, Mr. Hudson, and I'm going to
23 ask you some questions. Okay?

24 A. Okay.

25 Q. And if you will, just continue to answer my

1 questions as you have been doing so that I can hear
2 you and you can hear me. Okay?

3 A. Yes, sir.

4 Q. All right. If you have a question,
5 understanding, or a problem hearing me, just let me
6 know and I'll speak clearly and I'll speak up so you
7 can hear me. Okay?

8 A. Yes, sir.

9 Q. Is that a deal?

10 A. Yes, sir.

11 Q. All right. Now, how long did you live with
12 Godmommy Candice?

13 A. I don't know.

14 Q. You don't know. Did you spend the summer with
15 her?

16 A. Huh-uh.

17 Q. Do you recall ever going to the beach with
18 Godmommy Candice?

19 A. Yes.

20 Q. Tell me about that. What beach did you go to?
21 Do you remember?

22 A. Myrtle Beach.

23 Q. And did you have fun?

24 A. Yes.

25 Q. What kind of things did you do? Did you get in

- 1 the water?
- 2 A. But I got sand in my eyes though.
- 3 Q. You got sand in your eyes? Did you --
- 4 A. From the water.
- 5 Q. From the water. Was that the first time you'd
- 6 been in the ocean?
- 7 A. Yes.
- 8 Q. Did you enjoy it?
- 9 A. Yes.
- 10 Q. Ocean is large, isn't it? It's huge.
- 11 A. It goes, like, down to some city. It goes down
- 12 to a city.
- 13 Q. And then the waves would come in. Do you
- 14 remember that?
- 15 A. The waves would come in.
- 16 Q. And you enjoyed that trip, didn't you?
- 17 A. (Nods head.)
- 18 Q. You enjoyed that trip to the beach?
- 19 A. Yes, sir.
- 20 Q. Okay. And did Godmommy Candice ever take you
- 21 for swim lessons?
- 22 A. Yes.
- 23 Q. Did you enjoy the swim lessons?
- 24 A. Yes.
- 25 Q. Where were they at? Were they at the Y?

1 A. Yes.

2 Q. Did you learn to swim?

3 A. Yes.

4 Q. The YMCA?

5 A. Yes.

6 Q. Did you learn to swim?

7 A. Yes.

8 Q. Are you a good swimmer now?

9 A. Yes.

10 Q. Okay. I couldn't because I couldn't get my
11 left arm out of the water. So I took swim lessons
12 as well, but I never could learn to swim. So you --
13 did you take one class or two?

14 A. One.

15 Q. Okay. What other things, Minor do you
16 remember doing with Godmommy Candice that you
17 enjoyed doing?

18 A. Going out to eat.

19 Q. What kind of places did you go out to eat? Do
20 you remember?

21 A. The only place I remember is Chili's.

22 Q. Chili's? Okay. Did you --

23 A. Or, no, that wasn't Chili's, that was
24 Applebee's.

25 Q. Applebee's. Did you ever go to see -- what's

- 1 the guy -- ever go to Chuck E. Cheese?
- 2 A. Yes.
- 3 Q. You went to Chuck E. Cheese?
- 4 A. Yes.
- 5 Q. Did you ever go to the Red Lobster?
- 6 A. Yes.
- 7 Q. Okay. And these places you went with Godmommy
- 8 Candice, you had fun at these places? You enjoyed
- 9 going to these places?
- 10 A. Yes.
- 11 Q. And Godmommy Candice, when you lived with her,
- 12 she made sure you were fed. She fed you; right?
- 13 A. Yes.
- 14 Q. Okay.
- 15 A. And at home.
- 16 Q. And at home. She fed you at home and at the
- 17 restaurants; right?
- 18 A. (Nods head.)
- 19 Q. Is that correct?
- 20 A. Yes, sir.
- 21 Q. Okay. Very good.
- 22 A. But there was a spider outside. They were them
- 23 big spiders that be in that web.
- 24 Q. Okay.
- 25 A. The big spiders. I had to go out there with

1 them.

2 Q. You don't like spiders?

3 A. Huh-uh.

4 Q. Is that a no?

5 A. I don't like spiders.

6 Q. Right. Right. Okay.

7 A. Somebody told me once if I, 'like, hit
8 something, that the eggs will break --

9 Q. Okay.

10 A. -- then spiders will die.

11 Q. Okay. Now, you told us about getting whipped
12 with this jump rope. Do you remember telling us
13 about that?

14 A. Yes, sir.

15 Q. Okay. You've referred to getting spanked as
16 being whipped; is that right, Minor

17 A. Yes, sir.

18 Q. Earlier though you said you got beat.

19 A. Yes, sir.

20 Q. Did anybody tell you to say beat as opposed to
21 whipped?

22 A. No, sir.

23 Q. Okay. So no one ever told you to say beat?

24 A. No, sir.

25 Q. So when you talk about whipping, you mean being

1 spanked?

2 A. Yes, sir.

3 Q. Okay. And this jump rope, you have jump
4 ropes -- well, let's back up. When you were at
5 Seven Oaks Elementary School, there were jump ropes;
6 right?

7 A. Yes.

8 Q. Okay.

9 A. But not ones like that. But there's, like, red
10 ones.

11 Q. Red ones, different color ones; right? Is that
12 correct?

13 A. The one -- yes, sir.

14 Q. Okay. Go ahead. Tell me. Describe them for
15 me.

16 A. And sometimes the ones -- the beads on it --

17 THE COURT: Get a little closer.

18 THE WITNESS: I got to fix my shoe. It came
19 off or I had it off.

20 THE COURT: You got it on?

21 THE WITNESS: Yep.

22 THE COURT: We're having shoe problems, but we
23 got it fixed; right?

24 THE WITNESS: Yes, sir.

25 BY MR. HUDSON:

1 Q. Okay. Tell me about the jump ropes at Seven
2 Oaks that you remember.

3 A. They were black -- not black. I mean red.

4 Q. Were there any that were black?

5 A. No, sir.

6 Q. Were there more than just one color?

7 A. Yes, sir.

8 Q. There were several colors; right?

9 A. Yes, sir.

10 Q. What --

11 A. It was ones with the beads on it.

12 Q. Okay. And what other kind of jump ropes were
13 there?

14 A. There were -- they were ropes.

15 Q. Okay. Did the rope -- not the handle part, but
16 the rope, was like this?

17 A. Yes.

18 Q. It was like this?

19 A. Different color.

20 Q. Okay. Just different color, but it was like
21 this?

22 A. Yes. But it was a different color from it.

23 Q. Okay. Now, the one -- did you used to play
24 with the jump ropes at Seven Oaks?

25 A. Uh-huh. We used to jump rope.

- 1 Q. Okay. Did some of the jump ropes have also
2 been black at Seven Oaks?
- 3 A. No, sir.
- 4 Q. - None of them were black?
- 5 A. No, sir.
- 6 Q. Okay. When you talked about getting the
7 referrals, you talked about having them and throwing
8 them away.
- 9 A. Just one.
- 10 Q. Just one that you threw away. You had gotten
11 other referrals while you were in school, Minor
- 12 A. Yes, sir.
- 13 Q. Can you tell me what the referrals were for?
- 14 A. Bad things at school, like you been bad,
15 something.
- 16 Q. Can you give me an example of a bad thing at
17 school?
- 18 A. Being a bad kid or hitting someone.
- 19 Q. Have you hit other students while at school?
- 20 A. Yes, sir.
- 21 Q. Okay. How many times? Do you remember?
- 22 A. I don't know. I remember one time.
- 23 Q. You hit another student?
- 24 A. (Nods head.)
- 25 Q. Have you ever kicked anyone?

1 A. Yes.

2 Q. Okay. Have you ever choked anyone at school?

3 A. No.

4 Q. You never put your hand around anybody's
5 throat?

6 A. No.

7 Q. Have you ever stood up at the table at school
8 and yelled during the school day?

9 A. No.

10 Q. Okay. Do you ever recall a time when you said
11 to anyone that people at school were hurting you?

12 A. Yes.

13 Q. Can you tell me who from school hurt you?

14 A. Some people were bullying me. I been bullied
15 there one time.

16 Q. You were being bullied at school?

17 A. Sometimes, and I'd bully them.

18 Q. Okay. Did any of your teachers ever hurt you?

19 A. No.

20 Q. They never hurt you?

21 A. No.

22 Q. Did any of your teacher's aides, like
23 Ms. Davis, she never hurt you, did she?

24 A. No.

25 Q. Okay. Did you ever go to the nurse while at

1 Seven Oaks?

2 A. Yes.

3 Q. Do you remember the nurse's name?

4 A. Nurse Donna.

5 Q. What kind of things did you go see Nurse Donna
6 for? Did you see her once when you ran into a
7 bench, chair?

8 A. What you mean? Like -- oh, you mean, like --
9 oh, you -- I did run into a bench.

10 Q. You ran --

11 A. I did.

12 Q. You ran into a bench?

13 A. That's why I had got -- that's why I fell and
14 got this (indicating).

15 THE COURT: Where did it hurt you when you
16 fell?

17 THE WITNESS: (Indicating).

18 THE COURT: That tooth?

19 THE WITNESS: It broke my tooth. This is not a
20 tooth. This is -- you know when you go to the
21 dentist and get that cap?

22 THE COURT: Uh-huh.

23 THE WITNESS: That's what I got.

24 THE COURT: That has a cap on it?

25 THE WITNESS: Yeah.

1 THE COURT: How did that happen?

2 THE WITNESS: I was eating too much candy.

3

4 BY MR. HUDSON:

5 Q. Okay. And when you ran into the bench, other
6 than your tooth, did it hurt or leave a mark?

7 A. No, sir.

8 Q. It didn't leave a mark anywhere else on your
9 body?

10 A. No, sir.

11 Q. Okay. Did you ever hurt your ankle while at
12 school?

13 A. No, sir.

14 Q. Okay. Did you ever -- you don't ride a bike,
15 do you?

16 A. Sir?

17 Q. Are you old enough to ride a bicycle yet?

18 A. I know how to.

19 Q. Okay. Have you ever fallen off your bike?

20 A. No, sir.

21 Q. You've never fallen?

22 A. Oh, yeah, I have one time because you know the
23 bike, those things that be like -- I fell off
24 because I was, like -- I was doing this and then I
25 had fell off of it.

1 Q. Okay. So you fell off your bike at least once?

2 A. Yep.

3 Q. Okay.

4 THE COURT: You hurt yourself?

5 THE WITNESS: No. All I said was ouch.

6 Nothing hurt, no bruises.

7 BY MR. HUDSON:

8 Q. Has anyone other than Godmommy Candice given
9 you a whipping, Minor since you've been living
10 with Godmommy Candice?

11 A. Yes.

12 Q. Can you tell me who else has given you a
13 whipping?

14 A. Auntie Foo Foo.

15 Q. Okay. And is that the only person that has
16 given you a whipping?

17 A. No, sir.

18 Q. Who else has given you a whipping?

19 A. Auntie Kimmy.

20 Q. And other than Auntie Kimmy and Auntie Foo Foo,
21 has anybody else ever given you a whipping?

22 A. No, sir.

23 Q. Okay. Now, even before you came to live with
24 Godmommy Candice, had you ever gotten a whipping
25 before?

1 A. No, sir.

2 Q. So your mommy never gave you a whipping?

3 A. No, sir.

4 Q. Dad never gave you a whipping?

5 A. No, sir.

6 Q. Okay. So the only people who ever gave you a
7 whipping were Godmommy Candice?

8 A. (Nods head.)

9 Q. Is that yes?

10 A. Yes, sir.

11 Q. Auntie Kimmy?

12 A. Yes, sir.

13 Q. And Auntie Foo Foo?

14 A. Yes, sir.

15 Q. And have you ever gotten whipping since you
16 left Godmommy Candice's house?

17 A. Huh-uh.

18 Q. You haven't got a whipping since?

19 A. Huh-uh. Because I left because.

20 Q. You left?

21 A. Because I was already gone.

22 Q. You were already gone. Okay. Did you ever
23 tell anybody that your mommy ever whipped you?

24 A. My mom?

25 Q. Yes, sir.

- 1 A. Huh-uh. My mom would never whoop me.
- 2 Q. Your mom would never whip you. And your dad
- 3 never whipped you either; right?
- 4 A. No, sir.
- 5 Q. Now, isn't it true, Minor that you used to
- 6 get written up at school a lot?
- 7 A. Yes, sir.
- 8 Q. You used to get the referrals a lot; correct?
- 9 A. Yes, sir.
- 10 Q. And they were for being bad at school?
- 11 A. Yes, sir.
- 12 Q. Okay. And didn't Godmommy Candice say to you,
- 13 let's give you a chart where if you do the things
- 14 you're supposed to do, you would get rewarded;
- 15 right? You remember that?
- 16 A. Huh-uh.
- 17 Q. You don't remember that?
- 18 A. Oh, yeah, I remember. I remember now.
- 19 Q. You would get a star or a point for being good;
- 20 right?
- 21 A. You mean like Coach Satterfield said when I get
- 22 a point or something?
- 23 Q. Right. But didn't --
- 24 A. Or a star?
- 25 Q. Absolutely. And Godmommy Candice was doing

1 that at home too; right?

2 A. Yes, sir.

3 Q. Okay. And in terms of going to the beach, when
4 you needed to be punished at home, would Godmommy
5 Candice also take privileges away? Do you know what
6 privileges mean?

7 A. Yes, sir.

8 Q. Not let you do something?

9 A. Like watch TV, play with my toys, or something
10 like that.

11 Q. And she used to do those things, right, take
12 privileges away?

13 A. Yes, sir.

14 Q. How did that make you feel?

15 A. That make me feel okay because when I do the
16 wrong things, that's what's supposed to happen.

17 Q. Okay. And you were told that you wouldn't be
18 able to go to the second beach trip; right? Do you
19 remember that? They were planning a second trip to
20 the beach, and you were told you wouldn't be able to
21 go; right?

22 A. Yes. Had to stay with Auntie Foo Foo.

23 Q. And that's because -- do you remember why you
24 wouldn't be able to go to the beach?

25 A. Yes, sir.

1 Q. Why?

2 A. Because I had acted up. If I be good -- they
3 said if I be good, I could go to the beach.

4 Q. But you --

5 A. But I didn't.

6 Q. But you didn't; right? So you knew you weren't
7 going to be able to go to the beach?

8 A. Yes, sir.

9 Q. Okay. Do you remember when this was?

10 A. Yes, sir.

11 Q. Was this before or -- well, let me ask you
12 this: You were told you were not going to be able
13 to go to the beach before Coach Satterfield found
14 the marks on your body; right?

15 A. Yes, sir. That was when I went back to the
16 school.

17 Q. You went back to school. Okay. You were
18 asked, Minor about who all lived with you when you
19 lived with Godmommy Candice. You had your own bed;
20 right?

21 A. Yes.

22 Q. Okay. But you shared a room with Godmommy
23 Candice; right?

24 A. Yes.

25 Q. Okay. And you are six years old now. Were you

1 able to give yourself a bath?

2 A. Yes.

3 Q. You bathed yourself?

4 A. Yes.

5 Q. No one helped you while you were at Godmommy
6 Candice's house?

7 A. No, sir.

8 Q. So you gave yourself baths?

9 A. Yes, sir.

10 Q. When you would give yourself a bath, would
11 they -- would Godmommy Candice wait until after you
12 came out from the bathroom?

13 A. Huh-uh.

14 Q. Well, let me ask you this: When you gave
15 yourself a bath, you also dressed yourself, right,
16 you put on your clothes?

17 A. Yes, sir.

18 Q. So you'd go in, you'd get your clothes, you'd
19 take a bath, dry off, and you'd get dressed; right?

20 A. Yes, sir.

21 Q. No one had to help you with that?

22 A. Huh-uh. Sometimes if I would be good, I
23 wouldn't have to get those whoopins because I would
24 be ready for bed, then I'll be in the bed, and then
25 I wake up -- wake up and be -- wake up and be

1 cranky.

2 Q. Are you telling me, Minor you only got
3 whippings when you were bad?

4 A. Yes, sir. That's the only thing that can
5 happen.

6 Q. You'd get whippings when you were bad?

7 A. Yes, sir.

8 Q. Okay. Or you'd not be allowed to watch TV or
9 you'd not be allowed to play with a toy?

10 A. Yes, sir.

11 Q. Okay. Did you ever -- or do you remember ever
12 saying to Godmommy Candice that Ms. Davis at school
13 gave you a whipping?

14 A. Huh-uh.

15 Q. You don't remember saying that?

16 A. I never said that.

17 Q. Okay. Do you enjoy watching WWE? Do you know
18 what that is?

19 A. I don't know -- I didn't -- I don't remember
20 watching that.

21 Q. Do you know what WWE is?

22 A. Yes. A wrestling thing, whatever it's called.

23 Q. Right. Who is your favorite wrestler?

24 A. John Cena.

25 Q. Okay. And he's from Massachusetts; right?

1 A. Massachusetts?

2 Q. Yeah. Do you know where he's from?

3 A. Yes.

4 Q. Where is he from?

5 A. Massachusetts.

6 Q. Okay. Do you ever --

7 A. I don't know why he has this sign.

8 Q. I'm not sure either. Do you ever pretend to be
9 a wrestler, to be a WWE wrestler?

10 A. No. I don't wrestle no more.

11 Q. Have you in the past though? Did you used to?

12 A. Huh-uh.

13 Q. You don't wrestle no -- when did you stop
14 wrestling?

15 A. I never wrestled.

16 Q. You never pretended to be a wrestler?

17 A. (Shakes head.)

18 Q. Okay. When I say pretend, I mean make believe.

19 Do you know what I mean?

20 A. Yes, sir.

21 Q. Okay. And you never used to jump off the couch
22 or off the table doing your wrestling moves?

23 A. No, sir.

24 Q. Does John Cena's signature wrestling move?

25 Does he have a signature move?

1 A. Yes.

2 Q. What is it?

3 A. Sometimes, like, get on the top of that thing,
4 you know that rope, and then he might -- when they
5 get down, he'll jump on him and then hurt him.

6 Q. Okay. And you never tried his signature move,
7 have you?

8 A. Huh-uh.

9 Q. Did you ever try any of the signature moves
10 from any of the wrestlers from WWE?

11 A. I never tried nobody's moves.

12 Q. Not once?

13 A. Maybe one because I used to -- at my mom's
14 house, I used to, like, be on this, and then I might
15 jump off the furniture.

16 Q. Okay. When you did that, did you ever get hurt
17 jumping off the furniture?

18 A. No. I'd be doing flips off the couch and
19 everything.

20 Q. You did flips off the couch?

21 A. Yep.

22 Q. Okay. And everything. What other kinds of
23 things would you do?

24 A. Not -- not -- not -- I mean, not be quiet.

25 Q. Okay. Minor did you ever use this rope to

1 jump with? You ever jump with this rope?

2 A. Huh-uh. I can't because there's not enough
3 space.

4 Q. Not enough space to actually jump with it?

5 A. Huh-uh.

6 Q. Did you ever -- were you ever picking up this
7 rope and looking at it and playing with it?

8 A. No.

9 Q. You never touched this rope?

10 A. I have. I picked it up one time.

11 Q. Okay. And you were told not to pick it up?

12 A. Huh-uh. Because Godmommy Candice said, give
13 that to me.

14 Q. Okay. Minor have you ever -- strike that.

15 Can you tell me, Minor how many times

16 Godmommy Candice whipped you with the rope?

17 A. I don't know.

18 Q. You don't know?

19 A. (Shakes head.)

20 Q. Was it one time?

21 A. I remember only one time.

22 Q. You remember only one time?

23 A. I can remember all the times, but I don't know
24 what kind of number.

25 Q. When you say you can remember all the times,

1 you don't know the number, where you talking about
2 when you first moved in with her?

3 A. Huh-uh.

4 Q. You're not?

5 A. Talking about on -- just when I wanted to do
6 what I wanted to do. That's what I'm trying to say.

7 Q. When you wanted to do what you wanted to do.
8 Things like what, Minor What would you want to do
9 that Godmommy Candice wouldn't let you do?

10 A. Like, let's see, pee in the bed or listen. She
11 wants me to listen and not be bad.

12 Q. Okay. When you -- did anyone else ever hit you
13 with this rope?

14 A. No, not if I think of.

15 Q. No one else ever hit you with this rope?

16 A. Only the aunties and Godmommy Candice.

17 Q. The aunties hit you with the rope?

18 A. And my Godmommy Candice.

19 Q. Okay. And you never hit yourself with the
20 rope?

21 A. No. Why would I hit myself with the rope?

22 Q. Well, did you ever hit yourself with the rope?

23 A. Huh-uh.

24 Q. Okay. Did you ever hit yourself with anything
25 other thing other than running into the bench?

1 A. No.

2 Q. Jumping off the table?

3 A. No.

4 Q. You fell off the bike?

5 A. Yes. I fell off my bike before.

6 Q. Okay. Do you remember any other times you may
7 have hurt yourself?

8 A. I was back in Carolina Springs when I was
9 playing tag and I had ran into the wall -- I mean,
10 you know that pole where you hold up things where
11 you can run down?

12 Q. Is it inside or outside?

13 A. Outside.

14 Q. It's an outside pole?

15 A. Yes, it's an outside pole. And I ran into it
16 and that's why I had that thing on my lip when it
17 had broke. I had ran into it and then I had bit it
18 really big.

19 Q. Okay.

20 THE COURT: You okay?

21 THE WITNESS: Yeah. I'm just --

22 THE COURT: Just what?

23 THE WITNESS: I don't want talk no more.

24 THE COURT: You don't want to talk no more?

25 It's about over.

1 THE WITNESS: It's almost over, I know.

2 BY MR. HUDSON:

3 Q. I'm going to ask you questions about the things
4 you did while you were in school. Okay? Okay,

5 Minor

6 THE COURT: Listen, Minor

7 Q. It's almost over, but I need you to listen to
8 me. You said some of the things you did to your
9 classmates. Do you recall ever pushing another
10 student? You pushed another student, haven't you?

11 A. Yes, sir.

12 Q. Okay. And did you pinch a student once?

13 A. Yes, sir.

14 Q. Okay. And you told us you had kicked another
15 student.

16 A. Yes, sir.

17 Q. And did you ever punch another student in the
18 mouth?

19 A. Yes, sir.

20 Q. Okay. Did you make his lip bleed?

21 A. No, sir.

22 Q. Okay. But you punched him in the mouth?

23 A. (Nods head.)

24 Q. Is that a yes?

25 A. Did that before. Yes, sir.

1 Q. You did that before? Okay.

2 THE COURT: He did what?

3 THE WITNESS: Punched somebody.

4 THE COURT: Did you say he asked for it?

5 THE WITNESS: I said yes, sir.

6 THE COURT: Did you say he asked for it?

7 THE WITNESS: (Nonverbal response.)

8 THE COURT: Go ahead. Answer his question.

9 THE WITNESS: No. I said yes, sir.

10 BY MR. HUDSON:

11 Q. Did you ever stomp on anyone's hands?

12 A. Stomp on anyone's hands? No, sir.

13 Q. Okay. Did you ever scratch anyone at school?

14 A. Yes, sir.

15 Q. Now, do you, from time to time, suffer from dry
16 skin or eczema? Do you know what that is?

17 A. Yes, sir.

18 Q. Do you have dry skin?

19 A. No, sir.

20 Q. You don't? You don't have eczema or dry skin?

21 A. (Shakes head.)

22 Q. Okay.

23 A. Sometimes I do have dry skin and I have to put
24 lotion on my hands and just rub it.

25 Q. Rub it in? Okay. What happens when you don't

1 put lotion on your hands?

2 A. It gets too dry.

3 Q. It gets too dry. Is that the only place you
4 have to put lotion on?

5 A. Yep.

6 Q. Okay.

7 A. Or sometimes my ankles, my arms, my legs, my
8 elbows, my face.

9 Q. Okay. All over?

10 A. Yep. My ears.

11 MR. HUDSON: I beg the Court's indulgence, Your'
12 Honor. No further questions.

13 THE COURT: Ms. Mayes?

14 MS. MAYES: Very briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Just a few short questions, Minor if that's
18 okay. Mr. Hudson was asking you about wrestling.
19 All of these marks that you looked at in the
20 pictures, are they from wrestling or are they from
21 something else?

22 A. They're from a jump rope.

23 Q. Okay. And who is the person that hit you with
24 the jump rope?

25 A. Godmommy Candice.

1 Q. And was that one time or more than one time?

2 It's okay that you don't know the number. But was
3 it one time or more than one time?

4 A. It was more than one time. I know she didn't
5 mean to.

6 Q. Why do you say that?

7 A. She didn't mean to. I'm just saying, she
8 didn't mean to.

9 Q. What do you mean by that?

10 A. I mean, like, I don't know.

11 Q. Okay. Who is the person that had the jump rope
12 in their hand?

13 A. Godmommy Candice.

14 Q. Okay.

15 MS. MAYES: Nothing further.

16 THE COURT: Okay. You can step down and go
17 back to your mama. How about that?

18 THE WITNESS: Okay.

19 THE COURT: Next witness, please.

20 MS. MAYES: Yes, sir, Your Honor. The State
21 calls Officer Barrett.

22 RAYMOND BARRETT

23 being first duly sworn, testified as follows:

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Have a seat, sir. Once you're

1 seated, state your full name, spelling your last,
2 please.

3 THE WITNESS: Raymond Barrett, B-A-R-R-E-T-T.
4 First name Raymond or Ray, whichever one.

5 DIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. Officer Barrett, do you have with you a copy of
8 the incident report that you prepared in this case?

9 A. I do have a copy of it, yes, ma'am.

10 Q. Okay. And I want to start by asking you a
11 little information about your background and
12 training that led you to work with the Lexington
13 County Sheriff's Department.

14 A. Okay.

15 Q. Tell us about that.

16 A. I originally started at a small agency,
17 Springdale Police Department, for about two years.
18 And then I got tired of being in a small little
19 agency and I decided to come to a larger agency to
20 the sheriff's department. I got here in 2010 and
21 worked all the way up to a supervisor on the road.
22 And then I became an SRO about two school years ago.

23 Q. And SRO, school resource officer. What are the
24 job duties or responsibilities of a school resource
25 officer?

1 A. I can give you the definition of it per South
2 Carolina Code of Laws because we're actually in
3 there, or I can give you what was drilled in our
4 head at the academy.

5 Q. Okay. Go ahead.

6 A. I'll give you both of them. School resource
7 officer, 5-7-12, is a person who is a sworn law
8 enforcement officer who is assigned to one or more
9 school districts in the state. They have a primary
10 duty to -- the responsibility to act as a law
11 enforcement officer, advisor, and teacher for the
12 school district.

13 The thing that was drilled in our head the
14 whole time was we are there to maintain a safe and
15 secure learning environment.

16 Q. Now, are school resource officers also what is
17 known as a mandatory reporter of child abuse?

18 A. We are.

19 Q. Meaning, it must be reported to authorities --

20 A. Yes, ma'am.

21 Q. -- if it is observed or suspected?

22 A. Yes, ma'am. We are listed underneath that.

23 Q. I want to ask you, Officer Barrett,
24 specifically about the events of October 14th, 2014.

25 Do you have with you your notes and documentation

1 concerning an incident on that date?

2 A. Yes, ma'am. I have the incident report that I
3 wrote.

4 Q. How did you become aware of injuries to a child
5 by the name of Minor ., a kindergarten
6 student?

7 A. I was sitting at my office. I have an office
8 in the school that the school has given to me. And
9 I was sitting in there, checking my e-mails before I
10 was fixing to go out to walk the school to make sure
11 everything was secure and whatnot and make sure the
12 outside doors were locked at all times.

13 Coach Satterfield came to my office and he
14 walked by and you could see tears in his eyes and --
15 which was very odd to me because I struck him to be
16 a very tough guy, I guess you could say. And he
17 said, Officer Barrett, I think you need to come take
18 a look at this.

19 And I've had other cases at this school where
20 there have been other child incidents where I'm
21 required to, you know, report and DSS be involved.
22 So I have my camera right there at my desk. So I
23 grab my camera and we walk towards the nurse's
24 station. And Minor was standing there and -- Nurse
25 Clark was standing there. And she has this -- I

1 guess you could say she always has, like, a neutral
2 look on her face. And you could look at her face
3 and it was just kind of like this neutral but you
4 could tell something just wasn't right. You could
5 just feel it, kind of like the hair on the back of
6 your neck kind of thing.

7 And we shut the door, which is very uncommon to
8 shut the door to the nurse's station where nobody
9 could see. And I -- I -- I asked, okay, why are we
10 in here? And I saw Minor and he was dressed in
11 shorts and...

12 Q. All right. Did you actually observe him at
13 that time?

14 A. I did, yes, ma'am.

15 Q. And physically, can you tell us whether or not
16 you were able to observe any injuries to him?

17 A. Yes, ma'am.

18 Q. Did you have your camera with you in order to
19 photograph those injuries?

20 A. Yes, ma'am.

21 Q. I'm going to show you a series of photographs
22 which are State's Exhibits 13, 12, 11, 10, 9, 8, 7,
23 6 as well as 14, 15, 16, 17 and 18. If you could
24 take a look at those just to yourself for a minute
25 and tell us whether or not you recognize what's

1 depicted in those photographs.

2 A. I'm sorry. What was the question?

3 Q. Look through the photos and then tell us
4 whether or not you recognize the person in the
5 photos and what's being depicted.

6 A. These I did not take. But it is Minor

7 Q. Were you present when they were taken?

8 A. Yes. We were in the guidance counselor's room
9 with major crimes and DSS.

10 Q. Okay. So as to 14, 15, 16, 17 and 18, you were
11 present when those were taken. Are they a fair and
12 accurate representation of what you observed on
13 Minor on that date?

14 A. Yes, ma'am. I'll never forget that picture,
15 the dude on his shirt.

16 Q. And 6, 7, 8, 9, 10, 11, 12, and 13 were taken
17 by who?

18 A. Taken by me.

19 Q. Are they a fair and accurate representation of
20 the injuries you observed on Minor

21 A. Yes, ma'am.

22 MS. MAYES: Your Honor, at this time we'd offer
23 all photos as evidence and that would be 6 through
24 18 in sequential order.

25 THE COURT: Any objection?

1 MR. HUDSON: No, sir.

2 THE COURT: They're in.

3 (State's Exhibit Nos. 6 - 18 admitted into
4 evidence.)

5 BY MS. MAYES:

6 Q. Before we get back to the photos, let me ask
7 you this: What is the procedure when you have a
8 case of suspected child physical abuse and you feel
9 that -- well, let me ask you this: Did you feel
10 that further investigation was warranted?

11 A. Our protocol for specifically school resource
12 officers because we don't have to time to follow up
13 and the training that certain officers in the
14 department have, our protocol is I call my
15 supervisor first, Sergeant Swinson, and told him
16 that I need major crimes down here immediately. And
17 Investigator Dykes showed up probably -- I'd
18 guesstimate probably within half an hour.

19 Q. All right. And when you say you notified major
20 crimes, what is the major crimes division for
21 Lexington County Sheriff's Department?

22 A. Major crimes deals with bank robberies,
23 burglaries -- well, actually, burglaries are
24 actually the regions. They deal with sexual
25 assaults --

1 Q. Do they also handle child abuse investigations?

2 A. They handle child abuse investigations, yes,
3 ma'am.

4 Q. Can you tell us whether or not that was the
5 reason you referred this case to major crimes?

6 A. Yes, ma'am.

7 Q. And you mentioned Detective Dykes, is he
8 present in the courtroom?

9 A. Yes, ma'am, right there (indicating).

10 Q. And that's Detective Dykes with the sheriff's
11 department?

12 A. Yes, ma'am.

13 Q. And can you tell us whether or not he responded
14 to Seven Oaks that same morning?

15 A. Yes, ma'am, like I said, within about 30
16 minutes.

17 Q. And what about the Department of Social
18 Services? Can you tell us whether or not they were
19 also notified?

20 A. If my memory serves me correctly, I think she
21 beat him there.

22 Q. When you say she, you're referring to who?

23 A. Charlene Molly.

24 Q. Charlene Mooneyhan?

25 A. Charlene Mooneyhan, excuse me.

1 Q. With the Department of Social Services?

2 A. Yes, ma'am.

3 Q. Now, did you actually have contact with Minor
4 yourself?

5 A. I did when I was taking the pictures and the --
6 well, the guidance counselor -- I didn't -- in the
7 guidance room, I didn't have contact with him, but
8 major crimes talked to him.

9 Q. Okay.

10 A. But in the nurse's station I did.

11 Q. When you had contact with him in the nurse's
12 station pursuant to your role in this investigation,
13 did you have the opportunity to ask him how he got
14 the injuries?

15 A. I did.

16 Q. And was he able to tell you who inflicted the
17 injuries?

18 A. Yeah, immediately.

19 Q. Okay. So once he told you who had inflicted
20 the injuries, did you share that information with
21 the sheriff's department?

22 A. I did with Investigator Dykes.

23 Q. Now, you actually -- as a school resource
24 officer, you work onsite at Seven Oaks Elementary;
25 is that right?

1 A. Yes, ma'am, from 7:00 to 4:00 every day.

2 Q. Are you familiar with the recreational
3 equipment there such as the school playground?

4 A. Yes, ma'am. We have one, two, three of them.
5 We have three.

6 Q. Throughout your experience there at Seven Oaks
7 Elementary, have you ever seen a child sustain
8 injuries such as this from any of your playground
9 equipment at Seven Oaks Elementary?

10 A. No, because everything is padded since the kids
11 are so small. You don't want them to hit their
12 heads or anything like that. There's no way
13 something like that could have happened on a
14 playground.

15 MS. MAYES: Your Honor, at this time, the State
16 would seek permission to publish photos 6 through 13
17 as well as 16, 17 and 18.

18 THE COURT: You may.

19 Madam forelady, as you look at them, just keep
20 passing them.

21 You may proceed.

22 MS. MAYES: No further questions of this
23 witness, Your Honor.

24 THE COURT: Cross?

25 MR. HUDSON: May it please the Court.

1 CROSS-EXAMINATION

2 BY MR. HUDSON:

3 Q. Officer Barrett, you're familiar with jump
4 ropes at Seven Oaks; right?

5 A. Yes, sir.

6 Q. Can you describe the jump ropes for me?

7 A. They're for elementary school level. They have
8 a string in between the two parts you hold and they
9 beads around them probably about an inch and a half
10 long and they're usually colored light red to white,
11 red to white.

12 Q. Now, are all of the jump ropes that
13 configuration?

14 A. The ones I've seen, yes, sir.

15 Q. So you don't recall seeing any jump ropes that
16 had no beads?

17 A. The ones that I've seen have had beads on them.

18 Q. Do you not recall seeing the jump ropes where
19 they're housed?

20 A. I know where they're housed, but I don't go
21 back in there because there's no reason for me to be
22 in the storage closet. I should be outside where I
23 can seen.

24 Q. So you can't tell me or explain in terms of
25 where they're at actually how many jump ropes there

1 are?

2 A. No, sir.

3 Q. Okay. Now, as a resource officer, you were
4 employed with Seven Oaks at the beginning of the
5 school year in August of 2014?

6 A. No. I'm employed by the Lexington County
7 Sheriff's Department.

8 Q. Were you assigned to Seven Oaks?

9 A. I was assigned to Seven Oaks, yes.

10 Q. When were you assigned to Seven Oaks?

11 A. This was my second school year. I came in the
12 middle of the school year. It's 2015, so somewhere
13 about 2013, I came halfway in.

14 Q. As a resource officer, did you ever have an
15 occasion to be called down to a classroom involving
16 Minor

17 A. Yes, sir.

18 Q. Can you tell me about that? Why were you
19 called down to a classroom involving Minor

20 ?

21 A. He was acting out.

22 Q. Do you remember what the specific complaint
23 was?

24 A. It was -- it would differentiate every time he
25 would hit somebody or he wouldn't sit down, he

1 wouldn't listen, wouldn't follow instructions. It's
2 kindergarten, he's five years old, so...

3 Q. Okay. But it was important enough to call the
4 resource officer; right?

5 A. That's not my responsibility to take care of
6 discipline.

7 Q. I didn't ask you that.

8 A. And I was fixing to elaborate. But that's not
9 my take to do that, but I do go respond to those
10 kind of situations as well as walk through the
11 school.

12 Q. So you've seen and had contact with Minor
13 before October 14th; right?

14 A. Yes, sir.

15 Q. Okay. Can you tell me how often you think you
16 had any interaction with Minor

17 A. How many times?

18 Q. Not how many times. How frequent. Was it
19 weekly? Daily?

20 A. How many times I responded to --

21 Q. You personally.

22 A. Okay. I just want to make sure I understand
23 the question. Me respond --

24 Q. Yes, sir.

25 A. -- or that I just hear it across the radio that

1 they need help down there?

2 Q. No, sir. That's a different question. How
3 many times did you respond?

4 A. Maybe half a dozen.

5 Q. And are you aware of any other times that there
6 were calls being made concerning Minor

7 A. Yes, sir.

8 Q. That's the radio question.

9 A. Yes, sir.

10 Q. Was that another half a dozen or so?

11 A. I think it was a little more than that.

12 Q. Little more than that?

13 A. Yes, sir.

14 Q. Now, if you will take it from October 14th,
15 let's go back, say, a week before that. Do you
16 recall seeing Minor

17 A. Honestly, sir, I don't know. I couldn't tell
18 you what I had for lunch two weeks ago. I don't
19 know.

20 Q. All right. Well, I guess that -- is it safe to
21 say, Officer Barrett, if you had noticed any kind of
22 scars or bruises on Minor that were consistent with
23 abuse, you would have reported it; correct?

24 A. If I would have seen something, yes, because
25 I'm a mandated reporter by law. Yes, sir.

1 Q. And the only time you're telling us that you
2 saw anything was when it was brought to your
3 attention by Coach Satterfield; right?

4 A. Coach Satterfield told me to come to the
5 nurse's office and the nurse presented it to me, as
6 well as him. And they're all -- both of them are
7 mandated reporters by law too.

8 Q. You said that you interviewed or spoke to
9 Minor . You indicated he referred to you -- who
10 exactly is it he said placed the marks on him?

11 A. Give me one second, counsel. I stopped taking
12 pictures and Minor was then again asked who hit him
13 with the jump rope, and he replied Candice.

14 Q. He replied Candice. That's your notes that
15 you're referring to?

16 A. On my official police document.

17 Q. He said Candice?

18 A. That's what it says. Yes, sir.

19 Q. And you said again, so you inquired initially.
20 Was he hesitant to say or give you --

21 A. I'm trying to find it where I said initially,
22 counsel. I can tell you exactly what it says. I --
23 because I came from the streets working with adults,
24 you have to come down to a child level where you
25 have to talk to them differently than you would an

1 adult because working with K4 four-year-olds to K5
2 all the way up to 5th grade, you have to learn to
3 talk to them differently.

4 So I have to be able to talk to him differently
5 because he was in kindergarten. So I was kind of
6 playful saying, you know, what happened here,

7 Minor And Minor replied, Candice hit me with a
8 jump rope. I said, she did? And I said, you
9 wouldn't mind taking some pictures? And he said,
10 you can if you want.

11 Q. I didn't hear --

12 A. He said you can if you want.

13 Q. Prior to that, he said who hit him?

14 A. Minor replied, Candice hit me with a jump
15 rope.

16 Q. So you're reporting that twice he used the term
17 Candice?

18 A. It's written right here, sir.

19 Q. Other than that statement from Minor you have
20 no personal knowledge of how these marks got on him;
21 right?

22 A. Other than what I was presented that day, this
23 was how I got told that this happened.

24 Q. So you have no personal knowledge of how the
25 marks came to be on Minor body except for what

1 you interview revealed; correct?

2 A. In the nurse's station, yes, sir.

3 Q. So you have no idea who he comes in contact
4 with outside the school; right?

5 A. I just stay at the school, so I don't go to
6 people's houses.

7 Q. So all you can tell us is what his body looked
8 like, the day you observed it?

9 A. Right.

10 MR. HUDSON: No further questions.

11 THE COURT: Redirect?

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

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. Officer Barrett, Mr. Hudson was asking you
16 about the times that you responded to the classroom
17 regarding Minor Can you tell us whether or not
18 you were aware of efforts being made internally at
19 the school for positive reinforcement?

20 A. After so many times, we have what's called a
21 tier 2 meeting which is for problematic children
22 outside the school -- or, excuse me, inside the
23 school so that we as staff, instead of writing kids
24 up all the time, we can actually help them become
25 better that way they don't have to be written up and

1 referred to the district office.

2 Q. And does that include kids with adjustment
3 issues concerning school, adjusting to rules and
4 procedures?

5 A. Yes, ma'am. We assign a mentor to them.

6 Q. Okay. And had that been done in Minor
7 situation during the two months that he was there?

8 A. Yes, ma'am.

9 Q. Now, Mr. Hudson asked you specifically about
10 your questioning of Minor about what happened and
11 who did it. Do you have with you specifically your
12 notations in that regard? Did you document that in
13 your incident report?

14 A. Say the question one more time. I just want to
15 make sure I got it right.

16 Q. Mr. Hudson was asking you about whether you
17 asked Minor who did it.

18 A. Right.

19 Q. Did you document that in your incident report?

20 A. Yes, ma'am, I sure did.

21 Q. And is that the incident report from the
22 morning of October 14?

23 A. Yes, ma'am.

24 Q. All right. And did you ask him one time or did
25 you ask him more than one time who did it?

1 A. I asked him twice.

2 Q. All right. And the one time I believe you
3 testified was before the pictures were taken?

4 A. Yes, ma'am.

5 Q. And then you also asked him again at what other
6 point?

7 A. I asked him one time before and then I asked
8 him after I took the pictures. I asked him if I
9 could check if he had any additional -- because most
10 of his injuries were on his legs and some were on
11 his groin and some were on his chest. I wanted to
12 see if he had any on his buttocks, and I asked if I
13 could check and he said no. I stopped taking
14 pictured and I asked Minor again who hit him and he
15 said Candice.

16 Q. All right. So both times you asked him, before
17 and after the pictures, he told you Candice?

18 A. Yes.

19 Q. And how did he tell you she did it?

20 A. With a jump rope.

21 MS. MAYES: Nothing further.

22 THE COURT: All right. You may step down.

23 Madam Forelady, ladies and gentlemen, we're
24 going to take about a 15-minute break, come back and
25 go to 5:00, and then we'll see how we stand for

1 tomorrow. Everybody else remain seated. Please do
2 not discuss the case or do any type of
3 deliberations.

4 (The jury exits the courtroom at 3:34 PM.)

5 THE COURT: Ms. Mayes, anything for the record
6 before we break?

7 MS. MAYES: No, sir, Your Honor.

8 THE COURT: Mr. Hudson, anything for the record
9 before we break?

10 MR. HUDSON: Not for the record, just an
11 inquiry about something mentioned earlier concerning
12 the procedures about the child witness. When
13 exactly were you going to do that?

14 THE COURT: I don't know. Ms. Mayes is trying
15 her case. I don't want to get involved with that.
16 If she wants to just -- you want to be kind enough
17 and tell him?

18 MS. MAYES: Yes, sir, Your Honor. I believe
19 he's changing clothes right now and --

20 THE COURT: We'll do it before the day is over
21 then?

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

23 THE COURT: All right. The defendant is in
24 custody.

25 MR. HUDSON: Your Honor, I'm sorry. As to that

1 matter, are we recessing for the day?

2 THE COURT: No, sir. She's in custody for the
3 break. The trial has started. That's my protocol.

4 (Short break.)

5 THE COURT: Anything for the record before we
6 start back?

7 MS. MAYES: No, sir, Your Honor. We're ready
8 to do the brief presentation where we will have the
9 witness stand before the jury to show the injuries.
10 Most likely he'll stand up -- we have a little
11 ladder here. Most likely he will stand up on the
12 bar with some assistance from the victim advocate.

13 THE COURT: I'll tell the jury you're going to
14 publish his -- or show his back. I'm not going to
15 say scars or anything else. He can stand there,
16 turn around. As soon as that's done, he can leave.

17 MS. MAYES: Yes, sir. And it's his legs as
18 well.

19 THE COURT: Well, legs, back.

20 Anything for the record before we start back?

21 MR. HUDSON: No, sir, Your Honor.

22 THE COURT: Bring the jury in, please.

23 (The jury enters the courtroom at 3:57 PM.)

24 THE COURT: All right. If it suits everybody,
25 we'll go right till 5:00.

1 Ms. Mayes.

2 MS. MAYES: Yes, sir, Your Honor. At this time
3 the state would publish -- there's been a change of
4 clothing. The State would publish the injuries
5 pursuant to South Carolina code regarding great
6 bodily injury, Minor

7 THE COURT: All right. We're going to allow
8 the young man come up. I suspect he'll stand on a
9 little stool and he will let you look -- you can
10 look at his legs and whatever else the solicitor
11 decides.

12 MS. MAYES: Now, for the record, Minor I'm
13 going to ask you if we can pull up the side of your
14 shorts on the right side of your body. Can you grab
15 those shorts right there and pull them up as high as
16 you can? Okay. Excellent.

17 All right. Now, if we can, I'm going to do the
18 same thing with your shirt here if Ms. Frazier can
19 pull that up. I'll ask you to turn around in my
20 direction. All right.

21 All right. If you could turn around and look
22 at me now. Little bit more. Excellent. Okay. Can
23 you take your hands and pull your shirt up as high
24 as you can? All right.

25 Now, can you keep your shirt up a little bit as

1 high as you can? Now let's turn around, let's turn
2 around. One more time, if you could turn back this
3 way, keeping that shirt up as high as you can. All
4 right. And one more time when your back is towards
5 me. Excellent. All right. Thank you.

6 The State calls Charlene Mooneyhan.

7 CHARLENE MOONEYHAN

8 being first duly sworn, testified as follows:

9 THE WITNESS: Yes.

10 THE CLERK: Thank you, ma'am. Have a seat.
11 Once you're seated, state your name spelling your
12 last on the record.

13 THE WITNESS: Charlene Mooneyhan,
14 M-O-O-N-E-Y-H-A-N.

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. All right. Can you tell us a little bit about
18 yourself? Where are you currently employed and in
19 what capacity?

20 A. I'm a child protective services investigator
21 with Lexington County DSS.

22 Q. And how long have you been with child
23 protective services?

24 A. About a year and a half.

25 Q. In general, can you give us some information

1 about your role in child protective services as a
2 caseworker and investigator? What exactly does your
3 job entail?

4 A. Yes. I investigate child abuse, child neglect,
5 sexual abuse, physical abuse, and neglect of
6 children perpetrated by their parents or people who
7 are in loco parentis, meaning in a guardian role.

8 Q. All right. And that guardianship role or in
9 loco parentis, as you put it, does it always have to
10 be a biological parent that's investigated?

11 A. No. There are many grandparents, aunts, or kin
12 who have guardianship or custody of children. Even
13 if they don't have guardianship or custody through a
14 court, they still may act -- by acting in that role,
15 it just means your responsible for the child with
16 medical care, educational needs, et cetera.

17 Q. What about someone who has been appointed by
18 the Court or approved by the Court as a legal
19 guardian?

20 A. Certainly.

21 Q. That would also be considered in loco parentis?

22 A. Yes.

23 Q. And in role of a parent?

24 A. Yes.

25 Q. Would that parent be responsible legally for

1 that child's health and welfare?

2 A. That's correct, yes.

3 Q. Now, specifically I want to ask you how you
4 became involved in a case back in October of 2014
5 involving Minor

6 A. Yes. I -- it was early in the morning around
7 8:45 to 9:00 a.m. whenever I was at the office and I
8 received an emergency report. There's two types of
9 reports; a 24-hour response time by the State and
10 two-hour response time, an emergency response time.
11 This was emergency response to Seven Oaks Elementary
12 School.

13 I responded and I met -- once I arrived at the
14 school, I met with Kay Powers, the -- may I look at
15 my notes?

16 Q. Absolutely.

17 A. Thank you. I met with the principal, the
18 school resource officer Barrett. At that time, I
19 was told the allegations that were received. Should
20 I read those?

21 Q. Yes.

22 A. Okay.

23 Q. Let me ask you this: The nature of the
24 allegations?

25 A. The nature of the allegations that it was a

1 physical abuse case and the child had named the
2 perpetrator as someone who was in loco parentis.

3 Q. And upon arrival, did you actually make
4 person -- or direct personal contact with Minor

5 A. I did, yes.

6 Q. Where did that occur?

7 A. In the guidance office.

8 Q. And at that point in time, did you have an
9 opportunity to observe his injuries?

10 A. I did.

11 Q. What if anything did you observe?

12 A. I observed multiple injuries covering his
13 torso, injuries on his arms, his back, his buttocks,
14 his outer thighs mostly. And the injuries were in
15 various stages of healing; some were still oozing
16 and looked like they had recently bled, especially
17 the injuries on the right outer side of his thigh.

18 Minor had bandages on his -- on some of the
19 injuries and -- which had been put there by the
20 school -- where the school had put the bandages
21 there that morning.

22 Q. Okay. When you say the school, who
23 specifically at the school?

24 A. The nurse.

25 Q. Okay. So that morning on the morning of

1 October 14th, the bandages that are depicted in the
2 photographs had been placed there by the school
3 nurse?

4 A. That's correct. Yes, ma'am.

5 Q. I'll show you these photos which are in
6 evidence. Can you tell us whether or not these
7 injuries depicted in these pictures are a fair and
8 accurate representation of the injuries you saw on
9 Minor on the morning of October 14th?

10 A. Yes, they are.

11 Q. And then the bandages has depicted in State's
12 Exhibit 18 had been placed there that morning by the
13 school nurse after the injuries had been discovered?

14 A. That's correct.

15 Q. So when you observe this type of injury, and I
16 believe your testimony is these injuries are in
17 various stages of healing, what does DSS do? What
18 is the role of Department of Social Services?

19 A. To ensure that the child is in a safe
20 environment and does not return to -- this would
21 be -- the child was at imminent and substantial
22 danger. It was decided by myself and law
23 enforcement, Detective Dykes, that Minor would be
24 at great risk if he were to return to the
25 environment. So that was determined.

1 With speaking with the child who named a -- the
2 perpetrator and explained the weapon or the tool
3 that was used to create these injuries, it was
4 decided by Detective Dykes and myself that we'd
5 respond to the suspected incident location to meet
6 with the named perpetrator in trying to find the
7 tools used.

8 Q. All right. And let me go back to what you
9 said, imminent threat of danger. What action was
10 taken by DSS and law enforcement having acknowledged
11 the imminent danger?

12 A. It was determined since he was in imminent
13 danger that Detective Dykes brought him into
14 emergency protective custody. That's something only
15 a law enforcement officer or a judge can do. It was
16 determined the agency did not have enough time to
17 ask a family court judge for the ex parte order. So
18 due to the serious nature of it, Detective Dykes
19 brought the child into emergency protective custody
20 and placed him into DSS custody.

21 Q. So when a child is placed into emergency
22 protective custody, do they go home that day to the
23 same home?

24 A. No.

25 Q. At that point he was in the care and

1 guardianship of the Department of Social Services?

2 A. That's correct. And I told the school, you
3 know, it was still somewhat early in the morning,
4 that he was not to be released to anyone but myself
5 or someone with the department and that would -- you
6 know, I had to go, you know, finish conducting the
7 investigation, but I'd be back to pick him up from
8 school.

9 Q. Now, Ms. Mooneyhan, can you clarify from the
10 standpoint of a DSS caseworker, do you always get
11 involved just because a child has been spanked?

12 A. Not at all. Corporal punishment is allowed in
13 South Carolina. There are certain things, however,
14 that differ between physical abuse or excessive
15 corporal punishment and corporal punishment. You're
16 not to leave any lasting marks or injuries on a
17 child.

18 Obviously there were numerous injuries on this
19 child. It also -- another thing with this incident
20 was, well, the severity is obviously very severe.
21 Sometimes even if the child has a bruise, you know,
22 on their buttocks, that doesn't necessarily mean
23 they have to be removed from their home. But due to
24 the seriousness of the injuries, it was determined
25 that he would not be safe returning home.

1 Q. Was there a threat of physical abuse, based on
2 your observations?

3 A. Yes, based on my observations, which told me
4 this was not a one-time event, it was ongoing.

5 Q. Now, you mentioned that the next step in the
6 investigation after Minor was placed into emergency
7 protective custody was to make contact with the
8 perpetrator. How did you go about doing that?

9 A. I traveled to the address of record for
10 Minor custodian.

11 Q. Which was?

12 A. -- or -- if I may look.

13 Columbia, South Carolina, which is in
14 Lexington County.

15 Q. Okay. In the Irmo area of Lexington County?

16 A. Correct, St. Andrews.

17 Q. And who were you intending to meet at that
18 location?

19 A. Candice Beasley.

20 Q. And what happened?

21 A. Whenever Detective Dykes and I traveled from
22 the school, which is about five minutes or less
23 there, to the home, Candice was not home. So I
24 called her. She was, I believe, on her lunch break
25 from work. I asked her to please return home,

1 identified myself, and explained to her that I
2 needed to meet with her regarding Minor

3 Q. Did you tell her that you were a worker with
4 the Department of Social Services?

5 A. Yes. I introduced myself as, you know,
6 Charlene Mooneyhan with Lexington County DSS.

7 Q. And that this involved Minor

8 A. Correct, yes.

9 Q. What happened next?

10 A. We -- when Ms. Beasley got back home, she
11 allowed Detective Dykes and myself inside. We sat
12 with her in the living area of the home on the couch
13 and I read to her the standard -- whenever I meet
14 the people, I introduce myself, of course, again.

15 And I read to her the allegations that we
16 received and told her she'd been identified as the
17 perpetrator and provided her with our DSS brochures,
18 had her sign her rights and responsibilities, which
19 is standard with everyone, and Detective Dykes
20 introduced himself and read her Miranda rights.

21 Q. When you said read her Miranda rights, you're
22 referring to the rights we see a lot of times on TV
23 that's the right to remain silent, the right to have
24 an attorney and things of that nature?

25 A. Right, yes.

1 Q. Did you witness those being read to Ms. Beasley
2 by Detective Dykes?

3 A. I did, yes.

4 Q. Did she appear to understand those rights?

5 A. She did, yes.

6 Q. Having been read her rights, did she freely and
7 voluntarily agree to speak with both yourself and
8 Detective Dykes?

9 A. Yes.

10 Q. Was she promised anything in exchange for
11 speaking with the two of you?

12 A. No.

13 Q. Was she threatened or coerced in any way?

14 A. No. No.

15 Q. Did she appear to understand the questions
16 posed to her?

17 A. Yes, certainly, she did.

18 Q. And she understood the nature of this
19 investigation?

20 A. Yes.

21 Q. Did you document -- during the course of this
22 interview with Ms. Beasley, the defendant in this
23 case, did you document the questions that you were
24 asking and the responses that you were getting?

25 A. Yes. I carry an Alphasmart with me. It's

1 rather old, it's like a '90s model, it's a little
2 typewriter. And instead of handwriting my notes, as
3 many people do, I type as I speak. And that's
4 something I do with all my interviews; I type as I
5 speak so that way I can remember and dictate exactly
6 what's said.

7 Q. All right. Now, in addition to your actually
8 typing out notes on this portable typewriter that
9 you mentioned, do you have a way to also enter them
10 into a system at the Department of Social Services
11 for preservation?

12 A. That's correct. We enter it into our system
13 which holds all of our dictation notes, is what it's
14 called, all of our notes. My dictation was actually
15 entered on the 16th, so two days following the
16 event. I typically upload it to Microsoft Word and
17 then enter it into our computer system.

18 Q. Okay. Did you document in the records you have
19 with you today her particular responses to questions
20 that you were posing about injuries to Minor

21 A. Yes, I did.

22 Q. All right. I want to have you address those as
23 we go.

24 A. Okay.

25 Q. I want to start by clarifying, this interview

1 with the defendant, Ms. Beasley, was it the same day
2 that the injuries were discovered at the school on
3 October 14th, 2014?

4 A. Yes, it was the same morning.

5 Q. And was anyone present there at the residence
6 other than yourself and Detective Dykes?

7 A. No. It was just Candice, myself, and Detective
8 Dykes.

9 Q. All right. Start, if you will, with the
10 information that she provided once you told her the
11 nature of the charges.

12 A. Well, my first question was a pretty -- you
13 know, how did Minor receive the injuries to his
14 body? That was my first question.

15 Q. All right.

16 A. Candice denied knowing that Minor had any
17 marks on his body.

18 Q. All right. So initially she denied
19 knowledge --

20 A. Correct.

21 Q. -- of him having injuries?

22 A. Uh-huh.

23 Q. And what happened next?

24 A. Well, obviously, he's five years old and I know
25 that five-year-olds cannot fully care for

1 themselves, bathe, clothe, you know. And so I asked
2 her, I said, well, do you help bathe him or see him
3 without clothes on? And then I dictated Candice
4 denied giving Minor a bath or seeing him without
5 clothes on.

6 Q. All right. So she told you that she had not
7 seen him without clothes on?

8 A. That's correct.

9 Q. What happened next?

10 A. And then -- she then stated -- Candice then
11 stated that Minor had told her it happened at
12 school on the playground.

13 Q. All right. Let me ask you this first: The
14 injuries are seen on Minor at the school that day?

15 A. Yes.

16 Q. You arrive, Detective Dykes arrives, and he's
17 placed into emergency protective custody. So did
18 she ever have contact with Minor at all on this day
19 after dropping him off at school?

20 A. No.

21 Q. So she had not seen him at all?

22 A. Correct.

23 Q. So initially she said she wasn't aware of the
24 injuries, but then she told you that he had gotten
25 them on the playground?

1 A. Yes.

2 Q. And did you document that in your report?

3 A. I did, yes.

4 Q. What happened next?

5 A. At that point, Detective Dykes told Candice
6 that Minor had named her as the perpetrator and
7 Candice replied with saying that Minor was lying.

8 Q. All right. So she told you that the child was
9 lying?

10 A. Yes.

11 Q. And what happened next?

12 A. I asked her about the jump rope. I told her
13 that, you know, jump rope had been introduced as the
14 possible tool for causing the injuries.

15 Q. Okay. So you asked specifically about the jump
16 rope. And why were you asking about a jump rope?
17 And, again, I'm not asking you what -- let me ask
18 you this: When you met with Minor at the school,
19 was he able to provide information, this is yes or
20 not, as to the instrument or type of instrument that
21 had been used?

22 A. Yes.

23 Q. And what efforts did you and law enforcement
24 take to follow up on that?

25 A. We got a description of what it would be and

1 then we tried to find that item at the home.

2 Q. All right. So while you're at the home of the
3 defendant, which is State's Exhibit 1 currently in
4 evidence, is that the residence you were at, the
5 number ?

6 A. Yes.

7 Q. What if anything did you ask her about a jump
8 rope?

9 A. I asked her if she had a jump rope.

10 Q. All right. So you ask her if she had a jump
11 rope. What did she say?

12 A. Candice denied having a jump rope.

13 Q. And what happened next?

14 A. I asked if I could look around and Candice
15 agreed, and then I observed a jump rope. It was a
16 jump rope -- it was black. It was exactly as
17 described to myself at the school. It was a black
18 jump rope, a wire type material like an electrical
19 cord almost with a black and white handle, which was
20 chipped, and the other handle was missing.

21 Q. State's Exhibit 28 already in evidence, do you
22 recognize this item?

23 A. Yes, that's it.

24 Q. Okay.

25 A. I located the jump rope on the ground. It was

1 in what I would call the living room.

2 Q. How close was it to the defendant, Candice
3 Beasley, who you were sitting there interviewing in
4 the living room?

5 A. It's on a stepdown from here to this, like a
6 stepdown area. But not counting the distance, it
7 was about from me to the closest juror, say, next to
8 you.

9 Q. Okay. Less than ten feet?

10 A. Yes. The jump rope was kind of poking out from
11 underneath a treadmill. I just dictated workout
12 equipment. I believe it was a treadmill. I could
13 see part of the jump rope exposed from underneath
14 the workout equipment.

15 Q. All right. Did you ask her specifically
16 whether she had ever hit the child with the jump
17 rope?

18 A. Yes. And she denied ever hitting Minor with
19 the jump rope.

20 Q. What happened next?

21 A. Well, Candice signed a voluntary release to
22 Detective Dykes for him to take the jump rope. And
23 then we --

24 Q. So it was taken into evidence right there that
25 day?

1 A. It was taken into evidence at that time, yes.

2 And then I continued my information with Candice.

3 Q. All right. Did she ever acknowledge at any
4 point that she had punished him in any way
5 physically?

6 A. Yes. Well, I asked her how she punished him
7 since she denied causing the injuries. I asked her,
8 well, how do you punish Minor And that's a very
9 standard question with all my investigations whether
10 it's physical abuse or not. Her response, Candice
11 stated Minor will get spanked but with clothes on
12 open-handed on bottom.

13 Q. All right.

14 A. Which would be, you know, that's -- it's -- you
15 know, corporal punishment, you know, bottom,
16 open-handed with clothes on.

17 Q. All right. So she told you that the only time
18 she had spanked him was with her hand?

19 A. That's correct.

20 Q. And she denied using the jump rope?

21 A. That's correct.

22 Q. Now, did you question her about whether --
23 there's been testimony and, I believe, some of your
24 testimony as well, that some of the injuries that
25 morning were open or -- how would -- that led to him

1 needing Band-aids. Did you question her as to
2 whether he had been taken to a doctor at any point
3 that he had been in her care?

4 A. I didn't. At that point, since I knew the
5 child was coming into custody, I do my best to ask
6 as many -- in many different ways to ensure the
7 child doesn't have any medical conditions that we
8 need to know about since he'll be in our custody.
9 So I go through a few questions and I'll read them
10 verbatim.

11 Q. And what did she tell you in that regard?

12 A. Candice stated that Minor does not have any
13 mental health or physical health problems. Candice
14 stated Minor doesn't take any medications. She
15 reported she has never taken Minor to the doctor
16 and that he does not have a doctor locally. Candice
17 stated Minor does have Medicaid coverage, and
18 Candice provided me with his Medicaid card.

19 Q. I'll ask you a little bit more about that.
20 During the course of the Department of Social
21 Services' investigation, were you able to determine
22 how long or the approximate timeframe Minor had
23 been in the care of Candice Beasley when she was his
24 legal guardian?

25 A. Yes. In the family court document giving her

1 custody, the court order states that the child has
2 been living continuously with Ms. Beasley since
3 March 1st, 2014. So he had roughly been with
4 Candice over six months.

5 Q. All right. And during the course of that six
6 months, her statement to you was that he had not had
7 any healthcare or been taken to a doctor for any
8 health-related problems?

9 A. Correct.

10 Q. Including any injuries or open wounds that he
11 had on him that day?

12 A. Correct.

13 Q. Now, you mentioned the Medicaid coverage, that
14 she was able to provide you a copy of his Medicaid
15 card. What if anything is the significance of the
16 Medicaid coverage in terms of accessibility to
17 healthcare?

18 A. It's free healthcare. The child, you know,
19 would receive free health care. So in my opinion --
20 well, yeah, the child would receive free healthcare.
21 So he could have been taken to a doctor or emergency
22 room to assess his injuries.

23 Q. All right. For free?

24 A. For free, yes.

25 Q. I'm going to show you a document and ask you

1 whether or not you recognize it.

2 A. Yes. That's a copy of the Medicaid card that I
3 made on our scanner.

4 Q. Okay. Is it a fair and accurate representation
5 of the Medicaid card insuring that coverage for

6 Minor

7 A. That's correct. It's his correct name and date
8 of birth.

9 MS. MAYES: Your Honor, this would be State's
10 Exhibit 29 for evidence.

11 MR. HUDSON: No objection, Your Honor.

12 (State's Exhibit No. 29 marked for
13 identification and admitted into evidence.)

14 BY MS. MAYES:

15 Q. Now, what is the next step once you've
16 clarified she denied using the jump rope on Minor
17 she initially denied having a jump rope but you
18 found a jump rope one at the residence, what is the
19 next step?

20 A. Well, my number-one job is to ensure the safety
21 of the child, so I return to the school and at that
22 time I withdrew Minor from school because I knew
23 that his foster care placement that he'd be
24 receiving would be in a different school district.
25 I withdrew him from school and I took him to the

1 emergency room to assess his medical needs at that
2 time.

3 Q. And going back to your notations about your
4 interview with her on October 14th there at the
5 residence, do you have with you how, if at all, her
6 demeanor -- how you observed her demeanor or how you
7 would classify her demeanor?

8 A. Candice appeared to be very nervous. She
9 appeared very nervous and defensive. She did, at
10 one point, after we found the jump rope and I sat
11 back down and spoke to her about his medical needs,
12 et cetera, she also told me -- identified who else
13 lived in the home with her and proceeded to call
14 them and say, I didn't do this, I haven't done
15 anything to him, have I, and et cetera.

16 Q. Okay. I want to ask you more about that. So
17 while you and Detective Dykes were there at the
18 residence, she called a family member?

19 A. Yes.

20 Q. Who was that family member?

21 A. Kimberly Beasley who also lived in the home at
22 the time.

23 Q. So she called a family member in your presence?
24 She called her sister?

25 A. Yes.

1 Q. And without saying what her sister said or
2 hearsay there, what was Ms. Beasley saying to her
3 sister?

4 A. She was roughly saying the allegations and
5 saying, isn't this crazy, they're saying that I, you
6 know, did this to Minor you know, you know I never
7 did this to Minor and kind of getting her to agree
8 with her and, I guess, vouch for her saying she'd
9 never done this.

10 Q. So she continued to deny the allegations?

11 A. Correct, yes.

12 Q. Now, on page 2 -- do you have with you your
-13 documentation?

14 A. Yes.

15 Q. It's a three-page document.

16 A. Yes.

17 Q. Okay. Of the seven-day staffing?

18 A. Yes.

19 Q. Okay. There in the first paragraph of page 2,
20 did you note anything concerning how, if at all, her
21 demeanor changed the longer you and Detective Dykes
22 were there?

23 A. Yes, if you'll give me one second. Yes. She
24 appeared more angry than she did upset, and
25 agitated, I guess.

1 Q. And did you make any notations as to any
2 statements she was making the longer that the
3 interview went on?

4 A. Yes. Well, she appeared to be frustrated and
5 then she repeatedly -- she reported multiple times,
6 I believe, that the child was lying.

7 Q. All right. And specifically what did you note
8 concerning any blame that was being aspersed? Was
9 she blaming another person or was she blaming
10 someone else?

11 A. She continued to blame the child and reported
12 that he was lying after she was informed that she
13 was identified as the perpetrator.

14 Q. All right. And, finally, what if anything did
15 you note concerning an explanation she gave to you
16 as to where the injuries were sustained?

17 A. That the injuries were sustained at school.

18 Q. All right. And what if anything else about
19 anything she stated to explain the injuries?

20 A. That the child had a skin disease, eczema.

21 Q. All right. To summarize, she initially denied
22 the injuries, but then stated that they had been
23 sustained at school and then, finally, that the
24 child had a skin disease known as eczema?

25 A. That's correct.

1 Q. Based on that interview with Ms. Beasley, did
2 anything change concerning the decision you and
3 Detective Dykes made to place Minor in emergency
4 protective custody?

5 A. No.

6 Q. Did he remain in emergency protective custody?

7 A. He did, yes.

8 Q. Now, you mentioned previously that another step
9 along the way was to take him to a doctor.

10 A. Yes.

11 Q. And what day did you do that?

12 A. Immediately leaving the school, I took him on
13 October 14th.

14 Q. Okay. Would that be after you met with
15 Ms. Beasley at the residence?

16 A. Yes. I met with her and then we traveled back
17 to the school, withdrew Minor from school, and
18 traveled directly from the school to Lexington
19 Medical Center emergency room.

20 Q. All right. And based upon your observations of
21 his injuries, did you have an opinion as to whether
22 he needed to see a physician right away?

23 A. Yes. Due to the nature of the injuries,
24 especially the location of the injuries, from my
25 training I know that anything near the kidneys could

1 cause more internal damage that could not be seen by
2 the eye, so we wanted him to be assessed for that.

3 Q. Okay. And what hospital was he taken to?

4 A. The Lexington Medical Center.

5 Q. Was he treated there in the emergency room?

6 A. He was.

7 Q. Were you present for that entire process?

8 A. I was with him the entire time, yes.

9 Q. Now next I want to ask you a little more about
10 the background of some of this. You mentioned that
11 she became his legal guardian and he began living
12 with her at this residence in Irmo around March 1st,
13 of 2014.

14 A. Yes.

15 Q. What if anything did you do during the course
16 of your investigation to determine whether any of
17 the injuries may have preceded the date he came to
18 live with her or whether or not they would have
19 occurred during the time he was living with her?

20 A. I looked up Candice Beasley on social media and
21 I located her Instagram page which had several
22 photos of Minor posted on them.

23 Q. All right. When you say her Instagram, who are
24 you referring to?

25 A. To Candice Beasley's Instagram.

1 Q. Okay. Now, that's a form of social media that
2 allows a user to do what?

3 A. To photographs and captions under the
4 photographs.

5 Q. All right. And does it also have a date or a
6 timeframe in which those posts are made or uploaded,
7 so to speak, to Instagram?

8 A. A weekly timeframe. After a few days, it says
9 the first few days, and then after that, it goes by
10 weekly timestamps.

11 Q. All right. And upon discovering the Instagram
12 account for Ms. Beasley, did you observe any photos
13 of Minor

14 A. I did, yes.

15 Q. All right. And --

16 MR. HUDSON: I'd object, Your Honor.

17 THE COURT: State your objection.

18 MR. HUDSON: My objection is classifying an
19 online Instagram page as Ms. Beasley without us
20 being able to tell or determine she created it.
21 It's my understanding the pages can basically be
22 created by anyone. There's no establishing that she
23 created it or that this was, in fact, her page.

24 MS. MAYES: I can lay a foundation, Your Honor.

25 THE COURT: Please.

1 MR. HUDSON: And, Your Honor, can this be
2 relocated so that I can see the witness, Your Honor?

3 THE COURT: Sure.

4 BY MS. MAYES:

5 Q. I'm going to show you two documents and ask you
6 whether or not you recognize them. These are
7 labeled State's Exhibit 3 and State's Exhibit 4.

8 A. Yes.

9 Q. All right.

10 A. This is the main portion of Candice
11 Beasley's -- this is the main page of Candice
12 Beasley's Instagram page. It says Candi816 at the
13 top; underneath where you put your name, it says
14 Candice Beasley and it has a photo where you put
15 your main profile picture which is of Candice
16 Beasley.

17 Q. All right. And I'll stop you right there. So,
18 again, this profile name is Candi. And that's
19 spelled how?

20 A. C-A-N-D-I 816 --

21 Q. 816.

22 A. -- which, I believe, is the area code of where
23 she's from.

24 Q. From where?

25 A. The Missouri area, I believe. I don't know

- 1 exactly, but -- yeah.
- 2 Q. So Candi816 is the username. And does it have
- 3 a photograph?
- 4 A. It does.
- 5 Q. Who is depicted in the photograph?
- 6 A. Candice Beasley.
- 7 Q. You recognize her in that photo in the State's
- 8 exhibit before you?
- 9 A. Yes. I recognized her then after meeting with
- 10 her.
- 11 Q. All right. Now, are some accounts on Instagram
- 12 what's known as public?
- 13 A. That's correct, yes.
- 14 Q. Meaning you do a user search or find a user,
- 15 you're able to actually view those photographs
- 16 without being one of their listed friends?
- 17 A. Correct, yes.
- 18 Q. Now, specifically underneath that username of
- 19 Candi816, is there a proper name or a legal name
- 20 below that?
- 21 A. Yes.
- 22 Q. What is that?
- 23 A. Candice Beasley.
- 24 Q. And how is that spelled?
- 25 A. C-A-N-D-I-C-E, B-E-A-S-L-E-Y.

1 Q. All right. Now, sorting through some of the
2 photographs on the account, were you able to
3 recognize any of the people in the photographs?

4 A. Yes.

5 Q. Did the Instagram photos associated with this
6 account include numerous photos of the defendant,
7 Candice Beasley?

8 A. That's correct, yes.

9 Q. What about other family members?

10 A. Yes, of her sisters that lived with her.

11 Q. All right.

12 A. But I had never met them. That's what -- that
13 is just what the caption said their names were.

14 Q. Okay.

15 A. And Minor -- or, yeah, I had heard about them.

16 Q. All right. And were you also able to locate a
17 photograph of Minor

18 A. Yes. I found more than one. I found a few.
19 But, yes.

20 Q. And particularly this photograph, State's
21 Exhibit 3, do you recognize the person in that
22 photograph?

23 A. Yes. It's Minor

24 Q. So you recognize that as Minor in this
25 photograph?

1 A. Yes.

2 Q. Now, how is it that you know this photograph is
3 associated with the user account Candi816?

4 A. It was posted by her. It shows that it was
5 posted by her.

6 Q. This notation here with Candi816?

7 A. Yes. With her name and photo at the top, yes.

8 Q. Shows that this account posted this image?

9 A. Yes.

10 Q. All right. And what was the timeframe in terms
11 of the timeline for which that photograph was posted
12 from when you did your search and found it?

13 A. Yes. I screen-shotted it -- at the time I took
14 the screenshot it was at 29 weeks. And when you
15 break down 29 weeks, it goes to approximately 203
16 days ago. From the time that it was screen-shotted
17 at 29 weeks would have roughly been April 15th,
18 2014.

19 Q. And what was the date that you actually did the
20 search and screen-shotted it.

21 A. Give me one moment, please.

22 Q. Okay.

23 A. Would have been November 2nd, 2014.

24 Q. All right. So going back 29 weeks from
25 November 2nd, 2014 gives you what approximate

1 timeframe for that posting?

2 A. April 15th, 2014.

3 Q. Okay. Now, you mentioned that it's Minor in
4 the photo. What else, if anything, is significant
5 about the photo in terms of where it was taken? Was
6 that determined by yourself or in conjunction with
7 law enforcement?

8 A. Yes. In conjunction with law enforcement, it
9 was determined that it was taken at the YMCA in the
10 local area, the Irmo area, near where Ms. Beasley
11 lives.

12 Q. All right. The Irmo area YMCA.

13 A. That's correct, yes.

14 Q. Do you have knowledge during the course of this
15 investigation as to whether she had enrolled him in
16 swimming lessons at that YMCA?

17 A. Yes. It was confirmed that Ms. Candice Beasley
18 had him enrolled in six weeks of swimming lessons at
19 the Irmo YMCA, which is the photo of, the pool
20 depicted in this photo.

21 Q. So the photo is of Minor actually standing at
22 the pool?

23 A. Correct.

24 Q. During the timeframe in which he was enrolled
25 in the swimming lessons at the Y?

1 A. Yes. And the photo also says on there, the
2 part where she makes the caption, it says: #Godson,
3 #swimminglessons.

4 Q. All right. #Godson?

5 A. Yes. And he referred to her as his Godmommy.

6 Q. Godmommy?

7 A. Yes.

8 Q. In the photograph, how, if at all, is it
9 significant to your investigation?

10 A. Due to the fact that Ms. Beasley, at one point,
11 stated that Minor came with injuries. So this
12 photo depicts no injuries to the child; shows his
13 entire torso, his arms, and it shows no visible
14 injuries whatsoever.

15 Q. Okay. To the stomach -- are you able to
16 visualize the stomach and chest area?

17 A. Stomach and chest and most of the arms, and no
18 injuries are seen.

19 MS. MAYES: Your Honor, at this time, the State
20 would offer Exhibits 3 and 4 as evidence.

21 THE COURT: Any objection?

22 MR. HUDSON: I'd like to see them, Your Honor.

23 THE COURT: Certainly.

24 MR. HUDSON: No objection to 3, but I do object
25 to Exhibit 4 as to relevance.

1 THE COURT: You asked her to establish the
2 background to it and she did, so I'm going to
3 overrule the objection.

4 MR. HUDSON: I'd renew my objection earlier,
5 Your Honor, that this does not conclusively show
6 that Ms. Beasley is the person who operated and
7 created and maintained this particular account.

8 THE COURT: Overruled.

9 (State's Exhibit Nos. 3 and 4 marked for
10 identification and admitted into evidence.)

11 BY MS. MAYES:

12 Q. Now, in addition to that aspect of your
13 investigation, putting a timeline on some of these
14 injuries, did you also have the opportunity to take
15 follow-up photographs of Minor at a later date
16 after he had been observed on the 14th -- and we
17 have the photos in evidence -- and after he'd been
18 treated at the emergency room, but a date several
19 weeks later to determine whether the injuries are
20 still there and whether they are serious or the
21 severity of them in terms of any lasting impression?

22 A. Yes, certainly determining whether they are
23 lasting marks or not. Minor had a visit with his
24 mother on November 4th, 2014. So he was at the
25 office and I observed him, you know, underneath his

1 shirt, everything with just underwear on, pretty
2 much. He took everything off except for his
3 underwear and I took photos of his body to see what
4 stage of healing the injuries were in at that point
5 and what they looked like.

6 Q. And specifically what was the date of that when
7 the follow-up photos were taken?

8 A. November 4th, 2014.

9 Q. I'll show you four photographs and ask you
10 whether or not you recognize them. This will be
11 State's Exhibits 19, 20, 21, and 22.

12 A. Yes. That's -- those are pictures of Minor
13 that I took at the Lexington DSS office in the
14 restroom.

15 Q. On November 4th, 2014?

16 A. Yes, around 5:00 p.m.

17 Q. Can you tell us whether or not there's a
18 lasting impression of the injuries that had been
19 observed on October 14th depicted in these
20 photographs?

21 A. Yes. There's still injuries visible nearly on
22 almost every plane of his body.

23 MS. MAYES: Your Honor, this would be State's
24 Exhibits 19 through 22 for evidence.

25 THE COURT: Any objection?

1 MR. HUDSON: No objection, Your Honor.

2 THE COURT: Thank you.

3 (State's Exhibit Nos. 19, 20, 21, 22 marked for
4 identification and admitted into evidence.)

5 MS. MAYES: I beg the Court's indulgence.

6 BY MS. MAYES:

7 Q. And, ultimately, Ms. Mooneyhan, has Minor had
8 any direct contact with Candice Beasley since that
9 date that he was taken into emergency protective
10 custody on since October 14th, 2014?

11 A. No, Minor has not. It was also ruled in
12 family court that he's not to have any contact with
13 the defendant.

14 Q. So he has not been back in her care since that
15 day?

16 A. No, he has not seen or spoken to her since that
17 day, to my knowledge.

18 MS. MAYES: Nothing further at this time, Your
19 Honor.

20 THE COURT: Mr. Hudson?

21 MR. HUDSON: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. HUDSON:

24 Q. Bear with me, Ms. Mooneyhan, because we covered
25 a lot of ground. So I just want to ask you a series

1 of questions as to the work that you've done in this
2 case.

3 A. Yes, sir.

4 Q. When you mentioned in your direct testimony
5 that Candice Beasley did not take Minor to the
6 doctors because -- why did she say she didn't take
7 him to the doctors?

8 A. She didn't give me -- to my knowledge, I don't
9 remember her giving me a reason why. She just told
10 me she had not taken him. He did not have a -- I
11 asked her who his doctor was, because we usually get
12 records, and she said he didn't have a local doctor
13 and she had not taken him.

14 Q. Okay. And she did have a Medicaid card;
15 correct?

16 A. Yes.

17 Q. And that was October 14th, 2014; correct?

18 A. Yes, sir.

19 Q. Do you know whether or not Minor was sent to
20 her with a Medicaid card?

21 A. It's a South Carolina Medicaid card, so I would
22 imagine he would not have had that same Medicaid
23 coverage. No.

24 Q. So it was one that she got here in South
25 Carolina; correct?

1 A. Yes. It would have to be through South
2 Carolina.

3 Q. In order to get that card, she would have to
4 apply at one of the local county agencies; correct?

5 A. Correct, yes.

6 Q. And she would have had to have shown that
7 Minor was in her home; correct?

8 A. Correct.

9 Q. In fact, probably would have had to show that
10 she was his custodian if she wasn't his parent?

11 A. Right, or some type of -- yeah.

12 Q. Court order?

13 A. Yes.

14 Q. Do you recall when she got the court order?

15 A. No, I do not.

16 Q. If I were to tell you it was September 19,
17 2014, would you have any reason for disagree with
18 that?

19 A. No, no reason.

20 Q. Also the action that was filed that led to that
21 court order wasn't filed until July of 2014;
22 correct? If I were to tell you that, you'd have no
23 reason to disagree with that?

24 A. No.

25 Q. Okay. Now, so from September 19, 2014, that's

1 the day the order was signed, that would have been
2 the effective date she could apply for it or get the
3 Medicaid card from South Carolina; right?

4 A. I believe so, yes.

5 Q. So essentially, less than a month later when
6 you inquire of October the 14th, so less than a
7 month, she had a Medicaid card.

8 A. Uh-huh.

9 Q. Is that correct?

10 A. That's correct.

11 Q. If you take the numbers as I've given them to
12 as accurate?

13 A. Yes, that's correct.

14 Q. Did you get a chance to review the court order,
15 a copy of the order?

16 A. Yes, I have a copy of the order.

17 Q. There was no award of child support in that
18 order, was there?

19 A. No. I don't believe there was child support
20 addressed in that order.

21 Q. And you never saw any Medicaid information or
22 insurance information for Minor that came from his
23 parents, did you?

24 A. No. But the mother was in the military which
25 would make me believe he had some type of TRICARE

1 coverage. But I'm not sure on that.

2 Q. But you're not sure. My question to you was,
3 you never saw anyone produce this insurance
4 information for Minor did you?

5 A. No, because at the time of my involvement, he
6 had insurance. So that was...

7 Q. Okay. But I just want to clarify something
8 then. It's only essentially a month's time then
9 that she had the ability to cover Minor from when
10 she got this order and when you spoke to her? Less
11 than a month had gone by; right?

12 A. Yes.

13 Q. So if you're talking about from March until
14 October, she's really only able to afford to get him
15 coverage -- because you mentioned it was free -- for
16 those three weeks; right?

17 A. Yes, if -- yes. By the time the court order,
18 that would make sense.

19 Q. Okay. Now I want to go back to the statement
20 that you had just gone over with the attorney for
21 the State. It was your dictation; correct?

22 A. Yes, sir. I'm sorry. I had kind of a hard
23 time hearing you just now.

24 Q. Okay. You were going over a statement with the
25 State that was your dictation dated October the

1 16th; right?

2 A. Yes, sir.

3 Q. Okay. So this was created two days after you
4 met with and spoke to Candice Beasley; correct?

5 A. It was entered into our system two days after.

6 Q. Okay. When did you actually create it?

7 A. I type it on an Alphasmart, like I explained
8 earlier to the State. An Alphasmart is just a
9 mobile typewriter, an older tablet-style thing that
10 I type instead of handwriting my dictation. I type
11 as I interview. And then I upload it to a Microsoft
12 Word document and then copy and paste it into our
13 system which is called CAPS.

14 Q. So it's not an actual recording?

15 A. No, it's not a recording.

16 Q. And it's not verbatim. You're not saying
17 you're transcribing or taking stenography. It's not
18 a verbatim statement is it?

19 A. No.

20 Q. Okay. Because I want to take a look at it.
21 You stated as you were reading it -- can you find
22 that page for me?

23 A. Yes.

24 Q. I want you to start from the first line after
25 it says dictation and go down to the seventh line

1 beginning giving Minor a bath or seeing him without
2 his clothes on.

3 A. Yes.

4 Q. Next sentence, could you read that sentence for
5 me, please?

6 A. Candice then stated Minor told her it happened
7 at school on the playground.

8 Q. Okay. Now, that was a comment she said to you
9 that Minor recited to her; correct?

10 A. Yes.

11 Q. Now, is that slightly different from what you
12 testified earlier when you said that Ms. Beasley was
13 saying to you it happened on the playground?

14 A. Oh, you're saying -- okay.

15 Q. As I understood --

16 A. Yes. Yes. I apologize if I made it seem that
17 way. Yes. Candice told me that Minor had reported
18 to her that. It's kind of a lot of words, but, yes.

19 Q. I just want to be clear because I understood
20 your testimony that it was Ms. Beasley who reported
21 to you that he suffered the injury on the
22 playground. But she reported to you that Minor
23 stated he suffered the injury on the playground?

24 A. Yes. That's how it reads.

25 Q. So that's a more accurate assessment of what

1 was said to you?

2 A. I guess, yes. If that's what was written, then
3 that's what would have been said.

4 Q. I want to go back, I guess, to maybe page 1 of
5 your dictation. You were able to ascertain that at
6 the time Minor had been with Candice; right?

7 A. From the family court order, yes.

8 Q. And did you find anything to dispute or to
9 prove or show that wasn't accurate?

10 A. No.

11 Q. Okay. So that's March of 2014.

12 A. Yes.

13 Q. And you testified that was about six months;
14 right?

15 A. I guess seven months. But, yes, a little over
16 six months.

17 Q. In your dictation where you quote Minor on the
18 right side, it's about maybe the last paragraph from
19 the bottom --

20 A. May I point out that this dictation that you're
21 referring to was not entered by me? The seven-day
22 dictation is done by our supervisor. It says the
23 worker on there. All the other dictation is me. I
24 just wanted to note that this is dictation entered
25 by my supervisor, Brandy Martin.

1 Q. Well, you testified earlier to this dictation,
2 wasn't it the same system we are talking about?

3 A. It is. I just wanted to make that clear that I
4 didn't write this dictation. It is -- my supervisor
5 and I sit down, we talk about the case, and she's
6 the one who completes the staffing and she types it
7 as we talk.

8 Q. Okay. Does that apply to the statement we just
9 talked about when we were talking about yours?

10 A. No, that's mine. All the other dictation in
11 here is -- you can see worker -- mine. But at seven
12 days, we review our cases together and she asks me a
13 series of questions and we assess what else needs to
14 be done on the case. And that is what page 1, 2 of
15 the dictation, and 3, is from our seven-day
16 staffing.

17 Q. Okay. I don't want to be confused. You're
18 telling me that page 2 of this seven-day staffing
19 dictation was not created by you?

20 A. No. That's why it says, you know, worker,
21 Brandy Martin.

22 Q. Is that not what you were testifying from
23 earlier when you were asked on direct concerning
24 your testimony?

25 A. Yes, because it's what I was speaking to my

1 supervisor about. And she was entering it while we
2 were speaking. But I wanted it to be clear that it
3 was not entered into the system by me and it was not
4 written by me.

5 Q. So when you made statements earlier that you
6 attributed to Ms. Beasley, it was Ms. Beasley, you,
7 then your supervisor? That's how we get the
8 creation of the document?

9 A. The only thing that I testified to earlier was
10 one -- was the one line about the three different --
11 her three different, you know, reasons for the
12 injuries on the child.

13 THE COURT: The question, ma'am, is, did you
14 actually type some of it and did your supervisor
15 type some of it?

16 THE WITNESS: No. She reads -- I sit down in
17 her office, she's at her computer, she goes through
18 a seven-day guided supervision staffing, which it
19 says here, with caseworker Mooneyhan and supervisor
20 Brandy Martin. She asks me questions, and as we're
21 talking, she's typing it up. And I'm reading
22 directly from my previous dictation to answer her
23 questions.

24 THE COURT: The previous dictation was done by
25 whom?

1 THE WITNESS: Me. All the previous dictation
2 was done by me, if that makes sense.

3 BY MR. HUDSON:

4 Q. In your -- as part of your file, as part of --
5 as a caseworker for Department of Social Services --

6 A. Yes.

7 Q. -- as part of your file, it indicates in here
8 that Minor was questioned about how long he lived
9 with Candice, and he said three months. Do you see
10 that? It's at the bottom of page 1 of the dictation
11 where it begins with "Minor stated."

12 A. Okay. Yes, I see that.

13 Q. And, in fact, it was closer to seven months;
14 correct?

15 A. Yes.

16 Q. And as part of your investigation with working
17 with Minor and working with Ms. Beasley, did you at
18 any point in time receive any information from
19 anyone about Minor -- that Minor would lie?

20 A. I've heard people say that, yes. I --

21 Q. All right. Did you ever have to concern
22 yourself with comments that Minor may have made
23 about being hurt by someone -- a teacher at school?

24 A. No. Minor never reported that to me or in
25 my -- or around me to anyone else.

1 Q. Can you find your dictation dated November
2 24th, 2014?

3 A. Was it entered by me? I believe my
4 investigation was over at that point. I don't know
5 if that would be my dictation.

6 Q. As part of the -- if it's part of your case --
7 your file with the department --

8 A. It's not part of the assessment file. I
9 don't -- it may be part of the foster care file, but
10 I have no knowledge of that file. That I -- I'm not
11 a foster care worker, so I'm not privy to that file.

12 Q. You're not privy to the master file that the
13 department -- is that your entire file that you have
14 with you?

15 A. There's no master file. There's -- foster care
16 worker starts the day that he's brought into care,
17 usually. And they have their own file and their
18 own, you know, treatment goals and doings. An
19 investigator has a completely separate role and have
20 a completely separate file. So this is the
21 assessment file.

22 There's -- foster care files are usually in a
23 brown larger folder. They're a lot bigger with a
24 lot more stuff. But this is just the assessment
25 file that has all of my dictation in it and things

1 gathered during my investigation. November 24th
2 would not have been my dictation, I don't believe.
3 I believe my investigation ended on 10/28/14.

4 Q. Okay. Other than Candice Beasley, did anyone
5 ever report to you that Minor lies?

6 MS. MAYES: Objection, Your Honor; pitting on
7 witnesses.

8 THE COURT: Sustained. Move along.

9 BY MR. HUDSON:

10 Q. As part of your investigation, did you ever
11 come to receive information concerning a spider --
12 about Minor and a spider?

13 THE COURT: Minor and a what?

14 MR. HUDSON: Spider, Your Honor.

15 A. Can you --

16 Q. My question is -- first of all, can you answer
17 the question? Did you receive information in your
18 investigation about Minor and a spider?

19 A. Yes.

20 Q. Okay. Did you receive any information in your
21 investigation about others who Minor reported may
22 have whipped him?

23 A. Yes.

24 Q. Okay. Can you tell me who else Minor reported
25 may have whipped him?

1 A. His aunts, I believe; either one or both of
2 them.

3 Q. Did he ever indicate to you anyone else?

4 A. No, not to my knowledge. No. But he didn't
5 report that to me. I don't believe so. I just
6 heard him say that during the forensic interview.

7 Q. The Instagram account that you gained access
8 to, you testified that this was a public account?

9 A. Yes.

10 Q. So you didn't need a password or a sign-in --
11 who did you sign in as?

12 A. You don't have to be logged in to see a public
13 account.

14 Q. My question was --

15 A. I was not logged in.

16 Q. You were not logged in? You signed in on
17 Instagram as whom?

18 A. You don't have to log in to see the page.

19 Q. If it's private account you do though, don't
20 you?

21 A. You have to be friends with that person if it's
22 private, or following them.

23 Q. If it's private, you have to be a friend or
24 follower --

25 A. Correct.

1 Q. -- otherwise, you cannot see or gain access to
2 the page; correct?

3 A. If it's private, yes. That's correct.

4 Q. Okay. And your testimony is that Ms. Beasley's
5 account was public, the one that you observed?

6 A. That's correct.

7 MR. HUDSON: I beg the Court's indulgence, Your
8 Honor.

9 BY MR. HUDSON:

10 Q. I want to clarify something with you,
11 Ms. Mooneyhan. What was the date your investigation
12 ended?

13 A. Hold on one moment. October 28th, 2014 --

14 Q. Okay.

15 A. -- is the date we had our disposition staffing.

16 Q. You continued to work on this file, didn't you?

17 A. In what regards do you mean?

18 Q. Well, that's what I'm asking you. You
19 indicated earlier the Instagram account that you
20 just talked about was November 4th that you gained
21 access to that account. And you testified as to the
22 pictures that we just put into evidence, that you
23 took those in November.

24 A. Yes.

25 Q. So that's after your involvement in the case

1 ended?

2 A. After the case decision had been made, yes.

3 Q. Okay.

4 A. But there was -- physical abuse had occurred.
5 But that doesn't necessarily -- I don't remember the
6 date of our last court hearing. But if I could
7 look real quick -- that doesn't mean -- our
8 involvement was not over necessarily just because a
9 case decision had been made.

10 So if I could look at our court date from our
11 merits hearing. Sorry. I'm having a hard time
12 finding it. I just see our probable cause -- okay.
13 It was -- the first called merits hearing was
14 October 29th, 2014.

15 But just because the -- just because that was
16 over doesn't necessarily mean that, you know, I
17 didn't -- I still saw the child. I still saw Minor
18 a few times over the past few months if I happened
19 to be at the office when he was having visits with
20 his mom.

21 Q. Then I'll ask you this then: Earlier I was
22 inquiring about November 24th and you indicated to
23 me that you were no longer involved. So I'll ask
24 you now about November 24th or any statements that
25 you may recall coming to you that Minor indicated

1 that other people would hit him.

2 A. No. That was -- the most interaction I had
3 with the child after my involvement was seeing him
4 at the office and saying hey to him. It wasn't -- I
5 wasn't monitoring him in his foster home like his
6 foster care worker was or taking him to doctors
7 appointments or speaking with his foster parents,
8 anything like that. That is not my job and it would
9 have just been limited to just seeing the child
10 briefly at the office after the investigation, my
11 dealings with him, not with his behavior or whatever
12 else.

13 Q. Okay. But you did take additional steps to
14 take additional photographs of him in November?

15 A. Yes. Yes.

16 Q. That's beyond just happening to see him in the
17 office?

18 A. Yes. And that was because I knew there would
19 be criminal charges and I wanted to ensure that it
20 was documented the child's appearance. And also,
21 it's common for children -- we're supposed to take
22 pictures of them every few months in foster care to
23 show what they looked like so that way if there's
24 ever any kind of issue down the line, to show what
25 they look like. So...

1 Q. Do you recall, Ms. Mooneyhan, ever seeing or --
2 scratch that.

3 Do you recall ever making reference to or
4 documenting any bruises or marks on Minor lower
5 legs below the knee, forearms, and arms?

6 A. Yes, his arms. I recall marks on his arms. I
7 don't recall any on his lower legs below the knee,
8 to my knowledge, and I don't remember the last area
9 you said.

10 MR. HUDSON: May I approach the witness, Your
11 Honor?

12 THE COURT: Yes, sir.

13 BY MR. HUDSON:

14 Q. I'll show you what's in evidence, this is
15 State's 21. Can you take that for me?

16 A. Yes.

17 Q. All right. Tell me, does that -- is that a
18 picture of Minor

19 A. Yes.

20 Q. And it shows the -- at least, let's say,
21 inside, outside. It shows one side of his arms;
22 correct?

23 A. Yes.

24 Q. Which -- would you say it's the inside or the
25 outside of his arms?

1 A. The insides.

2 Q. The insides. Does that picture have any marks
3 or bruises on his arms?

4 A. It doesn't depict any on the inside of his arm,
5 which it's showing, no, that I can see. But it
6 doesn't show his forearms really. It just shows
7 his -- really maybe a couple inches of his right
8 forearm. But it mainly just shows his just upper
9 arm, interior of it.

10 Q. Do you recall seeing any -- and you said his
11 arms, but you can't tell from this picture. Do you
12 recall seeing any marks on Minor body that you
13 would describe as defensive marks do you know what
14 I'm talking about?

15 A. Yes. I do recall -- if -- you know, a photo
16 was taken that had a line on this portion of his arm
17 which could possibly be -- I think it was a line
18 more so, a defensive wound, to this area. There was
19 also a U-shaped mark on the upper portion of one of
20 his arms.

21 Q. But there were no marks on his body below his
22 knee; correct?

23 A. Not that I can recall below his knee. Not that
24 I can recall, no.

25 MR. HUDSON: I beg the Court's indulgence, Your

1 Honor.

2 THE COURT: I thought we just did that. But go
3 ahead.

4 BY MR. HUDSON:

5 Q. When you found this rope, was it in the
6 condition it's in now?

7 A. Yes. It looked exactly like it does now and
8 exactly how it's described in my dictation.

9 Q. So this is how the rope was found? There's --

10 A. Yes.

11 Q. -- a knot in the rope. Do you see that?

12 A. I honestly don't recall if there was a knot in
13 the rope or not, that part I don't. But the
14 condition of the rope itself, the missing one
15 handle, the chipped other handle, et cetera, that's
16 accurate.

17 Q. So you don't recall the knot?

18 A. I honestly couldn't tell you. I don't want to
19 say I do or don't because I don't remember.

20 Q. But you recall the missing one handle?

21 A. Yes.

22 Q. Okay. Now, the missing handle was what Minor
23 made reference to when you questioned him; correct?

24 A. Yes.

25 Q. Okay. He didn't make reference to a knot, to

1 your recollection?

2 A. Not to my recollection. He made reference to a
3 chipped handle and a missing handle and it being
4 black and white.

5 Q. Is there any reason for you to believe that
6 this is not the condition the rope was found in?

7 A. I have no reason to believe that it's not.

8 Q. Okay. As part of your investigation, you did
9 have an opportunity to go out to Seven Oaks
10 Elementary School; right?

11 A. Yes.

12 Q. Okay. Did you make more than one trip to Seven
13 Oaks?

14 A. Yes. I went that morning and then I went to
15 the home and then I went back to the school to pick
16 him up and withdraw him from school.

17 Q. Okay. Did you find any jump ropes at the
18 school?

19 A. I did not search the school for jump ropes.

20 Q. But did you find any?

21 A. I did not search for it and I did not find any,
22 no.

23 MR. HUDSON: Nothing further, Your Honor.

24 THE COURT: Redirect.

25 MS. MAYES: Yes, sir, Your Honor, briefly.

1 REDIRECT EXAMINATION

2 BY MS. MAYES:

3 Q. Did you have any reason to go to Seven Oaks and
4 look for a jump rope?

5 A. No, I had no reason. When the child described
6 the jump rope, it was at the home and he described
7 exactly where I'd find it at the home.

8 Q. All right. Now, just to clarify on the
9 dictation --

10 A. Yes.

11 Q. And I'm asking you about the dictation that you
12 yourself wrote.

13 A. Yes.

14 Q. Can you refer to the dictation that you
15 yourself entered into the system?

16 A. Yes.

17 Q. Just to clarify what Mr. Hudson was asking you
18 about earlier, what if anything does your dictation
19 note about whether or not she acknowledged the child
20 had injuries? Do you need a moment to find it?

21 A. Yes. At first she -- this is exactly --
22 initially, Candice denied knowing Minor had any
23 marks on his body.

24 Q. All right. So initially she denied knowing he
25 had any marks on the body. Now, your testimony is

1 that she had no contact with Minor from the time
2 you and Detective Dykes got there ever again?

3 A. Not until she saw him today, no, to my
4 knowledge. No.

5 Q. So first she tells you she has no knowledge of
6 any injuries, and then Mr. Hudson was asking you
7 about a statement she had later made which she said
8 Minor said it happened on the playground; correct?

9 A. Yes.

10 Q. So first she says she has no knowledge of
11 injuries and then next she tells you if he has
12 injuries, according to Minor they happened on the
13 playground?

14 A. Right.

15 Q. And you entered that dictation yourself --

16 A. Yes.

17 Q. -- about that change in statement?

18 A. Yes.

19 Q. Now, Mr. Hudson was also asking you about a
20 forensic interview. What is a forensic interview?

21 A. Forensic interview is an investigative tool
22 which -- where the child is interviewed by a trained
23 forensic interviewer, which I myself am one. I
24 didn't conduct this forensic interview, however.
25 It's video-recorded and it is a child-friendly way

1 of interviewing the child and having it record --

2 MR. HUDSON: I apologize, Your Honor. I don't
3 remember inquiring about a forensic interview with
4 this witness. I'll object to that if she's going
5 to -- the redirect is based upon my cross.

6 MS. MAYES: Let me follow up with a specific
7 question.

8 BY MS. MAYES:

9 Q. Mr. Hudson was asking you about whether the
10 child made a statement in an interview about being
11 hit by someone else?

12 A. Yes. He asked about a statement and that
13 statement was made during the forensic interview.
14 So, yes.

15 Q. Regarding, I believe, Auntie Kimmy?

16 A. Yes, I believe so.

17 Q. Auntie Foo Foo?

18 A. Yes.

19 MR. HUDSON: I'd renew my objection. My
20 questions were statements that she observed and
21 heard.

22 THE COURT: All right. I'll sustain it.

23 MR. HUDSON: Thank you.

24 THE COURT: I don't recall him talking about a
25 forensic interview either.

1 BY MS. MAYES:

2 Q. Let me ask you this: When he's asking you if
3 you aware of any statements that were made to that
4 regard, are you aware of such statements?

5 A. Yes. I heard those statements, but they were
6 not to me.

7 Q. You were present for the forensic interview?

8 A. Yes.

9 Q. So let me clarify this: When you met with
10 Minor and during the course of the DSS
11 investigation, were you determined that -- were you
12 able to ask him specifically who left the marks?

13 A. Yes.

14 Q. All right.

15 MR. HUDSON: Your Honor, I think -- I renew my
16 objection again to this line of questioning. It's
17 beyond my cross. If she's going to ask it --

18 THE COURT: Sustained.

19 MR. HUDSON: Thank you.

20 BY MS. MAYES:

21 Q. All right. During the course of your
22 investigation, do you have anything -- or any reason
23 to believe that anyone else left the marks other
24 than Candice?

25 A. No.

1 Q. Now, Mr. Hudson also asked you about whether
2 you heard a statement that Minor was hurt by a
3 teacher.

4 A. Yes.

5 Q. Have you ever heard that statement?

6 A. I have never heard that statement made, no.

7 Q. And, in fact, did Ms. Beasley ever make such a
8 statement to you?

9 A. No, she did not.

10 Q. Or to anyone else at DSS, to your knowledge,
11 based on the dictation and the information DSS has?

12 A. No. She did not speak to anyone at DSS besides
13 myself.

14 Q. All right. So the first time you heard that
15 was today?

16 A. Yes.

17 MS. MAYES: Nothing further, Your Honor.

18 THE COURT: All right. You may step down.

19 Madam Foreman, ladies and gentlemen of the
20 jury, we'll start the trial of this case in the
21 morning at 10:00. The reason is because I've got
22 two other matters scheduled at 9:15 and 9:30 and I
23 don't want you having to wait on me. We'll start
24 right at 10:00. Please do not discuss the case with
25 anyone tonight, don't let anyone discuss it with

1 you. Please don't deliberate among yourselves and
2 please do not do any independent research, going on
3 Instagram, Facebook or anything else or the internet
4 or whatever. Have a very pleasant evening. See you
5 in the morning at 10:00. ' Everybody else remain
6 seated.

7 (The jury exits the courtroom at 5:21 PM.)

8 Anything for the record by the State?

9 MS. MAYES: Nothing from the State, Your Honor.

10 THE COURT: Anything by the Defendant?

11 MR. HUDSON: May it please the Court. Your
12 Honor, at this time I'd ask to extend Ms. Beasley's
13 bond. She's been on bond since November of 2014.
14 She's not missed an appearance. My concern, Your
15 Honor, is Ms. Beasley suffers from high blood
16 pressure and she will need to regulate her medicine,
17 which I believe would be a whole lot more convenient
18 if she were able to go home, take her medication,
19 and report here tomorrow. I don't believe she's a
20 flight risk. I just ask the Court to continue her
21 on bond.

22 THE COURT: Any opposition by the State?

23 MS. MAYES: We leave it in the discretion of
24 the Court, Your Honor.

25 THE COURT: I'll grant your motion.

1 MR. HUDSON: Thank you, Your Honor.

2 THE COURT: All right. Ms. Mayes, what do you
3 anticipate for tomorrow.

4 MS. MAYES: Your Honor, we have the chief
5 investigating officer tomorrow and we have a
6 physician from Lexington Medical Center who
7 anticipates he'll be here around 11:00. And we may
8 have one brief witness or we may not.

9 THE COURT: So you'll be through by lunchtime?

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

11 THE COURT: And, Mr. Hudson, what do you
12 anticipate?

13 MR. HUDSON: I anticipate calling one, two --
14 maybe five witnesses. They're certainly not going
15 to be very long witnesses --

16 THE COURT: You anticipate Ms. Beasley
17 testifying?

18 MR. HUDSON: I do, Your Honor. She'll be the
19 longest witness that I have.

20 THE COURT: So we should finish up all of the
21 testimony tomorrow?

22 MR. HUDSON: I don't see why not. The bulk is
23 going to be individuals from the school.

24 THE COURT: Well, they can't be very long.

25 MR. HUDSON: No, sir. That's what I'm saying.

1 THE COURT: So we should finish the testimony
2 tomorrow?

3 MR. HUDSON: We should, yes, sir.

4 THE COURT: Well, right now it looks like we'll
5 probably finish testimony, do motions, et cetera, et
6 cetera, jury charges, and argue and charge Wednesday
7 morning unless we get done by 2:30 or 3:00, so be
8 prepared to argue and charge if we have to. All
9 right. Thank y'all very much. We'll see you in the
10 morning.

11 (Trial in recess for the day at 5:24 PM.)

12 THE COURT: Is the State ready to proceed?

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

14 THE COURT: Mr. Hudson?

15 MR. HUDSON: Good morning. Yes, sir..

16 THE COURT: All right. As I understand, the
17 clerk has provided that Defense Exhibit 1 has been
18 substituted for the clean copy. Have y'all had an
19 opportunity to look at it?

20 MS. MAYES: Yes, sir. No objection.

21 MR. HUDSON: Yes, sir. No objection.

22 THE COURT: All right. So we're all in order.
23 Any other housekeeping before we start?

24 MS. MAYES: No, sir, Your Honor.

25 MR. HUDSON: None from the Defendant.

1 THE COURT: All right. Bring the jury in,
2 please.

3 (The jury enters the courtroom at 10:03 AM.)

4 THE COURT: Good morning. I hope you had a
5 pleasant evening.

6 You may call your next witness.

7 MS. MAYES: The State calls Detective Shannon
8 Dykes.

9 SHANNON DYKES

10 being first duly sworn, testified as follows:

11 THE WITNESS: Yes, ma'am, I do.

12 THE CLERK: Once you're seated, state your full
13 name spelling your last, please.

14 THE WITNESS: Shannon Dykes, D-Y-K-E-S.

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Detective Dykes, could you give us some
18 information concerning your educational background?

19 A. I'm a graduate of Midlands Technical College
20 with two associates degrees, also the University of
21 South Carolina, double major, management and
22 marketing. I also have a master's in business
23 administration from the University of North Alabama.

24 Q. Can you tell us where you're currently employed
25 and in what capacity.

1 A. I work for the Lexington County Sheriff's
2 Department. I work for a specialized unit in the
3 fugitive unit assigned to the U.S. Marshals and
4 SLED.

5 Q. All right. And prior to the work that you're
6 currently doing with the fugitive task force, can
7 tell us whether or not you were involved with the
8 major crimes division of the Lexington County
9 Sheriff's Department.

10 A. I was. I was involved in the major crimes unit
11 investigating homicides, child abuse cases,
12 attempted murders, kidnappings, violent crimes.

13 Q. All right. Do cases of child physical abuse
14 fall under the umbrella of major crimes at the
15 sheriff's department?

16 A. Yes, ma'am.

17 Q. And how long have you been a law enforcement
18 officer?

19 A. Since 2010, June of 2010.

20 Q. Now I want to ask you, Detective Dykes, how it
21 is that you became involved in an investigation
22 concerning Candice Beasley, the defendant in this
23 case.

24 A. On October 14th, I was notified by my sergeant
25 and my supervisor with the Lexington County

1 Sheriff's Department's major crimes unit. He
2 notified me via phone that there was a situation at
3 Seven Oaks Elementary School located at 2800 Ashland
4 Road and that I needed to respond in reference to a
5 possible child abuse situation.

6 Q. All right. And tell us what happened once you
7 responded to Seven Oaks Elementary on October 14th
8 of last fall.

9 A. When I arrived, I met with the school resource
10 officer Raymond Barrett and DSS investigator
11 Charlene Mooneyhan in reference to the situation. I
12 got briefed on what had taken place and what the
13 situation was thus far. I actually went over to
14 Minor and spoke with him and just tried to get
15 myself aware and -- of what was taking place. And
16 from that point, that's when I viewed the injuries
17 that were sustained to him.

18 Q. All right. And at this point in time, Minor
19 is a five-year-old kindergarten student. Were you
20 able to speak with him directly yourself?

21 A. Yes, ma'am, I was.

22 Q. All right. And in your conversations with him,
23 did he identify a perpetrator?

24 A. He did.

25 Q. And upon receiving that information, what did

1 you do with it?

2 A. I notified my supervisor of what was taking
3 place -- I keep him informed of everything that's
4 taking place as it progresses -- and made
5 arrangements with Ms. Mooneyhan to go and speak with
6 Ms. Candice Beasley, as who is Minor identified
7 beat him -- or whipped him, is the word he used,
8 with the jump rope.

9 Q. Now, when you have a suspect, how do you go
10 about making contact with that suspect or following
11 up with the investigation where a suspect is
12 concerned?

13 A. We'll make phone contact or go to their house
14 or go to their work, whatever it takes to locate
15 where they're at.

16 Q. Okay. And in this particular case, what action
17 was taken?

18 A. Ms. Mooneyhan made contact with her.

19 Q. With who? '

20 A. Candice Beasley. I'm sorry.

21 Q. All right. With the defendant in this case,
22 Candice Beasley?

23 A. Yes, ma'am.

24 Q. All right. And let me back up a little bit to
25 where you had testified that you made contact with

1 Minor you spoke with him. What if anything did
2 you observe about him physically?

3 A. I noticed a lot of U-shaped marks on his body,
4 his back, his side, his legs, his stomach area,
5 upper torso, consistent with what he was telling me
6 that his godmother -- or Godmommy, sometimes, when
7 he would use the term -- Candice had beat him or
8 whipped him with a jump rope.

9 These wounds, in my opinion, and the numerous
10 child abuse cases that I've worked, were very severe
11 in nature. Some of them started the scarring
12 process and some were still bleeding. In fact,
13 there was blood coming out of one injury that I
14 witnesses with a Band-Aid over it.

15 Q. All right. So you witnesses some of the wounds
16 still bleeding?

17 A. Yes.

18 Q. Did you witness whether any of the markings had
19 scabbing or appeared to be of a different age?

20 A. Yes. Numerous markings had scabbing. And,
21 again, some of them already were already in the scar
22 tissue process.

23 Q. Now, when you and the DSS caseworker Charlene
24 Mooneyhan followed through with actually making
25 contact with Candice Beasley, where did that occur?

1 A. At in Columbia, the Irmo area of
2 Lexington County.

3 Q. Your understanding is that is whose residence?

4 A. Candice Beasley's residence.

5 Q. And up until that day, the date of October
6 14th, can you tell us whether or not, based on your
7 investigation, Minor had been residing at that
8 residence?

9 A. That's true. That's accurate. That's where he
10 had -- was living.

11 Q. Now, during the course of your investigation,
12 did you determine who the mother of Minor
13 is?

14 A. I did. And I learned that she was currently
15 not in the picture, that she had lived in another
16 state.

17 Q. All right. And specifically what state?

18 A. I believe it was Missouri.

19 Q. Now, in retrospect, when you're determining who
20 has access to a child or who has custody of a child,
21 what did you determine in terms of who actually had
22 legal custody of Minor as of October 2014?

23 A. I worked with -- in this investigation I worked
24 side by side with Ms. Mooneyhan as far as the family
25 court is concerned of who has custody of Minor at

1 that time.

2 Q. All right. And that was who?

3 A. Candice Beasley.

4 Q. Okay. And the mother of the child, Latoya
5 Mitchell, you indicated she was living out of state.
6 Did your investigation determine whether she had had
7 any recent contact with Minor

8 A. It did not.

9 Q. So living here in South Carolina was Minor and
10 Candice Beasley at the address that you
11 mentioned. Who else, based on your investigation,
12 resided at that address?

13 A. A Kimberly Beasley, sister of Candice Beasley,
14 and a Shandra -- let me find her last time. Shandra
15 Beasley as well.

16 Q. All right. So Shandra Beasley and Kimberly
17 Beasley are sisters of the defendant?

18 A. Correct.

19 Q. Can you tell us whether or not they are adults?

20 A. They are.

21 Q. Okay. And do you know whether or not Shandra
22 went by any nickname?

23 A. Foo Foo is the name that Minor told me.

24 Q. Okay. So Auntie Foo Foo and Auntie Kimmy are
25 two adults who also lived in that same residence?

1 A. Yes, ma'am.

2 Q. Tell us what happened once you and the DSS
3 caseworker Charlene Mooneyhan arrived to speak with
4 Candice Beasley. Was anyone else at home other than
5 the defendant Candice Beasley?

6 A. No.

7 Q. What happened?

8 A. We introduced ourselves with our respective
9 agencies. I introduced myself with the Lexington
10 County Sheriff's Department major crimes unit, my
11 name, and the reason I was there, as well as
12 Ms. Mooneyhan explaining why she was there as well.

13 Q. Now, do you have a badge when you do this type
14 of investigative work?

15 A. Yes, ma'am. That day I had a badge embroidered
16 on a polo shirt and also a badge beside my gun.

17 Q. All right. And you had your badge visible?

18 A. Yes, ma'am, in two places.

19 Q. And the DSS worker, can you tell us whether or
20 not she identified herself as a caseworker with the
21 Department of Social Services?

22 A. She did. She also had her name badge as well
23 visibly where she could see it.

24 Q. What happened next?

25 A. We explained to her why we were there.

1 Ms. Mooneyhan explained her position and the
2 investigation she's conducting, and I explained to
3 her my side of this investigation, which is the
4 criminal aspect, and that's the reason we were there
5 at that time.

6 Q. All right. Did you tell her that -- or can you
7 tell us whether or not you advised her that it was
8 in reference to Minor

9 A. I did.

10 Q. All right. Can you tell us specifically what
11 you stated to her?

12 A. I explained to her that Minor had injuries to
13 himself, that he had told me that she was the one
14 that whipped him with a jump rope, and I advised her
15 she was a suspect in this case.

16 Q. Now, when it comes to the actual jump rope, can
17 you tell us why, if at all, it's important for law
18 enforcement to follow up to find a weapon or tool
19 that may have been used during the course of the
20 crime?

21 A. Preservation of evidence.

22 Q. In addition to identifying yourself as a law
23 enforcement officer, what other steps were taken
24 prior to the interview to advise Ms. Beasley of her
25 rights and things of that nature?

1 A. After I advised her she was a suspect in this
2 case, I immediately advised her of her Miranda
3 warning, explained it to her on this form that I had
4 with me, line by line. I'll go through it.

5 You have the right to remain silent. Anything
6 you say can and will be used against you in a court
7 of law. You have a right to talk with a lawyer for
8 advice before I ask any questions and have him or
9 her present with you during questioning. If you
10 have no money for lawyers' fees, the Court will
11 appoint one to you to represent you without cost if
12 you wish. If you decide to answer questions now
13 without a lawyer present, you will have the right to
14 stop answering questions at any time. You also have
15 the right to stop answering questions at any time
16 until you speak with a lawyer.

17 I asked her if she wished to speak with me
18 without an attorney present, and then later on I
19 asked her again before we started the interview to
20 make sure that she wished to speak with me without
21 an attorney present. So there's two times.

22 Q. All right. Now, the advice of rights and the
23 form that you refer to, can you tell us whether or
24 not you -- whether or not it's routine to have that
25 information with you when you interview a suspect?

- 1 A. It is, either in a form of this form or a
2 Miranda card that we -- we can carry with us.
- 3 Q. All right. And, specifically, did you prepare
4 an incident report in this case?
- 5 A. I did.
- 6 Q. Do you have that with you today?
- 7 A. I do.
- 8 Q. Can you tell us whether or not it's noted in
9 your incident report that she was advised -- that
10 Ms. Beasley was advised of her Miranda rights?
- 11 A. It is.
- 12 Q. Now, once you verbally advise her of her
13 Miranda rights, can you tell us whether or not she
14 agreed to speak with you further?
- 15 A. She did.
- 16 Q. Did she appear to understand the rights that
17 were read to her?
- 18 A. She did.
- 19 Q. Were any promises made by yourself or
20 Ms. Mooneyhan in exchange for talking with
21 authorities?
- 22 A. No.
- 23 Q. Was any threats or force or coercion used in
24 order to get her to participate in an interview?
- 25 A. No, ma'am.

1 Q. Based upon your observations, did her agreement
2 to participate in an interview appear to be freely
3 and voluntarily given?

4 A. Yes, ma'am.

5 Q. What happened next? And you can refer directly
6 to your report.

7 A. Okay. One second to pull my notes up. I told
8 Candice that Minor has very severe injuries to his
9 body consistent with him being whipped with
10 something. I also told Candice that Minor told us
11 that she whips him with a black jump rope.

12 Candice --

13 Q. All -- go ahead.

14 A. I'm sorry. Candice immediately said that this
15 was not true and Minor has a tendency to lie about
16 a lot of things.

17 Q. All right. So you stated to her these specific
18 allegations and that it included that he had been
19 injured when she hit him with a jump rope?

20 A. Yes, ma'am.

21 THE COURT: Mr. Hudson, can you see?

22 MR. HUDSON: I can't, Your Honor.

23 THE COURT: Back it up a little, please.

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

25

1 BY MS. MAYES:

2 Q. All right. Did she admit or deny using a jump
3 rope on Minor

4 A. She denied it.

5 Q. All right. And at that point in time she
6 stated that the child was lying; is that correct?

7 A. That's correct.

8 Q. And according to your notations in your
9 incident report about this interview, what happened
10 next?

11 A. I asked Candice where the jump rope was
12 located, and she said that she does not own a jump
13 rope and that there's not a jump rope in her house.

14 Q. All right. So she denied having one at all and
15 that there was not one in her house.

16 A. That's correct.

17 Q. What happened next?

18 A. Candice then told me that I can search her
19 house if I wanted to. Upon her consent to search, I
20 located a black in color Gold's Gym
21 professional-grade jump rope in the general area
22 where Minor told me it would be.

23 Q. And what area was that?

24 A. It was in the living room area, but it was a
25 submerged, recessed area in the living room area

1 with some work-out equipment. A treadmill, I
2 believe, was in that lower room. It was all an open
3 area in the living room.

4 Q. All right. And we have what is State's Exhibit
5 28, which is currently in evidence. I'm going to
6 ask you to take a look at this item. Is that the
7 item that you retrieved from the home?

8 A. It is.

9 Q. Now, in addition to verbal consent to search
10 and take that item, did she provide any additional
11 consent to take that item?

12 A. She did. I -- I provided a release form to
13 her, which she signed, signing it over to Lexington
14 County Sheriff's Department. And I explained to her
15 it's evidence in this criminal investigation that
16 I'm investigating.

17 Q. All right. Do you have with you the original
18 today?

19 A. I do.

20 Q. Okay.

21 A. Just give me a second to find it here.

22 Q. All right. And this particular document
23 regarding the jump rope, can you tell us whether or
24 not it contains the signature of the defendant,
25 Candice Beasley?

1 A. It does.

2 Q. And the date?

3 A. Yes.

4 Q. And would that be 10/14/14, the day it was
5 seized?

6 A. Yes, ma'am.

7 Q. All right. Who -- does it also have your
8 signature on it?

9 A. It does.

10 Q. Okay. And do you recognize this form as a fair
11 and accurate original --

12 A. I do.

13 Q. -- of the consent to release the jump rope?

14 A. I do.

15 MS. MAYES: Your Honor, at this time, this
16 would be State's Exhibit 30 for evidence.

17 (State's Exhibit No. 30 marked for
18 identification.)

19 THE COURT: Any objection to the document
20 mentioned?

21 MR. HUDSON: I'd like to see it, Your Honor.

22 THE COURT: Mr. Hudson, any objection?

23 MR. HUDSON: No objection, Your Honor.

24 THE COURT: Thank you very much.

25 (State's Exhibit No. 30 admitted in to

1 evidence.)

2 BY MS. MAYES:

3 Q. What if anything, Detective Dykes, is noted in
4 your incident report following the seizure of the
5 jump rope from the home of Candice Beasley?

6 A. I presented the jump rope to Candice and she
7 said that she did not know anything about the jump
8 rope.

9 Q. All right. And what happened next?

10 A. I then asked her why she lied about having the
11 jump rope, and she again said she didn't know
12 anything about it.

13 Q. All right. And what is next noted in your
14 incident report?

15 A. Candice further denied abusing Minor in any
16 way, just talked about how bad Minor behavior was
17 and the fact that he doesn't listen to her or her
18 sisters.

19 Q. All right. All right. What happened next?

20 A. I explained to Candice that Minor had severe
21 injuries that were consistent with the jump rope
22 that was in my hand at that time and I believed that
23 she did indeed strike Minor with the jump rope over
24 a period of time. At this time, I noticed Candice
25 was getting very nervous and her hands were

1 trembling, and I observed tears coming from her
2 eyes. I told Candice that I would be back to speak
3 with her further in reference to this case.

4 Q. All right. And during your presence there at
5 the scene, can you tell us whether or not Charlene
6 Mooneyhan with the Department of Social Services
7 conducted additional discussions with Ms. Beasley?

8 A. She did.

9 Q. At any point in time while you were there
10 present at the scene, did Ms. Beasley ever admit to
11 using the jump rope on Minor

12 A. She did not.

13 Q. What was the next step during the course of
14 your investigation?

15 A. I stood by while Ms. Mooneyhan explained to
16 Candice about the emergency protective custody
17 procedure and the court hearing in family court on
18 Friday 10/17/2014 in Lexington County Family Court.

19 The next step in my investigation is I set up a
20 forensic interview at The Dickerson Center for
21 Children.

22 Q. And were you present for that interview?

23 A. I was.

24 Q. And you noted that you were present at the
25 school when Minor told you what happened?

1 A. I was.

2 Q. What can you tell us about the eventual arrest
3 of Candice Beasley?

4 A. After the factfinding evidence, Minor
5 injuries, the opportunity, the ability, the
6 jeopardy, and a possible motive, with all of the
7 information and facts I received from the forensic
8 interview as well to corroborate all this, I
9 obtained arrest warrants for Candice Beasley for two
10 counts of inflicting great bodily injury on a child
11 and two counts of unlawful conduct toward a child.

12 Q. When were the warrants served?

13 A. The warrants were served the next day after the
14 forensic interview.

15 Q. All right. So the day that you're at the house
16 having this conversation with Ms. Beasley, was she
17 in custody at that time?

18 A. She was not.

19 Q. She was not under arrest?

20 A. She was not.

21 Q. And when you left the house, where was she?

22 A. She was at her house.

23 Q. All right. So she remained there at the house
24 when you left?

25 A. Yes, ma'am.

1 Q. What about when the DSS caseworker Charlene
2 Mooneyhan left?

3 A. She was still in her house. She left at
4 approximately the same time I did.

5 Q. Did you participate in taking some of the
6 photographs of Minor there at Seven Oaks Elementary
7 on the morning of the 14th?

8 A. I did, along with school resource officer
9 Raymond Barrett.

10 Q. All right. And did you have the opportunity to
11 actually see the various marks on his body?

12 A. I did.

13 Q. Can you tell us whether or not, based on your
14 observations, those markings would have been readily
15 apparent to a caregiver?

16 A. Absolutely.

17 Q. And what part or parts of the body do you
18 recall seeing injuries?

19 A. His back, his legs, the upper thigh, upper
20 torso. And myself and Deputy Barrett were able to
21 take some additional photographs in the bathroom,
22 just him and I and Minor because he didn't feel
23 comfortable with females around.

24 Q. All right. I'm going to show you what is
25 State's Exhibit 14 in evidence. What parts of

1 Minor body are visible in that photograph?

2 A. His arms and his head.

3 Q. And can you tell us whether or not there are
4 markings on the child's arms or forearms?

5 A. I see on his right arm -- I see a mark on his
6 right arm and just above the elbow as well.

7 Q. Okay. In this location?

8 A. Yes, ma'am.

9 Q. As well as this location?

10 A. Yes, ma'am.

11 Q. All right. Is there a change in pigmentation
12 along the arms as well?

13 A. Yes, ma'am.

14 Q. Now, in addition to the arms, can you tell us
15 whether or not the injuries to the legs would have
16 been readily apparent if the child were dressed in
17 shorts or underwear?

18 A. Absolutely.

19 Q. Can you tell us whether or not the injuries to
20 the back and abdomen would have been readily
21 apparent if the child were shirtless?

22 A. Absolutely.

23 Q. At what point did you become involved along
24 with Charlene Mooneyhan in determining a timeframe
25 for the injuries?

1 A. It was brought to my attention there was a
2 photo out there on social media, on Candice
3 Beasley's Instagram, and that photo has Minor in a
4 pool area that appeared to be some sort of a YMCA or
5 some sort of place with a pool, like an olympic size
6 pool.

7 So I started investigating where this might be.
8 And I just kind of put two and two together and
9 figured where they live, the closest YMCA area off
10 Kennerly Road, and went out there and spoke with the
11 aquatics director and found out that he had swim
12 lessons at this facility.

13 Q. All right. And we're looking at this
14 particular photo, which is in evidence, State's
15 Exhibit 3. This would be an Instagram account of a
16 Candy816. Is this the photograph you're referring
17 to?

18 A. Yes, ma'am.

19 Q. And looking here at the photo, was there any
20 evidence of any of the injuries that you observed on
21 him in October?

22 A. No, ma'am.

23 Q. Now, you mentioned that -- and this would be
24 the Instagram account of Candy816. Do you recognize
25 the person in this photo?

1 A. I do.

2 Q. Who is that person?

3 A. Candice Beasley.

4 Q. What if any steps did you take to actually
5 identify this location as the Irmo YMCA where the
6 photograph would have been taken?

7 A. I went and spoke with the aquatics director,
8 Ms. Kristen Stevenson. She actually allowed me to
9 go to the pool area and I found the area where he
10 was standing --

11 Q. All right.

12 A. -- and took a picture of that.

13 Q. The area where he's standing in this photo at
14 the Irmo Y?

15 A. Yes, ma'am.

16 Q. I'm going to show you this photo and ask you
17 whether or not you recognize it.

18 A. I do. It's the picture I took.

19 Q. All right. And what is the location shown?

20 A. The YMCA, Kennerly Road.

21 Q. All right. And is this a fair and accurate
22 representation of that location, as you recall it?

23 A. It is.

24 MS. MAYES: Your Honor, at this time, this
25 would be State's Exhibit 5 for evidence.

1 THE COURT: Any objection?

2 MR. HUDSON: No objection, Your Honor.

3 THE COURT: Thank you.

4 (State's Exhibit No. 5 admitted in to
5 evidence.)

6 BY MS. MAYES:

7 Q. Okay. So this photo would have been taken in
8 Irmo, South Carolina; correct?

9 THE COURT: This being Exhibit No. --

10 MS. MAYES: 3, Your Honor.

11 Q. Exhibit No. 3 depicting the child with no
12 injuries. And then this photo, Exhibit No. 5, is
13 the photo you took at the Irmo Y showing the exact
14 location where Minor was standing?

15 A. Correct.

16 Q. Were you also able to verify whether or not
17 Minor had actually participated in swimming lessons
18 there at the Y in the timeframe of April or May of
19 2014?

20 A. I was. The actual dates were April 12th
21 through May 17th, 2014, according to their records.

22 Q. All right. So he was registered for swimming
23 lessons there at the Irmo Y?

24 A. Yes, ma'am.

25 Q. Can you tell us, Detective Dykes, whether or

1 not the location of , the home of
2 Candice Beasley, whether or not that is within the
3 jurisdiction of Lexington County?

4 A. It is.

5 Q. Now, you mentioned the EPC, emergency
6 protective custody, that was carried out that day by
7 law enforcement and the department of social
8 services. To your knowledge, did Ms. Beasley or
9 Shandra -- the defendant, Candice Beasley, or
10 Shandra Beasley, also known as Foo Foo, or Kimberly
11 Beasley had any direct contact with Minor following
12 his EPC?

13 A. To my knowledge, there was no contact.

14 Q. And while you were at the school interviewing
15 Minor did he ever name any other perpetrator other
16 than the defendant Candice Beasley?

17 A. He named Candice Beasley as the one who whipped
18 him with the jump rope, and that was it.

19 MS. MAYES: I beg the Court's indulgence.

20 Nothing further of Detective Dykes at this
21 time, Your Honor.

22 THE COURT: Mr. Hudson, cross?

23 MR. MORRISON: May it please the Court, Your
24 Honor.

25 THE COURT: Yes, sir.

1 CROSS-EXAMINATION

2 BY MR. HUDSON:

3 Q. Detective Dykes, good morning.

4 A. Good morning, sir.

5 Q. I just want to go over a couple things with
6 you.

7 A. Yes, sir.

8 Q. Were you aware at any time in your
9 investigation or did you become aware of the trip to
10 Kansas City, Missouri with Minor and the Beasley
11 family to go to Kansas City right around May the
12 17th?

13 A. I was not.

14 Q. You were not made aware of that?

15 A. No, sir.

16 Q. So if a trip took place so he could visit his
17 mother, you would not be aware of it?

18 A. No, sir.

19 Q. Okay. So -- but to your knowledge-- your
20 testimony was that you had no knowledge of any
21 contact between Minor and his mother since, the
22 timeframe was, August through October?

23 A. What I testified to was since he was placed in
24 emergency protective custody.

25 Q. No, sir. That's the second part.

1 A. Okay.

2 Q. Okay. But prior to that, I believe the
3 question was, was there any contact between Minor
4 and his mother since he was placed in the home of
5 Candice Beasley?

6 A. Oh, I understand. I have no knowledge of that.

7 Q. You have no knowledge of that.

8 When you told us what was going on, you
9 indicated that Minor uses the word whipping --

10 A. Yes, sir.

11 Q. -- not beating; correct?

12 A. He used beating as well.

13 Q. He used beating as well?

14 A. Yes, sir.

15 Q. Okay. During your investigation, he described
16 it as whipping; correct?

17 A. Yes, sir.

18 Q. Okay. I want to ask you a series of questions
19 about --

20 MR. HUDSON: May I approach, Your Honor?

21 THE COURT: Certainly.

22 MR. HUDSON: I'm going, -- I apologize, Your
23 Honor.

24 THE COURT: Is the jump rope consented?

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

1 MR. HUDSON: It has been, Your Honor, it's just
2 not marked. That's what is causing the confusion.

3 THE COURT: All right. Let's mark it before we
4 get going. I think you said it's 30; correct?

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

6 (State's Exhibit No. 30 marked for
7 identification.)

8 BY MR. HUDSON:

9 Q. This has been marked as --

10 THE COURT: This being number 30, the jump rope
11 consent?

12 MR. HUDSON: It is the jump rope consent.

13 BY MR. HUDSON:

14 Q. Detective Dykes, was that form -- as it is now,
15 was form completed the moment Ms. Beasley signed it?
16 Was there any part in that form that was left
17 uncom- -- incom- --

18 A. Not to my knowledge, no, sir.

19 Q. So your testimony is that it was written from
20 start to finish before she signed it?

21 A. To my knowledge, yes, sir.

22 Q. You didn't have to go back in and plug in your
23 name and your agency after she signed it?

24 A. Not that I can recall, no, sir.

25 Q. Okay. And you gave her this on October 14th;

1 correct?

2 A. Yes, sir.

3 Q. When you retrieved the jump rope?

4 A. Yes, sir.

5 Q. She signed it without hesitation?

6 A. Yes, sir.

7 Q. Okay. And you took the rope?

8 A. Yes, sir.

9 Q. Okay. You also had with you, as you testified
10 a moment ago, your Miranda form --

11 A. Yes, sir.

12 Q. -- that you read. That Miranda form has a
13 signature space on it, doesn't it?

14 A. Yes, sir.

15 Q. For anyone you read them to, to sign; correct?

16 A. Yes, sir.

17 Q. She didn't sign that?

18 A. No, sir.

19 Q. Okay. Did you offer it to her to be signed?

20 A. No, sir.

21 Q. You did not?

22 A. No, sir.

23 Q. Okay. And she didn't write out a statement for
24 you?

25 A. No, sir.

1 Q. Okay. And you didn't record any of your
2 conversations with her; correct?

3 A. No, sir.

4 Q. Okay. Why was it, Detective Dykes, that she
5 was not offered the form to sign -- the Miranda form
6 to sign?

7 A. We -- we do it verbally. I mean, that's one
8 way we can advise of Miranda, verbally. And
9 sometimes we'll sit down and go through each one and
10 have them sign it.

11 Q. But this day you chose not to have her sign and
12 acknowledge that you read her Miranda rights?

13 A. Yes, sir. Every investigation is different.

14 Q. Okay. But you did take the time to have her
15 acknowledge that you received the rope?

16 A. Yes, sir.

17 Q. Okay. And she signed it without hesitation?

18 A. Yes, sir.

19 Q. Let me ask you about the rope, since we just
20 inquired about it. The rope wasn't submitted to any
21 kind of analysis to see if there was any trace of
22 blood on it, was it?

23 A. No, sir.

24 Q. Okay. And you testified earlier that there was
25 some -- when you saw Minor on the 14th of October,

1 there was bleeding. You said some scars were
2 bandaged over and they were bleeding still.

3 A. Yes, sir.

4 Q. Wouldn't there be blood trace on the rope, you
5 would think?

6 A. Perhaps.

7 Q. Perhaps. But you did not have it tested?

8 A. No, sir.

9 Q. So we don't know if there are any traces of
10 Minor on this rope; no blood trace, no skin of
11 Minor on this rope?

12 A. No, sir. I did not have it tested.

13 Q. So but for the fact that this rope was found in
14 Ms. Beasley's home and Minor said he was hit with a
15 jump rope, that's the only thing that you have to
16 conclude that this was the thing that struck Minor

17 A. No, sir. He described it to a tee with a
18 broken handle, a black jump rope, and where -- the
19 exact location where it would be.

20 Q. Okay. Does -- are there jump ropes at Minor
21 school at the time?

22 A. I would assume so. I don't know.

23 Q. You didn't look for any?

24 A. I did not.

25 Q. So other than his statement and where you found

1 it, that's the only thing that connects Minor to
2 this jump rope; his statement and the fact you found
3 it at Ms. Beasley's home?

4 A. And the forensic interview.

5 Q. That's still part of his statement; right?

6 A. Yes, sir.

7 Q. Okay. So other than his statements and the
8 fact that you found it in Ms. Beasley's home, that's
9 the only connection you have -- that you -- that you
10 have concerning this jump rope and Minor correct?

11 A. And his injuries.

12 Q. Well, that's what I'm asking. If the jump rope
13 caused the injuries and you're saying there should
14 be some trace -- say if the jump rope caused his
15 skin to break and bleed, there would be blood trace
16 on the jump rope; right?

17 A. It's possible.

18 Q. It would be transferred?

19 A. It's possible.

20 Q. Okay. How likely is it then? Better than 50
21 percent?

22 A. The -- I'm not a --

23 MS. MAYES: Objection; calls for speculation.

24 THE COURT: Sustained. He can't answer that.

25 He's not qualified as an expert witness. Lay

1 witnesses cannot give opinion testimony. That's
2 pretty elementary. Sustained.

3 MR. HUDSON: Thank you, Your Honor.

4 THE COURT: Thank you.

5 BY MR. HUDSON:

6 Q. You did not have it tested though; right?

7 A. Did not.

8 Q. Now this rope, is it in the condition now that
9 it was in when you retrieved it?

10 A. Yes, sir.

11 Q. Okay. So when you -- when it was in your
12 possession, you bagged it, and it was in your
13 possession and control until it was opened here in
14 court?

15 A. Yes, sir. And I turned it over to our evidence
16 custodian at Lexington County Sheriff's Department.

17 Q. So it was knotted like this then?

18 A. I don't -- I don't recall it being knotted.

19 Q. Well -- okay. Can you tell me then, at what
20 point would it have been knotted?

21 A. It could have gotten knotted in the bag in
22 evidence.

23 Q. Okay. So your testimony is that it could have
24 happened while it was in the bag in evidence?

25 A. Could have.

1 Q. Okay. Did you ever receive any information
2 concerning -- and I know you testified about you
3 were made aware there was custody, I guess, by court
4 order. You were aware there was a court order
5 concerning custody between Candice Beasley and
6 Minor right?

7 A. Yes, sir. I was made aware by Ms. Mooneyhan.

8 Q. Did you receive any information about why or
9 how that came to be; how Minor came to not live
10 with his mother, but to live with Candice?

11 A. I did.

12 Q. Can you tell, what was your understanding of
13 the reason that Minor was living with Ms. Beasley?

14 A. My understanding was his mother, his birth
15 mother, had PTSD, and that was the reason why she
16 gave custody to Candice Beasley.

17 Q. When you talked about your interview with
18 Ms. Beasley, you indicated that she denied doing
19 this or having any knowledge of it. Is that an
20 accurate assessment?

21 A. I'm sorry. I couldn't hear you, sir.

22 Q. When you interviewed Ms. Beasley, your notes
23 indicated that she denied either having done it and
24 denied having knowledge of it; correct?

25 A. Yes, sir.

1 Q. Okay. And you were asked about the ready --
2 the -- let's see. The readily available or the
3 readily -- availability in terms of being able to
4 spot or see the damages to Minor body by a
5 caregiver. Do you recall that question?

6 A. Can you repeat that? I can barely hear you.
7 I'm sorry.

8 Q. Okay. You were asked about whether or not the
9 marks on Minor body were readily visible and
10 should they have been seen by a caregiver. Does
11 that refresh --

12 A. Yes, sir.

13 Q. And you said -- that was your response?

14 A. Yes, sir.

15 Q. Should those marks have also been readily
16 available -- visible, excuse me, and seen by
17 teachers, counselors, mandatory reporters?

18 A. It is my belief and I feel that a caregiver
19 would be the one who would be able to see these
20 injuries.

21 Q. Okay. My question to you then, Detective
22 Dykes, is, these same injuries, if you were involved
23 with Minor on the 14th -- let's go back a little
24 bit. You testified that some of the marks were
25 scabbed over. Is that what you said?

- 1 A. Yes, sir.
- 2 Q. Remember that? That's an indicate that they
- 3 were older; am I correct?
- 4 A. Yes, sir.
- 5 Q. Okay. You said some were open and bleeding.
- 6 A. Yes, sir.
- 7 Q. That's indication that they were fresher.
- 8 A. Yes, sir.
- 9 Q. Okay. So these older marks, should they have
- 10 been readily available to schoolteachers,
- 11 principals, anyone who came in contact with Minor
- 12 on a daily basis?
- 13 A. If the clothing was lifted in a way that they
- 14 could see it.
- 15 Q. Okay.
- 16 MR. HUDSON: May I approach, Your Honor?
- 17 THE COURT: You may.
- 18 BY MR. HUDSON:
- 19 Q. I show you what's in evidence as People's [sic]
- 20 14.
- 21 A. Yes, sir.
- 22 Q. You're familiar with that photograph; correct?
- 23 A. Yes, sir.
- 24 Q. And you described it as having showing marks on
- 25 his arm.

1 A. Yes, sir.

2 Q. And you said there were marks on the right arm
3 and then there was some shadowing on the left arm
4 when the State attorney Mayes asked you about it;
5 correct?

6 A. Yes, sir.

7 Q. Okay. Can you tell from that picture where it
8 was taken?

9 A. It looks like -- yeah, the classroom.

10 Q. That was the classroom at Seven Oaks; right?

11 A. Yes, sir.

12 Q. Okay. So from your what your testimony was,
13 there was visible scarring on his arms while he was
14 attending classes at Seven Oaks; right?

15 A. Yes, sir.

16 Q. Okay. You also made a comment about the
17 clothing he would wear. So if he was wearing
18 certain kinds of clothing, they would not be
19 visible; right?

20 A. Yes, sir.

21 Q. You also mentioned earlier that when you first
22 met Minor you and the men had to go into the
23 bathroom with him because he preferred men.

24 A. Yes, sir.

25 Q. Okay. You then came to realize he was living

- 1 in a home with women.
- 2 A. Yes, sir.
- 3 Q. Okay. So if Minor bathed himself and dressed
4 himself, is it possible that these marks would not
5 have been seen by his caregiver?
- 6 A. It's possible.
- 7 Q. Okay. Can you tell me, Detective Dykes, what
8 date in your investigation -- what date did Minor
9 receive these marks?
- 10 A. I don't have a specific date where he received
11 these marks. I know it was over a period of time.
12 And in my investigation, it -- it was concluded that
13 it was after the picture taken at the YMCA; in
14 between that time and the time that the injuries
15 were found on October 14th. It was -- all these
16 wounds were in various stages of healing.
- 17 Q. So according to your testimony then, it could
18 be anywhere from April to October?
- 19 A. Could have been anywhere in that timeframe.
- 20 Q. But you're not sure, you don't know?
- 21 A. I'm not sure.
- 22 Q. And you certainly didn't witness anybody
23 whipping or spanking or beating Minor right?
- 24 A. No, sir.
- 25 Q. That's correct. Okay. You testified that you

1 brought two counts of each charge against

2 Ms. Beasley. That's what you testified that you

3 charged her with; right?

4 A. Yes, sir.

5 Q. Okay. Did it come to your knowledge or in your

6 investigation, allegations that Ms. Beasley had gone

7 to the school and whipped Minor

8 A. Yes, sir.

9 Q. Okay. Did you find anything to support that?

10 A. Other than his full disclosure in the forensic

11 interview.

12 Q. But now you are aware that those are not the

13 charges; correct?

14 A. I'm sorry.

15 Q. Was she being charged with beating Minor at

16 the school or at home?

17 A. I believe -- I believe it has been -- the

18 charges in this -- for this trial are for the

19 beatings at home.

20 Q. At home. You brought charges concerning a

21 beating that took place at school.

22 A. I did.

23 Q. Okay. And you are not going forward on those

24 because you don't think that's substantiated or you

25 don't have any evidence to support that allegation?

- 1 A. Sir, that's not my decision.
- 2 MS. MAYES: Objection; calls for speculation.
- 3 THE COURT: Sustained.
- 4 BY MR. HUDSON:
- 5 Q. You received allegations that Minor was beaten
- 6 at school; correct?
- 7 A. Yes, sir.
- 8 Q. Okay. And when -- you looked into that? Did
- 9 you research that? Did you ask anybody about that,
- 10 about him being beaten at school?
- 11 A. No, sir.
- 12 Q. Did you have doubts that that took place?
- 13 A. No, sir.
- 14 Q. But you made no effort to substantiate that; is
- 15 that what you're saying? I'm just asking.
- 16 A. Well, with the forensic interview, I -- my
- 17 effort to have full disclosure with him in the
- 18 forensic interview.
- 19 Q. Did you question his teacher about whether or
- 20 not Ms. Beasley ever came to the school to beat him?
- 21 A. No, sir.
- 22 Q. Did you question the assistant principal?
- 23 A. No, sir.
- 24 Q. Or the principal?
- 25 A. No, sir.

1 Q. Did you ever determine in your investigation
2 whether Minor may have been spanked or whipped by
3 anyone else?

4 A. Yes, sir.

5 Q. Okay. And these are individuals who had
6 physical contact with him?

7 A. Yes, sir.

8 Q. Accessible?

9 A. Yes, sir.

10 Q. Was there any other statement or allegation
11 that one of his teachers may have whipped him?

12 A. No, sir, not to my knowledge.

13 Q. So Ms. Beasley, when you were questioning her,
14 never said to check with the school or the school's
15 nurse?

16 A. She -- the only thing she said check with the
17 school about was his bad behavior.

18 Q. About his bad behavior?

19 A. Yes, sir.

20 Q. And did you do that?

21 A. Yes, sir, along with Ms. Mooneyhan.

22 Q. Well, I'm asking you concerning your
23 investigation now. Did you inquire about Minor
24 behavior?

25 A. Directly with the school officials, no, sir.

1 Q. So you didn't do it?

2 A. No, sir.

3 MR. HUDSON: I beg the Court's indulgence, Your
4 Honor. No further questions of this witness.

5 THE COURT: Ms. Mayes, anything on redirect?

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

7 REDIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. Mr. Hudson was asking you about portions of a
10 statement made at the forensic interview. You were
11 present for that?

12 A. I was.

13 Q. All right. So I'm going to ask you about the
14 remainder of those statements and --

15 MR. HUDSON: Your Honor, I object. I don't
16 think my inquiry was -- had anything to do with
17 specific interviews at forensic. I was asking him
18 statements about **Minor** and he continued to refer
19 that the questions came from the forensic interview.
20 I did not inquire about the forensic interview from
21 this witness.

22 MS. MAYES: That's -- the question that was
23 posed was directly about the forensic interview.

24 THE COURT: I overrule the objection.
25

1 BY MS. MAYES:

2 Q. All right. Mr. Hudson was asking you about a
3 statement about Minor being hit at school with a
4 jump rope.

5 A. Yes, ma'am.

6 Q. You were present for that statement?

7 A. Can you repeat that?

8 Q. You were present for that statement when it was
9 made?

10 A. Can you repeat the first question? I'm sorry.

11 THE COURT: He wants to know who made the
12 statement.

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

14 BY MS. MAYES:

15 Q. Mr. Hudson was asking you about statement by
16 Minor about being hit at school by a jump rope.

17 A. Yes.

18 Q. Okay. You were present for that statement?

19 A. I was.

20 Q. All right. And officially, what that is
21 statement called? What type of interview is that?

22 A. Forensic interview.

23 Q. Okay. And do you have with you the notes of
24 the forensic interview and that statement?

25 A. I do.

1 Q. All right. So just to clarify, who was that
2 Minor reported had hit him with a jump rope at the
3 school?

4 A. Candice Beasley.

5 Q. All right. So that would be the defendant,
6 Candice Beasley?

7 A. Yes, ma'am.

8 Q. Let me back up a little bit more. You have
9 with you the full documentation of that forensic
10 interview?

11 A. Yes, ma'am.

12 Q. Where is the first location that he reported
13 that Candice Beasley had hit him with a jump rope?

14 A. At home,

15 Q. Okay. So the first location is at home?

16 A. Correct.

17 Q. And specifically in that regard, he's talking
18 about the jump rope; is that correct?

19 A. Correct.

20 Q. And did he state where on his body he'd been
21 hit by Candice Beasley with the jump rope?

22 A. Give me one second to look through it. He --
23 Minor stated that he was whipped on his stomach,
24 side, arms, and butt.

25 Q. Now, during the course of this investigation,

1 did you determine whether Minor had had some
2 disciplinary referrals at school?

3 A. Yes, ma'am.

4 MR. HUDSON: Your Honor, I object.

5 THE COURT: Hold on.

6 MR. HUDSON: I renew my earlier objection now.

7 If he was present for the statement, for the
8 interview -- this is not his particular statement,
9 he didn't create this dictation. I don't know if he
10 can testify from it. He can testify to what he
11 recalls from being there, I would think, but not
12 from reading from a dictation that he -- from a
13 report that he didn't produce, Your Honor.

14 THE COURT: Mr. Hudson, you opened the door to
15 this interview. He's merely answering the questions
16 and he's referring to the interview that he was
17 present at. Overruled.

18 BY MS. MAYES:

19 Q. Are you aware of whether Minor had had some
20 issues at the school?

21 A. Yes, ma'am.

22 Q. Okay. And are you aware as to whether or not
23 Ms. Beasley had ever been called down to the school?

24 A. Yes, ma'am.

25 Q. All right. And are you aware as to whether or

1 not she had been called to the school on more than
2 one occasion?

3 A. Yes, ma'am.

4 Q. And what is the other location that Minor
5 reported Ms. Beasley had the jump rope?

6 A. 2800 Ashland Road at Seven Oaks Elementary.

7 Q. Okay. And did he report that anyone else was
8 present when she had the jump rope?

9 A. No.

10 Q. All right. In fact, where did he report that
11 everyone else was?

12 A. Give me a moment to go through it. Everyone
13 else was outside.

14 Q. All right. And then did he report whether
15 anything else had happened at home?

16 A. He reported that he got whipped again when he
17 got home.

18 Q. All right. So just to clarify, when Mr. Hudson
19 was asking you about a report about the jump rope
20 being at the school, who was it who had the jump
21 rope at the school?

22 A. Candice Beasley.

23 Q. And then also at the home?

24 A. Candice Beasley.

25 Q. Now, Mr. Hudson was asking you about contact

1 that the child may have had with his mother back in
2 May of 2014. So looking here at this calendar, if
3 the child had a visit with his mother in May of
4 2014, can you tell us whether or not the injuries
5 you observed in October of 2014, particularly the
6 bleeding injuries, pursuant to your investigation,
7 do you believe those bleeding injuries were
8 sustained in May?

9 MR. HUDSON: Objection --

10 A. No.

11 MR. HUDSON: -- Your Honor.

12 THE COURT: Hold on. Hold on. Sustained.

13 He can't -- he's not trained to tell us when
14 the injuries were received.

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

16 THE COURT: He can't give that opinion.

17 Madam forelady, ladies and gentlemen of the
18 jury, our rules only allow witnesses to be able give
19 testimony about things that they actually see or
20 observe. They can't give opinions or speculate.

21 There's an exception to that if someone like a
22 doctor or an engineer has been trained in a special
23 field, he can give opinion testimony. But until
24 someone is qualified as an expert, they can't give
25 opinion testimony, and that's what they're asking

1 for and that's why it's not allowed.

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

3 BY MS. MAYES:

4 Q. In terms of some of the custody issues that
5 Mr. Hudson was asking you about in terms of the
6 child -- the child being first with the mother and
7 then placed with Ms. Beasley in the spring of 2014
8 through October of 2014, are those aspects of a law
9 enforcement investigation or a DSS investigation?

10 A. It's more of a DSS investigation.

11 Q. All right. So the custody aspects are
12 investigated by DSS?

13 A. Yes.

14 Q. Okay. And, ultimately, who has custody of
15 Minor now?

16 A. His birthmother.

17 Q. All right. Latoya Mitchell?

18 A. Latoya Mitchell.

19 Q. All right. And that decision, is it made by
20 law enforcement or is it made by the department of
21 social services and family court?

22 A. The department of social services and family
23 court.

24 MS. MAYES: Nothing further.

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

1 Everybody okay?

2 All right. Next witness, please.

3 MS. MAYES: Yes, sir, Your Honor. May we
4 approach?

5 THE COURT: Yes.

6 (Sidebar conference.)

7 MS. MAYES: The State calls Dr. Maxcy Nowell.

8 MAXCY NOWELL

9 being first duly sworn, testified as follows:

10 THE WITNESS: I do.

11 THE CLERK: Have a seat, sir. Once you're
12 seated, state your full name spelling your last,
13 please.

14 THE WITNESS: Maxcy Nowell, N-O-W-E-L-L.

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. What can you tell us about your educational
18 background and training?

19 A. Four years of college, four years of medical
20 school both here in town, emergency medicine
21 residency at Palmetto Health Richland, and I've
22 worked at Lexington for 11 years since.

23 Q. All right. And specifically, Doctor, what type
24 of medicine are you board certified in?

25 A. Emergency medicine.

1 Q. Okay. Now, what can you tell us about
2 emergency medicine? What type of medical practice
3 is that?

4 A. I treat acute life-threatening illnesses and
5 injuries.

6 Q. And mainly in emergency rooms?

7 A. Correct.

8 Q. And you mentioned that you are currently at the
9 Lexington Medical Center emergency room. How long
10 have you been affiliated with that ER?

11 A. Eleven years.

12 MS. MAYES: Your Honor, at this time the State
13 offer Dr. Maxcy Nowell as an expert in the field of
14 emergency medicine.

15 THE COURT: Any cross-examination on his
16 qualifications?

17 MR. HUDSON: No cross, Your Honor.

18 THE COURT: All right. I'll qualify him as an
19 expert in the field of emergency medicine which
20 means, ladies and gentlemen of the jury, that he'll
21 be allowed to give opinion testimony concerning --
22 if she asks him opinion testimony, he'll be allowed
23 to give it.

24 Move forward.

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

1 BY MS. MAYES:

2 Q. Now, Doctor, when a patient comes into the
3 emergency room, what is the process for obtaining a
4 history from that patient?

5 A. So when they come into the emergency room, we
6 have a triage nurse out front that takes the initial
7 complaint, takes vital signs, and then gets the
8 patient ready for the physician to see them.

9 Q. And can you tell us why obtaining that type of
10 history is necessary for purposes of medical
11 diagnosis and treatment?

12 A. Because the delivery of healthcare is a team
13 sport, so we all want to make sure we're on the same
14 page. So if the patient comes in by ambulance or
15 comes in by family, all of those historical
16 submissions are in the chart so we can review them
17 before we obtain a history.

18 Q. All right. I'm going to show you some
19 documents and ask you whether or not you recognize
20 them. Just take your time.

21 Can you tell us whether or not you treated a
22 child by the name of Minor

23 A. I did.

24 Q. All right. And that was at the Lexington
25 emergency room?

1 A. Correct.

2 Q. And what was the date in which you saw this
3 child?

4 A. October 14, 2014.

5 Q. Doctor, do you have with you or do you have in
6 the chart notations concerning your actual physical
7 exam of Minor

8 A. I do.

9 Q. All right. What can you tell us in that regard
10 concerning your physical exam?

11 A. He had several bruises in various stages of
12 healing to his lower extremities, back, and lower
13 abdomen. Some of these had a semicircular pattern
14 with associated bruising.

15 Q. All right. Now, in addition to your records,
16 I'll show you some photographs which are already in
17 evidence. And this includes State's 19, 22, 20, 21,
18 13, 16, 11, 10, 8, and 9, if you could take a moment
19 to look at those, and also 6 and 7.

20 Doctor, having looked at those photographs, do
21 you see the semicircular pattern noted in your
22 medical findings?

23 A. I do.

24 Q. All right. What can you tell us, if anything,
25 about pattern injuries? What is it that causes

1 pattern injuries when a child is physically abused?

2 MR. HUDSON: Objection, Your Honor.

3 THE COURT: What's the objection?

4 MR. HUDSON: I believe it goes beyond the area
5 of his expertise.

6 THE COURT: To determine how pattern bruises
7 are made?

8 MR. HUDSON: I believe the questions
9 presupposes that he has an understanding in an area
10 that he testify -- the he's qualified to testify in.

11 THE COURT: Do you have an -- do you know how
12 pattern injuries or bruises are -- can be made?

13 THE WITNESS: I can give you a medical opinion
14 based on my training.

15 THE COURT: Overruled.

16 MR. HUDSON: Thank you.

17 BY MS. MAYES:

18 Q. All right. And, Doctor, if you could, describe
19 to us, based upon your medical background and
20 training, what it is that causes the pattern
21 injuries as you've noted in this child.

22 A. So in this case, the pattern of the injuries
23 suggested that they were repetitive injuries with
24 the same or a similar object. And he had wounds
25 that were in various stages of healing; meaning,

1 some of these injuries were new, some of them were
2 old, but they all had a similar pattern which
3 suggested, you know, a similar object striking the
4 skin and causing injury.

5 Q. All right. And particularly the type of
6 semicircular pattern, can you tell us whether or not
7 that can be consistent with a looped cord that's
8 used with aggression or force?

9 A. It could be consistent.

10 Q. And you mentioned the various stages of
11 healing, Doctor. What is it, when looking at the
12 injuries, that allows you to determine that it's not
13 one incident but multiple incidents in which the
14 injuries were inflicted?

15 A. So you look at the maturation of the bruising;
16 meaning, a new fresh bruise is bright blue. And as
17 the bruises age, they get darker and get yellow
18 rims. You also look at the skin wounds. A fresh
19 wound is moist, pink, open; an older wound develops
20 crust as air affects the healing.

21 He had wounds in both stages of these healing
22 processes, so that's what led me to determine that
23 they were in various stages of healing. They
24 were -- not all of them were new, not all of them
25 were old, it was a mixture.

1 Q. All right. And how, if at all, important it is
2 for you to actually assess the patient and ask the
3 patient what happened, actually get a history
4 directly from the patient?

5 A. It's very important. It's really the
6 cornerstone of your history is asking the patient
7 what happened.

8 Q. All right. And did you do that specifically in
9 reference to how he got the injuries, the pattern
10 injuries and the bruising that you noted during the
11 exam?

12 A. I did.

13 Q. And did you document that in your medical
14 records?

15 A. I did.

16 Q. All right. And if you could read directly from
17 your medical record what the child told you
18 happened.

19 A. I'm going to read you the whole sentence that I
20 put down in the history. Comes from school with
21 DSS, bruises noted to the body, here for physical
22 exam; child tells me he was hit with a broken jump
23 rope by --

24 Q. Okay. Do you have notations or, I guess, an
25 acronym there?

1 A. I do.

2 Q. Okay. I'm going to stop you right there so I
3 can make a note of it. Child tells me he was hit
4 with a broken jump rope by -- and what is the
5 acronym that you used?

6 A. GM.

7 Q. GM. And what else?

8 A. Tells me she hits him when he is bad.

9 Q. Okay.

10 A. He denies other complaints.

11 Q. And by he denies other complaints, you're
12 referring to other medical conditions?

13 A. Correct.

14 Q. Okay. So the source of the injury that was
15 reported to you as part of the child's history
16 that's necessary for your medical diagnosis and
17 treatment is child was hit by broken jump rope by
18 GM, tells me she hits him when he is bad?

19 A. Yes.

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

21 BY MS. MAYES:

22 Q. What if anything, Doctor, can you tell us about
23 the severity of injuries in that -- in that these
24 injuries would not have healed and there's still
25 evidence of those pattern injuries today, some 11

1 months later or 10 months later?

2 A. The deeper the injury is, the longer it takes
3 to heal. And whether it's a complete healing or a
4 partial healing depends on the depth of skin
5 penetrated. If you cut your skin or if a blunt
6 object hits your skin and it penetrates both the
7 outer layer, the epidermis, and next layer, the
8 dermis, it's more likely to scar. So the deeper and
9 more severe an injury it is, the higher the
10 likelihood it will lead to scarring.

11 MS. MAYES: Nothing further.

12 MR. HUDSON: May it please the Court.

13 CROSS-EXAMINATION

14 BY MR. HUDSON:

15 Q. Good morning.

16 A. Good morning.

17 Q. Where are you employed again?

18 A. Lexington Medical Center.

19 Q. Okay. And that's considered in the Midlands of
20 South Carolina?

21 A. Yes, sir.

22 Q. Is there an institution, hospital, or facility
23 in the Midlands that's considered a facility that
24 specializes or has the expertise concerning child
25 abuse cases?

1 A. There are a couple of pediatric facilities that
2 we refer children to, usually not acutely. But they
3 have pediatricians that are further educated and
4 have more knowledge about abuse injuries. Yes, sir.

5 Q. And so for the definition we just used and the
6 definition you have in mind, Lexington Medical
7 Center is not one of those facilities?

8 A. No, sir.

9 Q. It's not?

10 A. No, sir.

11 Q. And during your testimony, Doctor, you said he
12 was brought to you for physical exam?

13 A. Correct.

14 Q. So as part of the ER and emergency room,
15 Doctor, he was not brought there because of
16 emergency, he was brought there for you to conduct a
17 physical examination?

18 A. Yes, sir.

19 Q. And, indeed, that's what you did; correct?

20 A. Yes, sir.

21 Q. When speaking with him or collecting the
22 history, I note here that you don't have any medical
23 history concerning Minor any previous doctor
24 visits, any previous medical conditions at all?

25 A. Correct.

1 Q. Okay. Can you tell me why that is?

2 A. This was a focused exam.

3 THE COURT: I'm sorry. What kind?

4 THE WITNESS: A focused exam.

5 THE COURT: F-O-C-U-S?

6 THE WITNESS: F-O-C-U-S-E-D. Yes, sir.

7 THE COURT: What's a focused exam?

8 THE WITNESS: A focused exam -- you know, I'm

9 not your primary care doctor. We deal with

10 life-threatening emergencies. We try to treat

11 problem-specific injuries or illnesses. So Minor

12 came in with DSS from school, they asked me to do a

13 physical exam. It's -- you know, the charts are

14 brief. We see a lot of folks. And I put down what

15 he was there and I treated him for what he was there

16 for.

17 BY MR. HUDSON:

18 Q. All right, sir. And in your treatment of him,

19 you determined that images or labs were not

20 necessary from an emergency standpoint; correct?

21 A. Correct.

22 Q. So part of the definition you just gave us

23 concerning the things that you do, Minor life was

24 not in danger?

25 A. There was nothing to indicate that.

1 Q. Nothing to indicate that?

2 A. Other than -- nothing from a medical
3 standpoint. DSS was already involved in the case.
4 Obviously the wounds were very concerning to the
5 emergency room staff, to myself, but DSS was
6 involved in the case.

7 So if you're asking me from a physiological
8 standpoint was his life at risk there, no, sir.

9 Q. That's what you -- you're the ER physician;
10 correct?

11 A. Correct.

12 Q. So you tell us from the physiology?

13 A. Correct.

14 Q. And his life was not at risk?

15 A. Right.

16 Q. His life was not at risk, that's what you're
17 saying?

18 A. Correct.

19 Q. And just for clarification, you have no idea
20 who placed -- and you didn't testify to it, but you
21 have no idea where the scars came from?

22 A. Correct.

23 Q. Other than your examination with the patient;
24 correct?

25 A. Yes, sir.

1 Q. Okay. When was the last time you saw Minor

2 A. That day.

3 Q. And you had not seen him since then; correct?

4 A. No, sir.

5 Q. Okay. So you cannot tell us what condition his
6 body is in today; right?

7 A. I cannot.

8 MR. HUDSON: I beg the Court's indulgence, Your
9 Honor.

10 BY MR. HUDSON:

11 Q. Just a few more questions, Doctor. He wasn't
12 given any kind of prescription that day; right? You
13 didn't write him a script for any medication?

14 A. No, sir.

15 Q. Okay. Did you suggest or make reference to any
16 kind of mental health activity or treatment of any
17 kind concerning Minor

18 A. DSS was with the patient when he arrived, and
19 so I deferred that to them.

20 Q. Okay. So you made no assessment as to his
21 mental state?

22 A. No, sir.

23 Q. Okay. And you indicated that you could tell
24 that some of the bruising were newer and older is
25 that -- I understood your testimony. Correct?

1 A. Correct. Yes, sir.

2 Q. You're not able to tell us just how old or just
3 how new?

4 A. Correct.

5 MR. HUDSON: No further questions.

6 THE COURT: Redirect?

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

8 REDIRECT EXAMINATION

9 BY MS. MAYES:

10 Q. If a child doesn't have a regular pediatrician
11 and hasn't seen a pediatrician recently, can you
12 tell us whether it's common or uncommon for a parent
13 or caregiver to bring them in to the ER?

14 A. It's an everyday occurrence.

15 Q. And Mr. Hudson was asking you specifically
16 about your personal knowledge of the source of the
17 injury. How, if at all, does history from the
18 patient play into that?

19 A. I usually put what the patient tells me in the
20 chart because it's helpful in the context of
21 everything. Obviously with kids it's a little bit
22 different, but I still put it in my charts because I
23 think, again, it's the sum of all the data that
24 matters. So I want to make my charts inclusive, so
25 I put that in there.

1 Q. Including the child's information or history
2 concerning the source of the injury?

3 A. Correct.

4 MS. MAYES: Nothing further.

5 THE COURT: Thank you, Doctor. You may step
6 down. I'll excuse you to go back to work or maybe
7 you're off today.

8 THE WITNESS: Thank you, sir.

9 THE COURT: All right. Madam Forelady, ladies
10 and gentlemen, let's take a short break. We'll come
11 back and probably go to about 1:00 today and take an
12 hour and 15 for a lunch break. Don't discuss the
13 case, don't deliberate.

14 (The jury exits the courtroom at 11:24 AM.)

15 THE COURT: All right. Anything for the record
16 before we take our morning break from the State?

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

18 THE COURT: Yes, ma'am?

19 MS. MAYES: We are going to rest when the jury
20 comes back in. I just wanted the Court to be aware
21 of that.

22 THE COURT: Okay. Thank you.

23 Let's take a little short break. When we come
24 back I'll ask your client about testifying. And
25 probably the more efficient way if you're going to

1 rest is to go ahead and do your motions, if you have
2 any.

3 MR. HUDSON: Yes, sir. At this time, Your
4 Honor, I'd move for a directed verdict.

5 THE COURT: Well, I understand that. Let's
6 take a bathroom break before we do that.

7 MR. HUDSON: Yes, sir.

8 (Short break.)

9 THE COURT: All right. Ms. Mayes, you've
10 informed the Court that the State rests. Is that
11 correct?

12 MS. MAYES: Correct, Your Honor.

13 THE COURT: Any motions by the Defendant?

14 MR. HUDSON: At this time, Your Honor, we'd
15 move for a directed verdict on the charges against
16 Ms. Beasley.

17 THE COURT: There are two charges.

18 MR. HUDSON: Yes, sir.

19 THE COURT: Which one are you talking about?

20 MR. HUDSON: In the first matter, 16-3-95, I'm
21 moving for a directed verdict on both charges.

22 THE COURT: On both charges or on just that one
23 statute?

24 MR. HUDSON: Both charges.

25 THE COURT: That and the unlawful conduct?

1 MR. HUDSON: That's correct, Your Honor.

2 THE COURT: Let's take them one at a time,
3 please.

4 MR. HUDSON: First, as to the abuse with great
5 bodily injury, that statute defines for the purposes
6 of great bodily injury, an injury with substantial
7 risk of death causes serious permanent
8 disfigurement, contractive loss of impairment or
9 impairment of the function of a bodily member or
10 organ.

11 THE COURT: And your position is that the
12 doctor who testified about the injuries, he did not
13 testify that these injuries created any substantial
14 risk of death, number one.

15 MR. HUDSON: Yes, sir.

16 THE COURT: Nor did he testify that there was a
17 serious disfigurement, two; three, nor did he
18 testify that there was any permanent disfigurement;
19 four, or protracted loss or impairment of any body
20 function or organ; is that correct?

21 MR. HUDSON: Correct. Yes, sir.

22 THE COURT: Ms. Mayes, I did not hear the
23 doctor say any of that.

24 MS. MAYES: Yes, sir, Your Honor. The matter
25 of the permanent or serious disfigurement, that is

1 the element that would apply in this particular
2 case.

3 THE COURT: Well, what did the doctor say about
4 that?

5 MS. MAYES: Well, Your Honor, I -- the State's
6 position is that that would be -- serious
7 disfigurement would be a jury issue for the jury to
8 determine based on the disfigurement that's
9 documented in the photographs.

10 THE COURT: How can a jury determine that that
11 scarring that you're showing on those photographs
12 will last for this little six-year-old's -- be
13 permanent and last for his entire life? How can an
14 ordinary juror make that determination or that
15 inference from a picture?

16 MS. MAYES: Yes, sir, Your Honor. I don't
17 think they can make the determination as to whether
18 the permanent -- I don't know that anyone can
19 because of the child's age. But as for --

20 THE COURT: Doesn't the statute require that?

21 MS. MAYES: Serious or permanent. And the
22 State's position is that as documented, for example,
23 in State's Exhibit 19, there is ample evidence of
24 serious disfigurement that the jury can find just
25 based on the child's physical appearance. So it

1 doesn't have to be serious and permanent; serious or
2 permanent.

3 THE COURT: So it's your position that the
4 definition of serious and permanent can be inferred
5 from the photographs and it does not require any
6 medical confirmation?

7 MS. MAYES: Yes, sir, Your Honor. That's the
8 State's position.

9 THE COURT: You got any case law that supports
10 that?

11 MS. MAYES: No, sir. As to serious
12 disfigurement, no sir, or to the definition of
13 serious disfigurement. But I do believe that it
14 would at taken at face value. Serious disfigurement
15 would be a physical appearance.

16 The doctor did testify that what causes
17 scarring to remain over some period of time, such as
18 10 or 11 months later, is the multiple layers of the
19 skin that is penetrated. And the State's position
20 is that that amounts to the serious disfigurement
21 and the jury can find that based on the fact they've
22 seen the injuries still visibly apparent and they're
23 well-documented in the photographs.

24 THE COURT: Your question to the doctor was
25 this, the very last question: What if anything,

1 Doctor, can you tell us about the severity of
2 injuries in that -- in that these injuries would not
3 have healed and there's still evidence of these --
4 those pattern injuries today, some 11 months later
5 or 10 months later?

6 Answer: The deeper the injury is, the longer
7 it takes to heal. And whether it's complete or
8 partial healing depends on the depth of the skin
9 penetrated. So if you cut your skin or a blunt
10 object penetrates the epidermis and the next layer,
11 the dermis, it's more likely to scar. So the deeper
12 and more severe an injury, the likelihood it will
13 lead to scarring.

14 I mean, I don't know what that says about a
15 permanent injury or a serious -- a permanent
16 disfigurement or serious disfigurement. Seems to me
17 that that definition, to me, requires an expert to
18 tell us that it is serious or permanent impairment,
19 and there's no testimony to that in this case.

20 I think you're acknowledging that there's no
21 testimony, and your position is that it becomes a
22 jury question and they can infer serious
23 disfigurement from the photographs that have been
24 introduced and whether or not those photographs are
25 sufficient evidence to make it a jury question as to

1 whether or not that is a serious disfigurement. Is
2 that your position?

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

4 THE COURT: And I see nothing in researching
5 that statute that gives me any help in deciding
6 whether it requires -- whether it requires the jury
7 making that inference or whether it requires medical
8 testimony.

9 Mr. Hudson, the statute was enacted when?
10 2000? I don't see any interpretation of that
11 definition of great bodily injury.

12 MR. HUDSON: Your Honor, my concern would be
13 the term disfigurement -- my response would be that
14 the term disfigurement itself is a term of art,
15 meaning it has a defined definition as to what
16 disfigurement is. And the State has not put up any
17 evidence, I believe, of the expert witness to tell
18 us that this child's scars either, one, resulted in
19 disfigurement, serious or otherwise, or serious or
20 permanent, and without that, I don't think the jury
21 has enough information in front of it.

22 THE COURT: I think disfigurement speaks for
23 itself. I mean, my hand used to be like it's
24 supposed to be and now it's disfigured with other
25 stuff on it, I mean, from a scar. That would be

1 disfigurement. Whether or not it's a serious
2 disfigurement and whether or not it's permanent
3 disfigurement.

4 I know permanent, without a question, would
5 require expert opinion. Whether or not the
6 photographs showing the scarring is enough to make
7 it a jury question on serious disfigurement or
8 whether it takes medical testimony to say it's
9 serious -- serious may be more of a subjective
10 determination.

11 If you got a pretty back and you have no
12 scarring on it and now you got these scars now, that
13 may be a jury question as to whether or not that's a
14 serious disfigurement or not. That's what I'm
15 struggling with. There's no medical evidence of it,
16 but there's pictures in the record.

17 And, of course, at this stage of the game, I'm
18 not concerned not with the weight of the testimony
19 but the existence of the testimony. So does the
20 fact that we have pictures and the child's testimony
21 that, obviously, a normal back would not have these
22 marks and scars, so it is disfigurement, then the
23 question becomes whether or not it's serious
24 disfigurement and whether or not the jury can infer
25 that or make that decision from photographs as

1 opposed to the requirement of a doctor saying it's
2 serious.

3 The doctor could only say they're there. He
4 can also testify in his opinion that it's more
5 likely than not that they're permanent. But serious
6 is sort of a degree of a scar, not the existence of
7 a scar. They there are scars here. Are they
8 serious or are they just benign scars that everybody
9 can live with and not serious? That's probably a
10 jury question. I think that evidence is in
11 existence.

12 I'll respectfully deny your motion for directed
13 verdict on that issue.

14 MR. HUDSON: Likewise, Your Honor, as to the
15 unlawful neglect of a child, looking at the statute
16 it indicates that to place the child in unreasonable
17 risk of harm affecting the child's life, physical or
18 mental health or safety. There again, there was no
19 testimony that the child's life was ever in --

20 THE COURT: I agree with all that. But how
21 about safety? And also Subsection A(2): Do or
22 cause to be done unlawfully or maliciously any
23 bodily harm to the child so that the life or health
24 of the child is in danger or likely to be in danger.
25 That doesn't require great bodily harm; that's any

1 bodily harm, and this was bodily harm. Then it
2 becomes a question for the jury to determine whether
3 or not that bodily harm endangered his life or his
4 health.

5 I don't think there's any evidence it
6 endangered his life, but certainly it's evidence
7 that his health was in danger; bleeding and scarring
8 and the bruising and the injury. So I think under
9 Subsection A(2) that there is evidence to support
10 that if the jury finds that the State has proven
11 that beyond a reasonable doubt, they have to show it
12 was done unlawfully or maliciously, and I think
13 that's a jury question. Respectfully denied.

14 MR. HUDSON: Thank you, Your Honor.

15 THE COURT: Any other motions?

16 MR. HUDSON: None further from the defendant,
17 Your Honor.

18 THE COURT: All right. Ms. Beasley, would you
19 raise your right hand for me, please.

20 CANDICE BEASLEY

21 being first duly sworn, testified as follows:

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You can put your hand down.

24 Ms. Beasley, we've reached the stage of the
25 trial now where you have the opportunity to present

1 Now, you understand your constitutional right
2 to remain silent?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you have any questions you'd
5 like to ask me about that?

6 THE DEFENDANT: No, sir.

7 THE COURT: Obviously that right is yours and
8 personally yours. You can discuss it with your
9 lawyer or if you have any questions you want to ask
10 me or whatever but, obviously, in the long run, in
11 the end, that's your personal right.

12 So we're coming up on your time now to present
13 your defense and I need to know whether or not you
14 will be testifying. And, obviously, you can talk to
15 Mr. Hudson if you'd like.

16 And in that regard I'm going to instruct the
17 jury, Ms. Mayes, on that great bodily harm that the
18 only evidence that they can consider -- only portion
19 of the statute they can consider is the serious
20 disfigurement because I've ruled as a matter of law
21 that there's no threat to his life and there's no
22 permanent scarring. So that would be the only issue
23 before them on that particular statute.

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

25 THE COURT: And, Ms. Beasley, that will be

1 their only inquiry as -- and the other parts of that
2 statute, but that's the only part they can consider;
3 i.e., the serious disfigurement.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: So I need to know, before we bring
6 them back, if you're not putting up any testimony,
7 if you're not going to testify, then I'm going to
8 break and we'll come back about 1:30 and argue and
9 charge. If you're going to testify -- or if you've
10 got other witnesses, we're going to go ahead and go
11 to about 1:15.

12 THE DEFENDANT: I do have witnesses and I do
13 plan on testifying.

14 THE COURT: Okay.

15 MR. HUDSON: That's correct, Your Honor.

16 THE COURT: All right. You want to bring --

17 MS. MAYES: Your Honor, in that regard,
18 Mr. Hudson did give us some documents that he wishes
19 to introduce. I will pass that -- I don't know if
20 you have an extra copy or not for the Court. If I
21 could, Your Honor, pass them up for the Court's
22 benefit.

23 THE COURT: Are you going to object to them?

24 MS. MAYES: Yes, sir, Your Honor. I have no
25 objection to number 2, but the ones that follow

1 rests its case.

2 THE COURT: Thank you. Madam Forelady, ladies
3 and gentlemen of the jury, what that means is all of
4 the State's evidence is concluded. So at this time
5 we're going to move to about 1:00 or 1:15 and let
6 the Defense start with their side of the case.
7 We'll see where we are around 1:00.

8 Mr. Hudson, you may call your first witness.

9 MR. HUDSON: May it please the Court. The
10 defense calls Julie Zeigler.

11 JULIE ZEIGLER

12 being first duly sworn, testified as follows:

13 THE WITNESS: Yes, I do.

14 THE CLERK: Please be seated and state your
15 full name.

16 THE WITNESS: Julie Lynn Zeigler,
17 Z-E-I-G-L-E-R.

18 DIRECT EXAMINATION

19 BY MR. HUDSON:

20 Q. Ms. Zeigler, can you tell us, where are you
21 employed?

22 A. Currently?

23 Q. Yes, ma'am.

24 A. Lexington 1.

25 Q. And what is -- as what? In what capacity?

1 A. A teacher.

2 Q. And what school are you employed with?

3 A. Currently?

4 Q. Yes, ma'am?

5 A. Deerfield Elementary.

6 Q. And did you ever have an opportunity to work at
7 Seven Oaks Elementary?

8 A. Yes.

9 Q. And what timeframe were you employed at Seven
10 Oaks?

11 A. Last year and the year before that.

12 Q. So we're talking about 2013, 2014?

13 A. Yes.

14 Q. And in what capacity were you employed at Seven
15 Oaks?

16 A. Kindergarten teacher.

17 Q. In your capacity as a kindergarten
18 schoolteacher, did you have a student by the name of
19 Minor

20 A. Yes, sir.

21 Q. And he started kindergarten with you. Was it
22 in August of 2014, the fall of 2014?

23 A. Yes, sir.

24 THE COURT: You can look at your records if you
25 have to.

1 THE WITNESS: I don't have any. I'm just
2 trying to think in my head the school year calendar.

3 THE COURT: I understand.

4 BY MR. HUDSON:

5 Q. And can you tell me, what do you recall of
6 Minor

7 A. He's a very sweet, smart, very energetic and
8 active little boy.

9 Q. Did you ever have any discipline issues with
10 Minor

11 A. That was an area we were working on, yes, sir.

12 Q. Can you describe for me any particular area
13 concerning his disability that concerned you?

14 A. Can you say that one more time?

15 Q. Well, tell us what about his discipline
16 required it to be worked on. What do you mean?

17 A. We were working on keeping his hands to himself
18 and interacting with, you know, a class of 20
19 children. You know, everyone has to have their
20 personal space, and that's an area we were working
21 on, keeping our hands to ourself and coping with,
22 you know, you don't always get your way when you
23 have 20 other children in the classroom. So
24 learning those skills that five-year-olds learn.

25 Q. Did you ever have to write what is called a

1 discipline referral on Minor

2 A. Yes, sir.

3 Q. You've written those on him?

4 A. Yes, sir.

5 Q. Okay. And how many did you write? Do you
6 know?

7 A. I'd have to look back at -- I can't give you an
8 exact...

9 Q. Would reviewing them help you refresh your
10 memory --

11 A. Sure.

12 Q. -- as to how many you wrote and what you wrote?

13 A. Uh-huh.

14 MR. HUDSON: Your Honor, may I approach the
15 witness?

16 THE COURT: Yes, sir.

17 BY MR. HUDSON:

18 Q. Okay. I want you to take a moment and go
19 through these and see, just to make sure, that they
20 are, in fact, the copies of the referrals that you
21 wrote or you participated in having written.

22 THE COURT: Now, you've asked her just to
23 refresh her memory on those.

24 So just look at those, ma'am, and then he can
25 ask you questions.

1 A. Not all of these are from -- that I wrote.

2 THE COURT: He's just asking you about the ones
3 that you wrote.

4 THE WITNESS: Okay. But, yes, there are some
5 in here that I wrote.

6 BY MR. HUDSON:

7 Q. Okay. So if it has your name as referring
8 staff, does that not mean you wrote it or you
9 participated in it?

10 A. When it's the referring staff, yes, sir. But
11 I'm looking -- there's one in here that does not
12 have my name on it.

13 Q. That's what I was looking for. Set that one
14 aside, please.

15 A. Okay.

16 Q. Very good. Thank you. Those are the ones that
17 you wrote then?

18 A. Yes, sir.

19 Q. Okay. Now, I see one dated September 2nd,
20 2014.

21 A. Uh-huh.

22 Q. Is that a yes?

23 A. Yes, sir.

24 Q. Can you tell me what the referral -- well,
25 first, it was in reference to Minor ?

1 A. Yes.

2 Q. And can you tell me what the referral was?

3 What was it based upon?

4 A. Okay. Can I just say, this one too, both
5 Ms. Davis and myself wrote on this referral form.

6 So do you want me to just read the part that I
7 wrote?

8 THE COURT: Yes, ma'am.

9 A. Okay. So it's down at the bottom. It says
10 would not follow directions, the 11:00 at the very
11 bottom.

12 Q. Okay. Is that your handwriting just above
13 that?

14 A. No.

15 Q. So you're saying the 11:00, would not follow
16 directions?

17 A. Correct. And then up there with the action
18 taken, the loss of privileges, that's my
19 handwriting.

20 THE COURT: That was what?

21 THE WITNESS: That's my handwriting.

22 THE COURT: Okay.

23 BY MR. HUDSON:

24 Q. Okay. Now, did you write a referral dated
25 September 5th, 2014?

1 A. Yes, sir.

2 Q. Okay. What was that referral for?

3 A. Do you want me to read --

4 Q. Well, let me ask you this: Go back to
5 September 2nd. After looking at the referral, do
6 you recall independently of any problems that Minor
7 was exhibiting that day?

8 A. Not that I recall.

9 Q. So you don't recall anything even after looking
10 at the referral? I'm not saying what you wrote or
11 didn't write, but does this referral refresh your
12 memory about anything that happened on September 2nd
13 concerning Minor

14 A. Nothing in particular.

15 Q. Okay. On September 5th, can you tell me, what
16 was the basis -- was there a referral written on
17 September 5th?

18 A. Yes, sir.

19 Q. What was the basis for the referral on
20 September 5th?

21 A. It says yelled at student as they were getting
22 books that he wanted, yelled "I hate my teachers,"
23 and named another student, and repeatedly -- and
24 it's cut off, but something when asked to stop.

25 Q. Okay. And was there any indication that this

1 type of behavior had going on for a while?

2 A. It had been an issue that we'd been working on
3 since the beginning of school.

4 Q. So we're talking about school started, let's
5 say, mid-August?

6 A. Yes, sir.

7 Q. So we're talking about September the 2nd and
8 September the 5th. So would you say that's pretty
9 soon from the start of school?

10 A. It's a couple weeks in, probably after the
11 Labor Day holiday.

12 Q. A couple weeks in okay. Did you have an
13 occasion to write a referral dated September 9th?

14 A. Yes.

15 Q. Okay. Can you tell me what that referral was
16 for?

17 A. It says: Hit another student in the mouth.
18 And the last part, that's not my handwriting.

19 Q. Okay. Do you have any recollection of what --
20 after having looked at it, anything else he may have
21 done that day?

22 A. No, sir. I mean, not besides this.

23 Q. Okay. But does that not help you recall what
24 he may have done that day?

25 A. Not anything in addition to what it says there.

1 I mean, I have 25 students by the end of the year
2 and lots of interaction with families and parents,
3 so it's hard to remember exact besides what was
4 written here.

5 Q. Okay. Whose handwriting is that? Do you
6 recognize that handwriting?

7 A. I'm thinking it's Kay Powers. But I'm not,
8 like, 100 percent sure on that.

9 Q. Did you have an occasion to write any other
10 referrals concerning Minor

11 A. What was that? Sorry.

12 Q. Any other referrals?

13 A. Yes, sir.

14 Q. Okay. Can you tell me, do you recall any
15 particular one?

16 A. I mean, I have the ones right here that I'm
17 looking at.

18 Q. Let me ask you about the one dated September
19 15th, 2014. Tell me what that referral was based
20 upon.

21 A. It says: Repeatedly arguing with teacher with
22 any direction given, redirection, not following
23 directions, out of seat, and stomping on people's
24 hands.

25 Q. And people -- whose hands was he stomping on?

1 A. In a kindergarten classroom we have, like, the
2 big carpet that has the colorful squares on it and
3 everybody has their square that they sit on. And we
4 have to keep our hands in our lap. But when other
5 kids were having their hands out on the carpet, like
6 walking back to his seat or through transitions,
7 he'd just stomp on a person's hand that was out on
8 the carpet.

9 Q. And concerning his -- well, let's go through
10 the rest of them. September 16th, 2014, did you
11 have occasion to participate in the writing of a
12 referral?

13 A. Yes, I did.

14 Q. What was that for?

15 A. It says: Put his hands around another
16 student's neck.

17 Q. And again on September 18th, did you
18 participate in writing another referral?

19 A. Yes, sir.

20 Q. And what was that for?

21 A. It says: Constantly out of seat, shouting,
22 growling when not getting his, shouting out, hitting
23 other student in stomach, threw math materials on
24 floor twice.

25 Q. Did you have an occasion to write a referral on

1 September, looks like, 23rd, 2014?

2 A. Yes, sir.

3 Q. What was that for?

4 A. It says: Scratched three people before
5 7:50 AM.

6 Q. What time does school start?

7 A. We pick them up around 7:40 -- 7:35 or 7:40.

8 Q. So within the first ten minutes of school he
9 had scratched three people?

10 A. Correct.

11 Q. Did you have occasion to write a referral or
12 participate in the writing of a referral dated
13 October 2nd, 2014.

14 A. Yes.

15 Q. What was that for?

16 A. It says: Hit another student in the chest.

17 Q. Did you have an occasion to participate in
18 writing a referral for October 6th, 2014?

19 A. Yes, sir.

20 Q. And tell me what that was for.

21 A. Yelling and screaming and kicked the bench when
22 told recess was over.

23 Q. Did you ever have an occasion to send Minor to
24 the nurse for any reason?

25 A. I'd have to look back, but I believe there was

1 probably one or two times.

2 Q. Do you recall that he got hurt?

3 A. Most kindergartners end up in the nurse a
4 couple times throughout the year. Yes, sir.

5 Q. And this kicking of the bench that you just
6 referred to, was he injured or hurt at all from that
7 incident?

8 A. Not that I recall.

9 Q. And concerning Minor and his behavior, did you
10 ever refer him -- who is in charge of disciplinary
11 at the school?

12 A. The assistant principal.

13 Q. And that is?

14 A. Kay Powers.

15 Q. Okay. So did you refer him to Ms. Powers?

16 A. When we fill these forms out, they go to her,
17 she gets a copy of all these forms.

18 Q. And I'll ask her about that. But as part of
19 her duties and responsibilities, she gets a copy of
20 these forms?

21 A. Yes, sir.

22 Q. Now, you saw Minor Monday through Friday
23 essentially; is that correct?

24 A. Yes, unless I was out for a personal day or
25 professional development.

1 Q. And as a school teacher, you're a mandatory
2 reporter?

3 A. Correct.

4 Q. Can you tell me what that is?

5 A. If you suspect any kind of, you know,
6 negligence or child abuse, then I'm mandated to
7 report it.

8 Q. Okay. And you consider yourself a
9 rule-follower?

10 A. Yes.

11 Q. And you never reported any kind of abuse or
12 neglect as it related to Minor correct?

13 A. No, sir.

14 Q. And is that safe to say you never noticed or
15 saw anything there?

16 A. Correct.

17 Q. And in October of 2014, he came to school on
18 the 14th. That is the last day he was at school?

19 A. I was actually out that day on a personal day.
20 I was not there that day.

21 Q. And were you there the day before; do you
22 recall?

23 A. You said the 14th was a Tuesday?

24 Q. The 14th was a Tuesday.

25 A. So, yes, the 13th I was there.

1 Q. And you saw nothing untowards or led you to
2 report or call at that time; correct?

3 A. Correct.

4 MR. HUDSON: I have no further questions, Your
5 Honor.

6 THE COURT: Ms. Mayes, any questions?

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

8 THE COURT: You may cross.

9 CROSS-EXAMINATION

10 BY MS. MAYES:

11 Q. Good morning, Ms. Zeigler. You've met with me
12 before; correct?

13 A. Correct.

14 Q. Tell us a little bit about -- you had described
15 Minor I believe your words were very sweet,
16 smart, and energetic. Describe your own
17 interactions with him.

18 A. He was very, very energetic. We did lots of
19 small group activities in class. He wanted to
20 learn, he was excited to learn. But then other some
21 other times, you know, we weren't so excited. But
22 when, you know, we did small group, he shined. When
23 we did small group activities, he was so personal
24 and always willing to talk to you or I have an idea
25 about this or -- just a very, very sweet, smart kid.

1 Q. Okay. Now, the numerous disciplinary issues
2 that Mr. Hudson brought up, let's kind of talk about
3 the timeframe of this. School would have started
4 around August; correct?

5 A. Yes, ma'am.

6 Q. And by mid-October or October 14th, you guys
7 are aware of the injuries to Minor and, ultimately,
8 once he's placed in DSS care, he's no longer your
9 student; is that correct?

10 A. Correct.

11 Q. In fact, he didn't finish the school year there
12 at Seven Oaks; correct?

13 A. Correct.

14 Q. Because he went into DSS custody.

15 So those two months that you had him as a
16 student, can you tell us, Ms. Zeigler, based on your
17 own experiences, can it be that what you've seen in
18 the classroom that children can act out in class
19 what they've learned at home?

20 A. We're always taught to model, how important
21 modeling is, because children will copy whatever we
22 model. So whatever the model for children is, you
23 know, what they do. As a teacher, that's one of the
24 big things they teach us is to model. So I can see
25 how that would go both ways.

1 Q. Okay. So what you're seeing in the classroom
2 is a child who is acting out with physical
3 aggression; correct?

4 A. He did have aggression issues.

5 Q. And I believe that was the main crux of what
6 you were noting in some of these referral forms;
7 correct?

8 A. Correct. I was following the policy and
9 procedures we have there to document those.

10 Q. Striking another student, scratching another
11 student, putting his hands on other students;
12 correct?

13 A. Yes.

14 Q. And you were seeing this behavior in the course
15 of how he was acting out there in the kindergarten
16 classroom; correct?

17 A. Yes.

18 Q. And at this time, were you aware of any -- of
19 Minor himself being injured?

20 A. No.

21 Q. So you didn't become aware of that at all until
22 October 14th at the same time everyone else did;
23 correct?

24 A. I wasn't there that day. So I came back and he
25 was no longer in my classroom the next day.

1 Q. So looking back on this, you're seeing these
2 behaviors exhibited by the child in the classroom,
3 but you're not really ever seeing him with without a
4 shirt on, are you?

5 A. No.

6 Q. And are students allowed to wear shorts there
7 in kindergarten?

8 A. Yes, definitely.

9 Q. So you may see him in shorts but you're not
10 seeing him in just his underwear, for example?

11 A. Oh, no, definitely not.

12 Q. As these referral forms are being filled out by
13 you, is there a requirement that the child take the
14 form home and have it signed by a parent or
15 guardian?

16 A. Yes, ma'am.

17 Q. All right. So each time that you're writing
18 him up, as you stated, that's part of your protocol,
19 it's being brought to the attention of his guardian,
20 who in this case is Candice Beasley; correct?

21 A. Correct. We have to make contact with the
22 parent or guardian.

23 Q. All right. So each time he's written up for
24 anything, his parent is made aware of it?

25 A. Correct, because communication is so important

1 with parents or guardians. We want them to be
2 informed of what's going on at school.

3 Q. And do you recall a time she came down to the
4 school to meet with you or someone else regarding
5 Minor

6 A. I do remember one time in particular. I think
7 it was kind of like an impromptu conference with me
8 and Coach Satterfield.

9 Q. And during these communications with her,
10 whether it be by phone or in person, did she ever
11 make you aware that Minor was being physically
12 punished at home?

13 A. Not that I recall, no, ma'am.

14 Q. Now, just to kind of clear up a few things
15 because I don't want there to be any confusion, in
16 terms of injuries that Minor ultimately ended up
17 with and were observed on the date that you weren't
18 there, October 14th, 2014, if Minor had been
19 injured on the playground, for example, are you
20 normally out there?

21 A. Yes, ma'am.

22 Q. If a child is injured on the playground, is
23 that something that a teacher is normally made aware
24 of?

25 A. Oh, definitely. We always send him to the

1 nurse.

2 Q. And if Minor had been injured by another
3 kindergarten student, is that something you believe
4 you would have been aware of?

5 A. Yes. The whole class would have been made
6 aware of that because with five- and six-year-olds,
7 every little thing is discussed.

8 Q. And in talking about some of the behavioral
9 issues that Minor was having, I think you indicated
10 on direct examination that Minor wanted to improve.

11 A. He did.

12 Q. That he wanted to learn?

13 A. Yes.

14 Q. And based upon your own experiences, did he
15 admit when he was wrong?

16 A. He did. We had -- we really tried to do a lot
17 of positive behavior support with him. And for part
18 of this time, we had, like, a star chart where he
19 had to earn a certain amount of stars to get an
20 extra, like, play basketball or something, an extra
21 something for him to work towards. So he was really
22 wanting to exceed at that and make himself, you
23 know, better and he wanted to do good and wanted to
24 follow all of the expectations.

25 Q. So you saw the willpower to improve his

1 behavior as the school year was progressing?

2 A. Yes.

3 Q. And I believe you've testified already about
4 Coach Satterfield. He'd been assigned as the mentor
5 for Minor right?

6 A. Correct.

7 Q. And part of that is the positive reinforcement
8 program that you had in place to help make progress
9 with his behavior; right?

10 A. Correct.

11 Q. So the was not being ignored by the school; is
12 that safe to say? Y'all were taking measures and
13 incentives to work with Minor on his behavior?

14 A. Yes, we were taking measurers; it was not being
15 ignored.

16 Q. And he was responding to that?

17 A. Yeah. I mean, with the stars, like, we'd work
18 on it after every little part of the day. So we'd
19 kind of conference about what was going on and mark
20 those, and he was really receptive to that and
21 wanting to earn his stars with that.

22 MS. MAYES: Nothing further.

23 THE COURT: Redirect?

24 MR. HUDSON: Just a few things, Your Honor.

25 May it please the Court.

1 THE COURT: Yes, sir.

2

3

4

REDIRECT EXAMINATION

5

BY MR. HUDSON:

6

Q. Ms. Mayes asked you about your efforts to
7 redirect or work on his behavior. You communicated
8 to Ms. Beasley concerning those efforts; correct?

9

A. Yes, sir.

10

Q. And you and she exchanged e-mails concerning
11 Minor and his behavior in class; correct?

12

A. Yes. That's a way for me to communicate with
13 all my parents.

14

Q. And in efforts to correct or address his
15 behavior; correct? That's what you and she talked
16 about, what you discussed?

17

A. As a teacher you want every child to succeed,
18 and part of that is communicating to the parents so
19 everyone is on the same page.

20

Q. And did you get the impression she was on the
21 same page concerning Minor

22

A. She -- I mean, she responded to my e-mails or
23 signed the things we sent home, like the star track
24 and stuff that we sent home, so yes.

25

Q. She did what you asked of her; correct?

1 A. Yes.

2 Q. And you said there was an impromptu meeting
3 where she came. You were asked about it and you
4 described her coming to the school for an impromptu
5 conference.

6 A. Uh-huh.

7 Q. Is that correct?

8 A. I believe it was impromptu.

9 Q. Okay. But that's showing a sign of concern;
10 correct?

11 A. That -- I mean, she was -- I mean, she came to
12 the school -- I would assume it was probably after I
13 called or contacted, something.

14 Q. Concerning parents coming to the school, is
15 there a policy about parents or guardians ever being
16 left alone with children in a room?

17 A. Not that I'm aware of.

18 Q. There's never a situation where a parent or
19 guardian would be left alone in a classroom and
20 everybody else would go outside, is there?

21 A. Not -- I mean, they might have -- I mean, like,
22 say we were out at recess, like if they were -- you
23 know, if they came to visit or maybe they were
24 taking them to the book fair or somewhere else, they
25 might, you know, walk through the classroom to go

1 back. But not...

2 Q. Okay. Do you recall -- that one visit that you
3 recall Ms. Beasley, do you recall if she was left
4 alone with Minor

5 A. Not that I recall. I just recall us -- and the
6 reason I remember is because we had three adults
7 sitting at the little kids' table in little kids'
8 chairs, that's why I remember that.

9 Q. And this star system was a system of
10 reinforcing good behavior, trying to get into
11 understanding, acknowledging, and receiving benefits
12 for good behavior; right?

13 A. To receive benefits?

14 Q. Well, acknowledgment.

15 A. Right. It was a way for him to track his
16 progress throughout the day. He was very receptive
17 to that. He was working towards a goal, ultimately.
18 But, you know, you want that child to feel that
19 intrinsic motivation to behave on a consistent
20 basis. But sometimes, you know, as teachers we have
21 to adjust for every student, and star system for him
22 to get a little extra time to get that energy out
23 was working for him.

24 Q. And he made you aware that his guardian was at
25 home doing things like taking him to Red Lobster

1 when he behaved and --

2 MS. MAYES: I object at this point, Your Honor,
3 that it's not responsive to cross.

4 THE COURT: I agree. Sustained.

5 MR. HUDSON: Nothing further of this witness.
6 May she be excused, Your Honor?

7 MS. MAYES: No objection.

8 THE COURT: All right. You're excused.

9 Next witness, please.

10 MR. HUDSON: Cathie Davis, Your Honor.

11 THE COURT: Ms. Davis come right up here,
12 please, ma'am.

13 CATHERINE DAVIS

14 being first duly sworn, testified as follows:

15 THE WITNESS: Yes, I do.

16 THE CLERK: Have a seat and state your full
17 name.

18 THE WITNESS: My name is Catherine Davis.

19 DIRECT EXAMINATION

20 BY MR. HUDSON:

21 Q. Hi, Ms. Davis. Can you tell us, where are you
22 employed?

23 A. At Seven Oaks Elementary School.

24 Q. And how long have you worked there?

25 A. Four years.

1 Q. And in what capacity are you employed at Seven
2 Oaks?

3 A. I'm a kindergarten assistant teacher.

4 Q. Okay. And did you ever have an occasion to be
5 an assistant to a teacher Ms. Zeigler?

6 A. Yes, sir.

7 Q. When were you her assistant?

8 A. For the past two years.

9 Q. In your role or job as an assistant, did you
10 have an occasion to come in contact with a student
11 named Minor ?

12 A. Yes, sir.

13 Q. And in your duty as an assistant, did you ever
14 have an occasion to write or to participate in the
15 writing of discipline referrals?

16 A. I did.

17 Q. MS. Davis, can you recall any particular issue
18 concerning Minor that concerned you?

19 A. Yes, sir.

20 Q. Were they behavioral issues?

21 A. Yes, sir.

22 Q. Can you describe for me anything that you'd
23 have any recollection of?

24 A. Well, Minor had, I would say, a temper. You
25 know, he would get aggravated and angry at times.

1 You know, we had to do referrals because of
2 discipline issues we had with him.

3 Q. Does any one particular -- or more than one.
4 But does any one particular incident stand out?

5 A. Well, we write referrals for lots of children.
6 You know, it's just a system we have to kind of keep
7 up with their behavior and to document it. But I do
8 remember writing one on Minor that took place in
9 music class.

10 MR. HUDSON: May I approach the witness, Your
11 Honor?

12 THE COURT: Yes, sir.

13 BY MR. HUDSON:

14 Q. If I gave you the referral, do you think it
15 would help you to recall?

16 A. Yes, sir.

17 Q. If you would, Ms. Davis, take a moment, take a
18 look at that referral. First of all, that's a
19 referral dated September 2nd, 2014 in reference to
20 Minor ?

21 A. Yes, sir, it is.

22 Q. Did you participate in the creation or writing
23 of this referral?

24 A. Yes, sir, I wrote that.

25 Q. And your name, in fact, appears as one of the

1 referring staff members?

2 A. Yes, sir.

3 Q. Can you tell me what it is that you wrote?

4 A. Uh-huh. I wrote: Pushed another student down
5 then slammed himself down and was shouting out, said
6 he was bored and hated school; when asked to get in
7 line, he pinched another student. And the rest of
8 that is kind of blurry. I'm not sure.

9 Q. But that information that you just read was
10 information that you observed?

11 A. Yes, sir.

12 Q. When you say he slammed himself down, did he
13 injure himself in any capacity?

14 A. No. Huh-uh.

15 Q. Is that a -- I apologize.

16 A. That's okay.

17 Q. You said huh-uh. Is that a -- please be
18 reminded she's taking down --

19 A. Oh, I'm sorry. No, he did not injure himself
20 in any way. He just kind of, you know, sat down
21 hard on the floor.

22 Q. Did he do anything else concerning himself that
23 could possibly cause injury to himself?

24 A. No, sir.

25 Q. You don't recall?

1 A. No, sir.

2 Q. Did he ever run into a bench? Do you have
3 knowledge of him running into a bench.

4 A. Yes. He -- not on purpose. He -- that was an
5 accident.

6 Q. Okay. But the accident was he was involved, he
7 ran into the bench?

8 A. Yes, sir, he did.

9 Q. And he was sent to the nurse as a result of
10 that?

11 A. Yes, sir. I took him to the nurse.

12 Q. And was he injured?

13 A. Well, we always take five-year-olds -- you
14 know, they feel better after seeing the nurse. I
15 wouldn't say he was injured. It was a booboo that
16 he cried and I took him and he was fine kind of
17 thing.

18 Q. But you did have enough concern about it to get
19 him to the nurse?

20 A. Yes, sir.

21 Q. All right.

22 THE COURT: Hold on one second.

23 Thank you. You may proceed.

24 BY MR. HUDSON:

25 Q. I won't go through all these -- well, maybe we

1 can quickly. The next one is dated September 5th.

2 Do you see that one?

3 A. Yes, sir, I do.

4 Q. Did you participate in creating that or writing
5 that referral at all?

6 A. I was there when that took place, but I did not
7 write that.

8 Q. Do you remember the incident?

9 A. Yes, sir.

10 Q. Okay. Anything about it that stands out to
11 you?

12 A. No, sir. I remember it happening. But, I
13 mean...

14 Q. Again on September 9th, there was another
15 referral written. Did you participate in the
16 writing of that referral?

17 A. No, sir, I did not write that one.

18 Q. But do you recall what may have happened that
19 day?

20 A. Not particularly, no.

21 Q. Okay. Do you recall an incident about him
22 hitting another student in the mouth?

23 A. Don't recall it, no.

24 Q. Who is Ms. Powers?

25 A. She's our assistant principal.

1 Q. And what is her role as it relates to these
2 referrals?

3 A. After you get referrals -- after we write a
4 referral, I take it down to her office and leave it
5 in her box. And then once she reads it and decides,
6 you know, what we should do as far as discipline on
7 our end, she lets us know that, and we follow
8 through with her instruction.

9 Q. All right. In terms of your relationship and
10 your observations of Minor how would you describe
11 his behavior in terms of when he acted out when he
12 misbehaved?

13 A. He would get frustrated very easily. I feel
14 like one on one with adults, he was awesome, you
15 know, he would light up a room. Everybody in the
16 school knew him and everybody in the school loved
17 him. When there was a classroom of children, you
18 know, he did fine a lot of times, but sometimes he'd
19 get angry and frustrated and he'd show out in these
20 ways.

21 Q. Did you personally have any opportunity or
22 occasion to speak with his guardian about his
23 behavior?

24 A. I think I did. I believe she came to our
25 classroom. I don't remember speaking with her on

1 the phone; I know Ms. Zeigler did. But I know she
2 came to the classroom a couple times and I spoke
3 with her briefly.

4 Q. Do you recall there being more than one visit
5 to the classroom?

6 A. I think there was a couple times.

7 Q. And these visits were concerning Minor
8 correct?

9 A. Yes, sir.

10 Q. All right. You saw Minor on a regular basis
11 from Monday through Friday?

12 A. Yes, sir, every day.

13 Q. And as an assistant, you're a mandatory
14 reporter as well; correct?

15 A. Yes, sir.

16 Q. And you never filed or called DSS concerning
17 anything you observed about Minor did you?

18 A. Until the day I found the scars.

19 Q. And you were the one who called Coach
20 Satterfield?

21 A. Uh-huh.

22 Q. And that's the day he spilled syrup on his
23 clothes; is that what happened?

24 A. We were at breakfast about 7:15 that morning
25 and I had breakfast duty and he spilled syrup and he

1 started fussing a little bit in the cafeteria. And
2 I just said, you know, hang tight baby, when we get
3 to the classroom, Ms. Davis will get you changed.
4 Ms. Zeigler wasn't there that day; I had a sub.

5 So when I got to the classroom, I had the sub
6 take the other children to music. We had music at
7 8:30. So I had her take them and I stayed with
8 Minor I went to his cubby and got his clean
9 clothes and gave it to him.

10 He went in the bathroom and I could hear him
11 fussing, you know, uh, uh, making all these noises.
12 And I thought I know what's going on; he's trying to
13 take pants off with his shoes on, because it happens
14 when they wet their pants or something.

15 So I just stuck my head in the door to say,
16 Minor baby, take your shoes off first. And when I
17 opened the door, his pants legs were around his
18 ankles, and that's when I saw...

19 Q. You saw the marks?

20 A. Yes, sir.

21 Q. Prior to that day, however, you had not noticed
22 or seen any marks, had you?

23 A. No, because where they were was underneath
24 clothes. I never saw them. On his lower arms or
25 his lower legs, I did not see.

1 Q. So you didn't notice anything on his arms?

2 A. Not on his lower arms or legs, no, sir, until
3 that day.

4 Q. And there was nothing in his behavior or --
5 prior to the 14th now, nothing in his behavior that
6 caused you any concern?

7 A. Well, there were a few times he wouldn't sit in
8 the classroom, he would say he hurt. But, you know,
9 we just thought Minor was just being Minor and
10 didn't want to sit down.

11 Q. So you thought that was consistent with his
12 behavior?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes, sir. I'm sorry.

16 Q. That he sometimes wouldn't follow directions?

17 A. Yes, sir, correct.

18 Q. Wouldn't sit down?

19 A. Correct.

20 Q. Did he ever yell in the classroom in a
21 disruptive manner?

22 A. He would, yes, sir.

23 Q. Did he ever get on top of a table and yell?

24 A. I don't recall that.

25 Q. Okay.

1 A. Some do though, so it could have happened. But
2 I don't recall particularly Minor No.

3 Q. Okay. And you recall Ms. Beasley's interaction
4 with you as -- your recollection that she came to
5 the classroom a few times in terms of concerned for
6 and about his behavior?

7 A. Yes, sir, she did.

8 Q. Okay.

9 MR. HUDSON: I beg the Court's indulgence, Your
10 Honor.

11 No further questions, Your Honor.

12 THE COURT: Ms. Mayes, cross?

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

14 CROSS-EXAMINATION

15 BY MS. MAYES:

16 Q. Good morning, Ms. Davis.

17 A. Good morning.

18 Q. Can you tell us a little bit just in general
19 about your own interactions with Minor and describe
20 what he was like as a kindergarten student?

21 A. Yes, sir -- I mean, yes, ma'am. The first day
22 I met Minor he came in the classroom and
23 immediately told me that he was not Minor he was
24 Minor and he liked to be called Minor

25 So that was my first day with him. I

1 just will never forget his big smile and introducing
2 himself so boldly. And the whole school knew him as
3 Minor

4 He was a handful throughout the time, you know.
5 We wrote -- as you saw, we had to do some referrals.
6 But he was also a sweet, precious little thing that
7 could light up a room, and everybody loved him.

8 Q. And you mentioned earlier on direct
9 examination, I believe your words were, we write
10 referrals on lots of children.

11 A. Yes.

12 Q. So he wasn't the only student there getting
13 referrals, was he?

14 A. Oh, no, ma'am.

15 Q. And in a kindergarten environment, that's a
16 structured environment for children, sometimes for
17 the first time; correct?

18 A. Yes.

19 Q. And if a child hasn't had the benefit of 4K or
20 some other structured environments, it can be
21 sometimes difficult for kindergartners to initially
22 adjust; correct?

23 A. That's correct.

24 Q. And you mentioned on direct examination that in
25 retrospect -- after you learned of his injuries, in

1 retrospect that remember that there were times that
2 Minor actually would indicate to you that he was
3 sore or that he was hurting prior to the morning of
4 October 14th.

5 A. Yes, ma'am.

6 Q. And so now that you've seen the injuries or you
7 saw them that morning and became aware of the
8 various locations of his body that were injured, how
9 many such times do you remember him indicating to
10 you that he was sore or hurting?

11 A. I remember a couple times in P.E. where there
12 were certain exercises that he didn't want to do.
13 And I remember a couple of times in our classroom
14 that he would ask if he could just stand instead of
15 sit. I guess I'd say four maybe.

16 Q. So looking here at State's Exhibit 19, he was
17 indicating that he didn't want to sit down in his
18 chair. Did he indicate that he was actually
19 hurting?

20 A. Yes, ma'am, he did.

21 Q. And again, you're not a caregiver, so you're
22 not looking at him without pants on --

23 A. That's --

24 Q. -- until that morning?

25 A. That's correct. I don't go in the bathroom

1 with the children. That's why I got
2 Mr. Satterfield. Him being a male, I thought that I
3 needed to go get Coach Satterfield. They had a good
4 relationship and...

5 Q. And at school Minor is wearing a shirt, so you
6 weren't seeing him without a shirt on?

7 A. No, ma'am, I didn't, not until that day.

8 Q. And during this time that Minor was indicating
9 at least four times that you recall prior to the
10 morning of October 14th where Minor was indicating
11 he was sore or hurting, during that same time he was
12 coming to school and acting out physically with
13 other students, wasn't he?

14 A. Yes, ma'am.

15 Q. And based on your teaching experience, that
16 acting out can be an example of what they've learned
17 or experienced at home, can't it?

18 A. Yes, ma'am.

19 Q. Do you remember Ms. Beasley being made aware of
20 these referral forms that Minor was being given?

21 A. Yes, ma'am.

22 Q. Sometimes by telephone?

23 A. Yes. Ms. Zeigler or I one would call. I feel
24 like Ms. Zeigler talked with her most of these
25 times.

1 Q. And you remember more than one occasion that
2 she came down to the school?

3 A. She did.

4 Q. And you specifically recall that as more than
5 one occasion?

6 A. I remember -- I would -- two times, three times
7 maybe.

8 Q. All right.

9 A. It's been a year.

10 Q. And in the classroom that y'all have for the
11 kindergartners, there's no jump ropes in there for
12 the children to use with one other, is there?

13 A. No, ma'am.

14 Q. And if Minor had been injured severely, such
15 as what you see there in State's Exhibit 19, by
16 another student, you'd be aware of that, wouldn't
17 you?

18 A. Yes, ma'am.

19 Q. If he'd been injured on the playground, you'd
20 be aware of that, wouldn't you?

21 A. Yes, ma'am.

22 Q. You're out there for the playground?

23 A. There's at least four teachers on the
24 playground at all times.

25 MS. MAYES: Nothing further.

1 MR. HUDSON: Briefly, Your Honor.

2

3

4

REDIRECT EXAMINATION

5

BY MR. HUDSON:

6

Q. Ms. Davis, you were asked just now by Ms. Mayes about jump ropes. There are jump ropes at the school; correct?

7

8

A. They're kept in the storage room of the P.E. center.

9

10

Q. But they are there?

11

A. Yes, sir, they are there.

12

Q. And some are black tubular plastic jump ropes; right?

13

14

A. I don't recall. But I know we have a couple different kinds.

15

16

Q. Also, when you were asked just now about a child modeling or behaving based upon something they may have seen else where or acting out, I just want to be clear, you're not in a position to say what caused or whose behavior may have caused the child to act out?

17

18

19

20

A. No, sir. I'm not in a position to say that.

21

22

Q. That's not what you're saying?

23

A. No, sir.

24

25

1 MR. HUDSON: No further questions.

2 THE COURT: Thank you.

3 Ms. Davis, you may step down and I'll excuse
4 you.

5 THE WITNESS: Thank you.

6 THE COURT: Next witness.

7 MR. HUDSON: Chandra Beasley.

8 CHANDRA BEASLEY

9 being first duly sworn, testified as follows:

10 THE WITNESS: Yes.

11 THE CLERK: Have a seat. Once you're seated,
12 please state your full name spelling your last.

13 THE WITNESS: My name is Chandra Beasley,
14 B-E-A-S-L-E-Y.

15 THE COURT: Spell your first name too, please.

16 THE WITNESS: C-H-A-N-D-R-A.

17 THE COURT: Thank you.

18 DIRECT EXAMINATION

19 BY MR. HUDSON:

20 Q., Ms. Beasley, can you tell me, what do you do
21 for a living?

22 A. I currently work for Palmetto Health. I'm
23 clinical informatics specialist, is my current role
24 right now as of Monday. I just got promoted over to
25 the IT side. But what I do is I teach the

1 physicians how to use the systems that they use in
2 the hospital.

3 Q. Okay.

4 THE COURT: Back up just a tad from that
5 microphone.

6 THE WITNESS: I'm sorry.

7 THE COURT: No problem.

8 BY MR. HUDSON:

9 Q. And so that's your current position. And the
10 one just before it -- what kind of work did you do
11 before that?

12 A. Before that I worked as a pharmacy benefit
13 manager. Before that, I worked for Cerner which is
14 a software company that provides electronic medical
15 records. And before that -- I know it's funny
16 because I kind of went different ways in my career.

17 But before that, I worked for the state of
18 Missouri as a youth specialist for -- the state of
19 Missouri does not like to call the state facilities
20 for boys detention centers; we call them treatment
21 centers. That's just something we've always said
22 because really the youth was there to be treated.
23 So it was an all boys facility in Northwest Missouri
24 Treatment Center.

25 Q. Okay. And you're -- what is your relationship

1 to Candice?

2 A. Candice is my younger sister.

3 Q. And do you and Candice live in the same house?

4 A. Not right now, no.

5 Q. Was there a time that you did share the same
6 home?

7 A. Yes.

8 Q. Was that the

9 A. yes.

10 Q. Who else lived at

11 A. It was me, Candice, and Kimberly Beasley, and

12 Minor

13 Q. Okay. There was a time that Minor

14 lived there?

15 A. Yes.

16 Q. Can you tell me -- I guess first tell me how
17 did you come to live in South Carolina from
18 Missouri?

19 A. So my sister had -- Kimberly Beasley had
20 actually gotten a call from a headhunter just out of
21 the blue, and she had came to all the family and was
22 telling us about the opportunity that she said. And
23 I said, South Carolina, there's nothing in South
24 Carolina. I said, I never -- why South Carolina?
25 She said, I don't know. So I said, well, go ahead

1 and check it out and see what it's about.

2 So she ended up taking a position with Palmetto
3 Health. She also works for Palmetto Health. And
4 when she moved, I couldn't come with her,
5 unfortunately. I was working and it was blackout
6 period at my job. So she felt bad and bought me a
7 ticket like about a month later to visit. And when
8 I came to visit, it was just so beautiful and so
9 peaceful and serene, and I up and decided to move
10 here. So I came for vacation and ended up living
11 here.

12 Q. And do you recall or -- let me ask you this:
13 You knew Minor before he came to live with you;
14 right?

15 A. I been knowing Minor since Minor was a baby.
16 I was there with my sister as she stood before the
17 church with Minor mom Toya as he got christened.
18 So Minor has always been a part of our life. I've
19 been -- my nickname is Foo Foo, so I've always been
20 Auntie Foo Foo to Minor still am.

21 Q. All right. And you know the circumstances then
22 surrounding how Minor came to live with you?

23 A. I do, yes.

24 Q. Can you tell me what the circumstances were
25 around Minor coming to live with you?

1 A. I can. Toya -- like I said, we've been in
2 Minor life for a long time. And Toya, his mom --
3 even when I stayed in Kansas City, I stayed in a
4 little suburb area called Raytown. She stayed not
5 too far from there and she'd always come and talk
6 about how she was struggling then and she had, you
7 know, a lot of different mental challenges too. So
8 we always was kind of helping out with Minor I
9 mean, she'd go -- I think she was in the military.
10 I can't remember which -- I think it was the Army.

11 And she'd go on the weekends and we would keep
12 Minor And I would go, you know, get his hair cut
13 and do things like that. That was then. And so it
14 was no surprise when Candi had got that call from
15 Toya; Toya crying and telling Candi that she was --

16 MS. MAYES: Objection to hearsay.

17 THE COURT: Sustained. You can't testify
18 about something someone told you.

19 Move along, Mr. Hudson.

20 BY MR. HUDSON:

21 Q. If you will, Ms. Beasley, let's jump ahead to
22 when he came to live with you here in South
23 Carolina.

24 A. Okay.

25 Q. When was that?

1 A. He came in February. Candice had came to us
2 and -- to us, me and Kim, and asked was we okay with
3 it --

4 Q. Don't tell us what she said.

5 A. Okay.

6 Q. Just as a result of the conversations, Minor
7 came to live with you three of you?

8 A. Yes. I was there to pick up Minor from the
9 airport with Candice. She had had him flown here.
10 And Minor just -- I mean, it was no different.
11 Like I said, he's always been a part of our lives,
12 so it was Auntie Foo Foo stepping in and taking care
13 of Minor

14 Q. You're aware that there are allegations against
15 your sister; correct?

16 A. Yes.

17 Q. And that Minor had been abused by a jump rope?

18 A. Yes.

19 Q. Do you have any personal knowledge of your
20 sister hitting or disciplining or --

21 A. No.

22 Q. -- hitting Minor with a jump rope?

23 A. No. I work --

24 Q. Have you ever seen her spank Minor

25 A. Yes. Minor has gotten spanked. But we've

1 tried not only -- Minor has not only gotten
2 spanked -- you know, with kids, it's one of the
3 those things that -- the discipline has to go with
4 what's going on with the kid.

5 And Minor -- Minor had a lot of violent
6 issues came up when he was in daycare and when he
7 was in school. So, you know, it got to the point
8 where, you know, a spanking, it wasn't the
9 appropriate type of discipline.

10 So we -- other things was tried, you know, like
11 having him do exercises or having him write, you
12 know, a letter to teachers saying, you know, you're
13 sorry and just really just trying to talk to him.
14 Like I said, I worked for the state of Missouri and
15 I dealt with kids that were unruly. So...

16 Q. I want to ask you what you observed concerning
17 Minor and his interaction with Candice now. Tell
18 me what was, in your words, in terms of describing
19 Minor relationship with Candice. Was he afraid
20 of her?

21 A. No. No. Minor loved his Godmommy Candice and
22 he still does. He loves Godmommy Candi. He always
23 said, I love you, Godmommy. And I've heard -- I'll
24 even -- he's even --

25 THE COURT: Ma'am, you have to respond to the

1 question. If he wants to ask you all that other
2 stuff, he will. Please listen to his question and
3 respond.

4 THE WITNESS: Sorry about that.

5 BY MR. HUDSON:

6 Q. And in terms of Candice and Minor did she
7 work with him concerning his behavior?

8 A. Oh, yeah. Oh, yeah.

9 Q. Did she work with him in a manner -- you
10 indicated earlier that she did spank him, but you
11 said that transitioned. Did she change the method
12 upon which she disciplined him?

13 A. Most definitely. Most definitely.

14 Q. What sort of tools and instruments and
15 modalities was she using concerning discipline?

16 A. Oh, all kind of things. He had a star board
17 that was in his room so if he had -- if he did good
18 in school or he had a good week and got so many
19 stars, then he'd get to choose what he wanted to do.
20 It would be, like, Chuck E. Cheese, beach, something
21 like that.

22 Q. To your recollection --

23 A. That was one.

24 Q. There was another then?

25 A. There was plenty of things. Candice would

1 always talk to him and say, you know, if something
2 is bothering you, come and talk to me.

3 Q. Don't tell me what she said.

4 A. I'm sorry.

5 Q. She would talk to him.

6 A. She would talk to him. And I also observed,
7 you know, the conversations not only talking to him,
8 but I also observed her making sure she pulled in
9 not only his mom, but his dad into conversations. I
10 mean, even his uncles, Toya's brother, he was pulled
11 in, you know, just kind of like -- and I guess, you
12 know, it kind of went back to it takes a village to
13 raise a child.

14 Q. Ms. Beasley, when was the last time, to your
15 recollection, that Minor received a spanking from
16 anyone in your home?

17 A. It had been a long time, maybe like -- maybe
18 July --

19 Q. When --

20 A. -- June or July. It had been a long time.

21 Q. Let's clarify, June or July of 2014?

22 A. Correct.

23 Q. You're not talking about last month?

24 A. No, no, no.

25 Q. So your recollection was it was either June or

1 July of 2014 that you're aware that anyone in the
2 household at had --

3 A. Had spanked him.

4 Q. -- had spanked him?

5 A. Correct.

6 Q. And that's used any kind of corporal
7 discipline?

8 A. Correct.

9 Q. Okay. And in terms of -- when did you -- did
10 Minor live with you and you with him through
11 October the 14th, 2014, or did you move out before
12 then?

13 A. No. I was still living there. Yeah, I was
14 stilling living there.

15 Q. Going up to the date, October 14th, the last
16 night he spent there was October 13th. Did you see
17 or notice anything about Minor that would cause you
18 any concern or alarm?

19 A. No.

20 Q. Did you ever notice or see any of these marks
21 on Minor

22 A. No.

23 Q. Can you tell me, did you ever spank Minor

24 A. Yes. Yes.

25 Q. Can you tell me what -- did anyone else ever

1 spank Minor

2 A. Yes.

3 Q. Who?

4 A. Candice and Kim.

5 Q. So the three adults?

6 A. The three adults, correct.

7 Q. And do you recall anyone hitting him with a
8 jump rope?

9 A. No.

10 MR. HUDSON: May I approach, Your Honor?

11 THE COURT: Yes, sir.

12 BY MR. HUDSON:

13 Q. This is the jump rope. Do you recognize this
14 jump rope?

15 A. My -- my jump rope they took that I exercise
16 with. Yes.

17 Q. This is yours?

18 A. That is mine.

19 Q. So this is what you use to exercise with?

20 A. Correct.

21 Q. And your testimony is you never recall or have
22 seen anyone hit Minor with his jump rope?

23 A. No.

24 Q. And we know that Candice is your sister and you
25 love her; no question about that.

1 A. I do.

2 Q. Would you for any reason come to this court and
3 lie on her behalf?

4 A. No. I love kids and --

5 MS. MAYES: Objection to bolstering.

6 THE COURT: Sustained.

7 THE WITNESS: No.

8 MR. HUDSON: I beg the Court's indulgence, Your
9 Honor.

10 No further questions.

11 THE COURT: Cross?

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

13 CROSS-EXAMINATION

14 BY MS. MAYES:

15 Q. The Instagram account that your sister Candice
16 has, you're familiar with that?

17 A. I know she has Instagram. Yes.

18 Q. Okay. State's Exhibit 4, that's her Instagram
19 account?

20 A. That's her pictures, yes, so I'm assuming
21 that's her Instagram account.

22 Q. All right. I want to ask you a few more
23 questions, Ms. Beasley, to follow up here.

24 A. Okay.

25 Q. Minor called your sister Candice Godmommy;

1 correct?

2 A. No. Minor called her Godmommy Candi.

3 Q. Godmommy Candi?

4 A. Yes.

5 Q. So he called her Godmommy?

6 A. Correct.

7 Q. And to talk a little more about the timeline in
8 which Minor was here, let's go back to -- I believe
9 you testified it was February that he got here?

10 A. Correct.

11 Q. If he got here in February, you certainly don't
12 dispute that from March 2014 on until October of
13 2014 Minor was living here with your sister, his
14 Godmommy; correct?

15 A. I dispute that because it was February to
16 October 2014, yes.

17 Q. So, actually, you would back it up a little bit
18 more even to February?

19 A. Correct.

20 Q. So February 2014 until October 2014, Minor was
21 living here with your sister; correct?

22 A. Correct.

23 Q. And that entire time, you guys were living at
24 the ?

25 A. , yes.

1 Q. Okay. Y'all were living at that as the family
2 home; correct?

3 A. Yes.

4 Q. And in that home, you had a bedroom?

5 A. Correct.

6 Q. And your sister Kimberly had a bedroom?

7 A. Correct.

8 Q. And then Candice had a bedroom --

9 A. Correct.

10 Q. -- and Minor stayed there in the room with
11 her; correct?

12 A. In his own bed. Correct.

13 Q. And throughout that time that he lived there
14 with you guys as a family, you had multiple
15 opportunities to see him and interact with him;
16 correct?

17 A. Every day. Yes.

18 Q. And in the summertime here in South Carolina,
19 July, August, it gets up to 100 degrees; correct?

20 A. Correct.

21 Q. Minor is not walking around wearing long
22 sleeves and long pants all summer long, is he?

23 A. No. He was in swimming and things of that
24 nature, so he was always in places where he had his
25 shirt and other stuff off. He was always doing

1 activities.

2 Q. And even up after July and August through
3 September it's hot here. Minor isn't wearing long
4 pants and long sleeves when he's at home at
5 with you guys 24/7, is he?

6 A. No.

7 Q. And yet your testimony is that you were unaware
8 that he had injuries?

9 A. I said that he didn't have injuries, not that I
10 was unaware. I said he didn't.

11 Q. He did not have injuries?

12 A. That's what I said. Yes.

13 Q. So your testimony is he was never injured at
14 all?

15 A. I mean, he -- you know, I mean, he might have
16 bruised himself as a child or, you know, playing
17 around. But to my knowledge, he did not have any
18 physical injuries.

19 Q. All right. And that's to your knowledge.
20 Well, let's go even further then than July, August,
21 and September.

22 A. Okay.

23 Q. Your testimony is that you weren't aware of any
24 injuries at all, even in October; correct?

25 A. That's not what I said.

1 Q. Okay. So when did you become aware of
2 injuries?

3 A. I said that he didn't have any physical
4 injuries, and that was in response to what you were
5 saying with the marks that you guys associated with
6 my sister.

7 Q. Okay.

8 A. And that's what I said.

9 Q. All right. Well, I'm going to show you --

10 A. Physical injuries is what I said.

11 Q. Okay. I'm going to show you some photographs,
12 Ms. Beasley.

13 A. Okay.

14 Q. State's Exhibit 12, State's Exhibit 8.

15 A. Okay.

16 Q. State's Exhibit 9, State's Exhibit 11, State's
17 Exhibit 16, State's Exhibit 13, State's Exhibit 7,
18 State's Exhibit 6.

19 A. Okay.

20 Q. Those photographs were taken October 14, 2014.

21 A. And I was in Texas. But I've never seen these
22 marks.

23 Q. Okay. So your testimony is you've never seen
24 these marks and you were in Texas on October 14,
25 2014?

1 A. I was.

2 Q. How long had you been in Texas?

3 A. I went to Texas September 30th. My cousin,
4 unfortunately, her fiance passed away suddenly, so I
5 went to go be with her.

6 Q. Okay.

7 A. September -- and before that, I had -- I was
8 kind of bedridden because I had surgery to get a
9 fibroid tumor removed.

10 Q. Okay.

11 A. But these marks right here, I've never seen
12 those marks on Minor

13 Q. All right. So your testimony is that you've
14 never seen the marks before and for two weeks -- a
15 two-week period between September 30th and when the
16 injuries were photographed on October 14th, 2014,
17 when they were discovered at his school, you weren't
18 even in this state, were you?

19 A. No. But I don't see a date on these though.

20 THE COURT: What was your response?

21 THE WITNESS: I said no. October 14th, I was
22 not -- I was in Texas. But I don't see an October
23 14th date on these.

24 BY MS. MAYES:

25 Q. Well, you know that October 14th --

1 A. I don't know anything.

2 Q. You don't?

3 A. I wouldn't say that I know.

4 Q. All right. Do you know that Minor was removed
5 from your home on October 14th, 2014?

6 A. I do know that he was removed.

7 Q. Okay. And for two weeks before that date, you
8 were not in this state, were you?

9 A. But I talked to Minor every day on the phone
10 that I was gone to Texas.

11 Q. You weren't living in the home with Minor
12 were you?

13 A. I was living in the home. I was just out of
14 state visiting my cousin at the time.

15 Q. And your testimony is that the last spanking
16 you saw the defendant give to Minor was in July; is
17 that correct?

18 A. No. I said the last spanking I observed was in
19 July.

20 Q. Okay. That was my question.

21 A. No. You said that the defendant gave.

22 Q. All right. So who gave the spanking in July?

23 A. I don't -- I don't recall. I just know that he
24 was spanked. And I think it was --

25 THE COURT: Back up a little bit for me, ma'am.

1 THE WITNESS: I'm sorry. And I should be
2 better at this because I sing too. So I'm sorry.

3

4 BY MS. MAYES:

5 Q. Ms. Beasley, your testimony was that you last
6 observed him spanked in July and you don't --

7 A. Correct.

8 Q. -- recall --

9 A. I said June or July. And I believe that he was
10 spanked -- I can't remember if it was by Kim or
11 Candi. But I know that -- I remember that he got
12 spanked maybe June or July. That's what I said.

13 Q. So your testimony was you remember him getting
14 spanked, but you don't remember who did it?

15 A. Correct.

16 Q. Did you cause those injuries?

17 A. I would never hurt a child.

18 MS. MAYES: Nothing further.

19 THE COURT: Anything on redirect?

20 MR. HUDSON: Your Honor, I have one question.
21 I promise it's one question.

22 THE COURT: You can ask as many as you want.

23 MR. HUDSON: I understand.

24 REDIRECT EXAMINATION

25 BY MR. HUDSON:

1 Q. Ms. Beasley --

2 A. Yes.

3 Q. You inquired -- you were asked about this
4 Instagram account. Do you know whether it is open
5 or private?

6 A. My sister's account is private.

7 MR. HUDSON: No further questions, Your Honor.

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

9 Madam Forelady, ladies and gentlemen of the
10 jury, I'm informed we have one more witness. So
11 let's take our lunch break. It's 1:15, so 2:30.
12 That's an hour and 15 minutes. Is that long enough?

13 Okay. I'm going to talk with the lawyers over
14 lunch, sort of get an idea of how much more time we
15 got for testimony, and when you come back I'll
16 discuss it with you about how we're going to finish
17 up. I'll let y'all have some input into that. And
18 I'll tell you about where we are timewise and see
19 how you want to handle that. Have a nice lunch.
20 Don't discuss the case, don't let anyone discuss it
21 with you, and please don't start any deliberations.
22 Everyone else remain seated.

23 (The jury exits the courtroom at 1:11 PM.)

24 THE COURT: Anything from the State for the
25 record before we break for lunch?

1 lawyers on the charge and the verdict forms, et
2 cetera. That will take us about 4:00, 4:15; by the
3 time we argue and charge, that would put us at about
4 5:30.

5 So I think what we'll do is finish the
6 testimony, let us get everything we have to do out
7 of the way, come back in the morning and all we have
8 left to do is the final argument and charge so you
9 won't be deliberating into the night. I think
10 that's the most efficient way to do it.

11 All right. Mr. Hudson, you may call your next
12 witness.

13 MR. HUDSON: At this time, the Defense calls
14 Candice Beasley to the stand.

15 THE COURT: Ms. Beasley, come around, please.

16 CANDICE BEASLEY

17 being first duly sworn, testified as follows:

18 THE DEFENDANT: Yes.

19 THE CLERK: Have a seat, please, ma'am. Once
20 you're seated, state your full name spelling your
21 last on the record.

22 THE DEFENDANT: Candice Beasley, B-E-A-S-L-E-Y.

23 DIRECT EXAMINATION

24 BY MR. HUDSON:

25 Q. Ms. Beasley, can you hear me clearly?

1 A. Yes.

2 Q. Okay. And I'd like you to respond in like
3 manner so that everyone can hear you. And if you
4 would, please, try to avoid shaking your head and
5 making the uh-huh or huh-uh sound. Do you
6 understand my instructions?

7 A. Yes.

8 Q. Okay. What do you do for a living?

9 A. Currently I am an accounting representative.

10 Q. With what company?

11 A. Currently I'm with Masco Services.

12 Q. Okay. And you live -- you live in the
13 Midlands, in this area; correct?

14 A. Yes.

15 Q. Okay. And is that your mom?

16 A. That is my mom.

17 Q. And she, however, lives in Missouri?

18 A. She does.

19 Q. Okay. And we met one of your sisters earlier.
20 Do you have other sisters?

21 A. Yes. I have Chandra and Kimberly.

22 Q. Okay. Ms. Beasley, if you will, do you know
23 Latoya Mitchell?

24 A. Yes, I do.

25 Q. How long have you known her?

1 A. Latoya and I are childhood friends for 16
2 years.

3 Q. So you know she has a son Minor

4 A. Yes. I'm his godmother.

5 Q. Okay. And as part of your role, I guess, as
6 godmother, did you ever have an occasion or a reason
7 to have Minor come live with you?

8 A. Minor has actually lived with me on a couple
9 of occasions.

10 Q. Okay. How did it come about that he came to
11 live with you?

12 A. The first time, there were some financial
13 difficulties, so both he and his mother came to --
14 actually, two times they came to live with me under
15 those circumstances. And the last time, there were
16 safety reasons, so he came to -- that's when he came
17 and lived with me in South Carolina.

18 Q. And these issues or reasons had to do with --
19 and don't tell me what was said. Conversations you
20 with had whom?

21 A. With Latoya.

22 Q. With his mom?

23 A. Yes.

24 Q. Your friend?

25 A. Yes.

1 Q. So when did he come to live with you here in
2 South Carolina?

3 A. We had the discussion for him to move here at
4 the end of February. And he -- I paid for his
5 ticket to move here March 1st.

6 Q. So he was here March 1st?

7 A. Yes.

8 Q. And who all lived in the home with you on March
9 1st?

10 A. On March 1st, Minor that was his first day,
11 and then it was Kimberly, Chandra, and I.

12 Q. What address was this?

13 A.

14 Q. And that's in Lexington County?

15 A. Yes.

16 Q. Okay. Now, Ms. Beasley, if you would, tell us
17 please, what is your relationship with Minor I
18 mean, you said earlier you're his godmother; right?

19 A. Yes.

20 Q. Okay. What is your relationship with Minor

21 A. When I was asked to be Minor godmother, my
22 observation was that in the case that his parents
23 could not take care of him, then that was my job.
24 That's how I was raised.

25 Q. So do you feel that this was part of your

1 duties as godmother?

2 A. I do.

3 Q. Okay. And you took him into your home?

4 A. Yes, sir.

5 Q. And can you tell me, did you ever notice him
6 having discipline problems?

7 A. It wasn't until the last time that Minor lived
8 with me and we had him in daycare that we started
9 noticing the discipline problems.

10 Q. So this started before he enrolled in public
11 school?

12 A. Yes.

13 Q. So when he came to you in March, that was prior
14 to August when he would have started kindergarten?

15 A. Yes.

16 Q. So you had a few months when he was in daycare?

17 A. Yes.

18 Q. He experienced som problems in daycare?

19 A. Yes. There were several -- when he first came,
20 I actually quit my job to have him be accustomed to
21 living here. When I decided to go back to work, you
22 know, I was hoping that Minor was able to
23 transition, so we put him in a daycare facility.
24 When I took him to daycare, almost two days after he
25 was in daycare, I was receiving a call about his

1 behavior.

2 Q. He was acting out?

3 A. Yes. He was hurting himself. He actually went
4 and ran into a wall and busted his lip open. He
5 pushed another child off of the stage and then tried
6 to push himself off or throw himself off. He was
7 calling children curse words --

8 MS. MAYES: Objection to hearsay.

9 THE COURT: Yes, ma'am. Unless you observed
10 it, you can't testify about it.

11 THE WITNESS: I did observe him calling a young
12 woman the -- the female dog when I walked in on it.

13 BY MR. HUDSON:

14 Q. Now, Ms. Beasley, the problems or discipline
15 issues he had, did they continue on when he went
16 into kindergarten?

17 A. Yes, they did.

18 Q. Okay. Can you please explain to me your method
19 of discipline? Did you spank Minor

20 A. Yes.

21 Q. Can you describe to me how you would do that?

22 A. Minor would get spanked -- before Minor
23 received a spanking, we would sit down and we would
24 talk and discuss why he was receiving a spanking and
25 how it was not the right thing to do or, you know,

1 the difference between good and bad and what he
2 should and shouldn't do. And then he'd get a
3 spanking, clothes on; it would be with a belt, two
4 or three swats.

5 Q. With a belt?

6 A. Yes; on his behind.

7 Q. And did that ever change?

8 A. No -- it did with -- with Minor -- certain
9 things don't work with certain children. And we
10 noticed that corporal punishment did not -- he was
11 accustomed to it.

12 So that's when we used alternatives such as
13 Minor star which is I went out and bought a
14 mirror and it was labeled Monday, Tuesday,
15 Wednesday, Thursday, Friday. And every day he got a
16 star at school, he got a star home. And if he got a
17 whole week of stars, then we'd go to Starbucks or
18 Red Lobster, Myrtle Beach, Isle of Palms. If he got
19 two weeks, that's when we'd have our beach getaways,
20 you know, just to give him some kind of insight to
21 want to do better and correct his behavior.

22 Q. When do you recall the last time you may
23 have --

24 A. The last time that Minor got a spanking was
25 the last time that he actually pushed the child off

1 the stage and tried to throw himself off.

2 Q. Okay. And that was while he was in daycare?

3 A. Yes. That was at Turner Child Development.

4 Q. So that's before he enrolled at Seven Oaks?

5 A. Yes.

6 Q. So while at Seven Oaks, were you in
7 communication with his teacher?

8 A. Yes. I was in constant communication with
9 Ms. Zeigler as well as his vice principal because I
10 was having to sign the referral forms that were sent
11 home.

12 Q. So you were aware of behavior problems at
13 school?

14 A. Yes; via e-mail, the referral forms. Me and
15 Ms. Zeigler had constant contact.

16 Q. And you then implemented a non-corporal type of
17 discipline at home with Minor

18 A. Yes.

19 Q. Do you recall ever developing an Avatar or an
20 I-like program?

21 A. The school actually had that program -- I
22 believe it was a new launch -- called Kojo or Kodo.
23 And it was where me as the parent would be able to
24 log-in and track during the day Minor behavior.
25 So it was working with that.

1 Q. Was it effective? Did you notice anything --
2 strike that.

3 Did you notice any change in Minor behavior?

4 A. I noticed changes in Minor behavior
5 depending on whom he spoke with or if something
6 frustrated him.

7 Q. Well let me ask you this: I mean, during
8 the -- from March until October, would Minor have
9 conversations with his mother? Would he touch bases
10 with his mother?

11 A. Yes.

12 Q. Phone calls?

13 A. Yes.

14 Q. Okay. Did he ever see her in this period?

15 A. Yes. He actually -- we drove home. He was
16 feeling homesick and we drove home in May and he
17 spent three days with his mother.

18 Q. And that was May. Do you remember what
19 timeframe in May?

20 A. It was the holiday, so I believe it was
21 Memorial Day.

22 Q. So the end of May?

23 A. Yes.

24 Q. And home is Kansas City, Missouri?

25 A. Yes. I'm sorry.

1 Q. Okay. Now, Ms. Beasley, you've been made aware
2 of, naturally, the marks on Minor body?

3 A. Yes.

4 Q. Okay. Let me ask you plainly: Did you put
5 these marks on Minor body?

6 A. No, I did not.

7 Q. And were you aware that he had these marks on
8 his body?

9 A. No, I was not.

10 Q. Can you explain to me how you were unable to
11 detect or see these marks on Minor body?

12 A. When Minor came to live with my sisters and I,
13 one of the things that I stressed was there were
14 three woman in the house with a young boy, and I
15 didn't want anything to be said about how we were
16 raising Minor

17 So from there, the first day, I ran Minor
18 bath water, we went over how to wash himself, and
19 then his clothes were actually set out, and then he
20 would basically change and then come out and go to
21 sleep. We never it was never crossing the line. We
22 never wanted to cross those boundaries.

23 Q. So as I understood it, he gave himself a bath?

24 A. Yes.

25 Q. He dressed himself?

1 A. Yes. I would iron his clothes and set them out
2 for him. I would get up in the mornings, go
3 downstairs, make his breakfast for him while he was
4 getting dressed.

5 Q. Let's back up a little more. You saw the
6 photograph and you heard testimony about him taking
7 swim classes?

8 A. Yes, sir.

9 Q. And during that time, he would take his shirt
10 off?

11 A. The only thing he had on was basically his swim
12 trunks, yes, and underwear underneath that.

13 Q. And I think earlier there was some testimony
14 that he had gone to the beach with you; correct?

15 A. Again, he was in his swim trunks.

16 Q. So you got a chance to see him shirtless during
17 those --

18 A. Yes.

19 Q. -- occasions?

20 A. We hadn't seen Minor shirtless however --
21 because he -- since we came back from Kansas City.

22 THE COURT: And when did you come back from
23 Kansas City?

24 THE WITNESS: We came back from Kansas City,
25 I'm sorry, in May. We went down for Memorial Day.

1 THE COURT: End of May?

2 THE DEFENDANT: Yes, sir.

3

4 BY MR. HUDSON:

5 Q. So end of May was the last time you recall
6 seeing him shirtless?

7 A. Yes.

8 Q. Okay. Can you tell me how these marks came to
9 be on Minor body?

10 A. I cannot.

11 Q. Have you ever struck Minor with a rope?

12 A. I have not.

13 Q. You testified just a moment ago you have hit
14 him or spanked him.

15 A. With a belt.

16 Q. With a belt. He was clothed?

17 A. Yes.

18 Q. And on his bottom?

19 A. Yes.

20 Q. Okay. Now, concerning the jump rope, was there
21 a jump rope in your home?

22 A. It was not my jump rope.

23 Q. Who owned it?

24 A. My sister Chandra. She -- she's working out.

25 Q. Did you ever use the jump rope?

1 A. No, sir.

2 Q. All right. I'm just asking. Do you recall on
3 October 14th when you were approached by the DSS
4 worker and law enforcement?

5 A. Yes, sir.

6 Q. When you spoke with them and indicated that --
7 well, what did you tell them about the jump rope?
8 Do you recall?

9 A. When they asked me about the jump rope, I said
10 I don't know where it is. And he said, you don't
11 have a jump rope? I said, no, I don't know where it
12 is, it's not my jump rope. And those were my exact
13 words.

14 Q. And you just indicated to us you didn't put
15 these marks on Minor and you don't know where they
16 came from. Is that the same information that you
17 gave to the officer that day?

18 A. Yes, sir. I gave that information to Shannon
19 Dykes as well as Charlene Mooneyhan.

20 Q. Now, concerning, I guess, the individuals in
21 your home, were any of the other individuals, your
22 sister Kimberly and your sister Chandra, did they
23 spank Minor

24 A. They did spank Minor

25 Q. And did you observe the spankings they'd

1 administered to Minor

2 A. Yes. Since Minor was in my care, whenever
3 Minor was punished, I was there.

4 Q. And did any of those spankings get out of hand?

5 A. No, sir.

6 Q. Can you describe the spankings for me?

7 A. Yes. Minor was spanked on his behind with a
8 belt as well as, like, a flip-flop.

9 Q. Now, Ms. Beasley, it appears as if you were in
10 contact with the school quite regularly --

11 A. Yes.

12 Q. -- because of his discipline problems.

13 A. Yes.

14 Q. And appears as if you had to address those
15 problems when you were at home.

16 A. Yes.

17 Q. Did you at any point get frustrated?

18 A. No, sir. With Minor -- Minor had triggers,
19 so we would discuss those. It even got to the point
20 where I personally created a hurt box and Minor
21 whenever he had issues or he was angry, he'd reach
22 into the box. It was like things -- he had a Batman
23 character in there, he had a little squeegee thing.

24 So whenever he felt as though he was angry --
25 it was even in his backpack. He had a mini one that

1 was sent to school with him in his backpack. So
2 when he got angry or anything like that, he was
3 supposed to go or it -- it was crayons so he could
4 draw a picture, it was all things I had researched
5 for children who have behavioral issues.

6 Q. Did it ever get to the point where you felt
7 overwhelmed?

8 A. No. I loved Minor like he was my own child.

9 Q. You knew him all of his life?

10 A. Yes, sir.

11 Q. The relationship concerning him coming to live
12 with you, was that supposed to be a permanent
13 relationship?

14 A. Originally, no. It was a situation, per my
15 observance, where psychiatric evaluations were
16 supposed to take place, and after that, we'd
17 reevaluate him going back to Kansas City, if she --
18 if they approved for him or approved her to be
19 mentally okay.

20 Q. You had concerns about his mother's ability to
21 care for him, is that what you're saying?

22 A. Yes.

23 MR. HUDSON: Okay. May I approach, Your Honor?

24 THE COURT: Yes, sir.

25 BY MR. HUDSON:

1 Q. I'll show you what's marked into evidence as
2 State's Exhibit 14 and State's 3. Do you recognize
3 those photographs?

4 A. Yes; they're of Minor

5 Q. Which one is on top, number 3?

6 A. Yes.

7 Q. Okay. Describe what's in that picture.

8 A. We -- with us living so close to the beach, we
9 knew how to swim and Minor didn't. So our -- our
10 first activity was to make sure that when we went to
11 the ocean, that he would be able to swim or at least
12 tread water. So we got him into swimming lessons,
13 and this is him at those swimming lessons.

14 THE COURT: Where?

15 THE WITNESS: His swimming lesson, I'm sorry,
16 at the YMCA.

17 BY MR. HUDSON:

18 Q. And do you recall what timeframe he took the
19 swimming lessons at the YMCA?

20 A. I believe we started in April and we ended the
21 first week in May, the first or second week in May.

22 Q. And that picture, that's him without his shirt?

23 A. Yes.

24 Q. Okay. And do you notice any scarring on his
25 body?

- 1 A. The picture is little pixilated, but no.
- 2 Q. And the next picture that I gave you, 14, can
- 3 you take a look at that?
- 4 A. Yes, sir.
- 5 Q. That is a picture of Minor taking that -- can
- 6 you tell where that picture was taken?
- 7 A. It's in his classroom on their -- it's on the
- 8 table right in front of the squares in their reading
- 9 area.
- 10 Q. Okay. You've been to this classroom?
- 11 A. Yes, sir.
- 12 Q. And you know it and when you see it, you
- 13 recognize it?
- 14 A. Yes, sir.
- 15 Q. And normally when Minor went to school, does
- 16 that picture depict how he was normally dressed?
- 17 A. Yes. Minor when he came to live with us, he
- 18 wanted to be dapper, is what he said. He wanted to
- 19 be -- you know, wear the Nike T-shirts and the
- 20 Jordan shoes, and that's how we dressed him.
- 21 Q. Okay. So he wore the T-shirts and the short
- 22 pants?
- 23 A. He wore T-shirts and shorts or the cargo shorts
- 24 and, normally, tennis shoes.
- 25 Q. So in the morning when he would finish his

1 routine in terms of getting dressed or getting ready
2 for school, this is how you'd see him?

3 A. Yes.

4 Q. Okay. Ms. Beasley, do you have an Instagram
5 account?

6 A. I do. It's private.

7 Q. It's private?

8 A. Yes, sir.

9 Q. How would I be able to access -- how could I
10 get onto your Instagram?

11 A. The only way that you would be able to see my
12 Instagram would be if you were a friend of mine.

13 Q. Has it always been private?

14 A. It has.

15 Q. How long have you had that account?

16 A. I believe for almost two or three years. When
17 I first started my Instagram and my Facebook
18 accounts, I worked for a company who necessarily
19 wouldn't allow us to share social media, so if we
20 did have a Facebook or an Instagram account, it had
21 to be private.

22 Q. So it is your testimony you don't know where or
23 how these marks came to be on his body?

24 A. No, sir.

25 Q. And you didn't put them there?

1 A. No, sir.

2 Q. The last time you saw this jump rope was when
3 Detective Dykes --

4 A. When Detective Dykes came -- actually, it
5 wasn't him. It was Charlene Minor who collected
6 the rope.

7 Q. But you signed a release for him to take it?

8 A. Yes.

9 Q. Ms. Beasley --

10 A. Yes, sir.

11 Q. -- this is a representation of People's [sic]
12 No. 22 marked into evidence of Minor body with
13 the marks on it.

14 A. Yes, sir.

15 Q. Can you tell me, when did you first see or
16 become aware of those marks?

17 A. The first time that I seen the pictures was
18 when Ms. Mooneyhan showed them to me on her phone
19 that she brought to the home.

20 Q. And that's the first time you became aware that
21 these marks were on Minor body?

22 A. That is the first time.

23 MR. HUDSON: I have no further questions for
24 Ms. Beasley. Please answer any questions the State
25 has for you.

1 CROSS-EXAMINATION

2 BY MS. MAYES:

3 Q. Ms. Beasley, let's go through the timeline that
4 you've testified to concerning Minor

5 A. Yes, ma'am.

6 Q. Your testimony is that he did arrive here, as
7 originally stated, in March; correct?

8 A. Yes. We began discussions at the end of
9 February.

10 Q. All right. March 1st, does that sound about
11 fair?

12 A. Yes. That was when I paid for his flight here.

13 Q. All right. So, as previously stated, came here
14 on March 1st. So, for example, the previous
15 testimony by your sister Chandra, also known as
16 Auntie Foo Foo, who testified it was February, that
17 would be incorrect; right?

18 A. No. We actually began discussions -- my
19 initial discussion. He was supposed to leave on
20 February 28th.

21 Q. When did he physically arrive here in South
22 Carolina?

23 A. He actually arrived here March 1st. Again, we
24 started discussions at the end of February.

25 Q. Okay. So he physically arrived here March 1st?

1 A. Yes, ma'am.

2 Q. So from this date in March throughout all of
3 this time period, he's here and he's in your care;
4 correct?

5 A. No, ma'am. We actually drove back to Kansas
6 City on Memorial Day in May --

7 Q. Right.

8 A. -- and he spent three days with his mother.

9 Q. Right. We haven't gotten there yet. So we're
10 talking all of March and all of April; correct?

11 A. Yes.

12 Q. And then May. And your testimony is somewhere
13 around the end of May, there would have been a
14 period of three days where you drove him back to
15 Kansas City, Missouri to visit with his mother,
16 Latoya Mitchell; correct?

17 A. No, ma'am. No. We drove one day and he spent
18 a full three days with his mother.

19 Q. All right. Where were you?

20 A. I was actually staying -- I'm from Missouri, so
21 I was with my family. I didn't see Minor the whole
22 time.

23 Q. And how did he get back to South Carolina?

24 A. He actually -- his mother dropped him off at my
25 uncle's house and he rode back with us.

1 Q. All right. So he returns and is with you for
2 all of June; correct?

3 A. Yes.

4 Q. All of July?

5 A. Yes.

6 Q. Same for August?

7 A. Yes.

8 Q. Same for September?

9 A. Yes.

10 Q. And then in October up until right here, the
11 morning of October 14th; correct?

12 A. Yes.

13 Q. So the last time he'd been in Missouri for
14 that -- any contact with his mother, Latoya
15 Mitchell, had been five months previously in May;
16 correct?

17 A. Yes.

18 Q. And let's talk about the living arrangements
19 you had. You don't contest that your sister Chandra
20 had a room, Kimberly had a room, and then you had a
21 room that was shared with Minor correct?

22 A. Yes, ma'am. We only had a three-bedroom,
23 three-bath townhome.

24 Q. Right. And when he slept in your room, that
25 would have been during the summertime months of

1 June, July, and August; correct?

2 A. Yes, ma'am. However, I'm from Missouri. So if
3 it's not at least 63 in my house, it's hot.

4 Q. All right. So your testimony is that you keep
5 the temperature at 63 degrees?

6 A. Around there all the time.

7 Q. Now, you're actually the one who is responsible
8 for -- because -- and I say that because you're the
9 legal guardian.

10 A. I was.

11 Q. You had actually had a court order that gave
12 you legal guardianship; correct?

13 A. Yes.

14 Q. So as the legal guardian or acting parent, you
15 were the one who would take care of his basic needs,
16 the basic needs of a five-year-old; correct?

17 A. Correct.

18 Q. So who is responsible for getting Minor to
19 bed?

20 A. Minor -- when Minor went to bed, again, our
21 normal nightly tuck-in was he would -- I'd run his
22 bath, I would put his clothes on the toilet, I would
23 step out, he'd bathe himself and then he would come
24 out. During the night we'd say a nightly prayer,
25 he'd speak with either his mother or his father,

1 depending on the day, and then he got in bed, we
2 went to sleep. He went to his bed, I went to mine.

3 Q. All right. And who was responsible for getting
4 Minor up in the morning and everything that goes
5 along with that with a five-year-old?

6 A. With a five-year-old -- Minor is actually very
7 self-sufficient five-year-old. That was one of the
8 things that we worked on. So in the mornings I
9 would get up, I would get dressed in the bathroom.
10 Then I would go and wake Minor up, tell Minor
11 hey, your clothes are in the bathroom, brush your
12 teeth, brush your hair, get dressed, I'm downstairs
13 cooking, come get your breakfast if you're going to
14 eat something, then I took him to school every day.

15 Q. Ms. Beasley, is it your testimony that you were
16 the acting parent for a five-year-old and that
17 during the entire time period of June, July, August,
18 September, into October, you shared a bedroom with
19 the child and saw the five-year-old without a shirt
20 on? Is that your testimony?

21 A. Yes, ma'am. Actually, Minor pajamas -- even
22 his pajamas had shirts. So he had shirts and shorts
23 sets. His pajamas, I can tell you that they were
24 all super heros. He loved Batman and Superman, so
25 all of his pajamas -- yes.

1 Q. All right. And just to clarify, your testimony
2 is that entire five-month period you were sharing
3 the bedroom with the five-year-old, you never saw
4 him without a shirt on?

5 A. No. Again, that was inappropriate.

6 Q. It was inappropriate to see him without a shirt
7 on?

8 A. Yes, ma'am.

9 Q. But you're his acting parent.

10 A. Correct. But there's three women in the house
11 with a young man. That's not appropriate. I wasn't
12 raised like that. How I was raised, we weren't even
13 allowed to see my brothers without a shirt on and
14 shorts.

15 Q. So your testimony is, 24/7, Minor had a shirt
16 on?

17 A. Minor always had on clothes. The only thing
18 he did not have on -- I'm sorry. Go ahead.

19 Q. Do you recognize this?

20 A. Yes, ma'am.

21 Q. Where was that taken?

22 A. We were actually at Isle of Palms.

23 Q. Okay. And Isle of Palms is here in South
24 Carolina. And when did you go to Isle of Palms?

25 A. That, I believe, is from April.

1 Q. And there's been testimony previously that you
2 took a beach trip?

3 A. By myself in September. Minor was supposed to
4 go, he got in trouble in school. As punishment, he
5 was not allowed to go. He stayed with his Auntie
6 Foo Foo.

7 Q. Didn't you testify previously on direct that
8 there were beach trips with Minor

9 A. I had a previous testimony?

10 Q. During your direct examination. Are you now
11 saying that you did not take a beach trip with
12 Minor

13 A. No, we did. Minor and I took several beach
14 trips. We went to Charleston, we were at Isle of
15 Palms, we went to Myrtle Beach. It was something he
16 was never able to experience back home, so it was
17 something we definitely made sure he experienced
18 here.

19 Q. So when did you go to Myrtle Beach?

20 A. We went several times.

21 Q. All right.

22 A. We would take beach vaca weekends.

23 Q. All right. Did you go during the summertime?

24 A. Yes.

25 Q. All right. So you went to Myrtle Beach in the

1 summertime and your testimony is Minor always had a
2 shirt on?

3 A. No. If we're at the beach, he's not going to
4 have a shirt on. But when we did go to the beach,
5 he had a shirt on going in; when he was getting in
6 the water, he took the shirt off. He did still have
7 on shorts.

8 Q. Okay. Well, when you saw him at the beach,
9 your testimony is that he didn't have any injuries;
10 right?

11 A. Yes, ma'am.

12 Q. So we know that all of these injuries that are
13 documented in the photographs -- and you've had an
14 opportunity to look through them?

15 A. Yes.

16 Q. So we know that all these injuries that were
17 visible to Minor chest and back would have
18 occurred after your beach trip; correct?

19 A. Yes, ma'am. We hadn't went to the beach after
20 May.

21 Q. Okay. Your testimony now then is that it was
22 not summertime you went to the beach, it was before
23 May?

24 A. No. April and May, to me, is considered
25 summertime.

1 Q. All right. So your testimony -- I'm trying to
2 get this straight. Your testimony is that you never
3 went to the beach after May?

4 A. No, ma'am. If you look, we've not been to the
5 beach after May. My sisters are IT specialists, so
6 during that time, that's normally when they have
7 launches and things of that nature, so they had
8 several launches that we weren't able to go. I
9 went; Minor did not go.

10 Q. So let's talk about October 14th when the
11 injuries are found on Minor Your sister Chandra
12 had been in Texas for, what, two weeks?

13 A. I believe it was a week, a week and a half at
14 that point. My cousins fiance passed away.

15 Q. So she was not in the home during this period
16 in October, at least for a week and a half according
17 to your testimony, at least two weeks according to
18 her testimony; correct?

19 A. Yes.

20 Q. So that leaves you and Kimberly in the house;
21 correct?

22 A. Yes.

23 Q. Now, your testimony on direct examination was
24 that prior to Minor going to Seven Oaks Elementary
25 and prior to him going to kindergarten, you had used

1 corporal punishment on him, I believe you said, two
2 or three times with a belt and at least one time
3 with a flip-flop; correct?

4 A. No. What I stated was that Minor had been
5 whipped -- when we whipped Minor with a belt, he
6 got two or three swats with a belt. That was my --

7 Q. So how many --

8 A. -- testimony.

9 Q. So you were referring to how many times you
10 struck him with a belt?

11 A. Yes.

12 Q. How many times did you use corporal punishment
13 with a belt?

14 A. Minor -- again, corporal punishment does
15 not -- Minor is not one of those children that it
16 works with.

17 THE COURT: Please answer the question. She
18 asked you how many times.

19 THE WITNESS: Honestly, I would say at most,
20 maybe five or six times.

21 BY MS. MAYES:

22 Q. So up until he went to Seven Oaks, you'd been
23 using a belt and there was also an occasion with a
24 flip-flop. So there were multiple occasions. But
25 once he got to Seven Oaks and he's having all these

1 problems, your testimony is you completely stopped
2 using corporal punishment and didn't use it at all.
3 Is that your testimony?

4 A. No, ma'am, that's not my testimony. Actually,
5 Minor stopped getting corporal punishment in July.
6 What I did was I actually spoke with his mother as
7 well as my sisters and we discussed a plan because
8 corporal punishment was not working for Minor
9 That's where Minor stars came from. That was
10 actually started before Seven Oaks and his box and
11 that kind of thing. That was all started while he
12 was at Turner Child Development.

13 Q. So you used the belt and you had used the
14 flip-flop, but as of July, according to your
15 testimony, no corporal punishment at all, none at
16 all?

17 A. No, ma'am. The last time Minor received
18 corporal punishment was when he pushed the child off
19 the stage at Turner Child Development.

20 Q. And your testimony is that was prior to Seven
21 Oaks?

22 A. Yes, ma'am.

23 Q. Ms. Beasley, do you admit or deny that you used
24 the jump rope to strike Minor --

25 A. I never --

1 Q. You used the jump rope to strike Minor in the
2 presence of your sister Kimberly?

3 A. I never.

4 Q. That never happened?

5 A. No.

6 Q. You never used the jump rope on Minor

7 A. No.

8 Q. Now, your testimony is that the jump rope was
9 used for exercise, but it's broken, as you can see
10 here. In fact, it's missing a handle; correct?

11 A. It is missing a handle. I believe the handle,
12 when she first bought the jump rope, fell off. And
13 that was back in Missouri.

14 Q. All right. So the jump rope had not been used
15 for exercise for some period of time then; correct?

16 A. Again, it's not my rope. I've never used the
17 jump rope. I don't jump rope for exercise.

18 Q. Let's take a look at some of these photos.

19 A. Uh-huh.

20 Q. Specifically 16, 17, and 18 -- 16, 17 and 18.
21 First I'll show you these three photos.

22 A. Yes, ma'am. Okay. Okay. Okay.

23 Q. All right. So let's start with 18, State's
24 Exhibit 18. Here we're looking at a portion of the
25 leg; correct?

1 A. I -- by that picture, I don't know what we're
2 looking at. I don't know if you -- I --

3 Q. It's your child, correct, the child you're
4 caring for?

5 A. He's my legal -- I was his legal guardian.
6 Yes.

7 Q. Okay. You recognize that as the leg?

8 THE COURT: What number, please?

9 MS. MAYES: 16 and 18, Your Honor.

10 A. I cannot verify that that is Minor leg.

11 Q. Okay.

12 A. Do you have another picture?

13 Q. I'll just show you that one. So you can't
14 verify that that's Minor leg?

15 A. No. I cannot conclusively verify that that is
16 Minor leg. It could be another child's leg.

17 Q. Okay. So your testimony is that this could
18 be another --

19 THE COURT: I'm sorry. Hold on. That last
20 statement, it could be another what?

21 THE WITNESS: I mean, I -- I cannot --

22 THE COURT: What did you say?

23 THE DEFENDANT: That could be another child's
24 leg. I've never seen -- I never have seen those
25 marks on Minor legs so, no, I can't verify that's

1 him.

2 BY MS. MAYES:

3 Q. So your testimony is that the injuries here to
4 this child, your testimony is it could be another
5 child; correct?

6 A. I have not. I have never witnessed those. So
7 from the child that I have seen, that's not what I
8 have seen on him.

9 Q. So that child in that photograph has bleeding
10 injuries. You see the Band-Aids there?

11 A. I see Band-Aids; I don't see bleeding.

12 Q. Who did the laundry in the home for Minor

13 A. The laundry was done by all of us.

14 Q. Who changed his bedsheets?

15 A. Again, the laundry was done by all of us.
16 Normally we take all of the laundry off every week.
17 Whoever is doing laundry first does everybody's.

18 Q. Ms. Beasley, surely if Minor is bleeding,
19 you'd be aware of it, wouldn't you?

20 A. Yes. Minor is the type of child who will tell
21 you that he's bleeding as well.

22 Q. Now, you're not testifying that these injuries
23 to Minor were obtained by any type of accident in
24 your home such as a bike, are you?

25 A. No, ma'am. I was never actually aware of the

1 injuries.

2 Q. All right. So your testimony is that the first
3 you heard of any injuries whatsoever to Minor were
4 that morning on October 14th when you got a call
5 from this DSS worker, Charlene Mooneyhan, that she
6 needed to come to the home and discuss some matters
7 with you?

8 A. No. As previously discussed, per his
9 write-ups, when Minor had injuries at school, such
10 as when he kicked the bench, I was made aware of
11 that. When he was under the care of Lexington
12 County School District and he ran into the bench on
13 his rib when he -- and per the nurse's note, he did
14 it on purpose, I was made aware of that as well. So
15 I was made aware when Minor had injuries. I was
16 not aware of those injuries.

17 Q. All right. So your testimony is that you were
18 made aware that he had hurt himself on a bench. Did
19 you look at the injury? Did you look to see how
20 he'd been hurt?

21 A. No. When I spoke to the nurse, my immediate
22 question for the nurse was -- she said -- she called
23 me and I said, well, do I need to come pick him up,
24 do I need to take him to care? She said, oh, no,
25 there's no mark, there's no bruising, honestly I

- 1 think Minor was just being Minor
- 2 Q. So your testimony is that you got a call from
- 3 the school that he had hurt himself on a bench, but
- 4 you never looked further? You never pulled up his
- 5 shirt to look for the injury?
- 6 A. No. When I asked Minor Minor said he was
- 7 fine, he was just playing around. Boys are -- it's
- 8 a typical boy. I grew up -- I have brothers.
- 9 Q. And now that you've seen the injuries, your
- 10 testimony was it could be another child. I'm going
- 11 to show you 21, 20, 19 and 22, follow-up photos of
- 12 these injuries.
- 13 A. Okay. These aren't the same pictures that you
- 14 just showed me. But, yes, that is Minor in the
- 15 picture. That's totally different pictures. I
- 16 mean, he's actually visible in that picture.
- 17 Q. In this picture, there's no doubt that it's
- 18 Minor correct?
- 19 A. Yes. Minor face is right there.
- 20 Q. And those are the same underwear Minor is
- 21 wearing; correct?
- 22 A. Yes.
- 23 Q. 19 and 22?
- 24 A. Yes.
- 25 Q. And you, as legal guardian, are testifying you

1 had no knowledge of these injuries and never saw
2 them yourself?

3 A. No, I did not.

4 MS. MAYES: I beg the Court's indulgence.

5 BY MS. MAYES:

6 Q. Throughout that entire time of these months,
7 other than the trip in May to Missouri, all this
8 remaining time, he's in your care, under your roof,
9 and staying in your bedroom; correct?

10 A. He was living at in his own bed
11 in my bedroom, yes.

12 MS. MAYES: Nothing further.

13 THE COURT: Redirect?

14 MR. HUDSON: Nothing on redirect, Your Honor.

15 THE COURT: You may step down.

16 Next witness.

17 MR. HUDSON: Your Honor, that is the
18 defendant's case. The Defense rests.

19 THE COURT: Anything in reply.

20 MS. MAYES: Yes, sir, Your Honor. The State
21 calls Kimberly Beasley.

22 KIMBERLY BEASLEY

23 being first duly sworn, testified as follows:

24 THE WITNESS: I do.

25 THE CLERK: Have a seat, ma'am. Once you're

1 seated, state your name and spell your last on the
2 record.

3 THE WITNESS: Kimberly Latrice Beasley,
4 B-E-A-S-L-E-Y.

5 DIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. Now, Ms. Beasley, how is it that you're related
8 to the defendant in this case, Candice Beasley?

9 A. She's my little sister.

10 Q. And where were y'all residing during the time
11 period of the summer of 2014 on through October
12 14th, of 2014?

13 A. I had a townhouse.

14 Q. And that was the townhouse?

15 A. Yes.

16 Q. And your sister Candice resided there?

17 A. Yes; she stayed with me.

18 Q. Okay. And Minor resided there?

19 A. Yes.

20 MS. MAYES: Your Honor, if I may approach the
21 witness.

22 THE COURT: You may.

23 BY MS. MAYES:

24 Q. Ms. Beasley, do you recall being interviewed by
25 Detective Dykes at the Lexington County Sheriff's

1 Department?

2 A. Yes.

3 Q. And during the course of that interview, were
4 questions posed and then answered by yourself?

5 A. Yes.

6 Q. And also in the format of a written statement,
7 who actually -- whose handwriting is used to
8 actually answer the questions that are posed?

9 A. It's my handwriting.

10 Q. The question was posed to you by Detective
11 Dykes: Have you ever witnessed Candice Beasley beat
12 Minor with a black-in-color jump rope? And it ends
13 with a question mark. Did you answer that question?

14 A. In his question, he didn't ask did she beat
15 Minor with a black-in-color jump rope.

16 Q. Do you want to refer to the document? And it
17 would be page 2. Do you see page 2 of 4?

18 A. Yes.

19 Q. Okay. And that particular document, just to
20 establish further, at the bottom of that page, does
21 it bear a signature?

22 A. It's mine.

23 Q. Okay. So it's a signed document by yourself?
24 Do you see --

25 A. When he asked me the question, he verbally

1 asked me the question, and he didn't use the word
2 beat.

3 Q. All right. So where this document says:

4 Question: Have you ever witnessed Candice Beasley
5 beat Minor with a black-in-color jump rope, was
6 that question answered?

7 A. Yes.

8 Q. What answer did you provide?

9 A. I said: Candice punished Minor with the jump
10 rope once after he punched a kid in the face and
11 another in the back. She did not draw back, it was
12 on the behind, and she swatted him two or three
13 times.

14 Q. And whose handwriting is that answer in?

15 A. Mine.

16 Q. All right. So in this statement, you're
17 telling law enforcement that there was at least one
18 occasion that you yourself witnessed Candice Beasley
19 use the jump rope on Minor

20 A. Yes, that I can recall.

21 MS. MAYES: Nothing further.

22 THE COURT: Anything on cross?

23 MR. HUDSON: May it please the Court.

24 CROSS-EXAMINATION

25 BY MR. HUDSON:

1 Q. That statement --

2 A. Yes.

3 Q. -- Ms. Beasley, that you've written, can you
4 tell me the circumstances surrounding when you saw
5 or witnessed Candice spanking Minor with a jump
6 rope?

7 A. Yes. Candice had told Minor to go get her a
8 belt.

9 THE COURT: A what?

10 THE WITNESS: A belt.

11 THE COURT: Okay.

12 THE WITNESS: He got in trouble at school.

13 Minor walked around, kept walking around, came back
14 with a jump rope. Candice then took the jump rope.
15 I saw her tap him on the butt twice -- or two or
16 three times and then she sent him upstairs.

17 Q. When you say you saw her tap him on the butt
18 two or three times, do you recall specifically what
19 was in her hand when she tapped him on the butt?

20 A. No.

21 Q. Do you recall whether or not Minor ever
22 retrieved the belt?

23 A. No.

24 Q. So is it your recollection that you actually
25 saw her with the jump rope or you saw Minor bring

1 the jump rope?

2 A. I saw Minor bring the jump rope and place it
3 in her hand.

4 MR. HUDSON: No further questions.

5 THE COURT: Redirect?

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

7 REDIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. So let me clarify this further. Your testimony
10 is that Minor was being punished for something that
11 happened at school; correct?

12 A. Yes.

13 Q. And your testimony was that it involved him
14 being physically aggressive towards another kid at
15 school?

16 A. Two kids.

17 Q. Okay. And that was at Seven Oaks, wasn't it?

18 A. Yes.

19 Q. Okay. So while at Seven Oaks, there was an
20 incident where --

21 MR. HUDSON: Your Honor.

22 THE COURT: Sir?

23 MR. HUDSON: This is a reply witness. And I
24 kept my cross to questions she raised in --

25 THE COURT: And your cross dealt with that

1 particular statement and her explanation, so she can
2 redirect on it. Overruled.

3 MR. HUDSON: Thank you, Your Honor.

4 BY MS. MAYES:

5 Q. And after this incident when Minor was
6 attending Seven Oaks, how did Candice become aware
7 of it, if you know?

8 A. Aware of the incident?

9 Q. Uh-huh.

10 A. His teachers. Candice was constantly getting
11 called by the teachers or I would go up to the
12 school. I even worked from his school one time
13 because he was in trouble.

14 Q. All right. So you heard Candice tell Minor to
15 go get the belt?

16 A. Yes.

17 Q. And what happened next?

18 A. He kept going around and then he brought her
19 back a jump rope.

20 Q. And what happened next?

21 A. After he brought her back the jump rope,
22 Candice said, what is this? She spanked him on the
23 butt two or three times and he went upstairs.

24 Q. So you saw her use it on him?

25 A. Yes. I saw her use an object on him. I can't

1 recall what it was, but she did have the jump rope
2 in her hand.

3 MS. MAYES: Nothing further.

4 THE COURT: Thank you. You may step down.
5 Anything else in reply?

6 MS. MAYES: Nothing further, Your Honor.

7 THE COURT: All right. Madam Forelady, ladies
8 and gentlemen of the jury, that concludes the
9 testimony in the case. What remains now are the
10 final arguments by the State and the Defendant;
11 following that, I'll instruct or charge you on the
12 law.

13 As I stated earlier, I now have to go over all
14 those charges and verdict forms and other things,
15 which would probably make us 5:30 or 6:00. So I'm
16 going to excuse you now for the balance of the day.
17 We'll start promptly at 9:30. The only thing we
18 have left at 9:30 in the morning is arguments and my
19 charge, and then you'll be in a position to start
20 deliberating.

21 Have a wonderful evening. Please don't start
22 any deliberations, please don't let anyone discuss
23 it with you, and please don't do any independent
24 research. I'll excuse you now for the balance of
25 the evening. Mr. Juror in the blue T-shirt right

1 If, based on your consideration of the
2 evidence, you're firmly convinced that the defendant
3 is guilty of the crimes charged, you must find her
4 guilty; if, on the other hand, you think there's a
5 real possibility that the defendant is not guilty,
6 you must give the defendant the benefit of the doubt
7 and find her not guilty.

8 Charge on duties of the trial judge and the
9 jury, that's the one where I say I can't have any
10 opinion about the facts and if I've done anything to
11 indicate it, please disregard it. Credibility of
12 witness charge, believability of witnesses. I'll
13 give an expert witness charge since we had the
14 doctor who testified.

15 And then I will charge the statute and I'll
16 just read the statute and the definition. One of
17 the -- hold on one second -- 16-3-95, that statute
18 includes the definition of great bodily injury.

19 And, as we had discussed earlier, I'll charge
20 that for the purposes of this particular case even
21 though the statute defines great bodily injury as --
22 and I'll tell them what it defines -- that I've
23 ruled as a matter of law that these injuries did not
24 create a substantial risk of death and they did
25 not -- there was no evidence concerning permanent

1 disfigurement or protracted loss or impairment of
2 the function of any of the bodily member or organ;
3 they're to have to find it caused serious
4 disfigurement and the State had to prove that beyond
5 a reasonable doubt. That would be the only
6 definition under the great bodily injury portion of
7 that 16-3-95.

8 And I will simply charge that she's been
9 indicted, the State has to prove beyond a reasonable
10 doubt that the defendant did, in fact, inflict great
11 bodily injury upon a child, and I will once again
12 describe or define great bodily injury as causing
13 serious disfigurement.

14 I'll charge Section D, Mr. Hudson, which says
15 this statute may not be construed to prohibit
16 corporal punishment or physical discipline which is
17 administered by a person in loco parentis or the
18 guardian in a manner that does not create great
19 bodily injury upon a child. So I'll stick right
20 straight to that statute and hone it down to
21 serious.

22 And I'll tell you what Mr. Hudson and/or the
23 State, if you want to look at that statute tonight
24 and fashion something different than what I'm
25 saying, I'll look at it in the morning and I'll

1 THE COURT: I normally keep direct and
2 circumstantial evidence fairly simple. I say that
3 direct is the testimony of a person who claims to
4 have actual knowledge of a fact such as an
5 eyewitness; circumstantial evidence is proof of a
6 chain of facts and circumstances indicating the
7 existence of a fact.

8 And then normally I give them the example about
9 the rain: You go outside and it's raining and you
10 get wet, you can testify, it's direct evidence that
11 it's raining; if you go outside and there's puddles
12 everywhere and dark clouds, thundering and
13 lightning, those are circumstances indicating that
14 it has rained. I keep it real simple.

15 Any problem with that, either one of you?

16 MS. MAYES: None from the State, Your Honor.

17 MR. HUDSON: Nothing from the Defense, Your
18 Honor.

19 THE COURT: All right. Anything else before we
20 break this evening by the State?

21 MS. MAYES: No, sir, Your Honor.

22 THE COURT: Mr. Hudson, you want to renew some
23 motions?

24 MR. HUDSON: Your Honor, at this time I renew
25 my previous motions concerning directed verdict

1 based upon the arguments made earlier that the -- in
2 this instance, that the seriousness of the injuries
3 were not proven by the State, that they've not met
4 their burden.

5 THE COURT: Well, I'm going to stick by my
6 ruling which is I had directed that it didn't meet
7 certain elements of the statute, but that the
8 question as to whether or not it's serious
9 disfigurement is a question of fact for the jury to
10 determine. There is evidence in the record that
11 they can look at and make that determination. The
12 State, obviously, has to prove that beyond a
13 reasonable doubt. So respectfully denied.

14 MR. HUDSON: Thank you.

15 THE COURT: And I can't think of any other
16 motions you need to make. I think you're covered.
17 But I'll do this for you: In the morning if you
18 feel like you've left something out and you want to
19 add anything in the morning, we'll have a few
20 minutes to do that so you can reflect over the
21 evening. Fair enough?

22 MR. HUDSON: Yes, sir, Your Honor.

23 THE COURT: What kind of bond is your client
24 on?

25 MR. HUDSON: It's a \$50,000 bond. She's got a

1 until -- we'll see y'all at 9:00 in the morning.

2 We'll start right at 9:30. The State is going to
3 open in full, followed by the Defendant, right?

4 MS. MAYES: Normally we waive opening, Your
5 Honor.

6 THE COURT: It's up to you.

7 You don't have an objection to that, do you?

8 MR. HUDSON: No, sir. I get first crack at it.

9 THE COURT: Well, you could have gotten last
10 crack, but you got to do certain things to get last
11 crack.

12 MR. HUDSON: Yes, sir. I understand that.

13 MS. MAYES: Thank you, Your Honor.

14 THE COURT: Thank y'all.

15 (Trial recess for the day at 3:43 PM.)

16 THE COURT: Good morning. All right. Let the
17 record reflect we've had an in-chambers discussion
18 this morning just sort of rehashing the charge
19 conference we had yesterday afternoon before we
20 left.

21 I've not had any additional requests other than
22 what we discussed yesterday afternoon other than a
23 definition, Black's Law Dictionary, of disfigurement
24 and malicious. We've discussed how I'm going to
25 charge the great bodily injury statute. We'll

1 charge the whole statute, the definition, period,
2 but I'll inform the jury that as a matter of law,
3 the only portion of the great bodily injury that
4 they consider is the serious disfigurement.

5 Also, the lawyers have reviewed the verdict
6 form and there were no objections to the verdict
7 form, and both indictments.

8 Is that correct, Ms. Mayes?

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

10 THE COURT: Mr. Hudson?

11 MR. HUDSON: Correct, Your Honor.

12 THE COURT: Anything additionally since we had
13 the discussion about ten minutes ago?

14 MS. MAYES: Nothing from the State, Your Honor.

15 MR. HUDSON: Your Honor, when you charge the
16 jury instructions as to serious disfigurement, the
17 statute says "or permanent disfigurement." And I
18 know we discussed the issue of whether or not --

19 THE COURT: I think that means one of two
20 things: Either it's serious or either it's
21 permanent, one or the other, or both. And there's
22 no testimony concerning permanent disfigurement.
23 Like in a civil case where you're trying to get a
24 charge on the a mortuary table, you have to show
25 permanent injuries, there was testimony from the

1 doctor yesterday, so it's just as we discussed it at
2 the directed verdict stage yesterday. It's just
3 from the evidence in the record whether or not the
4 jury determines that is a serious disfigurement.

5 MR. HUDSON: Yes, sir, Your Honor, I just want
6 to make sure I understand. Without a comma there, I
7 was reading that the phrase permanent disfigurement
8 went together as one descriptive, but it's a serious
9 or permanent.

10 THE COURT: One or the other or both. But I
11 will only charge serious, not permanent -- I mean, I
12 will charge the whole statute, but I will tell them
13 that as a matter of law, they are not to consider
14 anything other than the question of whether or not
15 the State has proven beyond a reasonable doubt that
16 the child has sustained serious disfigurement. Fair
17 enough?

18 MR. HUDSON: Thank you.

19 THE COURT: All right. The State is going to
20 waive opening; is that my understanding?

21 MS. MAYES: Yes, sir Your Honor.

22 THE COURT: Mr. Hudson, are you prepared to
23 open?

24 MR. HUDSON: Yes, sir, Your Honor.

25 THE COURT: All right. Bring the jury in,

1 Mr. Hudson.

2 MR. HUDSON: May it please the Court.

3 THE COURT: Yes, sir.

4 MR. HUDSON: Good morning. As you were told,
5 my name is Stephen Hudson and I'm here with Candice
6 Beasley. You've listened to a lot of the evidence,
7 you've seen a lot of evidence, and you've heard a
8 lot of things about this case.

9 I now, as the Judge has informed you, will get
10 an opportunity to tell you what, from our
11 perspective, we believe the evidence showed.
12 Ms. Mayes will have get an opportunity to do the
13 same, and she will come after me. So this would be
14 the last opportunity you'll get to hear from me.

15 Please forgive me if my voice wanes off. Last
16 week I suffered from a sinus infection and I was on
17 antibiotics for five days. I thought I'd be
18 stronger, but if it wanes off, I'll do my best to
19 keep my voice up so that you can hear me and
20 understand me. So if you hear me clearing my
21 throat, it's simply because I'm still dealing with
22 issues of a sinus infection.

23 What you heard in this case, it is our
24 contention that the evidence in this case showed
25 that a woman, Candice, who is friends with

1 Ms. Mitchell for 16 years, had from time to time on
2 more than one occasion helped her out, allowed her
3 to live in her home, allowed her child to even live
4 in her home, the two of them. On more than one
5 occasion this had happened.

6 The evidence in this case, we believe, showed a
7 sympathetic person in terms of heartfelt kindness
8 towards a friend. When she got information that a
9 friend's child may be in danger and the friend
10 needed help, the friend was seeking someone to
11 assist her in this manner, she agreed to do so.

12 In March of 2014, she undertook to provide care
13 for her godson, Minor . She took steps
14 to take the trouble, time, and expense to go to
15 family court to secure a court order so that all the
16 world would know this child is in my home and under
17 my care.

18 She did that so she could enroll him properly
19 in school and she can seek in her own right to
20 receive benefits on behalf of the child like
21 Medicaid, like setting up a doctor's office for the
22 child. But you need to be able to show and prove
23 that the child is in your care, so she took the
24 steps, she got a court order.

25 The court order was of custody of the child

1 and, as you were told, and as has been made clear,
2 mother and father consented to Minor being
3 placed with his godmother.

4 Shortly after Minor came to live full-time
5 with Candice, it became painfully aware that while
6 he was in daycare, away from Candice but around
7 other children, he was going to deal with or have
8 discipline issues. Both in daycare and kindergarten
9 he exhibited behavior that can only be described as
10 discipline problems.

11 You heard Candice say that she quit her first
12 job so that she could be available for Minor when
13 the school or daycare would call so that she could
14 give him the attention that she felt he needed.
15 This was while she was providing for his home, his
16 food, his clothing, his social growth.

17 You heard comments about him being to the
18 beach. Kansas City, Missouri is a landlocked state;
19 there are no beaches there, maybe some rivers. But
20 taking him to the ocean was important in terms of
21 what she felt would expand his cultural horizon. So
22 she was doing these things.

23 She said to you clearly, and no one else has
24 said to you that it's improper, she spanked him, she
25 told you how she spanked him. She spanked him with

1 his clothes on and hit him with a belt. Now,
2 spanking is spanking. Corporal punishment is
3 proper.

4 She described to you the manner in which she
5 executed her corporal punishment. She then
6 described to you the manner in which she chose to
7 try a different method of discipline when it became
8 apparent corporal punishment wouldn't work. She
9 then described to you the research she did. Even
10 the teachers described to you different methods that
11 were being employed to assist him in his behavior
12 issues.

13 The reason Ms. Beasley is here is because
14 Minor said, she whipped me with a jump rope. You
15 heard testimony and the evidence, we believe,
16 supports that Minor would dress himself, give
17 himself baths, and he would go to school every day.
18 No one said this child missed school, no one said he
19 had a problem with absenteeism. No one said this
20 child was not being put out in the public to be seen
21 by everyone from being hit; it wasn't a situation
22 where -- time for his wounds to heal.

23 This child was being sent every day to a
24 building full of mandatory reporters, none of whom
25 saw anything that rose to the level of reporting

1 until October 14th, naturally, when they did report
2 it. So the question is -- and earlier on I told you
3 there would be questions. If they're left
4 unanswered and you still have these questions, the
5 State has not proved or met its burden.

6 Who placed the marks on Minor Let's start
7 with that. There were at least three adults living
8 thin home with Minor There were at least three
9 adults that said that they corporally punished
10 Minor One of them said she spanked him with a
11 shoe and her hand. What caused the marks? What
12 created the marks on Minor

13 There's been a lot of testimony about a black
14 jump rope. Well, let's look at the jump rope
15 carefully. If we're talking about this jump rope,
16 the only connection to Minor and this jump rope was
17 that it was found in the home where he was living
18 in.

19 If you say that this jump rope slashed against
20 somebody's body so hard that it caused the skin to
21 break and bleed, there ought to be trace evidence on
22 this jump rope. It would have been easy enough to
23 determine to let us all know that this is the
24 instrument that may have caused the damage to his
25 body.

1 This jump rope looks like this. There were no
2 measurements of this jump rope in comparison to
3 marks on his body. The marks on his body were
4 uniform, consistent throughout. This jump rope is
5 knotted and, oddly enough, one of the possible
6 explanations for it being knotted is that it took
7 place while it was in this bag, it got knotted while
8 being in this bag, that this may not have been the
9 condition it was found in.

10 Our contention is that this was the condition
11 that this jump rope was found in. And in this
12 condition, it's our position that this jump rope
13 wasn't used for jumping let alone for anything else,
14 it wasn't used for exercise or anything else. The
15 handle was broken. Minor knew where the jump rope
16 was.

17 And there's nothing that connects this jump
18 rope to the bruises on his body other than Minor
19 statement that it was the instrument that was used
20 to strike him with by his Godmommy Candice. He also
21 said others hit him as well. He also said Auntie
22 Kimmy and Auntie Foo Foo would strike him.

23 On October 14th, unaware of any marks or
24 bruises on her godson, Candice receives a phone call
25 from a DSS worker saying I need you to come back to

1 your house. So she turns around and goes back to
2 her house and there's a knock (demonstrating).

3 She opens the door and she sees a DSS
4 caseworker and six-foot-two, 250-pound gentleman
5 with a sheriff's badge embroidered on his chest,
6 sheriff's badge on his belt near his sidearm, and
7 he's informing you that he's from the Lexington
8 County Sheriff's Department.

9 And there was nothing saying she was
10 intimidated by the gentleman. But I want you, if
11 you will, it is not unreasonable to believe that
12 that would be intimidating. You're then being asked
13 questions about something you profess to have no
14 knowledge of, deny having any involvement in, and
15 you're asked about a jump rope that's not yours.

16 You don't know where it's at, you don't keep up
17 with it, it belongs to your sister. The jump rope
18 was found in your home. This jump rope in this
19 condition was found in your home. Mind you, there's
20 evidence that there was access to other jump ropes
21 in the school, lots of jump ropes, a cabinet full of
22 jump ropes.

23 It is our contention that the evidence was such
24 that between August and October, that's the school
25 term, Minor was seen by teachers, teachers aides,

1 coaches, mentors, on a daily basis, sometimes twice
2 a day, individuals who would sit down and talk to
3 him, sit down and concern themselves with his
4 behavior, individuals who saw him essentially
5 dressed like this. Not once did any of them express
6 either here or then any concerns about any injuries,
7 any kind of disfigurement or any kind of abuse to
8 Minor If they had, they would have sound the
9 alarm. But they didn't.

10 He was seen by teachers, teachers aides, seen
11 by coaches and mentors, all who are mandatory
12 reporters, all who are mandatory reporters, none of
13 whom reported any problems with Minor until October
14 14th. It is our contention that they discovered
15 these bruises to Minor before Candice did. They
16 made her aware of them.

17 The question then is, how can you see a child
18 every day and not be aware of what's going on?

19 Minor would spend seven and a half hours during a
20 waking day at school. He reported to school at
21 7:40, that's what his teacher said. At 7:50 one
22 day, he had already punched three children, ten
23 minutes in. He would get out of school somewhere
24 around 2:30. That's when elementary schools break.

25 So he's spending seven and a half hours of his

1 waking day somewhere else. When he gets home, he's
2 fully dressed, he eats, he goes in the bathroom
3 because he's a boy in a house with three women, he
4 gives himself a bath and puts on his clothes, his
5 Superman pajama set, and then he goes to bed. He
6 said that, Ms. Beasley said that, even the officer
7 indicated -- Officer Dykes indicated that he was
8 more comfortable with men being in the room with him
9 while they were examining him.

10 He made an effort to make sure that he was
11 dressed, fully dressed, shirt, shorts, socks, and
12 sneakers, whenever he was in the home around three
13 women. Of course there were swim classes and trips
14 to the beach. Naturally you're going to have on
15 swim trunks, but there was no sign of any kind of
16 abuse.

17 No sign of any kind of serious disfigurement or
18 scarring on **Minor** when he went to the beach
19 sometime between March and August, sometime before
20 May, no sign of any disfigurement or scarring on
21 **Minor** when he had his swim lessons between April
22 and May of 2014.

23 School begins, his routine is set. And unless
24 someone says anything or you witness or see
25 something that sounds an alarm, you focus on those

1 things that concern you the most; his food, his
2 clothes, his shelter, and the issues of his
3 discipline problems.

4 Minor was getting a written referral every
5 week that he was in school, sometimes every day of
6 every week. You heard Candice say she wasn't
7 frustrated with him, he was a five-year-old and she
8 worked with him to overcome whatever issues he had.

9 She developed methods that would help him while
10 he was not around her to address issues of anger,
11 issues, issues that he couldn't cope with. He'd
12 reach in and get an item out of a box that would
13 help him to address his behavior or aggression
14 issues.

15 From the time Minor set foot in South
16 Carolina, he was in the care and company of three
17 different individuals. The only time that one of
18 them wasn't there was when Chandra said she went to
19 Texas for about a week and half or two weeks, and
20 Candice confirmed that she did go to Texas.

21 Our concern is we don't know when this
22 happened. You were not given dates, you were not
23 even given solid locations. There's a leap from
24 here to here that sometime after swim class in May,
25 that sometime after school started in August, that

1 sometime before October 14, this happened. But we
2 were not told when it happened, we weren't given a
3 date, we were not given any confident evidence to
4 conclude when this happened.

5 We were given information that the various
6 scars on the body had different ages and different
7 stages of healing. But even the emergency room
8 doctor couldn't tell you where they came from; he
9 wasn't there. He couldn't tell you how severe they
10 were because he didn't treat it. He was subject to
11 physical examination in the emergency room.

12 He testified that his examination room, his
13 emergency room was not even a facility designed as a
14 child abuse center. He said there are other areas
15 in the Midlands that address those issues; his is
16 not one of them, but that's where he was taken.

17 Between the time of October 14th and sometime
18 six, seven, eight months later when Minor was
19 placed in the care and custody of his mother, I
20 didn't hear information about him going to a doctor
21 for these injuries. I heard no information about
22 him -- in fact, I know that Dr. Nowell, the ER
23 doctor, did not prescribe any medication and did not
24 treat his injuries. So sav, no prescription for
25 pain medication, no prescriptions for savs to ease

1 and deal with the cuts.

2 Remember what I told you about these
3 photographs? They would be hard to take. But
4 understand that these photographs, for the most
5 part -- I'll just choose any one for an example
6 right now, any one of these. This, we were told,
7 was the last day any photograph of Minor was taken
8 was November 4th, 2014. Some of them were taken on
9 October 14, 2014. So when you look at these
10 photographs, you keep in mind that these photographs
11 are right at ten to nine months old.

12 Minor was then brought out so that you could
13 see his present condition. You could see his
14 present condition, there were scars on his body.
15 You're going to be asked to determine whether or not
16 they were considered serious or whether or not they
17 were considered disfigurements.

18 Bicycle scrapings falling off the bicycle,
19 jumping off the table when he's pretending to be
20 John Cena WWE, running into benches, kicking
21 benches. There are times when children in their
22 lives will have scars, they will have bruises. Your
23 determination is if these bruises rise to the level
24 to be considered serious disfigurement.

25 These were bruises that were not medically

1 treated. These were bruises that while he was in
2 the care and custody of the State of South Carolina
3 Lexington County Department of Social Services did
4 not see fit to take him to a doctor to be treated
5 for these bruises. No one has come in here and said
6 that to you.

7 He was taken to be questioned, he was taken to
8 be examined; he was never taken to be treated, he
9 was never taken to have these scars, these bruises
10 and these things that are so horrendous taken care
11 of. There was a bandage placed on him at the
12 school. A Band-Aid was placed on his body at the
13 school. From what I heard, that's the only
14 treatment he was given while he was in the care of
15 the State.

16 Now, remember there were issues about him not
17 going to the doctor between March and October while
18 he was in the care of Ms. Beasley. You then heard
19 and understood that Ms. Beasley needed to secure a
20 court order so that she could, in her own right,
21 provide for Minor and not depend on his mother to
22 provide his Medicaid card or any kind of other
23 insurance for him.

24 So it was only until September of 2014 that the
25 order was signed and she, in fact, proceeded with

1 securing South Carolina's version of Medicaid for

2 Minor

3 You heard testimony from Ms. Beasley and then
4 from her sister. Ms. Beasley informed you she never
5 hit him with a hope. She did say she hit him with a
6 belt and that was her method of punishing him. She
7 said she never hit him with a jump rope. And then
8 you heard her sister come in right behind and say
9 she did hit him with the jump rope and this was
10 during the school year.

11 There again, let's take a look at the setting.
12 At the time she recalls this incident, she recalls
13 that Candice said to Minor go get me a belt,
14 Minor brought back the belt. And if you take as
15 absolutely true every word Kimberley said, she
16 described Candice as tapping him on his bottom while
17 fully addressed a couple of times with the rope.

18 She also said that once he got the rope, she
19 really didn't know what happened after that, so went
20 on about her business. Now, she made this statement
21 to the same gentleman we described earlier, about
22 six-foot-two, 250 pounds, asking you about your
23 sister and why she would lie to police or why she
24 would do this or why she would do that.

25 And without any opportunity to reflect or think

1 clearly or to figure out what's going on, she comes
2 up with what she believes honestly what may have
3 happened. But she told you from the stand she
4 doesn't really recall all of it; she does know that
5 he brought a jump rope to his [sic] sister -- he
6 brought the jump rope to Ms. Beasley and then she
7 left and went upstairs, I think is what she said.

8 But she said in her testimony clearly she hit
9 him with a rope because he had gotten involved --
10 had gotten in trouble at school. But even she
11 described that that corporal punishment would not
12 rise to the level of what these charges and
13 allegations against Ms. Beasley would have you
14 believe. And she, Kimberley, only accounted or only
15 recounted one incident.

16 Now, Ms. Beasley said there was no times or no
17 incidents she hit him with a rope. She said she hit
18 him with a belt. She said he was always dressed.
19 Remember during Minor testimony he twice
20 testified that when he got spankings, he was
21 dressed.

22 Then with some cajoling and guidance and help
23 and questioning, examination from the State, he then
24 said, well, it was when I had on my underwear. But
25 prior to that, he was solid in terms of what he said

1 and how he was disciplined; he was dressed, said it
2 twice.

3 Minor testimony was such that sometimes, at
4 least once, he anticipated and answered questions
5 before they were even asked. I don't know how many
6 times Minor has been questioned about this; I'm not
7 privy to that, Ms. Beasley is not privy to that.
8 I'm not sure how many times anybody has even talked
9 to him about what went on. We know the DSS workers
10 did, we know the individuals from the school did, we
11 know law enforcement did, we know the doctor in the
12 examination room did.

13 What you're going to be asked to decide, and
14 the Court will give you detailed instructions on the
15 law, but what you're going to be asked to decide is
16 whether or not Candice Beasley, first, did these
17 things, because I'm not sure whether the State has,
18 first, met that burden, I'm not sure whether the
19 State has put the jump rope only in her hands,
20 exclusively in her hands, and put Minor only in her
21 care and exclusively in her care. She's the
22 custodian by court order, but she lived at home with
23 two other individuals who Minor indicated spanked
24 him, who they indicated that they spanked him.

25 Then you're going to have to decide whether or

1 not Minor condition, no matter where they came
2 from, no matter who put them there, were they
3 serious and were they disfiguring? You saw him pull
4 up his shirt, pull up his pants, and lasers being
5 pointed to the six-year-old child. He was on
6 display for you. I didn't see any broken skin, I
7 didn't see any stitches that he had to be submitted
8 to a medical procedure. There was no testimony that
9 he was hospitalized. He was never hospitalized. He
10 was never put in the hospital.

11 He went to the hospital to the ER and the
12 doctor clearly said this was not an emergency visit.
13 He was asked that, was this an emergency visit? The
14 doctor said it was not, it was for a physical
15 examination. And it's not one of the treatment
16 centers that deal with or address child abuse cases.
17 He said there were some and listed several kinds
18 throughout the Midlands. But he said his was not,
19 but that's where the child was taken, that's where
20 Minor was taken.

21 You're also going to have to determine or be
22 asked to determine whether or not what Minor went
23 through was unreasonable harm affecting his life and
24 affecting his safety -- affecting his safety. If
25 you recall the things that Candice Beasley did for

1 and the sacrifices she made for Minor her primary
2 concern was this young man's safety, his care, and
3 his development.

4 No one at the school has ever said he came to
5 school unprepared, unfed, improperly clothed; no one
6 has ever said he missed days without explanation or
7 long history of absenteeism, none of those things.
8 What you did hear was that she, on more than one
9 occasion, she'd go to the school to meet with the
10 teachers about Minor and communicated by e-mail or
11 referrals being sent home every day that she would
12 sign, almost every day from September to October --
13 to early October.

14 Everything she did for and with Minor was for
15 his betterment and for his safety. She exposed him
16 to swim lessons, she exposed him to the beach, she
17 exposed him to, as a reward for good behavior, Red
18 Lobster, Chuck E. Cheese. These were things that
19 she did for and to protect and for the love and
20 concern of this child that she had -- strike that --
21 that she has for Minor

22 When you get an opportunity to discuss this, as
23 I said before, you're going to be asked whether or
24 not the State met its burden, whether or not the
25 State met its burden. At no point in time are you

1 ever going to be asked whether or not she proved her
2 innocence; that's not what she's here for. But she
3 wanted you to hear from her. She wanted to be
4 heard, she wanted to speak, and that's why she took
5 the stand.

6 When you get this matter, when you get an
7 opportunity to deliberate, if there is a reasonable
8 question unanswered, if there is a reasonable
9 question unanswered, when the Judge gives you the
10 law, he gives you the instructions, if you still
11 have a reasonable question unanswered, we ask that
12 you return a verdict, the only one you can return,
13 not guilty. Thank you.

14 THE COURT: Ms. Mayes?

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

16 THE COURT: You may proceed.

17 MS. MAYES: May it please the Court.

18 THE COURT: Yes, ma'am.

19 MS. MAYES: As stated at the outset of this
20 trial, what this case was and still is about is
21 broken trust, broken trust because a child was hurt
22 by this person, the defendant, Candice Beasley, and
23 it never should have happened.

24 That's why we have laws to protect children in
25 this state, protect them from this type of abuse,

1 abuse that no longer can be classified as corporal
2 punishment or discipline or any of those things that
3 a caring parent can legally administer.

4 We know and it's abundantly clear from those
5 photographs, this is physical abuse, it's child
6 abuse, and it's against the law of this state. What
7 the defendant has presented in this case is a
8 virtual denial of everything.

9 You saw her testimony yesterday; she denies
10 knowing where these injuries came from, how they
11 happened, just like when she sat in her house that
12 very first day and she denied to this DSS worker and
13 she denied to law enforcement that she even had a
14 jump rope and knew anything about a jump rope.
15 Well, the jump rope was found ten feet away.

16 And it was the same ordeal yesterday when she
17 took that stand under oath and testified she'd never
18 used the jump rope on Minor and she had not done
19 anything to Minor no punishment since July. And
20 her own sister comes in here and impeaches her and
21 proves her to be a liar, proves that her testimony
22 was false, once again, just an attempt to deny
23 everything.

24 Her own sister was an eyewitness on at least
25 one occasion to her using that jump rope on Minor

1 the very jump rope she denied using. And not only
2 that, but it was during the timeframe he was at
3 Seven Oaks Elementary, which is what she denied on
4 the stand. All of those factors can be considered
5 by you as jurors when you evaluate the credibility
6 of witnesses that you heard.

7 And in that regard, I want to talk about
8 Minor six years old. And as the Judge will charge
9 you, when you evaluate the credibility of witnesses,
10 there's no requirement that an adult be considered
11 more credible than a child. Age is not a factor
12 there. And I submit to you a child six years old
13 who can take that stand and testify against the
14 person who was supposed to love and care for him,
15 that's where you see the truth.

16 That child has no motive whatsoever to lie.
17 That was the only family he had. She was acting as
18 his mother. And telling the truth that day at the
19 school, what did it cost him? What did it mean? It
20 cost him everything. Finding the courage that
21 morning to tell them what happened, it meant that he
22 was taken from that home, the only home he had here,
23 the only people he even knew in South Carolina.

24 He's taken out of that home and put into foster
25 care by DSS. It would have been so easy for him to

1 just say nothing, I don't know what happened, I
2 don't know how I got these injuries, and refuse to
3 talk. But he told the truth. He told the truth
4 because, as he said on that stand, he didn't feel
5 safe in his own home. And he told the truth because
6 it was the right thing to do and because when a
7 grownup says, how did you get hurt, he knows he has
8 to tell.

9 How did you get those marks, Minor Godmommy.
10 How did she do it? The jump rope, lots of times.
11 And he tells that to the school resource officer, he
12 tells that to Charlene Mooneyhan the DSS worker, he
13 tells that to Detective Shannon Dykes, and he
14 remains consistent.

15 And here we are almost a year later, and he has
16 the courage to take that stand and say it in front
17 of her. Why? Because it's the truth. No motive
18 whatsoever to say anything about her that's not
19 true.

20 The Judge will charge you on the different
21 types of evidence to consider. There's what we call
22 direct evidence, there's circumstantial evidence,
23 and both are good and valid forms of evidence under
24 the law. But when he talk about direct evidence,
25 that's really key here, because this isn't a case

1 that's just based on circumstantial evidence.

2 You know, if this had been an infant, for
3 example, that had been injured, which we see lots of
4 times when we're prosecuting this child abuse cases,
5 for example, an infant can't talk or tell us what
6 happened, so the case has to be proved
7 circumstantially; who has access to the child, what
8 instruments were used to harm the child?

9 But here we have direct evidence from someone
10 who saw it firsthand, who experienced it firsthand,
11 who knows exactly what happened to him, Minor
12 Minor can tell us who did it and how she did it and
13 that she did it repeatedly. He even told them what
14 the jump rope looked like, that it had a black and
15 white handle.

16 And here, this isn't the traditional rope that
17 we might remember from when we were kids that's
18 really just a rope made out of fiber on plastic
19 handles. This is professional grade, this is a
20 cord. So when you have an angry person in a rage,
21 it becomes a weapon. And he's repeatedly stricken
22 with this loop cord.

23 And as is shown in the photographs, and you
24 heard the testimony from Dr. Nowell, these are
25 semicircular pattern injuries, repeated blows, in

1 multiple, various stages of healing, because it's
2 occurred over the course of times, many times,
3 consistent with the use of a looped cord and
4 forceful blows.

5 But this isn't a situation like a crime scene
6 we might have in a murder case, for example, where
7 someone is stabbed and they're stabbed and there's
8 blood going everywhere and you've got a knife left
9 behind and the knife is covered in blood. She's
10 using that as a weapon, it's striking Minor and it
11 leaves an impression on the skin that eventually
12 becomes a scab, and the scab can break away, it can
13 bleed, it can ooze.

14 But this isn't a situation where blood is
15 flying all over the crime scene or is all over the
16 jump rope. That's not the mechanism of injury here.
17 We know the jump rope was used because Minor told
18 us, so it goes back to direct evidence. And here
19 it's not just Minor also Kimberley Beasley who is
20 living right there in the house has seen her use the
21 jump rope, the very thing the defendant herself
22 attempted to deny.

23 When we talk about the long course of injuries
24 here, the Judge will charge you on exactly what the
25 law is, but I ask you to keep in mind what the

1 indictments cover is from April 2014 through October
2 2014. So it's not a situation where the State has
3 to prove the exact date that these assaults
4 occurred. We know they were occurring over the
5 course of time, and it was over the course of time
6 that Minor was in her home, April through October.
7 And we know that by October, things had escalated to
8 the point where he was having trouble in school even
9 sitting down in his chair.

10 The testimony from Kathie Davis, the teacher's
11 assistant, is that she had remembered at least four
12 separate occasions between August and October, just
13 that two-month school-year period, at least four
14 separate occasions where Minor had told her he was
15 hurt and he was sore and he wanted to stand up in
16 class because it hurt too much to sit up in his
17 chair. And in retrospect, she knows now.

18 Just like Coach Satterfield when he testified
19 that he had remembered a time in P.E. when Minor
20 talked about being hurt and sore and that he wanted
21 to do push-ups instead of the exercise they had
22 planned. And you saw his emotion; he's choked up
23 just recalling that now to know that the signs were
24 there and it felt like maybe they missed them.

25 But in reality, that's not what happened. The

1 school did everything that they could and they acted
2 accordingly when these injuries were found. DSS
3 acted immediately, law enforcement acted
4 immediately. This is not one of the cases that,
5 unfortunately, we hear about after the fact that all
6 the signs were missed and then the, as a tragic
7 result, the child has become a statistic. In this
8 case, everyone acted appropriately and efficiently
9 once the injuries were discovered.

10 But going back to Coach Satterfield's reaction
11 and the reaction of the teachers when they talk
12 about these injuries, when they recall the injuries
13 or see the photographs of Minor it's
14 heartbreaking; yet when the defendant is confronted
15 with photographs of Minor when she's confronted
16 with photographs of Minor she gives the cold and
17 calculated response, how do I know that's Minor I
18 don't even know that's Minor I don't know what kid
19 that is. Evasive and without emotion, once again
20 separating herself from this crime in an attempt to
21 deny it. She refuses to face the reality of the
22 situation, the reality of what she did to this
23 child.

24 These are photographs that were -- you've seen
25 the photographs and they were published before you

1 as members of the jury that were taken on the
2 morning of October 14th. You've seen those photos.
3 These are photos that were taken three weeks later,
4 three weeks later. These four photographs of him
5 and his superhero underwear, State's Exhibit 22 and
6 19 here, three weeks later by DSS worker Charlene
7 Mooneyhan. We want to talk about serious
8 disfigurement. What else could this ever be?

9 You've done this to a child that is still
10 wearing these marks three weeks later and now here
11 we are, marks are now scars, scars that you saw
12 directly from Minor when he stood before you; scars
13 to the chest, upper chest, the side, the back, and
14 then a series of looped, curved scars down his right
15 leg.

16 You think about six years old, all the
17 summertime fun, swimming parties, trips to the lake,
18 things that a little boy ought to be able to wear
19 swimming trunks and go to without any worries; yet
20 when he puts on a pair of swimming trunks, he's not
21 like the other kids. He puts on a pair of swimming
22 trunks and he's got these marks on him. People see,
23 people wonder, and many of them know what happened
24 to him, the stigma, the shame of a battered child.

25 That disfigurement could easily break the

1 spirit of a child. Those marks on his skin are now
2 like a tattoo; a daily reminder when he looks in the
3 mirror that the person he trusted the most hurt him.
4 Just as it could break a child's spirit, it could
5 also leave resentment in a child to where they would
6 never trust an adult ever. Yet Minor is more than
7 that, Minor is more than a statistic; Minor is a
8 child that had the courage to tell what happened
9 with her sitting right there in front of him. The
10 scars remain, which is a crime, but Minor is more
11 than that.

12 The law in this case is based on South Carolina
13 Code Statute 16-3-95. And when we talk about great
14 bodily injury to a child, to inflict great bodily
15 injury upon a child is the first element, which I
16 submit the State proven beyond a reasonable doubt.
17 He told us what happened and who did it.

18 Great bodily injury includes many things; it
19 includes a substantial risk of death, it can be all
20 types of different things. But one of the elements,
21 one of the factors, and we only have to prove one of
22 the elements, is serious disfigurement. What else
23 could that ever be? I submit the State has proven
24 this offense beyond a reasonable doubt.

25 The second charge before you, unlawful conduct

1 towards a child. The first element is that a person
2 who has charge or custody of a child or who is the
3 parent or guardian of a child or who is responsible
4 for the welfare of a child. The State has proven
5 beyond a reasonable doubt that Candice Beasley falls
6 under that provision. There's no question she was
7 his legal guardian and she admits she had custody of
8 him.

9 Secondly, to place the child at unreasonable
10 risk of harm affecting the child's life, physical or
11 mental health, or safety. So it doesn't have to be
12 all of those things, just one of those things. Or
13 safety. Well, here we know his safety was affected.
14 He told us he didn't feel safe in his own home. But
15 beyond that, he was actually removed from the home
16 for his own safety and placed into emergency
17 protective custody. That element has been proven as
18 well, that his safety was affected.

19 Now, it's interesting that one of the theories
20 Mr. Hudson proposed is, well, there were other
21 people living in the house. Okay. Well, let's talk
22 about that. There were other people living in the
23 house. If she's proposing that other people
24 contributed to this as well as her, because we know
25 she certainly did, she's responsible for protecting

1 that child under this statute. If she knows that
2 the child was at risk by others, which she certainly
3 would, she's responsible for protecting him from
4 harm. The failure to protect him from harm, again,
5 creates a reasonable risk of harm.

6 So it's not like a situation where the parent
7 or guardian can say, oh, if other people in the
8 house want to beat this child, so be it, I'm not the
9 one doing it. No. The parent or guardian has a
10 responsibility to protect that child regardless of
11 who is inflicting injuries. So that doesn't float.
12 That's not the law.

13 If her sisters are also harming this child, she
14 has an absolute duty to protect him from known
15 physical harm. But I submit we know exactly who is
16 responsible for the marks because Minor has always
17 been consistent, always been consistent, and has not
18 wavered as to who left the marks and the injuries,
19 and it was Godmommy Candice.

20 Mr. Hudson also addressed the fact that
21 initially when Candice Beasley took custody of
22 Minor that she had the best of intentions. The
23 problem is, she lost those intentions over the
24 course of time. We know that Minor was acting out
25 at school, acting out in such a way that his actions

1 alone could have easily been a red flag for child
2 abuse. When this is what's going on inside your
3 home and you're five years old, you're not going to
4 go to school and sit quietly in your chair when the
5 people you love and trust are hitting you, acting
6 out aggressively towards you or in a rage. That's
7 learned behavior. A five-year-old can't process
8 that.

9 So just as we know there were multiple
10 occasions now that he was sore or hurting at school,
11 we know that it was going on during that course of
12 time and we know from Dr. Nowell's testimony that
13 these were repeated injuries. So it all fits; all
14 the pieces of the puzzle fit now that we know what
15 happened to Minor

16 You have before you the most noble of
17 opportunities; the chance to deliver a verdict that
18 speaks the truth, to deliver a verdict based on the
19 testimony from that child, based on the courage of
20 that child; a verdict that is just and fair. And
21 under the laws of this state that verdict is guilty
22 of great bodily injury upon a child and guilty of
23 unlawful conduct towards a child. Thank you.

24 THE COURT: Madam forelady, ladies and
25 gentlemen of the jury, my charge is 15 minutes

1 maybe. Everybody okay? We need a bathroom break?
2 What I normally do is I hold court around the state
3 in criminal cases, and the first part of the charge
4 is sort of a general charge dealing with general
5 principles of criminal law and constitutional law
6 that applies to all criminal cases. So I'll go
7 through that first, and then at the conclusion of
8 that, we'll turn our attention to the two
9 indictments and two statutes that are involved here
10 in this trial.

11 First of all, let me start by saying that in
12 this case there are two indictments, as we've been
13 saying all along. The first indictment or -- well,
14 there's really no first indictment. One of them is
15 an indictment for unlawful conduct towards a child
16 which is set out in our Code Section 63-05-70, and
17 the other one is set out in Section 16-3-95(a) which
18 is infliction of great bodily injury upon a child.

19 Now, the fact that this defendant has been
20 charged and arrested and indicted, that is not
21 evidence in this case, cannot be considered by you
22 as evidence in this case or any evidence of guilt in
23 the case, nor does it create any presumption or
24 inference of guilt. These two indictments are
25 simply the formal documents by way this case comes

1 into the courtroom, and the State is charged with
2 the burden of proving the elements of the indictment
3 to you beyond reasonable doubt.

4 Because we have two indictments in the case,
5 you must decide each indictment separately on the
6 evidence, separate and apart from the other; in
7 other words, the elements of one indictment
8 separately from the elements of the other
9 indictment. The defendant may be found not guilty
10 on both indictments, the defendant can be found not
11 guilty on both indictments or not guilty on one and
12 guilty on the other. So you consider each one
13 separate and apart from the other because they have
14 distinct elements. So when you get your verdict
15 form, you'll get your verdict forms for each
16 indictment, and you'll consider each one of them
17 separate and apart from the other.

18 Now, to these indictments, both indictments,
19 the defendant has pled not guilty, and a plea of not
20 guilty puts the burden on the State of South
21 Carolina to prove the defendant guilty beyond a
22 reasonable doubt. A person charged with committing
23 a criminal offense in our state is never required to
24 prove herself innocent. I charge and instruct you
25 that it is an important constitutional rule of law,

1 the U.S. Constitution and the State Constitution,
2 that a defendant in a criminal trial, no matter how
3 serious the charges may be, will always be presumed
4 to be innocent of the crimes for which the
5 indictments were issued unless guilt has been proven
6 by evidence satisfying you of that guilt beyond a
7 reasonable doubt.

8 The presumption of innocence does not end when
9 you start your deliberations, but it stays with the
10 defendant throughout the trial until you reach a
11 verdict of guilt based on evidence satisfying you of
12 that guilt beyond a reasonable doubt.

13 The presumption of innocence is not a mere
14 legal phrase or theory. As I said, it is a
15 substantial constitutional right to which every
16 defendant is entitled unless you the jury are
17 satisfied from the evidence of the defendant's guilt
18 beyond a reasonable doubt.

19 What is a reasonable doubt? Our Supreme Court
20 has defined it basically in two ways, both of them
21 meaning the same thing. But one definition they use
22 a lot is that reasonable doubt is the kind of doubt
23 that would cause a reasonable person to hesitate to
24 act. It's the kind of doubt that would cause a
25 reasonable person to hesitate to act. As I said,

1 the State has the burden of proving reasonable doubt
2 to you beyond -- proving the case to you beyond a
3 reasonable doubt.

4 Our cases have also said that a reasonable
5 doubt is proof that leaves you firmly convinced of
6 the defendant's guilt. There are very few things in
7 the world that we know with absolute certainty. And
8 in criminal cases, the law does not require proof
9 that overcomes every possible doubt.

10 If, based on your consideration of the
11 evidence, you are firmly convinced that the
12 defendant is guilty of the charges, then you must
13 find the defendant guilty. However, on the other
14 hand, if you think there's a real possibility that
15 the defendant is not guilty, you must give the
16 defendant the benefit of the doubt and find her not
17 guilty.

18 Let me remind you once again that during the
19 trial of the case you and I have had certain duties
20 to perform. As the trial judge, it is my
21 responsibility and my duty to conduct the trial and
22 to rule on the admissibility of the evidence and to
23 instruct you on the law.

24 So two comments about that: Number one, you
25 must accept the law as I give it to you. If you

1 have some preconceived idea of what the law is or
2 what the law should be and it does not agree with
3 what I say, please set that aside and accept the law
4 as I give it to you. I am the judge of the law and
5 you have to accept the law as I give it to you.

6 Of course my other responsibility was to rule
7 on the admissibility of the evidence in the trial.
8 And as can be seen, there's a lot of evidence that
9 came in this trial that is contradictory. It's all
10 admissible under the rules of evidence, but it's up
11 to you to decide what evidence is true. And because
12 you are the judges of the facts, you're the most
13 important judge in this courtroom.

14 Please remember that during the trial of this
15 case, I'm only the judge of the law. So if at any
16 time during the trial of the case you've seen me
17 smile or frown or chew on my glasses or roll my eyes
18 or sigh or act like I'm bored or happy -- I listen
19 to cases all week long every week.

20 I cannot have an opinion on the facts, the law
21 just does not allow me to do that. So please don't
22 infer -- if I've done anything that makes you think
23 I have an opinion, set that aside. I can't have an
24 opinion. So please, please, don't let anything that
25 I've done in the case infer that I have an opinion

1 of the facts.

2 The finders of the facts or the judges of the
3 facts, that is you. And by being the finders of the
4 facts and the judges of the facts, obviously your
5 duty is to judge the credibility and determine the
6 credibility of the witnesses who have testified in
7 this case. Credibility simply means believability.
8 Who do you believe?

9 And this case is no different than a lot of
10 cases that I try. You hear testimony from different
11 witnesses that say different things and you have to
12 judge who is telling the truth and you have to judge
13 the credibility and believability of the witnesses
14 who have testified.

15 And, as I told you earlier, you know, you're
16 all grown adults and you've dealt with children and
17 husbands and wives and friends and family. Please
18 use your common sense that you've gained over the
19 years of your experience in dealing with people to
20 determine who is telling the truth in this case,
21 what are the true facts.

22 It's your duty as jurors to analyze and
23 evaluate the evidence and determine which evidence
24 convinces you of its truth. In exercising this duty
25 in determining the believability of the witnesses

1 who have testified in the case, you have the right
2 to believe one witness over several, several over
3 one, you can disbelieve everything a witness says,
4 you can believe everything a witness says, you can
5 believe a little bit and disbelieve the other; in
6 other words, just like dealing with people on the
7 street, family, or friends, you decide what the true
8 facts are, you decide who is telling the truth.

9 You also may consider whether any witnesses
10 exhibited to you any interest, bias, prejudice, or
11 other motive in the case, and also the way the
12 witness appeared and acted in his or her manner of
13 the witness while on the witness stand.

14 There are two types of evidence that can be
15 presented during a case in our state. It's really
16 not very difficult. One is called direct evidence
17 and one is called circumstantial evidence. They
18 both have the same weight. You can give them the
19 same weight to determine that testimony is true or
20 that evidence is true.

21 Direct evidence is testimony of a person who
22 claims to have actual knowledge of a fact, such as
23 an eyewitness, and circumstantial evidence is proof
24 of a chain of facts and circumstance s indicating
25 the existence of a fact. I use a very elementary

1 example dealing with that: You go outside in a
2 little while, you get wet, and you look up and it's
3 raining, that's direct evidence that it's raining.

4 If you go outside in a little while and there's
5 mud puddles everywhere and there's thunder and
6 lightning and the skies are dark but you aren't
7 getting wet, that's circumstantial evidence that it
8 just rained or it's getting ready to rain. So
9 that's the difference in the two types of evidence,
10 and they're both to have the same -- given the same
11 weight.

12 Now, we had one witness who testified in the
13 case, and I think I told you when he testified, that
14 was the doctor, ordinarily we don't allow witnesses
15 to give opinions, however there's an exception to
16 that rule. A person may be qualified as an expert
17 in a certain field because of his education,
18 experience, or has become an expert in some art,
19 science, or profession. Typically that's a doctor.

20 We have other kinds of experts, but it was
21 doctor in this case. And he's allowed to give an
22 opinion whereas other witnesses, lay witnesses, are
23 not allowed to speculate or give opinions.

24 Now, you should consider any expert opinion
25 received in evidence in this case like any other

1 evidence; give it the weight you think it deserves,
2 and if you decide that the opinion of an expert is
3 not based on sufficient education or experience or
4 if you conclude that the reasons given in support of
5 the opinion are not sound or that the opinion is
6 outweighed by other evidence, you may disregard the
7 opinion entirely.

8 An expert witness' opinion is to be given no
9 greater weight than that of other witnesses simply
10 because he's an expert. And you're not required to
11 accept an expert's opinion even though it's not
12 contradicted.

13 Now, ladies and gentlemen, that is the general
14 propositions of law that we talk about in all cases.
15 Let's now turn to the cases here or the statutes
16 here. And what I will do is charge you on the first
17 one I pick up, and it's infliction of great bodily
18 injury upon a child. I have to put one before the
19 other, so there's no significance. That is defined
20 by our legislature. They've codified this
21 particular statute, which means it's a code of law,
22 not a common law.

23 And there's code for inflicting or allowing
24 infliction of a great bodily injury upon a child.
25 To prove that, the State has to prove to you beyond

1 a reasonable doubt that the defendant inflicted
2 great bodily injury upon a child. And I sort of
3 emphasized great bodily injury because we'll come
4 back to that in a little bit when I define it under
5 the law. To do that, the State has to prove beyond
6 a reasonable doubt that the person who inflicted the
7 great bodily injury was either the child's parent or
8 guardian or person with whom the parent or guardian
9 is cohabitating or any other person responsible for
10 a child's welfare.

11 And then they have to prove that that person
12 who has control of that child and who is responsible
13 for that child or the guardian of that child, they
14 have to prove that that person committed great
15 bodily injury.

16 Now, the legislature has given a broad
17 definition to great bodily injury. The State has to
18 prove to you beyond a reasonable doubt that that
19 person we talked about and charged has done
20 something to the child which creates a substantial
21 risk of death or which causes serious or permanent
22 disfigurement or a protracted loss or impairment of
23 the function of any bodily member or organ. It's a
24 broad definition.

25 In this case, I have ruled, as a matter of law

1 that the only portion of the statute that is
2 applicable to these facts is whether or not the
3 State has proven to you beyond a reasonable doubt
4 that the defendant has inflicted serious
5 disfigurement on the child. There's not evidence to
6 support the other definitions, and that's not
7 unusual. That statute has a broad definition. But
8 it would just be one portion of the definition.

9 So in this case for the defendant to be found
10 guilty, the State must prove beyond a reasonable
11 doubt that she was the guardian or the person with
12 whom the child has been placed in her care or
13 custody and that she has caused, beyond a reasonable
14 doubt, serious disfigurement.

15 And disfigurement is simply defined as an
16 impairment or injury to the appearance of a person.
17 It is what it says, disfigurement. So they have to
18 prove beyond a reasonable doubt that she has injured
19 the child to such an extent as to cause serious
20 disfigurement.

21 Now, there's a Section D of the statute which
22 says that this statute cannot be construed to
23 prohibit or forbid corporal punishment nor physical
24 discipline which is administered by a person or
25 someone in control of the child which does not cause

1 great bodily injury upon a the child.

2 So it excludes corporal punishment, but if the
3 punishment goes beyond -- goes to the great bodily
4 injury causing the permanent disfigurement, then it
5 becomes criminal. Understand?

6 All right. And, of course, under that
7 indictment, you will be given a verdict form to
8 consider, and it's a simple verdict form; we find
9 the defendant not guilty, if you find that the State
10 has failed to prove beyond a reasonable doubt the
11 elements we just talked about, or if you find the
12 State has proven the elements beyond a reasonable
13 doubt, you check guilty. Very simple instructions.

14 Let's turn to the second indictment which is
15 the indictment for unlawful conduct towards a child.
16 This is codified by our legislature in Section
17 63-5-70, as I said earlier. And that statute says:
18 It is unlawful for a person who has charge of or
19 custody of a child or who is the parent or guardian
20 of a child to do or cause to be done unlawfully or
21 maliciously any bodily harm to the child so that the
22 life or health of a child is in danger or likely to
23 be in danger, or place the child at unreasonable
24 risk or harm affecting the child's life, physical or
25 mental health, or safety.

1 So in order to convict the defendant, the State
2 has to prove beyond a reasonable doubt that she was
3 in charge of the child, she had custody of the
4 child, or was responsible for the welfare of the
5 child, and prove beyond a reasonable doubt that she
6 placed the child at unreasonable risk of harm
7 affecting that child's physical or mental health or
8 safety, or do something to cause -- or had done
9 something unlawfully or maliciously to cause bodily
10 harm to the child so that it -- well, that part of
11 the statute doesn't apply.

12 So it's just place the child at unreasonable
13 risk of harm affecting the child's life, physical or
14 mental health, or safety, any one of those or a
15 combination. Likewise, that verdict form will be
16 the same format, we find the defendant not guilty or
17 guilty. Those are the two statutes that we're
18 dealing with. I hope I've explained it well enough
19 that you understand.

20 You'll be asked to go to back in the jury room
21 in just a second. I'm going to ask you to not start
22 deliberating until I've asked the lawyers if I've
23 left anything out or if anything needs to be changed
24 the and we go through the evidence to make sure we
25 have it all gathered. That shouldn't take us but a

1 few minutes.

2 Once we do that, we'll send the evidence back
3 into the jury room with you, you will have the two
4 verdict forms. Your verdict, Madam Forelady, has to
5 be unanimous; all 12 of you must agree one way or
6 the other. If you have any questions while
7 deliberating, the correct procedure on that is to
8 write it out on a piece of paper -- they'll have a
9 notepad back there -- knock on the door, and the
10 bailiff will hand it to me. Sometimes they're
11 questions I can answer, sometimes I can't; depends
12 on what the question is. But if you have a
13 question, just do that and let me know.

14 It's 11:00. I'm going to let you handle
15 whether or not you want to order lunch. If you want
16 to order lunch, just knock on the door. And it
17 takes about how long to get lunch?

18 THE CLERK: About an hour and a half.

19 THE COURT: Well, we're in Lexington, it might
20 take an hour. So I'll let you sort of judge that.
21 Fair enough?

22 Now, as I said, your verdict must be unanimous,
23 all 12 must agree. Serving on jury duty is a
24 tremendous civic responsibility. When someone is
25 accused of a crime, they are not placed before a

1 dictator or a military tribunal; they come before 12
2 citizens of their community, and those citizens
3 listen to the evidence and determine what evidence
4 is the truth, you apply those true facts to the law
5 as I give it to you and you're in a position to
6 render a verdict.

7 It's a very important civil duty, but it's the
8 best system of justice I think the world has ever
9 seen. It's evolved over time and you're
10 participating in it. This is the real thing, it's
11 not TV. So I ask that you -- in your deliberations,
12 obviously, you have no friends to reward, no enemies
13 to punish.

14 You're asked to give careful deliberation to
15 the testimony that you've heard, become the judges
16 of the facts, find out what are the true facts and
17 apply it to the law as I have given it to you, and
18 then you'll be in a position to render a true and
19 just verdict.

20 The word verdict means to speak the truth, and
21 that's what we're asking you to do. The lawyers
22 have worked hard in preparing the case,
23 investigating the case. The parties have,
24 obviously, gone through a lot as this case comes
25 here. And we now turn it over to you and everybody

1 feels confident in your ability to do the job. And
2 I appreciate it and thank you in advance for doing.

3 At this time, I'm going to ask you to return to
4 the jury room. Please separate the two alternates.
5 Please do not start deliberating. It will be about
6 five minutes and I'll have everything back there for
7 you and then you may start.

8 Ma'am, if anybody needs a break, stop
9 deliberating and start when they get back. Thank
10 you very much. Everybody else remain seated.

11 (The jury exits courtroom at 10:53 AM.)

12 THE COURT: On behalf of the State, any
13 requested additions, deletions, modifications,
14 objections to the charge?

15 MS. MAYES: No, sir, Your Honor.

16 THE COURT: By the Defendant?

17 MR. HUDSON: None, Your Honor.

18 THE COURT: Thank you. Ma'am, sir, please come
19 forward and review the evidence and make sure we
20 have it accounted for and review the verdict form,
21 which you've already done. But just re-review it.

22 All right. Let the record reflect that all of
23 the evidence is accounted for, both lawyers have
24 reviewed the verdict form, and I'm going to send it
25 back to the jury.

1 The alternates have been separated; is that
2 correct, Mr. Bailiff?

3 THE BAILIFF: Yes, sir, they have.

4 THE COURT: Please give them the verdict form
5 and the evidence and tell them they may start their
6 deliberations. Thank you.

7 All right. We'll stand at ease. Mr. Hudson,
8 I've given you instructions about the defendant.

9 MR. HUDSON: Yes, sir.

10 THE COURT: Thank you.

11 (The jury begins their deliberations at 10:56
12 AM.)

13 (Trial in recess 10:46 AM - 11:29 AM.)

14 THE COURT: Mr. Hudson, I got a couple
15 questions from the jury. I want to share them with
16 you. We're waiting on Ms. Mayes.

17 MR. HUDSON: She's on the third floor, Your
18 Honor. They're doing something on the third floor,
19 so she's on her way, Your Honor.

20 May I approach?

21 THE COURT: Certainly.

22 All right. Ms. Mayes, we have a couple of
23 questions from the jury. I shared them with
24 Mr. Hudson.

25 MS. MAYES: Okay.

1 THE COURT: All right. One of the questions
2 asks: Why was DNA not done on the jump rope? My
3 response will be I cannot comment on that.

4 MS. MAYES: Okay.

5 THE COURT: As to the definition, I can say
6 serious disfigurement or I can bring them back in
7 and read it. What's your pleasure?

8 MS. MAYES: I'll leave that in the Court's
9 discretion. I don't have any preference.

10 THE COURT: Mr. Hudson?

11 MR. HUDSON: I think what they would need is to
12 hear the definition again. I mean, it's still up to
13 the Court's discretion.

14 THE COURT: All right. The Defense would like
15 for me to read it. Bring them back in, please.
16 I'll have the court reporter mark these as Court's 2
17 and 3.

18 (Court's Exhibit Nos. 2 and 3 marked for
19 identification and admitted into evidence.)

20 (The jury enters the courtroom at 11:33 AM.)

21 THE COURT: Madam forelady, I received two
22 notes. First one was: Why wasn't the jump rope
23 analyzed for DNA? I cannot comment one way or the
24 other on that.

25 Next question: Can we please get the

1 definition for great bodily injury? Certainly. The
2 statute defines great bodily injury, it says this:
3 For the purposes of this section, quote, great
4 bodily injury, unquote, means bodily injury which
5 creates a substantial risk of death or which causes
6 serious or permanent disfigurement or protracted
7 loss or impairment of the function of any bodily
8 member or organ.

9 I have ruled as a matter of law that the only
10 section of that definition that is applicable to the
11 facts in this case is that it is bodily injury which
12 causes serious disfigurement. That's the only thing
13 you're to concern yourself with, serious
14 disfigurement. Any other questions?

15 THE FOREWOMAN: No, sir.

16 THE COURT: Thank you very much.

17 (The jury returns to the jury room to continue
18 deliberations at 11:35 AM.)

19 THE COURT: Any objection by the State to that?

20 MS. MAYES: None from the State, Your Honor.

21 THE COURT: By the Defendant?

22 MR. HUDSON: None from the Defendant, Your
23 Honor.

24 THE COURT: All right. We'll continue to stand
25 at ease.

1 (Trial in recess 11:35 AM - 12:00 PM.)

2 THE COURT: Ms. Mayes, are you ready to receive
3 this verdict on behalf of the State?

4 MS. MAYES: Yes, sir. I apologize, Your Honor.
5 We were on the third floor of the courtroom.

6 THE COURT: You're just doing your job. You
7 don't need to apologize.

8 Mr. Hudson, are you ready to receive the
9 verdict on behalf of the Defendant?

10 MR. HUDSON: Yes, Your Honor.

11 THE COURT: Let me remind everyone in the
12 courtroom, obviously this is a public courtroom and
13 I commend each and every one of you in your behavior
14 during the trial of this case. You've been
15 exceptional.

16 Oftentimes when a verdict is read, it becomes
17 an emotional situation. I do not allow any
18 emotional outbursts, any untoward behavior, or any
19 other show of acting out, as they call it. So if
20 you think you cannot listen to the verdict without
21 emotions, I'm asking that you leave now.

22 If I have any behavior that is not appropriate
23 for this courtroom, you'll be detained and subject
24 to contempt of court which could carry up to six
25 months in the department of corrections. So, fair

1 warning, if you cannot behave or cannot control
2 yourself, I'll ask you to leave now. I will not
3 tolerate it.

4 All right. Bring the jury in, please.

5 (The jury enters the courtroom at 12:02 PM.)

6 THE COURT: Madam Forelady, have y'all reached
7 a verdict?

8 THE FOREWOMAN: Yes, sir.

9 THE COURT: Hand it to the bailiff, please.
10 You may publish it.

11 THE CLERK: Yes, sir.

12 Indictment 2015-GS-32-1050, the State vs.
13 Candice R. Beasley, as to the offense of infliction
14 of great bodily injury upon a child, we the jury
15 find the defendant guilty. And it is so signed.

16 Indictment 2015-GS-32-1393, the State vs.
17 Candice R. Beasley, as to the offense of unlawful
18 conduct towards a child, we the jury find the
19 defendant guilty. And it is so signed by the
20 forelady.

21 Madam Forelady, ladies and gentlemen of the
22 jury, if this is your verdict, please indicate, each
23 of you, by raising your right hand.

24 All hands raised, Your Honor.

25 THE COURT: Anything further for the jury

1 before I release them?

2 MS. MAYES: Nothing from the State, Your Honor.

3 THE COURT: Mr. Hudson?

4 MR. HUDSON: Can the jury --

5 THE COURT: Anything further?

6 MR. HUDSON: Your Honor, I'd like the jury to
7 be polled and polled individually.

8 THE COURT: I can ask them individually. Is
9 that what you want?

10 MR. HUDSON: Yes, sir.

11 THE COURT: All right. Madam Forelady, ladies
12 and gentlemen of the jury, oftentimes at the
13 conclusion of a case, a lawyer will ask that the
14 jury be polled. It is simply this: They will call
15 your name. If you would, please stand, and you will
16 be asked is this your verdict and is it still your
17 verdict? And please answer.

18 THE CLERK: Thank you, Your Honor.

19 Victoria Pait is this your verdicts and are
20 they still your verdicts.

21 JUROR PAIT: Yes, ma'am.

22 THE CLERK: Tasha Golston, are these your
23 verdicts and are they still your verdicts?

24 JUROR GOLSTON: Yes, ma'am.

25 THE CLERK: William Fields, as to the verdicts,

1 Carolina for the purpose of following through with
2 the DSS treatment plan, doing everything that she
3 needs to do. She has gone above and beyond in
4 assisting us in every way possible and has really
5 made a lot of efforts as a single mom. She's now
6 working here in Columbia and Minor is back at --
7 ready to start school in the first grade. And she
8 does wish to address the Court.

9 THE COURT: All right. Normally I let the
10 Defense talk and then I'll hear from you, ma'am.
11 And you said you had an officer that wanted to
12 speak?

13 MS. MAYES: Yes, sir, Your Honor, Detective
14 Dykes. And then we also the photographs which have
15 been submitted to Your Honor for review as well.

16 THE COURT: I have them up here.

17 Mr. Hudson?

18 MR. HUDSON: May it please the Court. This is
19 Candice Beasley and she's 29 years of age. She's
20 single and she does not have any children.
21 Ms. Beasley relocated from Missouri to South
22 Carolina.

23 THE COURT: Missouri.

24 MR. HUDSON: Kansas City, Missouri.

25 THE COURT: To here.

1 MR. HUDSON: To South Carolina. She chose --
2 from all the places in America to live, she chose
3 South Carolina. She enjoyed the state, she enjoyed
4 the visit she had with her sister here, and she
5 relocated to South Carolina to make this her home.

6 As the Court is now aware that her friend,
7 Ms. Mitchell, who at that time was living in
8 Missouri reached out to Candice and asked her to
9 help with her child and Candice agreed, Your Honor.

10 Ms. Beasley has no criminal record, I think,
11 other than a bad check that's right at ten years or
12 more so ago. She's always been employed, she's
13 fully employed, she has worked, Your Honor,
14 tirelessly for her community, worked up until the
15 time of -- may I approach, Your Honor?

16 THE COURT: You may.

17 MR. HUDSON: Up until the time of the
18 conclusion of the family court matter, she was a
19 youth choir director at her church. She is still
20 active in her church and active in her community.

21 But what I've given to the Court is an
22 accommodation she received from the State of
23 Missouri House of Representatives when she was in
24 high school commending her for her character, her
25 charity.

1 We would ask, Your Honor, that she be given an
2 opportunity to receive a probationary sentence in
3 this matter, a long, long-term probationary sentence
4 in this matter, Your Honor. The Court, while
5 certainly not intentionally, has been able to see
6 that Ms. Beasley from Monday and Tuesday when she
7 was released to go home, certainly came back on
8 time. She beat me here on the last three days. She
9 came to court before I did. So she will follow the
10 rules, she will abide by the rules.

11 She has strong ties to this community. Her
12 sisters, Chandra and Kimberley live here. She lives
13 with Kim. Her mother is here in court, she traveled
14 from Missouri to be here to support her through this
15 trial, Your Honor. We're just asking for as much
16 consideration as the Court can give her in terms of
17 an opportunity to begin to rebuild and to continue
18 her life in this community.

19 THE COURT: Ms. Beasley, anything you'd like to
20 tell me?

21 THE DEFENDANT: I think that -- I first thank
22 you for even hearing the case. I ask that you would
23 see that I am actually -- I consider myself a South
24 Carolina resident. I pray that since I don't have
25 any prior offenses that you would grant a probation,

1 even if it's long-term. I have not missed a call
2 since I've been on bail, I have not missed a
3 hearing. I've actually been early for every single
4 appointment that I've had with the courts, as well
5 as I've made and not missed any bail bonds, things
6 that they have asked me to do either.

7 THE COURT: Thank you.

8 Anything else, Mr. Hudson?

9 MR. HUDSON: She'd like to make a final
10 statement to the Court.

11 THE COURT: Yes, ma'am.

12 THE DEFENDANT: Sir, I've known Minor since
13 Minor was born. I love Minor even to this day
14 when he was on the stand. Minor has been my heart.
15 I'm sure his mother knows that, everybody in our
16 family is tied to Minor

17 And I would like to apologize to both Minor
18 and Toya for any turmoil that this has caused with
19 their family, any turmoil that it has caused between
20 us. I pray for Minor every day, I pray for Toya
21 every day. And my prayer is that Minor will grow
22 into an awesome young man.

23 THE COURT: Thank you.

24 All right. You want the investigator speak
25 first, Ms. Mayes?

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

2 MR. DYKES: Your Honor, may it please the
3 Court. Your Honor, thank you for giving me the
4 opportunity to address the Court in this matter.
5 Your Honor, it is clear that the jury has spoken the
6 truth in this case and has also validated the truth
7 in this case.

8 They say that pictures can be worth a thousand
9 words, but I believe in this case that pictures
10 before you, Your Honor, they speak two words; they
11 speak pain and torture, not only pain for Minor
12 , but also painful for me to look at and
13 other people in this courtroom, as you've seen
14 emotions come out.

15 I agreed with the Defense on one thing in his
16 opening statement. Mr. Hudson, he said that
17 picture -- as he was holding the pictures, the
18 picture is what it is. And I truly believe that. I
19 agree 100 percent with Mr. Hudson because they
20 accurately depict the pain, torment, and torture
21 that Minor went through in this case.

22 I've worked numerous child abuse cases to
23 include sexual assaults and physical abuse, and I
24 can honestly say, Your Honor, I've never worked a
25 case like this with the severe injuries to this

1 child's skin. It's obvious that these injuries are
2 severe in nature and will cause permanent scarring,
3 not only physically, Your Honor, for many years, but
4 mentally as well.

5 The jury saw through the lies and deceit that
6 the defendant put up. We've heard Minor say in his
7 testimony that Godmommy Candice didn't mean to do
8 it. Well, I've also had a victim, Your Honor, in a
9 past case of mine where she was stabbed by her
10 husband over 20 times and left for dead. She lived,
11 but she said the same thing: He didn't mean to do
12 it, he loves me. Your Honor, this is a sign of a
13 true victim. These are common statements made by
14 true victims in abusive situations and
15 relationships.

16 And one last thing, I was given this message by
17 former Sheriff McCardy who is -- his tenure was
18 while I was working this case when I was assigned to
19 the Major Crimes Unit. He has a vested interest in
20 this case and stands 100 percent behind the State.
21 And, Your Honor, I have nothing but 100-percent
22 confidence that you'll be fair and just in
23 sentencing in this case. Thank you.

24 THE COURT: I commend you and your department
25 on the excellent investigation and your caringness

1 for this child. He's a remarkable young man. I
2 said something yesterday in jest, he's almost as
3 great as my two grandchildren who are two greatest
4 kids in the world.

5 MR. DYKES: Yes, sir. Thank you, Your Honor.

6 THE COURT: In all seriousness, he was just an
7 engaging, bright, little sweet little child and
8 smart.

9 MR. DYKES: Yes, sir.

10 THE COURT: So smart.

11 MR. DYKES: Thank you again, Your Honor.

12 THE COURT: Mom?

13 MS. MITCHELL: I am very conflicted.

14 THE COURT: I'm sure you are. Here's one of
15 your best friends and your own flesh and blood, your
16 child, and I assume when you saw these photographs,
17 you just didn't know what to do.

18 MS. MITCHELL: (Nods head).

19 THE COURT: I think that's a condition, I guess
20 that's the correct word, of being conflicted and
21 searching for answers and saying why, why, why.

22 MS. MITCHELL: Because Minor is an awesome
23 little kid. He's great. He does have behavior
24 issues, but it's not something that can't be fixed
25 or corrected.

1 I did send him to her because of my PTSD
2 issues. I made him -- when I found out I was
3 pregnant with him -- she's my best friend in the
4 whole wide world. And when I found out I was
5 pregnant with him, I didn't want anybody else to be
6 the godmother but her because we had been so close
7 and she has always been there for me, her and her
8 whole family, her entire family.

9 And this is killing me and it's killing my son.
10 Even though he doesn't understand what's going on,
11 he still wants to reach out and contact them because
12 he loves them and I love them too. But I don't -- I
13 just don't understand what happened. I don't
14 understand what happened.

15 THE COURT: Neither do I.

16 MS. MITCHELL: I just -- I don't. And all of
17 this could have been avoided if they just could have
18 called me and told me they couldn't handle him, and
19 I would have come and got him. It wasn't that I
20 couldn't take care of him, it wasn't that somebody
21 in my family couldn't take care of him. We all
22 would have did whatever it was we needed to do to be
23 there for him. I just -- I don't know.

24 My heart is broken. It feels like I'm losing
25 an entire family. My son is just -- he's -- he's

1 trying to -- he's trying to understand. I don't
2 know what to tell him. I don't know what to tell
3 him at all because he tells me, I love Godmommy
4 Candice, I love Auntie Foo Foo, I love and Auntie
5 Kim. I don't think he really gets it, the severity
6 of the situation. And I don't know how to explain
7 it to him.

8 THE COURT: He'll understand it one day, ma'am.

9 MS. MITCHELL: When he gets older, hopefully,
10 one day he'll understand. I -- I don't want to see
11 her go to jail for the rest of her life.

12 THE COURT: She's not going to jail for the
13 rest of her life.

14 MS. MITCHELL: I don't want her to go to jail
15 forever or a very long time because --

16 THE COURT: Well, ma'am, let me tell you,
17 unfortunately that's my responsibility as this -- in
18 this position. And it's the toughest responsibility
19 I have. Sometimes it's easy to sentence somebody.
20 These are tough cases.

21 And I understand your conflicts, but I was put
22 in this position 12 years ago, one of my main
23 responsibilities is to protect babies, children.
24 And I take that responsibility -- I take that
25 responsibility very serious.

1 To be quite honest with you, I've been doing
2 this a long time and I've only seen these pictures
3 and photographs sitting up here looking down. I've
4 studied them and, quite frankly, it's -- I can't
5 comprehend it either. I can't comprehend it either.
6 Thank you.

7 Anything else, Ms. Mayes?

8 MS. MAYES: Your Honor, I think it goes without
9 saying that the State is opposed to probation in
10 this case.

11 THE COURT: Well, you have to be around long
12 time to become callus to these types of cases. And
13 I know I haven't been around that long because these
14 cases still bother me, to see little children like
15 this.

16 And, you know, these photographs, if you look
17 at them, just looking at the various angles of the
18 photographs where it's -- you look at side views,
19 photograph 20, I count 28 different lash marks; if
20 you look at photograph 13, 16 more; photograph 12,
21 12 more; 27 in photograph 11; 14 in -- 37 in 29 and
22 11 in 21.

23 And I'm sure some of them are the same. But
24 when you just look at them, it looks like this is
25 something out of Biblical times when people were

1 punished by whip, lash, or in earlier times in our
2 history of colonial times. These injuries are
3 unfathomable to me. I just can't imagine.

4 Ms. Beasley has apologized for the turmoil it's
5 caused. But up until now, she's not yet, to me,
6 accepted responsibility for her actions. She's not
7 apologized to the injuries she's caused this young
8 man. I found her testimony, not only in the trial,
9 but in the Jackson v. Denno hearing, to be highly
10 incredible, unbelievable. And I too agree this is
11 certainly not a case for probation.

12 As to Indictment 2015-GS-32-1050, infliction of
13 great bodily injury, the sentence of the Court is
14 that you be committed to the state department of
15 corrections for ten years. As to the unlawful
16 conduct, that too is a ten-year sentence. They will
17 run concurrent, you'll be given credit for time
18 served. Good luck to, you ma'am.

19 MS. MAYES: Thank you, Your Honor.

20 -- END OF TRANSCRIPT OF RECORD --

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State of South Carolina

Court of General Sessions

County of Lexington

State

.V.

Candice R. Beasley

Defendant.)

Transcript of Record

2015-GS-32-1050

2015-GS-32-1393

November 3, 2015

Lexington, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

Suzanne Mayes, Assist. Solicitor
Attorney for the State

Stephen L. Hudson, Esquire
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

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1 P R O C E E D I N G S

2 * * *

3 THE COURT: This is the case of State of South
4 Carolina vs. Candice Renee Beasley. Ms. Beasley is
5 present today represented by her attorney Stephen L.
6 Hudson of the Richland County Bar. Ms. Beasley was
7 tried in this courtroom and found guilty. She was
8 sentenced by me on August 12th, 2015. She was found
9 guilty of the offense of unlawful conduct towards a
10 child. Is that correct, Ms. Mayes?

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

12 THE COURT: And was sentenced to a period of
13 ten years in the South Carolina Department of
14 Corrections. She was also found guilty of
15 infliction of great bodily harm to a minor as
16 outlined in Indictment 2015-GS-32-1050, and likewise
17 found guilty. And I gave her a ten-year sentence on
18 that. Both of those sentences were run -- actually,
19 15-32-1393 was to run concurrent in 1050 which
20 resulted in a ten-year sentence.

21 At the conclusion of the trial, I gave counsel
22 instead of making any posttrial motions, I gave him
23 an option to -- or ten days to file any written
24 motions so he could, obviously, have time to reflect
25 on what all had happened and to not have to shoot

1 from the hip, so to speak. And, timely, he filed a
2 notice of motion and motion for new trial and other
3 posttrial motions. And they were set, I think, a
4 couple weeks ago when we had the heavy rains and the
5 dam broke and all the court was canceled that week,
6 if I recall correctly. Is that right?

7 MR. HUDSON: That is correct, Your Honor.

8 THE COURT: So we set it for the next time I
9 was going to be here. I think I even gave them an
10 an opportunity to come wherever I was, but this
11 probably suited everybody better. So we're here,
12 running a few minutes behind. But, Mr. Hudson, good
13 morning.

14 MR. HUDSON: Good morning.

15 THE COURT: Ms. Beasley, good morning.

16 THE DEFENDANT: Good morning.

17 THE COURT: And, Mr. Hudson, I'll be glad to
18 hear from you. Anything else though? Is that
19 pretty much a correct recitation of how we got to
20 where we are?

21 MR. HUDSON: Correct, Your Honor.

22 THE COURT: Ms. Mayes?

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

24 THE COURT: Mr. Hudson.

25 MR. HUDSON: As the Court has accurately said,

1 there are written motions in the Court's files, the
2 first of which, I think, is a request for new trial.

3 The basis is that the evidence presented at the
4 time of the trial in this action where it concerns
5 the infliction of great bodily injury to a child, in
6 this action, the State, we feel, failed to meet the
7 standard of showing to a jury that the child had
8 suffered either serious or permanent disfigurement.

9 It's our contention that without sufficient
10 medical evidence to support whether the body would
11 heal, whether the body would have time to recover,
12 or overtime these conditions would be considered
13 serious or disfigurement, the jury was without
14 sufficient information to reach the conclusions as
15 required by the statute. So we feel that the State
16 failed to present to the jury sufficient evidence --

17 THE COURT: Doesn't that statute -- I don't
18 have it right in here in front of me. But did it
19 not define that as serious scarring, serious
20 disfigurement? Is that correct?

21 MS. MAYES: Serious or permanent disfigurement.

22 MR. HUDSON: It didn't use the word scarring,
23 Judge. But I concur with her, it --

24 THE COURT: Serious or permanent?

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

1 MR. HUDSON: Serious or permanent. And it used
2 the word disfigurement, not scarring.

3 THE COURT: Okay.

4 MR. HUDSON: And just as the Court may assume
5 that disfigurement meant scarring, it may not
6 necessarily mean scarring when you look at it in
7 the, I guess, medical -- within a reasonable degree
8 of medical certainty.

9 THE COURT: Well, doesn't disfigurement mean
10 any kind of -- you're certainly not disfigured, you
11 look -- from what I can see of you --

12 MR. HUDSON: Yes, sir.

13 THE COURT: If you're like the last defendant
14 in here, he's lost both legs from diabetes, he's
15 disfigured from not having two legs. If I'm
16 crippled in some manner, obviously I'm disfigured or
17 I would assume disfigurement includes scarring to
18 the effect that the young man had. That would be my
19 reasoning or my holding on that, that disfigurement
20 pretty much speaks for itself. But you argue it
21 however you would like to argue it.

22 MR. HUDSON: But along those lines, Your Honor,
23 if I may just pick up, the statute says serious or
24 permanent disfigurement. The example the Court just
25 gave is certainly serious and permanent

1 disfigurement. The question is whether or not the
2 scars, sustained by the child in this case, whether
3 those scarrings would rise to the level of being
4 serious and/or permanent.

5 THE COURT: Does it have to be and/or or just
6 serious or?

7 MR. HUDSON: It says serious or. It uses the
8 words serious or permanent.

9 THE COURT: So your argument is simple; that it
10 requires medical testimony to a reasonable degree of
11 medical certainty that it's more likely than that
12 they would be permanent and/or serious.

13 MR. HUDSON: Yes, sir, Your Honor, because in
14 this instance the child was not subject to a
15 physical exam or medical treatment -- excuse me. I
16 apologize. The child only got a physical
17 examination. He did not receive any medical
18 treatment. He received no medical treatment at all
19 during the course of his --

20 THE COURT: That's correct. We only had one
21 doctor who testified. And if I remember correctly,
22 he conducted the initial exam and that was it.

23 MR. HUDSON: He did a physical exam. He did
24 not treat the child for any condition the child
25 suffered or any complaints the child had at the

1 time. He said his sole purpose was to conduct a
2 physical examination. He even went on to say that
3 it wasn't a situation where death was imminent or
4 threatening which resulted in the Court's concerning
5 the instruction to the jury.

6 He also indicated that he was not -- his
7 facility was not a facility used for child abuse
8 cases. So he conducted a physical examination. The
9 child never treated for the injuries or scarring he
10 sustained. And I would indicate that that would be
11 an indication that that is not a serious condition
12 if there's no medical treatment at all --

13 THE COURT: Mr. Hudson, do we have any cases
14 that support your position that says that it
15 requires testimony of an expert to opine that it is
16 either serious or permanent disfigurement?

17 MR. HUDSON: No, sir, Your Honor. I don't have
18 any case law to support that specific criteria the
19 Court is asking for. But if it is a question that I
20 believe the jury would need help with ascertaining,
21 I think an expert witness or any treating physician
22 would help the jury focus in on whether or not the
23 condition is serious.

24 THE COURT: Just like we do in all cases where
25 we have an expert; it has to be a matter that's sort

1 of outside the person's ordinary daily activities.
2 That's where we use an expert. If the jury can
3 determine from the evidence the ultimate question,
4 then an expert is not used.

5 Then the question becomes is scarring, such as
6 the young boy had, is that something the jury can
7 determine is serious disfigurement or permanent
8 disfigurement or do we need an expert. So that's
9 sort of where we are with that question, right.

10 MR. HUDSON: That's correct, yes, sir.

11 THE COURT: And, you know, we run into that now
12 with the new definition of assault and battery and
13 the various degrees of assault and battery and
14 serious and all that. It's become an interesting
15 issue in a lot of cases. And I understand your
16 point, but we don't have any appellate guidance on
17 it.

18 MR. HUDSON: And if I could continue, Your
19 Honor.

20 THE COURT: I'm sorry. I didn't mean to
21 interrupt you.

22 MR. HUDSON: No, no, sir, not at all. I
23 certainly appreciate the Court's comments.

24 Just to move on to the next position, the next
25 statute that my client was found guilty of would

1 require -- it says that the alleged child who was
2 abused or allegedly abused was at an unreasonable
3 risk of harm affecting his life, physical and mental
4 health, and safety, and that the defendant did or
5 caused to have happen, unlawfully or maliciously,
6 any bodily harm to the child.

7 And it's our position that it arises to the
8 level of certain intent on behalf of the defendant.
9 And we believe, Your Honor, that the evidence
10 presented by the State did not show intent on behalf
11 of the client, on behalf of Ms. Beasley.

12 THE COURT: Well, your client denied doing it
13 at all.

14 MR. HUDSON: Yes, sir, she did.

15 THE COURT: So didn't it, therefore, become a
16 jury issue as to whether or not, number one, she did
17 it, and number two, if she did it, she did it with
18 intent as set out in the section that was
19 applicable? Is that not simply a jury question?

20 MR. HUDSON: It would be a jury question. And
21 I believe, there again, there should have been
22 something that would help the jury reach that
23 conclusion. She denied doing it. There's
24 uncorroborated evidence of the child that she did
25 it. So we'd ask that on those two grounds we be

1 granted a new trial.

2 THE COURT: All right.

3 MR. HUDSON: The second motion that I filed,
4 Your Honor, deals with -- and I'm not sure if you
5 want me to do all three of them and then --

6 THE COURT: Yes, sir, please.

7 MR. HUDSON: The second deals with Dr. Maxwell
8 Nowell who was the emergency room physician. And
9 we've touched upon his testimony. It's our
10 contention that he, while certified as an expert in
11 emergency room procedures, never testified to
12 emergency medicine.

13 What he performed that day was not emergency
14 medicine. His testimony indicated that that was the
15 case. He performed a physical examination of the
16 child. He didn't perform emergency medicine. He
17 didn't perform anything that had to do with triage
18 or anything that had to do with life or death
19 threatening conditions.

20 The child was brought in a day after it was
21 discovered that he had these scars to the Lexington
22 Medical Center to the emergency room. This doctor
23 appeared before the jury as an expert witness in
24 emergency room medicine. What he did concerning the
25 was everything but emergency medicine. So the

1 objection was that he was testifying outside of what
2 he was qualified to testify to and, hence, his
3 testimony should have been stricken or not allowed.

4 One of the other things that happened in his
5 testimony was that he was asked were the statements
6 from the patient such that you use to determine your
7 conclusions, and we'd argue that that was
8 bolstering.

9 And then the third motion that we made kind of
10 tailed us with that as well. There were two
11 witnesses offered by the State; one was the
12 Department of Social Services employee and the other
13 was Investigator Dykes. Both testified that they
14 attended the forensic examination of this child.
15 When the objection was made concerning the
16 Department of Social Services employee, the State --
17 the Court, at that time, sustained the objection in
18 that the testimony was beyond the scope of the
19 direct, so it wasn't allowed in.

20 However, when the investigator testified
21 likewise that he attended the forensic
22 investigation, was able to observe it, and then went
23 on to present his testimony based upon what he
24 observed. That objection was overruled and the
25 officer was allowed to testify.

1 THE COURT: What in particular do you find
2 offensive in what he said? Because, obviously, he
3 can't bolster the testimony of the child and vouch
4 for his credibility. He can observe what he saw.
5 But what particular testimony do you find that would
6 warrant a new trial?

7 MR. HUDSON: Your Honor, I did not get a copy
8 of the transcript. My recollection is that he
9 testified as to things he heard the child say during
10 the examination. If that's the case, then his
11 taking that information and using it to support his
12 decision to file these charges, bring this action,
13 would, in fact, bolster the child's testimony, Your
14 Honor.

15 THE COURT: So mainly your argument is that it
16 was a bolstering credibility of the child --

17 MR. HUDSON: Yes, sir.

18 THE COURT: -- or believability of the child,
19 which is, of course, not allowed?

20 MR. HUDSON: Yes, sir.

21 THE COURT: All right. Anything else?

22 MR. HUDSON: That's it, Your Honor.

23 THE COURT: Ms. Mayes?

24 MS. MAYES: Yes, sir, Your Honor. As to the
25 first point raised by Mr. Hudson concerning the

1 serious or permanent disfigurement element of that
2 statute 16-3-95, infliction of great bodily injury
3 upon a child, Your Honor, the testimony of the
4 treating physician, the emergency room doctor, was
5 that these injuries involved some type of injury to
6 a deep layer or the second layer of skin tissue in
7 order to result in the presence of these scars.

8 And there were multiple scars. I believe at
9 the time of sentencing, it was calculated exactly
10 how many marks were on the child, and it was over 20
11 marks, many of those still present at the time of
12 the trial which was almost one year later.

13 The visible scars remained in the form of loop
14 marks and they were located on the child's abdomen,
15 back, and legs. At one point those scars were made
16 apparent to the jury during the State's presentation
17 of its case, and the jury was able to visually
18 assess those scars and make that determination on
19 their own.

20 And when we talk about the definition of
21 serious or permanent disfigurement, as the statute
22 says, it is or, so the jury doesn't have to find
23 that they're necessarily permanent, merely that they
24 amount to serious disfigurement.

25 In looking at how to develop the charge to the

1 jury, I believe we had submitted the common
2 Webster's definition of disfigurement. It included
3 the term scarring. That is a recognized form of
4 disfigurement being scarring.

5 And in addition to that, the term serious is
6 not a medical term. Serious disfigurement is a
7 common term, and it's for a jury's determination or
8 discretion as to what amounts to serious
9 disfigurement. Again, that is not a recognized
10 medical term. It would be within the jury's
11 discretion.

12 THE COURT: And it's clear the statute is not an
13 and/or. I mean, it's or; it's not both of them,
14 it's one or the other.

15 MS. MAYES: Correct, Your Honor.

16 THE COURT: It could be both, but either one or
17 the other is all that's necessary for conviction.

18 MS. MAYES: Yes, sir, Your Honor. As to the
19 second point raised by Mr. Hudson regarding the
20 testimony of the emergency room physician, Your
21 Honor, he was offered as an expert. Part of what he
22 testified that he does when he's triaging a patient
23 is he has to gather medical history and that medical
24 history is necessary for his determination as to how
25 to proceed with medical diagnosis and treatment.

1 That's a recognized exception under the rules of
2 evidence.

3 Rule 8034 specifically allows for statements
4 made for the purpose of medical history to be an
5 exception to hearsay when they're used by a medical
6 professional or a physician. Here he had to
7 determine how to proceed with the child's treatment,
8 not only the physical injuries that he was able to
9 observe, but a recommendation for things such as
10 skeletal surveys with the possibility that with this
11 many injuries to this many body locations, the child
12 could have some type of internal injury that would
13 be detected by ultrasound or some type of bone
14 injury. And so it was necessary to dictate how he
15 would proceed with his treatment and diagnosis of
16 the patient.

17 Finally, Your Honor, as to the third factor, I
18 believe he raised the point concerning the testimony
19 of Detective Dykes not an objection to the testimony
20 of the DSS case worker. What Detective Dykes
21 testified to during cross-examination was an issue
22 raised by specifically raised by Mr. Hudson. The
23 State had not elicited any testimony from Detective
24 Dykes during his direct examination about any
25 statements made by the child concerning what

1 occurred.

2 Mr. Hudson specifically questioned Detective
3 Dykes about a portion of a statement the child made
4 during the forensic interview, and so Detective
5 Dykes answered that question. And then in response,
6 in redirect, I posed a question intended to elicit
7 the full statement under Rule 106 being the
8 remainder of that statement as to what the child
9 said in that regard.

10 The statement came in about where the child
11 said an assault had taken place, but there was
12 nothing testified to by Detective Dykes that would
13 lead to bolstering or enhancing the child's
14 credibility. It was merely a statement made in
15 response to cross-examination and then brought out
16 in full in redirect.

17 THE COURT: Now, do you have a copy of that
18 transcript?

19 MS. MAYES: I do not, Your Honor. But I recall
20 that the question elicited by Mr. Hudson was about
21 one of the assaults potentially occurring at the
22 school or on the school premises, and then we
23 brought out the remainder of the child's statement
24 in that regard. Detective Dykes did not offer any
25 opinion testimony regarding the child's credibility.

1 THE COURT: Anything in reply?

2 MR. HUDSON: Your Honor, just briefly. I do
3 not recall -- I'm not saying it's not accurate. I
4 just don't recall because I don't have the
5 transcript either. But even if that is an accurate
6 assessment, the question had to do with the location
7 of the incident, not to what the child in fact --
8 what he observed in his forensic examination.

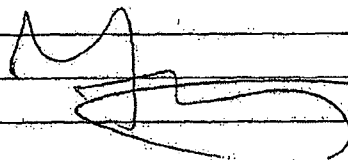
9 And the case that I cited, the Anderson case,
10 deals with that expert witness who actually conducts
11 the examination. This is one step even further
12 removed. So anything he sees or hears while he's
13 sitting in a chair in a reception area, I guess,
14 observing a conversation child and a third party,
15 that entire testimony, any reference to it, should
16 not be allowed.

17 THE COURT: All right. I'll take it under
18 advisement. Particularly my main concern is the
19 testimony of Dykes. I'm going to ask my court
20 reporter just to give me the testimony of Mr. Dykes,
21 the direct, cross, and redirect, provide copies to
22 Ms. Mayes and Mr. Hudson, and let me look at that
23 before I make a ruling on this. Thank y'all very
24 much.

25 MR. HUDSON: Thanks, Judge.

Can we please get the
definition for great bodily injury.

8/12/15



COURT'S
EXHIBIT

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ORIGINAL

12P16

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON)

2015-GS-32-1050, 2015-GS-32-1393

2014A3210201967

2014A3210201968

STATE OF SOUTH CAROLINA)

VS.)

Notice of Motion and Motion

For New Trial and Other Post

Trial Motions

CANDICE RENE BEASLEY,)

DEFENDANT.)

FILED
 2015 AUG 20 10 44 AM
 CLERK OF COURT
 LEXINGTON COUNTY, SC

FILED
 2015 AUG 20 10 44 AM
 CLERK OF COURT
 LEXINGTON COUNTY, SC

TO: DOYET A. EARLY, III, Presiding Judge, and SUZANNE MAYES,
 Deputy Solicitor, Lexington County:

Now comes the above Defendant, by and through her attorney,
 Stephen L. Hudson, who moves the Court, within ten (10) days
 from the conclusion of the trial and sentencing on August 12,
 2015, to issue an Order that grants the Defendant the following
 relief:

1. For a New Trial due to the fact that the
 evidence, when viewed in the light most favorable to the State,
 fails to create an issue for the jury;

Section 16-3-95: When charging infliction of great bodily
 injury upon a child and the statute defines "great bodily
 injury" to mean; creates a substantial risk of death
 (which the Court ruled was not present) or which causes
 serious or permanent disfigurement, or protracted loss or
 impairment of the function of any bodily member or organ;
 the State is required to present evidence to show that
 there was injury that caused serious or permanent
 disfigurement.

Here the evidence is such that serious or permanent
 disfigurement, was not shown. The allegedly abused child
 was not in an emergency situation and there was no
 evidence that concluded that the resulting scars were

either serious or resulted in permanent disfigurement. The child received no medical treatment for his injuries.

There should have been some evidence of the serious or permanent disfigurement that shows that the condition rises to the level of a disfigurement and that it is likely to be permanent or serious. There was no evidence presented as to the likelihood that the scars would be permanent or if they would fade over time nor was there any evidence that scars were considered serious by any objective standard.

Likewise with section 63-5-70 the statute requires evidence that allegedly abused child was at unreasonable risk of harm affecting his life, physical or mental health, or safety. And that the Defendant did or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered.

Here the child was not admitted into any hospital, did not received any medical treatment beyond the physical examination at the emergency room which was not intended to be medical treatment. The ER visit was to conduct a physical exam, which was done a faculty that was not a child abuse faculty.

Further unlawfully or maliciously indicates a degree of intent and there was no evidence from which the jury can determine the defendant's intent. No evidence of malicious conduct on behalf of the Defendant was presented.

2. The Defendant moves for a new trial due to the fact the testimony of Dr. Maxey Nowell should have not been allowed and/or stricken. The Defendant objected to the witness, who was presented as an expert in the field of emergency medicine, as testifying beyond the field of his expertise. The witness clearly made statements about interviewing the child and that those statements were used to assist him in reaching his

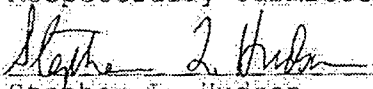
conclusions. Further the witness stated that he was not conducting an emergency examination of the allegedly abused child, but was in fact conducting a physical exam of the child. The witness proceeded to improperly bolster the credibility of the allegedly abused child.

3. The Defendant moves for a new trial due to the fact that the State presented two witnesses, whom it examined about their observations of a forensic evaluation of the allegedly abused child. The Defendant objected to both testimonies, one was sustained as improper redirect; the other, that of Investigator Dykes, that objection was denied and he testified to what he observed while observing the forensic examination. The South Carolina Supreme Court in State v. Anderson, held that allowing the same person who conducted the forensic evaluation to provide expert testimony on such assessments as impermissibly bolstering the child's credibility. Here it was not the examiner but a witness to the examination, who was allowed to testify as to the child's comments, hence the child's credibility. It was impermissible to allow the officer to testify to what he observed at the forensic evaluation and that the information he gathered at this observation was then used by law enforcement to determine whether a criminal investigation is warranted. This type of testimony, which established the "particularized guarantees of trustworthiness," necessarily conveys to the jury

that the interviewer and law enforcement believed the victim and that their beliefs led to the defendant's arrest, these charges, and this trial, thus impermissible bolstering the minor's credibility. This type of testimony corroborating the child is devastating to the Defendant.

The Defendant so moves:

Respectfully Submitted:



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Fax: (803) 765-9091

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Columbia, South Carolina

August 20, 2015.

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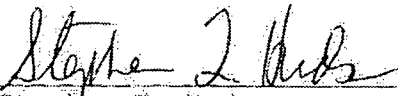
STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF LEXINGTON	)	2015-GS-32-1050, 2015-GS-32-1393
STATE OF SOUTH CAROLINA	)	
VS.	)	
CANDICE RENE BEASLEY,	)	
DEPENDANT.	)	

2015 AUG 20 PM 4:45
CLERK OF COURT
LEXINGTON SC

CERTIFICATE OF SERVICE

I, Stephen L. Hudson, the attorney of record for the Defendant in the above named action certify that I did on the date indicated below, via hand delivery to the Lexington County Solicitor's Office and Suzanne Mayes the address as shown a copy of the Defendant's Notice of Motion and Motion for Post Trial Relief and or a New Trial.

Mrs. Suzanne Mayes, Deputy Solicitor
205 E. Main Street
Lexington, South Carolina 29072


Stephen L. Hudson
Attorney At Law

Columbia, South Carolina

August 20, 2015.

2015 AUG -6 P 1:29

ROLINA (1983)

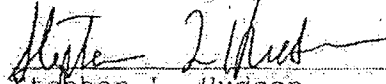
CLERK OF COURT
LEXINGTON, MA
Evaluation of Child Witness/Victim

LEY,)
NT,)
)
)
)

Now comes the above Defendant, by and through her attorney, Stephen L. Hudson, who moves the Court to issue an Order that the witness, Minor, submit to a psychological evaluation due to the fact that the witness is a child of five (5) years of age is may not competent to testify.

The Defendant is informed and believes that it is within the Court's discretion to order the psychological evaluation by the South Carolina Department of Mental Health.

Respectfully Submitted:



Stephen L. Hudson

2008 Marion Street, Suite G
Columbia, South Carolina 29201

Phone: (803) 765-9177

Fax: (803) 765-9091

email: hudsonstephen@bellsouth.net

Columbia, South Carolina

August 6, 2015.

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

STATE OF SOUTH CAROLINA) #2015-GS-32-1050; 2015-GS-32-1393

VS.

ORDER

**CANDICE BEASLEY,
DEFENDANT.**

On November 3, 2015, this court heard a Motion for New Trial in this case. The defendant, Candice Beasley, was represented at the hearing by counsel of record, Mr. Stephen Hudson, Esquire, and the State was represented by Eleventh Circuit Assistant Solicitor Suzanne Mayes.

The defendant, Candice Beasley, was convicted of Infliction of Great Bodily Injury upon a Child and Unlawful Conduct towards a Child on August 12, 2015 pursuant to the above-referenced indictments in Lexington County General Sessions Court.

Oral arguments were heard by counsel and the Court reviewed a transcript of certain trial proceedings. Wherefore, having considered and reviewed arguments by counsel, this Court does not find sufficient cause to grant a new trial in this matter.

Therefore, the motion by Defendant for a new trial is denied.

It is so ORDERED.

The Honorable Doyet A. Early, III
Judge of the Circuit Court
State of South Carolina

This 24 day of August, 2016

U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

2016 SEP 20 PM 3:56

WITNESSES

Lexington County Sheriffs Department

S Dykes

Law Enforcement Case #: 14018904

LSM

ARREST WARRANT NUMBER

2014A3210201967

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

4/13/15

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015GS3201050

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

APRIL TERM 2015

THE STATE

vs.

Candice R Beasley

CDR #: 2766

Indictment for

Infliction of Great Bodily Injury
upon a Child

§ 16-03-0095(A)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Great Bodily injury upon a child

§ 16-03-0095(A)

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

That **Candice R. Beasley** did in Lexington County, South Carolina on or about April 4th, 2014 through October 14th, 2014, willfully and unlawfully inflict great bodily injury upon a child, resulting in bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, to wit: bodily injury causing serious or permanent disfigurement or scarring to the skin system upon Minor DOB
 the aforesaid victim being a minor child, in violation of § 16-3-95(A), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes
 ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

S. Dykes

Law Enforcement Case #: 14018904

LSM

ARREST WARRANT NUMBER

2014A3210201968

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: 6/1/15

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015GS3201393

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Candice R Beasley

CDR #: 2481

Indictment for

UNlawful conduct towards a child

§ 63-05-0070

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
UNlawful conduct towards a child

§ 63-05-0070

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

That Candice R. Beasley, a person who had charge or custody of a child, or being the parent or guardian of a child, or being responsible for the welfare, care and support of a child, did in Lexington County, South Carolina, on or about April 4th, 2014 through October 14th, 2014, unlawfully, place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety, to wit: did cause physical injury to a minor child, Minor , DOB: , and/or did fail to protect the minor child from known harm or physical abuse, in violation of Section 63-5-70 South Carolina Code of Laws, 1976, as amended.

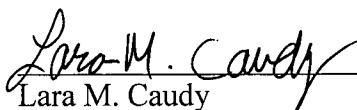
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 20th day of December, 2017.

RECEIVED
DEC 20 2017
SC Court of Appeals