

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

VOLUME II OF II

RECEIVED

SEP 28 2017

SC Court of Appeals

Appeal from Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CURTIS TYRONE WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2016-001994

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

V. HENRY GUNTER, JR.
Assistant Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

ATTORNEY FOR APPELLANT

101 Meeting Street, Suite 400
Charleston, SC 29401
(843) 958, 1900

PAGES 501 – 670

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED SEPTEMBER 12 – 16, 2016.....	1
<u>JACKSON V. DENNO HEARING</u>	9
SIDNEY LEWIS	
Direct Examination by Ms. Herring-Lash	16
Cross Examination by Ms. Ford	22
Redirect Examination by Ms. Herring-Lash.....	25
MOTION TO SUPPRESS DEFENDANT’S STATEMENT.....	25
OPENING STATEMENT BY MS. HERRING-LASH	72
OPENING STATEMENT BY MS. FORD	82
TESTIMONY	
RACHEL MILLER	
Direct Examination by Ms. Herring-Lash	88
JEAN SMITH	
Direct Examination by Ms. Herring-Lash	93
Cross Examination by Ms. Ford	100
LUCAS CUMMINS	
Direct Examination by Ms. Herring-Lash	101
Cross Examination by Ms. Ford	114
KAREN MACDONALD	
Direct Examination by Ms. Herring-Lash	117
Cross Examination by Ms. Ford	123
SAMANTHA FLICK	
Direct Examination by Ms. Elliott.....	128
Cross Examination by Ms. Ford	135
Redirect Examination by Ms. Elliott	141
SHAQUILLE PRIOLEAU	
Direct Examination by Ms. Herring-Lash	142
Cross Examination by Ms. Ford	158
Redirect Examination by Ms. Herring-Lash.....	166

D.S.	
Direct Examination by Ms. Herring-Lash	170
Cross Examination by Ms. Ford	179
Redirect Examination by Ms. Herring-Lash	187
TIFFANY ADAMS	
Direct Examination by Ms. Herring-Lash	190
Cross Examination by Ms. Ford	205
JOAN SANGSTER	
Direct Examination by Ms. Herring-Lash	207
Proffer Examination by Ms. Herring-Lash (in camera)	210
Proffer Examination by Ms. Ford (in camera)	212
Proffer Examination by Ms. Herring-Lash (in camera)	216
Cross Examination by Ms. Ford	226
EMILE LACROIX (in camera)	
Proffer Examination by Ms. Herring-Lash	227
Proffer Examination by Ms. Ford	230
JOSEPH HARRIS (in camera)	
Proffer Examination by Ms. Herring-Lash	241
Proffer Examination by Ms. Ford	244
Proffer Examination by Ms. Herring-Lash	247
OBJECTION TO TESTIMONY OF JOSEPH HARRIS	249
TESTIMONY	
SIDNEY LEWIS	
Direct Examination by Ms. Herring-Lash	253
COURT'S RULING ON TESTIMONY OF JOSEPH HARRIS	278
COURT'S RULING ON MOTION TO SUPPRESS DEFENDANT'S STATEMENT	281
TESTIMONY	
JOSEPH HARRIS	
Direct Examination by Ms. Herring-Lash	295
Cross Examination by Ms. Ford	300
Redirect Examination by Ms. Herring-Lash	304

HESTER HANES	
Direct Examination by Ms. Elliott	306
Cross Examination by Ms. Ford	314
Redirect Examination by Ms. Elliott	315
TIFFANY FRIERSON	
Direct Examination by Ms. Herring-Lash	316
Cross Examination by Ms. Ford	326
RICKY FERNANDO WILLIAMS	
Direct Examination by Ms. Herring-Lash	327
SIDNEY LEWIS	
Direct Examination by Ms. Herring Lash (continued)	333
Cross-Examination by Ms. Ford	346
Redirect Examination by Ms. Herring-Lash	352
REBECCA BAILEY	
Direct Examination by Ms. Herring-Lash	353
Cross Examination by Ms. Ford	357
KRYSTAL WILLIAMS	
Direct Examination by Ms. Herring-Lash	358
Cross Examination by Ms. Ford	395
Redirect Examination by Ms. Herring-Lash	407
SUSAN ERIN PRESNELL, M.D.	
Direct Examination by Ms. Herring-Lash	412
Cross Examination by Ms. Ford	434
Redirect Examination by Ms. Herring-Lash	440
CAREY BUSCH, M.D.	
Direct Examination by Ms. Herring-Lash	442
Cross Examination by Ms. Ford	473
Redirect Examination by Ms. Herring-Lash	479
MOTION FOR A DIRECTED VERDICT	
	481
COURT'S RULING ON MOTION FOR A DIRECTED VERDICT	
	483
TESTIMONY	
CURTIS WILLIAMS (in camera)	
Examination by the Court	486

A.J.	
Direct Examination by Ms. Ford	497
Cross Examination by Ms. Herring-Lash	500
YOLANDA TYLER	
Direct Examination by Ms. Ford	507
Cross Examination by Ms. Herring-Lash	512
JOSEPH MATTHEWS	
Direct Examination by Ms. Ford	516
Cross Examination by Ms. Herring-Lash	520
CURTIS WILLIAMS	
Direct Examination by Ms. Ford	524
Cross Examination by Ms. Herring-Lash	549
Redirect Examination by Ms. Ford	573
CHARGE CONFERENCE	575
CLOSING ARGUMENT BY MS. HERRING-LASH	587
CLOSING ARGUMENT BY MS. FORD	589
CLOSING ARGUMENT BY MS. HERRING-LASH	615
CHARGE ON THE LAW	632
VERDICT	648
MOTION FOR A NEW TRIAL	650
COURT'S RULING ON MOTION FOR A NEW TRIAL	651
SENTENCING	665
INDICTMENT	667
SENTENCE SHEET	669
CERTIFICATE OF COUNSEL	670

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

State's Exhibit No. 72 (video); State's Exhibit No. 74 (video)

A.J.

- CROSS EXAM BY MS. HERRING-LASH

1 birthday?

2 A. No.

3 Q. Do you remember if he was living with
4 you before that?

5 A. No, ma'am.

6 Q. You don't remember?

7 A. No, ma'am.

8 Q. How long did you say they lived with
9 you?

10 A. About three months.

11 Q. Three?

12 A. Yes, ma'am.

13 Q. And you don't remember exactly how old
14 **Child** was?

15 A. No, ma'am.

16 Q. And when -- who all lived in the house
17 with you?

18 A. Me, my mom, my two sisters, C. J. and
19 Krystal and **Child**.

20 Q. How old are your sisters?

21 A. My second oldest sister, she is 14 and
22 my baby sister, she is three.

23 Q. Three?

24 A. Yes, ma'am.

25 Q. And when they lived with you, did

A.J.

- CROSS EXAM BY MS. HERRING-LASH

1 Krystal work?

2 A. Yes.

3 Q. And --

4 A. I think she did, yes, ma'am.

5 Q. Do you know if she worked two jobs?

6 If you don't know an answer you can say

7 I don't know. You don't have to answer.

8 A. Yes, ma'am.

9 Q. If during the -- when Krystal would be
10 at work, who would be babysitting for Child ?

11 A. C. J.

12 Q. And would you go to school?

13 A. Yes.

14 Q. And I guess, who would babysit for your
15 three -- your sister is three now? I guess she
16 would have been one or two then. Who would babysit
17 her?

18 A. My mom.

19 Q. So would your mom be home all day?

20 A. Yes, ma'am.

21 Q. So your mom and C. J. would both be
22 home all day?

23 A. Yes.

24 MS. HERRING-LASH: Court's indulgence?

25 THE COURT: Yes, ma'am.

1 MS. HERRING-LASH: A.J. , those are
2 all the questions I have. Thank you.

3 THE WITNESS: Yes, ma'am.

4 THE COURT: Any redirect?

5 MS. FORD: No, Your Honor.

6 THE COURT: Any objection to the
7 witness being excused?

8 MS. HERRING-LASH: No, Your Honor.

9 THE COURT: From the defense?

10 MS. FORD: No, Your Honor.

11 THE COURT: Sir, you're excused.

12 THE WITNESS: Mr. Foreman, ladies and
13 gentlemen, there are some additional matters of law
14 that the State and I need to work through for the
15 remainder of the afternoon, so I'm going to excuse
16 you for the remainder of the day. We will resume
17 in the morning at 9:30.

18 During this break, please do not
19 discuss this case among yourselves or with anyone
20 else. Please do not read, watch, or listen to any
21 media accounts about this case and also again
22 please don't make any comments about your jury
23 service on any social networking sites. Do not do
24 any independent research of any type on the
25 Internet.

1 When you return to the courthouse,
2 please don't speak to anyone that you do not
3 recognize to be a fellow juror. We will resume at
4 9:30 and as soon as you all have arrived, we will
5 then resume testimony. And I think it's supposed
6 to rain for the rest of the week so I guess we will
7 all just have to trudge through it together.

8 You all have a safe trip home and we'll
9 see you in the morning at 9:30. Please put your
10 notepads on the edge of the banister so we can
11 secure them during the recess.

12 (Jury out, 4:21 p.m.)

13 THE COURT: Now, I assume then that
14 your next witness -- is not necessary in this order
15 -- will be Yolanda Tyler and Joseph Matthews; is
16 that correct? Those are the other two people that
17 I have on this list.

18 MS. FORD: Likely, Your Honor. We had
19 -- that's one of the things we were discussing; I
20 didn't know if I was going to put Mr. Williams up
21 first or --

22 THE COURT: Well, I'm assuming if you
23 did. Well, I sort of left that out of the
24 equation. I'm just -- I would assume that these
25 would be in addition to your client. I'm not

1 excluding him because I haven't finished
2 questioning him. I'm just making sure for
3 scheduling purposes those are the only two people
4 that you have left on your list other than your
5 client.

6 MS. FORD: Yes.

7 THE COURT: And does the -- State
8 that's premature. I will ask that tomorrow.

9 We have arranged to have the jury's
10 lunch ordered tomorrow because I anticipate we will
11 finish and proceed with closing argument and
12 instructions, so we'll just sort of play it all by
13 ear and see how it plays out in terms of when we
14 stop for lunch.

15 I'm anticipating stopping about 12:30.
16 I think that's probably where we'll be right at the
17 point of starting -- I anticipate we'll finish
18 everything, including charge conference and
19 otherwise, and be able to break at that point for
20 lunch, and then to resume with argument and
21 instruction.

22 So I will see you all at 9:30 in the
23 morning and give you the opportunity to discuss
24 with your client whether he would like to testify
25 or not, and then I will resume that in the morning

1 with him.

2 Thank you very much. I'll see you all
3 in the morning.

4 MS. HERRING-LASH: Thank you, Your
5 Honor.

6 THE COURT: You're welcome.

7 (These proceedings were recessed at
8 4:28 p.m., to be continued, 9/15/2016 at 9:30 a.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

YOLANDA TYLER - DIRECT EXAM BY MS. FORD

1 (The following proceedings were had
2 September 15, 2016, at 9:45 a.m., in re: State v.
3 Williams, Charleston County Circuit Court,
4 Charleston, South Carolina.)

5 (Jury in, 9:45 a.m.)

6 THE BAILIFF: Jurors are present.

7 THE COURT: Morning. I hope everybody
8 had a pleasant evening. We're now going to resume
9 testimony. The defense may call its next witness.

10 MS. FORD: Yes, Your Honor. May it
11 please the Court?

12 THE COURT: Uh-huh.

13 MS. FORD: The defense calls Yolanda
14 Tyler.

15 YOLANDA TYLER,
16 being first duly sworn, testified as follows:

17 THE CLERK: You need to speak into this
18 microphone, you need get close to it, and state
19 your full name and spell your first and last name.

20 THE WITNESS: Okay. Yolanda Tyler,
21 Y-O-L-A-N-D-A, T-Y-L-E-R.

22 THE COURT: You may proceed.

23 DIRECT EXAMINATION

24 BY MS. FORD:

25 Q. Ms. Tyler, do you know Curtis Williams?

YOLANDA TYLER - DIRECT EXAM BY MS. FORD

1 A. Yes.

2 Q. And what do you call Curtis?

3 A. C. J.

4 Q. How do you know him?

5 A. We grew up together.

6 Q. Are you related to him in any way?

7 A. You might as well say. I've known

8 C. J. since I was two years old.

9 Q. But you're not actually family?

10 A. No.

11 Q. And just so we're clear, were you ever
12 in a romantic relationship with C. J.?

13 A. No.

14 Q. Do you know Krystal Williams?

15 A. Yes.

16 Q. Have you still been in contact with
17 her?

18 A. Well, she contacted me, like, maybe --
19 not this trial, but a year or two for -- maybe a
20 week before the first trial got canceled, she
21 contacted me.

22 Q. Did you know Child ?

23 A. Uh-huh.

24 Q. And how did you know Krystal and
25 Child ?

YOLANDA TYLER - DIRECT EXAM BY MS. FORD

1 A. Through C. J.

2 Q. And did they ever live with you?

3 A. Yes.

4 Q. Do you recall for how long they lived
5 with you?

6 A. Probably just maybe a month and a half
7 or two months Krystal and Child have stayed with
8 me.

9 Q. Do you have any children? Do you have
10 any children of your own?

11 A. Yes, I have three kids.

12 Q. And what is the makeup of those kids?

13 A. I have two boys and one girl.

14 Q. And how would you describe Child ?

15 A. He just like a regular kid. He was
16 mainly mostly to himself, didn't interact with the
17 kids like -- he wasn't like my kids. My kids act
18 up and jump off the walls and stuff, but he was
19 just a regular kid to his self.

20 Q. Would you ever see Child and C. J.
21 interacting with one another?

22 A. Uh-huh.

23 Q. How would C. J. interact with Child ?

24 A. The same way he interacted with my
25 kids.

YOLANDA TYLER - DIRECT EXAM BY MS. FORD

1 Q. And so how would you describe that?

2 A. Playful, like he watched my kids, same
3 with **Child** , feed him. Just like he was like a big
4 uncle.

5 Q. Did he treat **Child** differently, as far
6 as you saw?

7 A. Not from my knowledge that I saw.

8 Q. And what kind of things would C. J. and
9 **Child** do with one another?

10 A. Play, he would feed **Child** , he would
11 wash **Child** 's clothes. The things that he would do
12 when you watch a child; he would play with **Child** ,
13 feed **Child** , just the normal stuff that a person
14 would do when watching a child.

15 Q. Did their relationship seem odd at all
16 to you?

17 A. Not to me.

18 Q. And did you ever see C. J. strike
19 **Child** ?

20 A. No, ma'am.

21 Q. And would you see C. J. yell at **Child** ?

22 A. No, ma'am.

23 Q. And you told us how C. J. was the same
24 with your kids?

25 A. Uh-huh.

YOLANDA TYLER - DIRECT EXAM BY MS. FORD

1 Q. Did you see C. J. with any other kids?

2 A. Yes, ma'am.

3 Q. Who?

4 A. He would be with either my sister's
5 kids or -- I have my three, and I have homegirls
6 who will come over. So C. J. interacted with
7 everyone's kids. I have a lot of homegirls.

8 Q. And did you ever see -- do you know
9 J. ?

10 A. Uh-huh.

11 Q. Who is J. ?

12 A. His daughter.

13 Q. And would you see C. J. with J. ?

14 A. Yes, ma'am.

15 Q. And to you, did he seem to treat Child
16 and J. differently from one another?

17 A. Not from my knowledge. That's his
18 daughter and he treat -- my thing is he treated my
19 kids the same way and I didn't see a difference.

20 Q. Did you ever see anything with Child
21 from C. J. that you considered abusive?

22 A. No.

23 MS. FORD: Beg the Court's indulgence?

24 THE COURT: Yes, ma'am.

25 MS. FORD: I have no further questions

YOLANDA TYLER - CROSS EXAM BY MS. HERRING-LASH

1 from their witness.

2 THE COURT: Any questions for the
3 witness?

4 MS. HERRING-LASH: Yes, Your Honor.

5 THE COURT: You may proceed.

6 CROSS-EXAMINATION

7 BY MS. HERRING-LASH:

8 Q. It's Ms. Tyler?

9 A. Uh-huh.

10 Q. Do they also call you Lu-Lu?

11 A. Uh-huh.

12 Q. And when was it that Krystal and Child
13 and C. J. lived with you?

14 A. I don't know an exact date, but C. J.
15 was staying with me before Krystal.

16 Q. So Krystal and Child moved into your
17 home?

18 A. Yes, ma'am.

19 Q. How old was Child then?

20 A. I think he was three. Still three if
21 I'm not mistaken. I'm not sure of the exact date,
22 but I'm pretty sure he was three.

23 Q. To help you a little bit, he didn't
24 turn three until March 10th of 2014.

25 A. Uh-huh.

YOLANDA TYLER - CROSS EXAM BY MS. HERRING-LASH

1 Q. And he was living on when
2 he turned three.

3 A. Uh-huh. Well, my understanding he was
4 three. They lived with me for a month-and-a-half,
5 maybe two months, and then when they moved out a
6 couple of months, that's when **Child** passed away,
7 if I'm not mistaken. I'm pretty sure he was three.

8 Q. But -- okay. After they moved out from
9 you, who did they live with?

10 A. I'm not sure. I guess they had their
11 own place on Rivers Avenue.

12 Q. How old are your boys?

13 A. During the time? If I'm not mistaken,
14 my baby was three years old and my oldest would
15 have been six -- or five.

16 Q. You have two boys?

17 A. Yes, ma'am.

18 Q. How old are they now?

19 A. My oldest is eight years old and my
20 baby is five.

21 Q. So they're eight and five now. And how
22 old is your little girl?

23 A. My daughter is six.

24 Q. And when they lived there, was it only
25 you, your kids, and Krystal and **Child** and C. J.?

YOLANDA TYLER - CROSS EXAM BY MS. HERRING-LASH

1 A. No. It was also my sister, who is
2 sitting over there, and then my male friend.

3 Q. And did you work?

4 A. Yes, ma'am.

5 Q. And did your sister work?

6 A. No, ma'am; she was there.

7 Q. So your sister took care of the
8 children and C. J --

9 A. Huh-uh. C. J. took care of them. My
10 sister was just there, just in case C. J. had to go
11 somewhere or whenever, she would be there.

12 Q. So he took care of all four kids --

13 A. Three -- well, basically three. He
14 never watched my daughter.

15 Q. Now, when is the last time that you saw
16 **Child** and C. J. together?

17 A. Maybe a month before he passed. I saw
18 him, Shaquille, and **Child** together.

19 Q. Did they come to your house?

20 A. Yes, they were at my house.

21 Q. All three of them?

22 A. Uh-huh.

23 Q. And you said that C. J. and **Child**
24 played a lot?

25 A. Uh-huh.

YOLANDA TYLER - CROSS EXAM BY MS. HERRING-LASH

1 Q. What did they play?

2 A. C. J. was like a big kid, playing
3 basketball, running around with **Child**, football.
4 He had like a police car he would push him around
5 in.

6 Q. Is that when -- and when they came over
7 with Shaquille, what did they play?

8 A. Shaquille would just be there. I mean,
9 he would come with C. J.

10 Q. Did you visit them at the ?

11 A. No, ma'am.

12 Q. And your -- I guess you've known C. J.
13 since you were three?

14 A. Two or three, yes, ma'am.

15 MS. HERRING-LASH: Beg the Court's
16 indulgence?

17 BY MS. HERRING-LASH:

18 Q. And you think that **Child** was three
19 when he lived with you?

20 A. If I'm not mistaken. I'm not sure.

21 Q. So he could have been two?

22 A. I mean, I just know they lived with me
23 and you can go find out the exact date, I'm unsure.
24 I know they lived with me for a period of time.

25 MS. HERRING-LASH: That's all the

YOLANDA TYLER - CROSS EXAM BY MS. HERRING-LASH

1 questions I have.

2 THE COURT: Any redirect?

3 MS. FORD: No further questions, Your
4 Honor.

5 THE COURT: Any objection to the
6 witness being excused? From the State?

7 MS. HERRING-LASH: No, Your Honor.

8 THE COURT: From the defense?

9 MS. FORD: No, Your Honor.

10 THE COURT: Ma'am, you are excused.
11 You can call your next witness.

12 MS. FORD: The defense calls Joseph
13 Matthews.

14 THE CLERK: This way, sir. Up here
15 please.

16 JOSEPH MATTHEWS,

17 being first duly sworn, testified as follows:

18 THE CLERK: Please be seated.

19 Mr. Matthews, I need you to speak into the
20 microphone, and you need to get kind of close, and
21 state your full name and spell the last.

22 THE WITNESS: Joseph Jerome Matthews,
23 M-A-T-T-H-E-W-S.

24 THE COURT: You may proceed.

25 DIRECT EXAMINATION

JOSEPH MATTHEWS - DIRECT EXAM BY MS. FORD

1 BY MS. FORD:

2 Q. Mr. Matthews, do you know Curtis
3 Williams?

4 A. Yes, I do.

5 Q. What do you call him?

6 A. Well, I call him C. J.

7 Q. And how do you know him?

8 A. I coached him from when he was about 10
9 or 12 years old.

10 Q. Coached what?

11 A. Football.

12 Q. And so what kind of football?

13 A. I coached recreational football on
14 James Island, been doing it for about 36 years.

15 Q. So working with kids?

16 A. Yes.

17 Q. And after you coached C. J., did you
18 have any kind of interaction with him?

19 A. Yes, I did.

20 Q. Can you explain that to us?

21 A. C. J. came back and helped me out with
22 my kids for about three to four years coaching.

23 Q. And so what -- so C. J. then helped you
24 coach football?

25 A. Right.

JOSEPH MATTHEWS - DIRECT EXAM BY MS. FORD

1 Q. And what age group were you all working
2 with?

3 A. Well, I do from four up to 14.

4 Q. And so C. J., what age group was he
5 working with?

6 A. So C. J. was working with -- he
7 basically -- with all of them, helped me with all
8 of them.

9 Q. And the football teams, were there only
10 boys or was there a mix of boys and girls?

11 A. I only dealt basically with the boys.

12 Q. How was C. J. with the boys?

13 A. I mean, just as long as I've been
14 around -- he -- I be there every day so I'm
15 basically there. You know, at Winchester Park, I'm
16 always there. And from the time I've been there,
17 C. J. has always been, you know, he's been, you
18 know, real good with the boys. I have never had
19 any problems or complaints.

20 Q. What kind of things would he do with
21 the boys?

22 A. Well, he used to go out and stuff,
23 like, if some kids didn't have helmets and shoulder
24 pads, he would go around and collect it from the
25 other guys that was going on to high school and he

JOSEPH MATTHEWS - DIRECT EXAM BY MS. FORD

1 would bring it back and give it to some of the kids
2 who didn't have it, you know.

3 Q. And so did any of the kids ever
4 complain about how he treated them?

5 A. No. I think he treated them better
6 than I did sometimes I felt.

7 Q. Okay. How would you rate C. J. in his
8 interactions with the children compared to other
9 people who may have helped you?

10 A. Well, I mean, for a young man of his
11 age when he come out to help me, you know, he
12 started helping me at his age, I think he did real
13 well.

14 I gave him an A, you know, because any
15 time a young man come back and give his time and
16 effort to help other young men to try to steer them
17 right -- because we deal with a lot of kids that
18 high potential, stuff like that, trying to keep
19 them out of the street. I thought he did pretty
20 darned well.

21 Q. And were any of the kids challenging?

22 A. We had some challenge. I deal with
23 that every day.

24 Q. And did C. J. deal with that?

25 A. Yeah. He dealt with it because they

JOSEPH MATTHEWS - CROSS EXAM BY MS. HERRING-LASH

1 were with me, you know.

2 Q. And was he mean to the kids?

3 A. Never was.

4 Q. And you told us that the kids never
5 complained about him. Did the parents?

6 A. I never had any complaints from the
7 parents, and believe me I have some complaining
8 parents. They complain every day.

9 Q. But they never complained about C. J.?

10 A. Never did.

11 MS. FORD: Beg the Court's indulgence?

12 THE COURT: Yes, ma'am.

13 MS. FORD: No further questions of
14 this witness.

15 THE COURT: Any questions for the
16 witness?

17 CROSS-EXAMINATION

18 BY MS. HERRING-LASH:

19 Q. Mr. is it Matthews?

20 A. Yes, ma'am.

21 Q. And you had been coaching I guess for
22 years you said?

23 A. 36.

24 Q. And what -- did you coach C. J. in your
25 league, not in his school?

JOSEPH MATTHEWS - CROSS EXAM BY MS. HERRING-LASH

1 A. I coached him at the park, recreational
2 league for the City of Charleston.

3 Q. And what position did he play in
4 football?

5 A. When he played for me, he played
6 defensive back and wide receiver.

7 Q. Was he a good football player?

8 A. Yeah, he was pretty good. I thought he
9 was all right. He could have been better.

10 Q. Was he pretty strong?

11 A. Yeah. You know, he was pretty -- I
12 would say -- I'd give him pretty mild.

13 Q. And did he play for you when he was
14 what age?

15 A. Thirteen, 14.

16 Q. So then he was pretty strong?

17 A. Yeah. I mean, average young man.

18 Q. And when he would be helping you, you
19 said you were always there?

20 A. I'm always there.

21 MS. HERRING-LASH: Those are all the
22 questions I have.

23 THE COURT: Any redirect?

24 MS. FORD: No, Your Honor.

25 THE COURT: Any objection to the

1 witness being excused?

2 MS. HERRING-LASH: No, Your Honor.

3 THE COURT: Sir, you're excused.

4 THE WITNESS: Thank you, ma'am.

5 THE COURT: You're welcome.

6 Mr. Foreman, I have a brief matter of
7 law to take up with the attorneys. During the
8 break do not discuss the case and please leave your
9 notepads in your seats. We appreciate your
10 patience.

11 (Jury out, 10:06 a.m.)

12 THE COURT: Sir, if you would stand
13 for me please. I will remind you that you are
14 still under oath.

15 On yesterday, I explained to you
16 certain of your rights concerning your right to
17 testify. Did you understand the rights as I
18 explained them to you?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you have any questions
21 about your rights as I explained them to you?

22 THE DEFENDANT: (Inaudible)

23 THE COURT: I can't hear you.

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: And have you had a full

1 opportunity to discuss with your lawyers whether
2 you should or should not testify?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you need to speak with
5 them anymore at this time?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: And, sir, do you wish to
8 testify?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. Do we need to take
11 any break before we do that or can we forge
12 straight ahead?

13 MS. FORD: Do you want to break?

14 THE COURT: Everybody set?

15 MS. FORD: We are.

16 THE COURT: State? Everybody good?

17 MS. HERRING-LASH: Yes, Your Honor.

18 THE COURT: Please bring in the jury.

19 For planning purposes, I've ordered
20 lunch for the jury. It will be here at noon so we
21 will operate on that schedule and see where we are
22 around that time.

23 Is the State going to open and close?

24 MS. HERRING-LASH: I will open briefly
25 on the law.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 THE COURT: I apologize.

2 (Jury in, 10:10 a.m.)

3 THE COURT: You may proceed.

4 MS. FORD: Thank you, Your Honor. May
5 it please the court.

6 THE COURT: Yes, ma'am.

7 MS. FORD: The defense calls Curtis
8 Williams to the stand.

9 THE COURT: Sir, if you would come to
10 the stand and be sworn.

11 CURTIS WILLIAMS,
12 being first duly sworn, testified as follows:

13 THE CLERK: Mr. Williams, speak into
14 the microphone, get kind of close to it, state your
15 full name and spell your last name.

16 THE WITNESS: Curtis Tyrone Matthew
17 Williams, W-I-L-L-I-A-M-S.

18 THE COURT: You may proceed.

19 DIRECT EXAMINATION

20 BY MS. FORD:

21 Q. C. J., you go by C. J?

22 A. Yes, ma'am.

23 Q. C. J., how did you feel about Child ?

24 A. I felt about Child like I felt about
25 any other kid, I loved him.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. And do you have any children of your
2 own?

3 A. Yes, ma'am.

4 Q. And who is that?

5 A. J. .

6 Q. Okay. How old is J. ?

7 A. Five.

8 Q. And is she your biological daughter?

9 A. No. I basically raised her since she
10 was a newborn.

11 Q. Are you still involved with J. ?

12 A. Yes, ma'am.

13 Q. Back when you lived with Krystal and
14 Child , how often would you see J. ?

15 A. Depending on the relationship or the
16 conversation that me and her mother would have.
17 Basically, if she had transportation to bring her
18 or if I would be able to get somebody to pick her
19 up.

20 Q. Did you have any custody rights?

21 A. No, ma'am.

22 Q. So when you -- when you were able to
23 see her, how did that make you feel?

24 A. Excited and happy.

25 Q. How old are you now C. J.?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. Twenty-seven years old.

2 Q. How old were you back in October of
3 2014?

4 A. Twenty-five.

5 Q. Where did you grow up, C. J.?

6 A. On James Island.

7 Q. Where did you go to school?

8 A. I attended Harbor View Elementary. I
9 left Harbor View in fourth grade and went to Murray
10 Lasaine. I left Murray Lasaine and then I went to
11 James Island Middle School until the sixth grade.
12 I got held back and I went to Fort Johnson. I
13 completed Fort Johnson six through eight, and I
14 went to Garrett Academy High School and I did ninth
15 grade at Garrett Academy. And I was two years
16 behind by then, so I talked to my family and
17 friends and I attended Willow Gray Military School
18 in Columbia where I got my GED.

19 Q. Back in October 2014, were you working
20 at all?

21 A. Yes; at a family car wash on Rivers
22 Avenue.

23 Q. And would you work there all the time?

24 A. Yes, ma'am. Depending on my free time
25 and if I had **Child** or any other kids to watch.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. Would you often watch children?

2 A. Yes, ma'am, almost every day.

3 Q. And I want to talk about your
4 relationship with Krystal. How did you come to
5 know Krystal?

6 A. Through a social website.

7 Q. And how long after beginning your
8 relationship with Krystal did you meet **Child** ?

9 A. The same night that I met Krystal in
10 person I met **Child** .

11 Q. And how long before you started to live
12 with one another?

13 A. I would say about a month and a half.

14 Q. How many places did you live together
15 before ?

16 A. Two places.

17 Q. And when -- with whom was that?

18 A. The first place was with Yolanda Tyler,
19 and the second place was with my first cousin,
20 Sharell Jenkins.

21 Q. And Yolanda has already told us, but
22 did Yolanda have children of her own there?

23 A. Yes, ma'am.

24 Q. How about Sharell?

25 A. Yes, ma'am.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. So what was your role with **Child** ?

2 A. Basically, babysit him and take care of
3 him while his mom was at work.

4 Q. Can you tell us what **Child** 's
5 personality was like?

6 A. **Child** was funny, he was also quiet,
7 but when I would interact with him, he was a pretty
8 good child.

9 Q. Did you and Krystal ever discuss
10 appropriate punishment for **Child** if punishment
11 were needed?

12 A. Yes, ma'am.

13 Q. And what was your understanding from
14 that?

15 A. Not to not put my hands on him. If I
16 had a problem, to call her or sit him down or put
17 him in time out.

18 Q. And Tiffany told us that there was one
19 time that you popped **Child** either on his hand or
20 maybe arm she said. Do you recall that?

21 A. No, I don't recall it, but, yes, ma'am,
22 I probably popped him before.

23 Q. And did you ever call **Child** a momma's
24 boy?

25 A. I never called **Child** a momma's boy,

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 but, I mean, any child would be a momma's boy if --
2 if I got in trouble, my mom would be the first
3 person that I would call.

4 Q. I want to go to the day **Child** died.
5 When you woke up, was Krystal still there?

6 A. Yes, ma'am.

7 Q. And what did you and **Child** do after
8 Krystal left?

9 A. We watched the 9:00 football game.

10 Q. And do you remember why there was a
11 football game on at 9:00?

12 A. Because it was in London, England.

13 Q. And at any point did you take a nap?

14 A. Yes, ma'am; about right before half
15 time of the football game.

16 Q. Where you were sleeping during the nap
17 time?

18 A. In the living room. I was on one couch
19 and he was on the couch across from me.

20 Q. At any point did **Child** go to the
21 bathroom?

22 A. Yes, ma'am.

23 Q. And did he come out on his own?

24 A. No, ma'am.

25 Q. So what did you do?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. I was watching the football game when I
2 sent him to the restroom, and some time had passed
3 and I noticed that he didn't come out of the
4 restroom. So I went to go check on him because I
5 didn't know if he needed to be wiped or was doing
6 number one or number two.

7 Q. And so when you got to the bathroom,
8 what did you see?

9 A. I noticed that he was standing up in
10 front of the toilet holding his private part,
11 dozing off like he wanted to go to sleep.

12 Q. Had you seen this before from Child ?

13 A. Yes, ma'am.

14 Q. And so what did you do?

15 A. I was talking to Child , I asked him if
16 he was finished. And I also told him to get out of
17 the restroom, but at the same time I basically
18 walked up to him and I striked (sic) him.

19 Q. And was that with a closed fist?

20 A. Yes, ma'am.

21 Q. C. J., why did you hit him?

22 A. I was just basically trying to get his
23 attention to let him know that he was finished
24 using the restroom.

25 Q. And where did you hit him?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. On the left-hand side of his body.

2 Q. And how much force did you intend to
3 use?

4 A. I didn't intend to use that much force.

5 Q. Were you angry?

6 A. No, ma'am.

7 Q. What was **Child** 's reaction when you hit
8 him?

9 A. He cried for about two to five seconds
10 and walked into the living room.

11 Q. What did he do when he got to the
12 living room?

13 A. He sat down on the couch and we
14 continued to watch football.

15 Q. Did he complain of his side hurting?

16 A. No, ma'am.

17 Q. Did you end up leaving the house with
18 **Child** that morning or early afternoon?

19 A. Yes.

20 Q. Where did you go?

21 A. To the park.

22 Q. And where was that park?

23 A. On Success Street.

24 Q. How far away is that from your
25 apartment?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. Like five minutes way.

2 Q. And how did you get there?

3 A. We walked.

4 Q. Is the park somewhere you would

5 normally go?

6 A. Yes, ma'am.

7 Q. Is that the only park that you would go
8 to?

9 A. No, ma'am.

10 Q. When you got to the park -- or why did
11 you go to the park?

12 A. To basically do something fun for --
13 activity for the day.

14 Q. What kind of -- what kind of things
15 would you and **Child** typically do?

16 A. Play basketball, play video games, go
17 outside and play with a toy, or sit down and watch
18 TV.

19 Q. And at the park that day, what did
20 **Child** do?

21 A. He played on the playground.

22 Q. And where were you during this time?

23 A. On a swing.

24 Q. And it's been indicated or -- to the
25 court or people have heard that you lost sight of

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 him. What did you mean by that?

2 A. I was watching a football game on my
3 phone.

4 Q. Why did you end up leaving the park?

5 A. I spent about 15 or 20 minutes at the
6 park, and while I was watching the game on my
7 phone, I looked up to see if Child was still
8 playing or was he, like, okay. And Child was
9 sitting down on a bench behind the park, behind the
10 playground.

11 Q. So what did you do upon seeing that?

12 A. I put my phone away and walked towards
13 Child and asked him if he was okay. He shook his
14 head yes. And I asked him if he was finished
15 playing and he shook his head yes and we got up and
16 walked home.

17 Q. Did he complain of anything at that
18 point?

19 A. No, ma'am.

20 Q. So on the way back home, just to be
21 clear, was Child walking at this point?

22 A. Yes, ma'am.

23 Q. When you got back to the house, what
24 did you do?

25 A. We continued to watch football.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. Did anyone come over that day?

2 A. Yes, ma'am.

3 Q. And who was that?

4 A. Shaquille and his little brother.

5 Q. And why did they come over?

6 A. So we could watch the 4:00 football
7 game.

8 Q. Did you end up leaving the apartment at
9 some point?

10 A. Yes, ma'am.

11 Q. And did Child go with you?

12 A. At first, yes, ma'am.

13 Q. And what changed that?

14 A. We got into the car and Shaquille and
15 his little brother brought it to my attention.
16 They were basically laughing because they thought
17 somebody had passed gas.

18 Q. And so what did you think about that?

19 A. At the time I really didn't think
20 nothing of it. I was trying to hurry up and get to
21 Save-A-Lot and get back to the house.

22 Q. Why did you have to go to the
23 Save-A-Lot?

24 A. To take Krystal a WIC voucher.

25 Q. What is that?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. It's a piece of paper that you use to
2 get fruits and milk and cereal for children.

3 Q. So after it appeared that **Child** had
4 used the restroom, what did you do with him?

5 A. I took him inside the house and laid
6 him down on the couch.

7 Q. And how were you carrying him?

8 A. By his sides.

9 Q. And so when you got inside you put him
10 on the couch you said?

11 A. Yes.

12 Q. And did you say anything to him?

13 A. Yes, ma'am. I told him not to move and
14 that I will be back.

15 Q. Do you remember about how long you were
16 gone?

17 A. Maybe ten minutes.

18 Q. And why did you leave **Child** by
19 himself?

20 A. I wasn't thinking at the time. I was
21 in a rush and just doing a lot of things that day.

22 Q. Did Shaquille ever suggest or question
23 why you were leaving him?

24 A. No, ma'am.

25 Q. Did **D.S.** question why you were

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 leaving him?

2 A. No.

3 Q. When you got back to the house after
4 Save-A-Lot, where was Child ?

5 A. In the same spot where I left him.

6 Q. What was he doing?

7 A. Laying down.

8 Q. What did you do with him?

9 A. I stood him up and I was going to give
10 him a bath, and on our way walking to the restroom
11 when we got into the kitchen, he basically fell on
12 the floor. I picked him up, and I was talking to
13 him and I asked him why did he fall the way he
14 fell, if he was okay.

15 During that time he basically fell
16 again, and I just picked him up and carried him
17 into the restroom and I laid him down on the
18 restroom floor.

19 Q. Did he ever respond to your questions?

20 A. With words, no, ma'am.

21 Q. Did he respond at all?

22 A. Not really.

23 Q. In the bathroom there's been some
24 testimony that you used a knife. Why did you use a
25 knife?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. Because I noticed that he had diarrhea
2 and I didn't want to pull his underwear down to
3 make more of a mess on his body. I used the knife
4 to clean him up faster and to be more efficient
5 with it.

6 Q. Why did you use the knife over
7 scissors, for example?

8 A. Because the kitchen was basically right
9 next to the restroom. I thought about using the
10 scissors, but I did not go look for one.

11 Q. Did you know where scissors were off of
12 the top of your head?

13 A. No, ma'am.

14 Q. Did you do anything with that knife
15 other than cut the underpants?

16 A. No.

17 Q. After you took off the dirty pants,
18 what did you do?

19 A. I ran a tub of water for **Child**.

20 Q. And then what?

21 A. I put him inside the tub.

22 Q. And how did the bath go?

23 A. Well, the water was running at the same
24 time **Child** was standing up. While I was washing
25 him off, I don't know if he slipped or -- he

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 basically fell again, and he slipped from the back
2 of the tub to the front of the tub. And, at this
3 point, I had to basically hold him up with one hand
4 and wash him with the other hand.

5 Q. Did you end up finishing the bath?

6 A. Yes.

7 Q. Was he saying anything during the bath?

8 A. No, ma'am.

9 Q. What did you think was going on with

10 **Child** ?

11 A. At the time, I just thought he was
12 getting sick.

13 Q. And did you ever try to contact Krystal
14 about this?

15 A. Yes, ma'am; I sent her a text message.

16 Q. Do you recall what time that was?

17 A. No.

18 Q. Do you recall what you said in the
19 text?

20 A. I don't recall exactly what I said, but
21 I know I told her that **Child** was acting weird, I
22 think he was getting sick.

23 Q. After you got out of the bathroom, how
24 did **Child** get out of the bathroom?

25 A. I carried him to the living room.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. And in the living room, where did you
2 put him?

3 A. On the couch next to me.

4 Q. And where were Shaquille and D.S. at
5 this point?

6 A. On the couch next to me.

7 Q. And so how did you position Child on
8 the couch?

9 A. I laid him on his stomach, flat.

10 Q. And did he have any reaction?

11 A. At first, no, ma'am.

12 Q. And did that change?

13 A. Yes, ma'am.

14 Q. How so?

15 A. He started turning his head to the left
16 and to the right and twisting his body and sitting
17 up like how I showed in the video.

18 Q. And what were you thinking at this
19 point that was going on with Child ?

20 A. I just thought maybe he was getting
21 sick from the week before.

22 Q. And what do you mean from the week
23 before?

24 A. The week that he had pinkeye. I
25 thought maybe something more was happening to him.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. And at any point did you get a blanket?

2 A. Yes, ma'am.

3 Q. What did you do with that?

4 A. I covered him up to see if he would
5 kind of like calm down and relax and go to sleep
6 and take another nap.

7 Q. Did you try to give him anything to eat
8 or drink?

9 A. Yes, ma'am.

10 Q. What?

11 A. Water.

12 Q. Did he drink it?

13 A. A little bit of it.

14 Q. What did you do with that water?

15 A. I took it from him after asking him if
16 he was finished drinking because I saw a little bit
17 amount of water that he drunk, and I put the cup on
18 the floor.

19 Q. Were Shaquille and D.S. saying
20 anything during this happening?

21 A. I mean, we were talking. They were
22 looking at me talk to Child , but I don't remember
23 exactly what we were talking about.

24 Q. At some point did you decide to take
25 Child to the hospital?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. Yes, ma'am.

2 Q. And why was that?

3 A. Because while we were sitting on the
4 couch, he just kept moving and moving in awkward
5 positions. And at one point in time, I just picked
6 him up and put him into my hands and kind of like
7 sat him up, and was basically talking to him and
8 asking him what was wrong and why was he acting the
9 way he was acting.

10 Q. Did he respond?

11 A. No, ma'am.

12 Q. Did something happen in particular that
13 made you think, we need to go to the hospital?

14 A. Yes, ma'am; his breathing.

15 Q. Explain that for us.

16 A. He was kind of breathing kind of hard
17 and in and out kind of really slow. I took one
18 side of my ear and kind of put it up to his mouth
19 and noticed that his breathing wasn't normal.

20 Q. Had he had issues with breathing
21 earlier in the day?

22 A. Not that I know of.

23 Q. And did Shaquille ever suggest, let's
24 take him to the hospital?

25 A. No, ma'am.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. Did D.S. ever suggest it?

2 A. No, ma'am.

3 Q. Who did you ask to take you to the
4 hospital?

5 A. Shaquille.

6 Q. And why was that?

7 A. Because he was the only one with
8 transportation and he had a driver's license.

9 Q. In the car, where was Child in the
10 car?

11 A. In my arms.

12 Q. And so where was that in the car?

13 A. In the backseat behind the passenger.

14 Q. And did you do anything to try to help
15 him in the car?

16 A. Yes, ma'am.

17 Q. What was that?

18 A. I tried to give him CPR.

19 Q. Are you trained in CPR?

20 A. No, ma'am.

21 Q. How did you know what to do?

22 A. Growing up my mom had us in camp, and
23 we would go to the rec center or we would go to the
24 playground in West Ashley. And the lifeguard just
25 basically showed us procedures to do if we had an

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 emergency or if we were trying to save someone from
2 drowning.

3 Q. So how were you attempting to perform
4 CPR on **Child** ?

5 A. Well, **Child** was basically in my hands
6 like this. (Indicating) My right hand was behind
7 his head and my left hand was basically under his
8 bottom. And my left hand was, like, around his
9 mouth area to hold his mouth kind of open, and I
10 gave him mouth-to-mouth and breathed some air into
11 his body.

12 Q. And were you able to breathe into his
13 mouth?

14 A. The first couple of times, yes, ma'am.

15 Q. And did something happen to change
16 that?

17 A. Yes, ma'am.

18 Q. Tell us about that.

19 A. Well, while I was holding him in my
20 hands, his bottom lip went into his mouth and his
21 mouth came down on his lip and it kind of, like,
22 got hard for me to bring his mouth back open to
23 give him some more air.

24 Q. When -- did the CPR seem to help him at
25 all in the car?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. No, ma'am.

2 Q. When you got to the hospital, where did
3 you park?

4 A. Well, we were kind in a rush and
5 everything was basically happening so fast. I was
6 kind of yelling at Shaquille, telling him to hurry
7 up and get to the hospital. We were coming down
8 Calhoun and we basically made a right onto Rutledge
9 Avenue, even though we knew it was a one way. We
10 were just trying to hurry up and get him to safety.
11 We got to the children's hospital, I believe it
12 was, and they were closed.

13 Q. And so what did you do then?

14 A. I thought about hopping back inside the
15 car, but I knew that was going to take awhile, so I
16 told Shaquille and his little brother that we
17 needed to hurry up and run to MUSC.

18 At this time, **Child** was basically in
19 my hands. I still had my right hand on his head
20 and my left hand basically around his legs.

21 Q. And so was **Child** like that the whole
22 time on the way running to the hospital?

23 A. Yes, ma'am.

24 Q. When you got to another area of the
25 hospital, what were you able to do?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. Well, while running I made it to the
2 horseshoe where MUSC is and I got to the revolving
3 door. And while I was in that door, I was
4 basically pushing my body against the door trying
5 to get it to move faster, and I was basically
6 yelling for help.

7 Q. And did you see medical professionals
8 when you got inside?

9 A. Yes, ma'am.

10 Q. So what did you do with **Child** at that
11 point?

12 A. I had to hand **Child** over to a lady in
13 scrubs.

14 Q. Did you see Krystal later that evening?

15 A. Yes, ma'am.

16 Q. That night did anyone indicate to you
17 why **Child** had died?

18 A. No, ma'am.

19 Q. Did anyone mention anything about his
20 spleen?

21 A. No, ma'am.

22 Q. Did you agree to talk to the police
23 that night?

24 A. Yes.

25 Q. Did you talk to the coroner that night?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. Yes.

2 Q. Did you let them in your home that
3 night?

4 A. Yes.

5 Q. There was a knot on **Child** 's head. Had
6 you seen it before?

7 A. Yes, ma'am. His mom brought it to my
8 attention.

9 Q. When was that?

10 A. Probably like Friday or Saturday.

11 Q. And do you know how he got that?

12 A. No, ma'am.

13 Q. And did you beat **Child** 's butt that
14 day?

15 A. No, ma'am.

16 Q. C. J., when you spoke to police the
17 night that **Child** died, why didn't you mention
18 striking him that night?

19 A. Because I believed that the force that
20 I used on **Child** wouldn't have harmed him.

21 Q. Did you know where the spleen is on the
22 body at that point?

23 A. No.

24 Q. Did you strike him knowing an organ
25 could be hit?

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 A. No.

2 Q. Did striking an organ ever enter your
3 mind?

4 A. No, ma'am.

5 Q. When did it occur to you that possibly
6 -- this strike possibly could have caused Child 's
7 death?

8 A. When I was talking to the detectives.

9 Q. Is that in the video we watched
10 yesterday?

11 A. Yes, ma'am.

12 Q. When Child seemed to be getting
13 weaker, what was going through -- that day, earlier
14 in the day as he seemed to be getting weaker, what
15 was going through your mind?

16 A. A lot of things. I started to panic.

17 Q. At what point was that?

18 A. While we were still inside the house
19 and basically while we were in the car and running
20 to MUSC trying to get him some help.

21 Q. You told us before that you thought
22 maybe the pinkeye from earlier in the week, that
23 there was something more to it, that he had a
24 virus?

25 A. Yes, ma'am.

CURTIS WILLIAMS - DIRECT EXAM BY MS. FORD

1 Q. Did internal bleeding ever enter your
2 thoughts at all that day?

3 A. No.

4 MS. FORD: Beg the Court's indulgence?

5 THE COURT: Yes, ma'am.

6 BY MS. FORD:

7 Q. C. J., just to clarify something in
8 case it's not clear. When you got to the hospital
9 and left the car, the first door wasn't open. How
10 far away did you have to run to get to an open
11 door?

12 A. I don't really know distance, but I can
13 say I was running for at least, like, two minutes.

14 Q. Okay. And did you ever put **Child** down
15 during that time?

16 A. No, ma'am.

17 Q. So how were you holding him?

18 A. He was basically laying across -- I
19 basically had to hold him tight. The way I was
20 running his body was basically swinging.

21 Q. C. J., did you ever do anything that
22 day thinking that **Child** could die?

23 A. No, ma'am.

24 Q. How has **Child**'s death affected you?

25 A. I think about it every day and I don't

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 really know what's going to happen. It's -- it's
2 affected me a lot. It's -- my attitude has changed
3 towards people. I've even had differences towards
4 my family, I stay to myself, and I've lost a lot of
5 friends.

6 Q. Do you think about **Child** ?

7 A. Yes, ma'am.

8 Q. Did you care for **Child** ?

9 A. Yes, ma'am.

10 MS. FORD: No further questions.

11 Answer any questions that Ms. Herring-Lash may
12 have.

13 THE COURT: You may proceed.

14 MS. HERRING-LASH: Thank you, Your
15 Honor.

16 THE COURT: You're welcome.

17 CROSS-EXAMINATION

18 BY MS. HERRING-LASH:

19 Q. Mr. Williams, how long did you live
20 with **J.** ?

21 A. With **J.** ?

22 Q. Uh-huh.

23 A. Me and her mom stayed together while
24 she was pregnant, and me and her mom moved out and
25 had an apartment on Clement Avenue.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. How long did you live with J. ?

2 A. All together, I lived with J. for
3 about two years.

4 Q. How old is she?

5 A. Five years old.

6 Q. And you said you tried to spend as much
7 time with her as you can?

8 A. Yes.

9 Q. And you love J. ?

10 A. Yes, ma'am.

11 Q. And now, what children were you
12 watching every day? You told Ms. Ford every day
13 you watched children. Who were those children?

14 A. Cameron, D.S. and after awhile
15 Child came into the picture.

16 Q. Are you talking about your nephews?

17 A. Yolanda's children, yes, ma'am.

18 Q. And -- but on , what
19 children were you watching every day there?

20 A. Child .

21 Q. And do you -- you believe that boys
22 shouldn't cry, don't you?

23 A. Everybody should cry. I don't believe
24 that boys in particular shouldn't cry.

25 Q. Do you remember on November 14th around

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 3:35 in the afternoon talking to your nephew,
2 telling him you don't be crying, you're sounding
3 like a little girl, little girls cry.

4 A. November 14th of when?

5 Q. Of 2014.

6 A. No, ma'am.

7 Q. You don't remember that conversation?

8 A. No, ma'am.

9 Q. I think he may have been crying because
10 his hair was being done and your momma put him on
11 the phone with you.

12 A. No, ma'am.

13 Q. You may not remember it.

14 A. No, ma'am, I don't remember it.

15 Q. Now, what did you do every day on --
16 let's just cut it down to ?

17 A. Wake up with Krystal, eat breakfast,
18 watch TV, go to the car wash if I had free time. I
19 sometimes would take **Child** with me.

20 Q. What about when **Child** was there?

21 A. At the house or the car wash?

22 Q. At the car wash.

23 A. He would sit down in the open part of
24 the garage and watch me wash cars or even sometimes
25 he would help me clean the tires.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. And let's go back. You said you were
2 watching **Child** a lot, you watched your nephews a
3 lot. You have a lot of child care experience,
4 don't you?

5 A. I haven't been to school for child
6 care, but --

7 Q. But you've been watching kids --

8 A. -- common sense, yes, ma'am.

9 Q. Years I guess you've been watching
10 kids?

11 A. Yes, ma'am.

12 Q. So you're used to taking care of kids
13 if they get sick? You know how to handle that?

14 A. Kind of, sort of, yes, ma'am.

15 Q. And you're used to taking care of them
16 when they're rambunctious?

17 A. Yes.

18 Q. So you felt pretty confident in your
19 care-taking abilities of **Child** ?

20 A. Yes, ma'am.

21 Q. Now, let's just skip to the day that
22 this happened -- or the week. Let's go to the
23 week. That week, did you have to watch **Child** any
24 during the day?

25 A. Yes, ma'am.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. Which days?

2 A. I don't recall which days it was.

3 Q. Was it different because he was out of
4 daycare?

5 A. Yes, ma'am. Sometimes he would be out
6 of daycare depending on the A, B, C voucher or his
7 mom would keep him because she wanted to.

8 Q. So this day that **Child** was killed, was
9 a Sunday?

10 A. Yes, ma'am.

11 Q. And you got up that day and did what?

12 A. I got up and I watched the football
13 game.

14 Q. And he watched it with you?

15 A. Yes, ma'am.

16 Q. And he went into the bathroom?

17 A. Yes.

18 Q. And then what happened?

19 A. **Child** went into the restroom by his
20 self and I was sitting down watching TV. After
21 about five minutes, I noticed **Child** didn't come
22 out of the restroom, and I went into the restroom
23 to check on him to see what he was doing.

24 Q. And you said to Ms. Ford you went in
25 there and you spanked him?

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 A. Yes, ma'am.

2 Q. What did you really do?

3 A. I spanked him.

4 Q. With your fist?

5 A. Yes, ma'am.

6 Q. And that's how you spank, with a fist?

7 A. No, ma'am.

8 Q. But that's how you spanked that day,
9 with a fist?

10 A. I don't really recall spanking him with
11 a fist, but that's what I told the detectives.

12 Q. So did you spank him and punch him?

13 A. No, ma'am.

14 Q. So did you punch him?

15 A. I don't really know, but I just
16 remember putting my hands on him.

17 Q. Did you put your fist on him or your
18 hands on him?

19 A. At this time I would say my hands.

20 Q. So you just put your hands on him?

21 A. Yes, ma'am.

22 Q. But it was enough to lacerate his
23 spleen?

24 A. I did not know --

25 MS. FORD: Objection.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 THE COURT: Basis?

2 MS. FORD: Speculation, Your Honor.

3 How can he know the medical --

4 THE COURT: Approach.

5 (Bench conference)

6 THE COURT: Sir, you may answer the
7 question. Do you need it repeated?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Please repeat the question.

10 BY MS. HERRING-LASH:

11 Q. You put your hands on him hard enough
12 to lacerate his spleen, didn't you?

13 A. I did not know that at the time.

14 Q. It must have been pretty hard though?

15 A. No, ma'am.

16 Q. You don't think it was hard?

17 A. No, ma'am.

18 Q. As a matter of fact, you're telling the
19 jury that when you put your hand on him hard enough
20 to cause this injury, he cried two seconds and then
21 just walked on back in the living room like nothing
22 ever happened?

23 A. Yes, ma'am, I am telling the jury that.

24 Q. That's what happened?

25 A. Yes, ma'am.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. Not another mark on his body?

2 A. No, ma'am.

3 Q. Nothing?

4 A. No, ma'am.

5 Q. He was clean skin, nothing on his body
6 but a little bump on his head that day?

7 A. Yes, ma'am. I believe that when I
8 washed **Child** off, if he had a bruise on his body I
9 would have tooken (sic) him to the hospital right
10 then.

11 Q. You would have?

12 A. Yes, ma'am.

13 Q. But you didn't?

14 A. Because he didn't have any bruises on
15 him, no, ma'am.

16 Q. No. Okay. So then after you put your
17 hands on him, or punched him, or whatever, you all
18 go to the park?

19 A. After a while, yes, ma'am.

20 Q. And at the park everything goes fine?

21 A. I don't really know. I saw him playing
22 on the slide. I was watching a football game on my
23 phone.

24 Q. You call that babysitting, watching the
25 football game and not even looking at him?

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 A. I was looking at him but -- I mean,
2 yes, ma'am, he was in my care at the time.

3 Q. And so nothing happened at the park?

4 A. I didn't see anything happen at the
5 park.

6 Q. And you see him -- when you do see him,
7 he's laying on the bench.

8 A. No, ma'am. He was sitting up on the
9 bench.

10 Q. Sitting on the bench. Was that unusual
11 for him to just stop playing and sit on the bench?

12 A. If any kid is tired, they would go and
13 sit on a bench, not just **Child** .

14 Q. So he was tired?

15 A. I don't know if he was tired. I
16 assumed that he was the way that he was acting when
17 we got to the house.

18 Q. How was he acting when you got back to
19 the house?

20 A. Dehydrated.

21 Q. What's dehydrated mean? I mean, what
22 do you mean by it?

23 A. Like he wanted water. He couldn't
24 really get comfortable and find a position where he
25 could lay on the couch.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. Is that when he was doing that --
2 pulling his little knees up and going like that?
3 (Indicating)

4 A. Yes, ma'am.

5 Q. That's right after the park?

6 A. Not right after the park because we had
7 to walk home first.

8 Q. But when you -- when you walked home
9 from the park, that's how he was acting?

10 A. No, ma'am.

11 Q. Okay.

12 A. When I walked home from the park, he
13 was walking normal.

14 Q. But when he got home is when he started
15 acting dehydrated?

16 A. Yes, ma'am.

17 Q. So he had already been doing that,
18 pulling his little knees up, rolling back and forth
19 when you got home from the park?

20 A. Yes, ma'am.

21 Q. And so did you try to give him a
22 Tootsie Roll?

23 A. Yes.

24 Q. But he wouldn't eat it?

25 A. No, ma'am.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. Did you try to give him Capri Sun?

2 A. Yes, ma'am.

3 Q. But he wouldn't drink it?

4 A. Yes, ma'am, he drunk all of the Capri
5 Sun.

6 Q. He drank all of it?

7 A. Yes, ma'am.

8 Q. So did he just lay there then?

9 A. He was sitting up at this time. He had
10 the Tootsie Roll and Capri Sun in his hand.

11 Q. How long did he just sit there?

12 A. I don't recall.

13 Q. Was it unusual for Child just to sit
14 on the couch all day?

15 A. If we were in the house, yes, ma'am, or
16 if he was playing with a toy. Depending on where
17 he was playing with the toy, yes, ma'am.

18 Q. Did he have a toy that day?

19 A. He has a toy every day.

20 Q. What toys does he have?

21 A. I don't know the names of the toys, but
22 they were Fisher Price toys.

23 Q. Where do you all keep them in the
24 house?

25 A. All over.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. You've seen the pictures of the house
2 in the courtroom, haven't you?

3 A. Yes, ma'am.

4 Q. Let's look at them again. Let's look,
5 first of all, at State's Exhibit Number 30. Do you
6 see any toys in that picture?

7 A. No, ma'am.

8 Q. Let's look at State's Exhibit Number
9 29. Do you see any toys in that picture?

10 A. No, ma'am.

11 Q. Let's look at State's Exhibit Number
12 31. Do you see any toys in that picture?

13 A. No, ma'am.

14 Q. Is that the couch he was sitting on all
15 day?

16 A. Yes, ma'am.

17 Q. Where is the toy he was playing with?

18 A. I never said he was playing with a toy.

19 Q. You said he had toys all over the
20 house.

21 A. Depending on what day it was, if we
22 cleaned up or if we didn't.

23 Q. Let's go to State's Number 34. Where
24 are the toys in that picture?

25 A. There aren't any toys in that picture.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. Go to State's 32. Any toys in that
2 picture?

3 A. No, ma'am.

4 Q. Let's go to State's 33. Toys in that
5 picture?

6 A. No, ma'am.

7 Q. That's the Tootsie Roll that he
8 wouldn't eat, though, isn't it?

9 A. Yes, ma'am.

10 Q. State's Number 33, where are the toys
11 in that picture?

12 A. There aren't any toys in that picture.

13 Q. State's Number 40? Where are the toys
14 in that picture?

15 A. There aren't any toys.

16 Q. So would it be fair to say that there
17 weren't toys all around that house, Mr. Williams?

18 A. That day, no, ma'am.

19 Q. When you clean them up, where do you
20 put them?

21 A. Where did I put them that day after I
22 cleaned him up?

23 Q. Where do you put the toys when you
24 clean the toys up?

25 A. In the closet.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. And so that day you had all the toys in
2 the closet; even though **Child** was home all day you
3 had no toys out for him to play with?

4 A. No, ma'am.

5 Q. He just sat there, or laid there?

6 A. Pretty much, yes, ma'am, because we
7 were watching TV.

8 Q. He watches football?

9 A. Yes, ma'am.

10 Q. He had just turned three like about
11 days earlier; is that right?

12 A. I don't recall how much days it was,
13 but, yes, ma'am.

14 Q. When is his birthday?

15 A. .

16 Q. So he didn't -- he wasn't playing with
17 toys that day, he was just sitting there. Well,
18 laying sometimes on his stomach, twisting back and
19 forth, right?

20 A. That's a question.

21 Q. That's what I'm asking you, yes, right?

22 A. Yes, ma'am.

23 Q. And so then Shaquille and **D.S.** come
24 over?

25 A. Yes, ma'am.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. And you all were watching football?

2 A. Talking at the same time, yes, ma'am.

3 Q. They -- the purpose of them coming over
4 was to watch football?

5 A. Yes, ma'am.

6 Q. And you all decide you have to go to
7 Save-A-Lot to give Krystal some paperwork?

8 A. Yes, ma'am.

9 Q. And on the way to the van he has
10 diarrhea? Or in the truck or the car?

11 A. At the time, I did not know that, no,
12 ma'am.

13 Q. But you find that out?

14 A. Yes, ma'am.

15 Q. When you get in the car?

16 A. No, ma'am; when I actually got back to
17 change him.

18 Q. You knew he had done something in his
19 pants?

20 A. Yes, ma'am.

21 Q. And so why do you take him back to the
22 house?

23 A. I don't really have an explanation for
24 that. I was just kind of in a rush and wanted to
25 get to Save-A-Lot and get back to the house.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. To watch football? You were in a rush
2 to watch football, weren't you?

3 A. No, ma'am.

4 Q. What else did you have to do?

5 A. Nothing.

6 Q. So what were you in a rush for?

7 A. To get to Save-A-Lot so Krystal could
8 get her WIC voucher.

9 Q. When was she getting off work?

10 A. I don't know what time.

11 Q. She wasn't getting off at 4:30, was
12 she?

13 A. No, ma'am.

14 Q. So you had plenty of time to go to
15 Save-A-Lot and give her that voucher?

16 A. Depending on how long Shaquille was
17 there.

18 Q. As a matter of fact, Shaquille could
19 have taken that voucher to Save-A-Lot, he knows her
20 very well.

21 A. Yes, ma'am.

22 Q. As a matter of fact, D.S. could have
23 stayed home and you and Shaquille could have gone?

24 A. Yes, ma'am.

25 Q. But you chose to leave a child that you

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 knew by this time was weak and sick by himself
2 because you were in a hurry; is that right?

3 A. At this time, I didn't know that he was
4 weak, but I did leave him inside the house.

5 Q. Okay. When you get out of the truck --
6 or I'm sorry, I keep calling it a truck, I guess
7 it's an SUV -- to go to take him back, he doesn't
8 walk very far before he can't walk and you have to
9 pick him up and carry him?

10 A. He didn't walk at all. I carried him
11 the whole way.

12 Q. And you carried him like this?
13 (Indicating)

14 A. Halfway, yes, ma'am.

15 Q. What do you mean halfway?

16 A. If you hold any object out in your arms
17 like this, (Indicating) your arms get tired after
18 awhile.

19 Q. So what are you saying?

20 A. My arms got tired.

21 Q. So then you carried him close?

22 A. No, ma'am. I laid him across my arms
23 and continued to walk inside the house.

24 Q. And when you got in there you just laid
25 him on the couch?

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 A. Yes.

2 Q. You didn't change him?

3 A. No, ma'am.

4 Q. Why not?

5 A. Because I didn't know that he needed to
6 be changed.

7 Q. I thought you all had smelled that he
8 went poop and that's why you took him back in the
9 house?

10 A. We thought someone passed gas.

11 Q. So you didn't check?

12 A. No, ma'am.

13 Q. But/ you have all this babysitting
14 experience, don't you?

15 A. I know how to take care of a child,
16 yes, ma'am.

17 Q. You know how to change a pair of pants?

18 A. Yes, ma'am.

19 Q. Usually don't use a knife to do that,
20 do you?

21 A. No, ma'am.

22 Q. So after you go to Save-A-Lot and
23 you're there for -- Save-A-Lot, you come back?

24 A. Yes, ma'am.

25 Q. Where is **Child** then?

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 A. Still on the couch.

2 Q. What do you do?

3 A. I stood him up and I was getting
4 prepared to bathe him and clean him up.

5 Q. You stood him up in the bathroom?

6 A. No, ma'am, in the living room right in
7 front of the couch.

8 Q. Did you take his clothes off there?

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

10 Q. Did he walk into the bathroom?

11 A. He walked into the kitchen.

12 Q. Do you know why?

13 A. Because that's where -- you have to go
14 through the kitchen to get into the restroom.

15 Q. Okay. So you all get in the restroom
16 and what do you do?

17 A. First, we walked into the kitchen where
18 he fell. I picked him up and I asked him, why did
19 he fall? What was wrong with him? Why couldn't he
20 walk to the restroom? And he basically fell again.

21 Q. How did he fall? Just slipped down?

22 A. Basically, all in one motion.

23 Q. Just -- (indicating)

24 A. Just kind of flopped on the ground.

25 Q. Flopped on the ground?

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 A. Yes, ma'am.

2 Q. And then you -- by this time he can't
3 -- so he can't walk by this time?

4 A. I didn't let him take another step. I
5 carried him to the restroom by myself.

6 Q. You knew something was wrong?

7 A. I just thought he was getting sick,
8 yes, ma'am.

9 Q. And then you took him into the
10 bathroom, you washed him, bathed him?

11 A. Yes, ma'am.

12 Q. You go back into the living room. Then
13 what's going on?

14 A. At what time?

15 Q. When you get back into the living room
16 from -- I don't know what time it is. When you get
17 back into the living room from the bathroom, what
18 do you do with him?

19 A. I laid him down on the couch beside me.

20 Q. And he has trouble breathing at this
21 point?

22 A. After a while I noticed that, yes,
23 ma'am.

24 Q. What's he doing between the time you
25 lay him down and he has trouble breathing?

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 A. He was moving his head left and right
2 and trying to find a comfortable position to lay
3 down in.

4 Q. Did it appear to you that he was in
5 pain?

6 A. No, ma'am.

7 Q. What do you mean by trying to find a
8 comfortable position?

9 A. Tossing and turning, like I would
10 normally do when I'm trying to go to sleep and I
11 have a lot of things on my mind.

12 Q. So you think that **Child** had a lot of
13 things on his mind?

14 A. I don't know, because he didn't
15 normally talk.

16 Q. Because he couldn't talk?

17 A. His grammar wasn't up to par.

18 Q. At what point did you call 911?

19 A. I didn't.

20 Q. When he stopped -- when he could hardly
21 breathe, did you call 911 then?

22 A. No, ma'am.

23 Q. So you go to the hospital?

24 A. Yes, ma'am.

25 Q. And when you get there, you talked to a

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 lot of people?

2 A. Yes, ma'am.

3 Q. First of all, I guess the doctors?

4 A. No, I didn't really talk to the
5 doctors.

6 Q. In the emergency room the doctors
7 weren't asking you, did he fall? Did he get
8 injured? Did he hit his head?

9 A. Yes, ma'am.

10 Q. And you were telling them no, no, no,
11 no?

12 A. I was busy saying I don't know what
13 happened to him.

14 Q. But you did know?

15 A. At that time, no, ma'am, I didn't.

16 Q. You didn't know you hit him?

17 A. At the time, I didn't know that I could
18 have possibly injured him by hitting him.

19 Q. You didn't know he fell?

20 A. Yes, ma'am, I knew that he fell, but I
21 didn't know that the fall could have been that
22 serious for him to be injured.

23 Q. Why? Because it was just a little slip
24 in the kitchen?

25 A. Yes, ma'am.

CURTIS WILLIAMS - CROSS EXAM BY MS. HERRING-LASH

1 Q. So you had no idea that fall could have
2 ever injured him?

3 A. Yes, ma'am.

4 Q. And your punch couldn't have injured
5 him, you thought?

6 A. No, ma'am.

7 Q. So you don't tell the doctors about
8 that?

9 A. No, ma'am.

10 Q. And you talked to the police officers,
11 you talked to family members, you talked to the
12 daycare workers, you talked to other officers, you
13 give all these people the story of the day?

14 A. I don't remember who all I gave the
15 story of the day, but I did talk to some people.

16 Q. You gave a lot of people a story. And
17 I think you said a moment ago you didn't mention
18 what happened in the bathroom during all these
19 stories because you didn't think that's what hurt
20 him?

21 A. No, ma'am.

22 Q. But you did mention the park, you
23 didn't think that's what hurt him. You mentioned a
24 lot of stuff that day that wouldn't have hurt him.
25 The one thing you left out was the blow, the punch,

CURTIS WILLIAMS - REDIRECT EXAM BY MS. FORD

1 from all of those stories. And you left that out
2 because you knew it hurt him, Mr. Williams.

3 MS. FORD: Judge, she's arguing with
4 the witness.

5 THE COURT: No speaking objections.

6 Please put it in the form of a
7 question. The last question will be stricken from
8 the record so you don't have to answer it.

9 BY MS. HERRING-LASH:

10 Q. Did you leave that punch out because
11 you knew that is what hurt Child ?

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

13 Q. You had no idea?

14 A. No, ma'am.

15 Q. At all?

16 A. No, ma'am.

17 MS. HERRING-LASH: Beg the Court's
18 indulgence for one moment?

19 THE COURT: Yes, ma'am.

20 MS. HERRING-LASH: Thank you,
21 Mr. Williams.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Any redirect?

24 MS. FORD: Beg the Court's indulgence?

25 REDIRECT EXAMINATION

CURTIS WILLIAMS - REDIRECT EXAM BY MS. FORD

1 BY MS. FORD:

2 Q. C. J?

3 A. Yes, ma'am.

4 Q. Did you have a car at that time?

5 A. No, ma'am.

6 Q. And who wanted the WIC voucher -- I'm
7 sorry, is it WIC or VIC? The voucher? Not the
8 voucher, the WIC card?

9 A. The voucher.

10 Q. Okay. Who wanted that?

11 A. Krystal.

12 Q. And what was it for?

13 A. Groceries.

14 Q. For who?

15 A. The family I guess.

16 Q. And was **Child** potty trained at this
17 time?

18 A. Not really.

19 Q. Was he wearing diapers still?

20 A. No. No, ma'am.

21 Q. So he was wearing underwear at this
22 time?

23 A. Yes, ma'am. We were basically in the
24 middle of trying to train him to get him to start
25 using the restroom on his own.

CURTIS WILLIAMS - REDIRECT EXAM BY MS. FORD

1 Q. And the Solicitor showed you a picture
2 of the Capri Sun and Tootsie Roll?

3 A. Yes, ma'am.

4 Q. In that picture did the Capri Sun look
5 empty?

6 A. Yes, ma'am.

7 Q. And the Solicitor asked you about
8 **Child** having trouble breathing. At what point did
9 he have trouble breathing?

10 A. When I held him in my arms.

11 Q. How long was this before you asked
12 Shaquille to take you to the hospital?

13 A. Within seconds, like right after.

14 Q. So had he had problems breathing before
15 that?

16 A. No, ma'am. Not that I know of.

17 Q. And did Shaquille at any time ever
18 suggest taking **Child** to the hospital?

19 A. No.

20 Q. Did **D.S.** ever suggest taking **Child**
21 to the hospital?

22 A. No.

23 MS. FORD: Beg the Court's indulgence?

24 I have no further questions, Your

25 Honor.

CURTIS WILLIAMS - REDIRECT EXAM BY MS. FORD

1 THE COURT: Sir, you may step down.

2 Defense may proceed.

3 MS. FORD: Your Honor, at this time the
4 defense rests.

5 THE COURT: Mr. Foreman, ladies and
6 gentlemen, the defense has rested their case.
7 There are some matters of law I need to take up
8 with the attorneys. During the break, please do
9 not discuss the case and leave your notepads in
10 your seats. We appreciate your patience.

11 (Jury out, 11:10 a.m.)

12 THE COURT: Defense has rested. Are
13 there any motions?

14 MS. FORD: Your Honor, at this time I
15 would renew all of my prior motions.

16 THE COURT: Would the State like to
17 respond?

18 MS. HERRING-LASH: Your Honor, as I had
19 said before, in the light most favorable to the
20 State, there is plenty of evidence before the jury
21 to find the defendant guilty if they choose to
22 believe the evidence. There is direct evidence
23 from the defendant's statement. There is
24 circumstantial evidence from medical personnel, and
25 the fact that he was alone with the child all day

1 when the injuries were inflicted.

2 THE COURT: Would the defense like to
3 respond?

4 MS. FORD: No, Your Honor.

5 THE COURT: Court would find that
6 there is direct and circumstantial evidence
7 reasonably tending to prove the defendant's guilt
8 and, therefore, a directed verdict is denied, and
9 is not appropriate under the circumstances.

10 Any objections raised by the defense or
11 grounds raised by the defense are issues of fact
12 for the jury to resolve. And the Court would stand
13 on its previous rulings regarding each objection
14 that was made contemporaneously and ruled on
15 contemporaneously for the record.

16 Now, is there going to be any rebuttal
17 testimony?

18 MS. HERRING-LASH: No, Your Honor.

19 THE COURT: How long is the State's
20 closing argument going to be?

21 MS. HERRING-LASH: Your Honor, when I
22 have practiced it, it was 15 minutes maybe.

23 THE COURT: In total?

24 MS. HERRING-LASH: Well, the opening on
25 the law would probably be three.

1 THE COURT: Uh-huh. And how long
2 would the defense's closing argument be?

3 MS. FORD: Your Honor, probably close
4 to 30 minutes.

5 THE COURT: I may have missed this,
6 but the child's clothing was never admitted into
7 evidence, was it?

8 MS. HERRING-LASH: No.

9 THE COURT: I know you had raised an
10 issue about that before and I didn't recall it
11 being offered into evidence and I wanted to make
12 sure that my recollection was accurate.

13 I will give the jury a general
14 instruction regarding their responsibility and my
15 responsibility, how they are to judge witness
16 credibility and believability.

17 I will give them a general instruction
18 regarding expert witness testimony, then I will
19 give them a general instruction regarding direct
20 and circumstantial evidence. I will give them a
21 general instruction regarding the charge, the
22 arrest, and the indictment as well as presumption
23 of innocence.

24 I will charge Victor v. Nebraska on
25 reasonable doubt. I will instruct the elements of

1 16-3-85 that are relevant to this case, which would
2 be subsection a(1). And that charge will provide
3 as follows: That the defendant is charged with
4 homicide by child abuse. The State must prove
5 beyond a reasonable doubt that the defendant caused
6 the death of the child under the age of 11 while
7 committing child abuse or neglect.

8 Child abuse or neglect is an act or
9 failure to act which causes harm to the child's
10 physical health or welfare. Harm to the child
11 means that the defendant either inflicted or
12 allowed to be inflicted on the child physical
13 injury, failed to supply the child with adequate
14 food, clothing, shelter, or healthcare, and this
15 failure caused physical injury or a condition which
16 caused death, or abandoned the child causing the
17 death.

18 The State must also prove beyond a
19 reasonable doubt that the death occurred under
20 circumstances showing an extreme indifference to
21 human life.

22 I will give a general instruction
23 regarding them being fair and impartial and give a
24 general instruction regarding the form of the
25 verdict.

1 Now, I need to ask the State, Ms. Ford
2 has asked that the court incorporate language from
3 the State v. Philips, which is 411 SC 124. And the
4 language that she has asked to be incorporated
5 would provide a more elaborate definition of under
6 -- excuse me, I got tongue tied I apologize --
7 under circumstances showing an extreme indifference
8 to human life.

9 And the language that she has quoted is
10 from a portion of the opinion, which is dicta, it's
11 not the whole thing, but it provides as follows:
12 Section 16-3-8581 does not require the State to
13 prove that the defendant acted with the intent to
14 harm in order to prove extreme indifference.-
15 Instead, the State must prove the defendant
16 performed a deliberate act, that he or she knew
17 would create a risk of death to the child.

18 A deliberate act in the face of such
19 knowledge is a reckless disregard of the risk and
20 thus demonstrates an extreme indifference to the
21 child's life.

22 Is there any exception to that language
23 in some form being instructed?

24 There's also some additional language
25 that she quoted from Durell, which is, indifference

1 in the context of the criminal statute is the
2 conscious act of disregarding -- and I don't know
3 that really -- I assume that's -- I haven't read
4 that case, but I assume that's likewise a homicide
5 by child abuse case.

6 Indifference in the context of criminal
7 statutes is the conscious act of disregarding of
8 risk, which a person -- which -- disregarding a
9 risk which a person's conduct has created and
10 finding the defendant's deliberate act created a
11 grave risk of death to her child evidencing her
12 extreme indifference to his life.

13 I would imagine that's a factor based
14 on the way that was worded. Again, I haven't read
15 the facts of that case. I think the dispositive
16 language that she's quoted would be what I read
17 originally. Is there any exception from the State
18 instructing that?

19 MS. HERRING-LASH: To the first part
20 from the State v. Philips or the Durell?

21 THE COURT: Philips.

22 MS. HERRING-LASH: Philips.

23 It's in dicta?

24 THE COURT: It's in subparagraph 13
25 and 14, subsection 16-3-85 (a)(1) does not require

1 the State to prove that the defendant acted with
2 the intent to harm in order to prove extreme
3 indifference. Instead the State must prove that
4 the defendant performed a deliberate act, that he
5 or she knew would create a risk of death to the
6 child. A deliberate act in the face of such
7 knowledge is a reckless disregard of the risk and
8 thus demonstrates an extreme indifference to the
9 child's life.

10 MS. HERRING-LASH: I don't have any
11 objection to that.

12 THE COURT: I will restructure that
13 language in the form of an instruction.

14 Are there any exceptions to the charges
15 proposed? From the State?

16 MS. HERRING-LASH: No, Your Honor.

17 THE COURT: Any exception from the
18 defense?

19 MS. FORD: No, Your Honor.

20 THE COURT: Okay. It is 11:13. I've
21 ordered the jury's lunch -- we have arranged for
22 the jury's lunch to be here by noon so we're faced
23 with an option. We can go ahead and begin argument
24 and then stop when their lunch arrives and take a
25 break for lunch and then resume argument, or we can

1 break till 1:00 and start argument.

2 MS. FORD: I would object to us
3 breaking up the closings.

4 THE COURT: I don't know that it makes
5 a difference. I think to you it makes a
6 difference. I think to a jury, frankly, it gives
7 them a mental health break. We're used to it.
8 It's the way we function, but the average layperson
9 doesn't. That's a lot of information to be
10 absorbing, because that's we -- I think that's why
11 we end up with so many questions; we don't take a
12 break between each stage of the proceeding.

13 Based on what Ms. Herring-Lash has
14 indicated to me, we probably could do her closing
15 argument by the time lunch comes.

16 MS. HERRING-LASH: Mine is last.

17 THE COURT: Oh, yeah, I forgot about
18 that part. We'll be right at -- yeah, that's
19 enough time for Ms. Herring-Lash to do her closing
20 and then lunch should be here, and then we'd have
21 lunch and then allow the State to finish argument
22 and then I can give instructions.

23 MS. FORD: Your Honor, I object to the
24 Solicitor having that additional time that I will
25 not have.

1 THE COURT: Well, I know
2 Ms. Herring-Lash well enough to know she's already
3 written her argument. She's already anticipated
4 what she's going to say. I don't think she's going
5 to try to recreate the wheel at lunch.

6 MS. FORD: It's -- I would still
7 object.

8 THE COURT: I will note your exception
9 and it's overruled.

10 All right. Do you all need a restroom
11 break for we proceed? Let's take a restroom break
12 and then we'll -- that will give me some time to
13 work on the language.

14 (A recess transpired.)

15 THE COURT: Is there any exception to
16 the form of the verdict? From the State?

17 MS. HERRING-LASH: No, Your Honor.

18 THE COURT: From the defense?

19 MS. FORD: No, Your Honor.

20 THE COURT: I think it might be better
21 for us to break for lunch and resume after. The
22 more I looked at the clock, the more I think it
23 might be better for us to -- because really it's
24 about 20 minutes before we reach 12:00 and then
25 their lunch will be here, and where we ordered from

1 is pretty efficient in terms of being timely.

2 So I think I will break until 1:00, and
3 then we will resume argument and instruction at
4 that time. Any exception from the State?

5 MS. HERRING-LASH: No, Your Honor.

6 THE COURT: From the defense?

7 MS. FORD: No, Your Honor.

8 THE COURT: I need for you all to make
9 sure that all of the exhibits are with the court
10 reporter.

11 (Jury in, 11:45 a.m.)

12 THE BAILIFF: All jurors present.

13 THE COURT: Mr. Foreman, ladies and
14 gentlemen, both the State and the defense have
15 rested their cases. We have now reached the stage
16 of the trial where we start closing argument and
17 instruction.

18 I have ordered your lunch and it will
19 arrive at noon. After some consultation with
20 counsel, it would be too much to stop and start,
21 stop and start for you all to eat. So we will
22 break now and resume at 1:00. Your lunch will be
23 in your jury room at 12.

24 You can walk around if you like until
25 your lunch arrives. The sun has come out and it's

1 turned out to be a pretty day. If you want to go
2 outside and get air, it's up to you as long as you
3 return. Just give yourself enough time to eat and
4 refresh yourself before 1:00.

5 After you've eaten, you're welcome
6 again if you would like to walk around. I need for
7 you all to return to your jury room promptly by
8 1:00.

9 During this break, it is essential that
10 you have no discussion about this case among
11 yourselves or with anyone else. Also, you are not
12 to do any independent research of any type on the
13 Internet, and do not watch, read, or listen to any
14 media accounts about this case.

15 There will be people milling about
16 downstairs, probably -- you know, the courthouse is
17 always busy, a lot of public around, deputies,
18 court staff, and otherwise.

19 Again, I would caution you to confine
20 your conversations to those you know are your
21 fellow jurors. We would not want an innocent
22 conversation to be misinterpreted. People look
23 different outside the courtroom than inside and we
24 would not want an innocent exchange of pleasantries
25 to be misinterpreted as you having a discussion

1 about the case with someone.

2 Again, please be very careful in your
3 communication and also please don't make any
4 comments regarding your jury service on any social
5 networking sites. We would not want an innocent
6 comment to be misinterpreted by someone reading it.

7 If you would leave your notepads in
8 your seats, we will secure them during the break.
9 The restaurant that we ordered from is pretty
10 efficient, so if we ask them to have it here by 12
11 they usually get it here by 12:00, or a little
12 before. As soon as it arrives, the bailiff and the
13 clerk staff will put it in the jury room. I hope
14 you have a good lunch and we will see you at 1:00.

15 (Jury out, 11:48 a.m.)

16 THE COURT: Okay. Anything from
17 counsel before we break for lunch?

18 MS. HERRING-LASH: Not from the State.

19 THE COURT: From the defense?

20 MS. FORD: No, Your Honor.

21 (A luncheon recess transpired.)

22 THE COURT: State ready to proceed?

23 MS. HERRING-LASH: Yes, Your Honor.

24 THE COURT: Defense ready to proceed?

25 MS. FORD: Yes, Your Honor.

CLOSING ARGUMENT - BY THE STATE

1 THE COURT: Jury should be right
2 behind me.

3 (Jury in, 1:03 p.m.)

4 THE COURT: Ladies and gentlemen, I
5 hope that you all had a pleasant lunch. As I
6 indicated before we took the break, that both the
7 State and the defense have rested their case and we
8 will now proceed with closing arguments.

9 I would ask that you give the attorneys
10 your undivided attention.

11 MS. HERRING-LASH: May it please the
12 Court?

13 THE COURT: Yes, ma'am.

14 MS. HERRING-LASH: Ladies and
15 gentlemen, thank you for your service this week and
16 for the attention that you've paid to our case.

17 I will just take a few moments now to,
18 once again, go over the law and then sit down and
19 let Ms. Ford make her argument.

20 Mr. Williams is charged with homicide
21 by child abuse and the elements are the facts that
22 the State must prove to you. First of all, that a
23 person -- in our case, Curtis Williams -- causes
24 the death of a child under the age of 11 -- in our
25 case the child, as you heard, was three -- while

CLOSING ARGUMENT - BY THE STATE

1 committing child abuse or neglect, under
2 circumstances of extreme indifference to human
3 life.

4 As you can see, intent to kill is not
5 one of the elements. Premeditation is not one of
6 the elements. That would be a murder trial. The
7 definitions that you may not know from this
8 statute, first of all, as defined by the statute,
9 child abuse is an act or omission, is an act or a
10 failure to act, by any person which causes harm to
11 the child's physical health or welfare.

12 And harm in this statute means
13 inflicts, or allows to be inflicted upon the child,
14 a physical injury including injuries sustained as a
15 result of excessive corporal punishment, meaning if
16 the reason for the harm was corporal punishment, or
17 a beating or spanking, it's still harm.

18 An extreme indifference does not
19 require the State to prove that the defendant acted
20 with the intent to harm. The State must show that
21 he performed a deliberate act that he knew or
22 should have known would create a risk of death.

23 I want to thank you for your attention.
24 I will speak with you again after Ms. Ford.

25 THE COURT: Ms. Ford, you may proceed

CLOSING ARGUMENT - BY THE DEFENSE

1 when you're ready.

2 MS. FORD: Thank you, Your Honor. May
3 it please the Court?

4 THE COURT: Yes, ma'am.

5 MS. FORD: C. J. is devastated by what
6 happened to **Child**. He loved him. He never wanted
7 harm to come to him. He never knew that he might
8 be creating a kind of -- he never knew he was doing
9 something that might create such harm and certainly
10 nothing that would have created a risk of death.

11 And that is what the State must prove as the
12 Solicitor indicated to you just a minute ago.

13 They have to prove that C. J. acted in
14 a way showing he knew he might be creating due risk
15 of death. They don't have to prove he intended for
16 **Child** to die, but they have to prove extreme
17 indifference to human life. And extreme is a
18 really big word. It's a big verdict. And the
19 answer is going to be, no, they cannot prove he
20 acted with extreme indifference because he did not
21 act with extreme indifference.

22 You can come to that conclusion by
23 looking at the surrounding circumstances, both that
24 day and in general. You heard from multiple
25 witnesses about C. J.'s relationship both with

CLOSING ARGUMENT - BY THE DEFENSE

1 **Child** and other children. So I'm going to talk
2 about the witnesses that you've heard in this case.

3 You heard from **Child** 's mom Krystal.
4 Krystal admitted that she had said that C. J.
5 treated **Child** better than any man she had ever
6 been with. Now, Tiffany told you about this guy
7 that she dated who was so great with **Child** , that
8 was at least one who Krystal mentioned, but
9 apparently Krystal didn't think so because she said
10 C. J. treated him better than any other man that
11 she had been with.

12 Krystal told you C. J. was good with
13 kids, he was attentive, he played with them. And,
14 somehow, today she's trying to act like, well, that
15 was everybody but **Child** , that he was different
16 with **Child** . But that doesn't make any sense. She
17 told us how C. J. was not abusive towards **Child** .
18 She didn't see him hit **Child** .

19 There were no red flags. Not at the
20 time when she spoke to the police after **Child** 's
21 death, not when she spoke to numerous people
22 afterwards, and even on the stand she doesn't tell
23 you that.

24 She told us that, that day when she
25 left for work, **Child** just seemed like he didn't

CLOSING ARGUMENT - BY THE DEFENSE

1 want her to leave. When I pressed her a little
2 more, she said he didn't seem afraid of C. J., he
3 just didn't want her to leave. What three year old,
4 wants his mommy to leave, especially when she often
5 wasn't there because she had to work so hard. So
6 that's normal behavior. That's not a red flag.

7 And then she testified that often
8 **Child** would be sort of up under her; however,
9 that's normal behavior for a three year old. A
10 three year old wants his mommy especially, again,
11 when she's often, unfortunately, not able to be
12 around.

13 Now, Krystal continued the relationship
14 with C. J. after **Child** 's death. She did that for
15 quite some time. She kind of made it sound like
16 she was trying to do some investigative work, like
17 figure out what happened, but, obviously, the
18 police and the coroner would have talked to her,
19 they did talk to her. She went to C. J.'s bond
20 hearing as she testified to, so she knew what he
21 was being charged with, what the allegations were.

22 And even after she said he admitted to
23 her that he hit **Child** sometime in November of that
24 year, 2014, she still saw him well into 2015,
25 despite the objection of her family.

CLOSING ARGUMENT - BY THE DEFENSE

1 And so now she and C. J. are no longer
2 together and so now, of course, she has to get on
3 the stand and try to find what negative she can
4 because she wants to -- she wants things to be good
5 with her family. It's that simple. She wants to
6 look like a good mom. She doesn't want people
7 thinking badly of her. But even despite all that,
8 she still really couldn't give us any details about
9 how C. J. mistreated **Child** .

10 You heard from **Child** 's uncle, Ricky
11 Williams. Now, Ricky told you he really didn't
12 care for C. J., but he admitted it wasn't because
13 of anything he saw. As far as him acting with --
14 how he acted with **Child** , he said it's just stuff
15 that he had heard around. So it's based on things
16 that other people have said, nothing to do with
17 **Child** . But he actually said that he and C. J. got
18 along okay and he admitted that C. J. was actually
19 good with **Child** .

20 You heard from Ricky's girlfriend
21 Tiffany. Now, Tiffany, she didn't care for C. J.
22 She said she didn't care for him because he was
23 standoffish. You got to see C. J. testify; you saw
24 him in the video. He's kind of a reserved kind of
25 guy so that makes sense. I can see somebody saying

CLOSING ARGUMENT - BY THE DEFENSE

1 that he's kind of standoffish.

2 She said that she didn't like that he
3 called **Child** a momma's boy, and she said that she
4 saw him pop **Child** on the hand or arm area. Even
5 she admitted she didn't think anything about it; it
6 was just a simple pop. She didn't think she needed
7 to mention anything to Krystal because it wasn't
8 anything bad. She said she had never seen him be
9 abusive towards **Child** other than the words that --
10 she got up there and told us about some words,
11 momma's boy and she just -- that didn't sit well
12 with her.

13 You heard from the neighbor, Joseph
14 Harris. Now, he told us he could hear some licks
15 through the joint wall. So he said he heard some
16 licks even though we know **Child** went to daycare
17 that week; we know **Child** went to the doctor that
18 week. There were no indications that he had any
19 bruises from any licks earlier in the week.

20 At the time he just assumed it was
21 C. J. and **Child**. He didn't really know them or
22 anything, he just made the assumption. But at the
23 time he said he heard it, he didn't think anything
24 more of it, he didn't think enough of it to tell
25 his girlfriend, Joanne.

CLOSING ARGUMENT - BY THE DEFENSE

1 When the police came after Child 's
2 death, he then told -- you know, he was kind of
3 hesitant. He didn't want to go talk to police
4 because he knew he had a family court warrant, but
5 if it had been that bad, what he had heard, surely
6 he would have gone to the police that night and he
7 would have told them what he had heard. And he
8 didn't ever say he heard screaming or crying or
9 anything of that nature. And he never saw around
10 the apartment or anything like that, he never
11 actually saw C. J. do anything to Child .

12 You heard from Shaquille who has known
13 C. J. for years and he's known Child . He hung out
14 with both Child and C. J., and he had never seen
15 C. J. be abusive towards Child . He didn't see
16 C. J. do anything to Child the day that he died.

17 He did mention that he felt like he
18 treated -- a little different to J. to the
19 extent that he just -- because he was a boy he did
20 have the attitude more like boys need to be a
21 little tougher, but that's it. He didn't see him
22 actually be abusive towards him in any way.

23 And we heard from D.S. who is
24 Shaquille's brother, and he said the same thing;
25 he's hung out with Child and C. J. as well and

CLOSING ARGUMENT - BY THE DEFENSE

1 never seen C. J. hit **Child** that day or any other
2 day. And he even told us all how C. J. tried to
3 comfort **Child** that day when he wasn't doing well.

4 We heard from Mr. Matthews, you heard
5 from him today. He's been a football coach for
6 36 years. He's been working for kids for 36 years.
7 He was C. J.'s football coach, but he also knew
8 C. J. as an adult who helped him for several years
9 working with kids. The reason why he was called as
10 a witness is because of some of the testimony that
11 C. J. was different with boys than girls.

12 He testified C. J. was really good with
13 the boys. And he has a lot of challenging kids, a
14 lot of kids they're trying to keep off the streets,
15 but kids who are challenging. C. J. would go out
16 of the way to help them if they couldn't afford
17 gear and equipment, he would find gear for them.
18 He told us that C. J. was actually nicer to the
19 boys than he was, probably.

20 In the several years that C. J. had
21 worked with him, not a single kid had complained
22 about his behavior, his demeanor. Not a single
23 parent had complained. He said that C. J. was
24 great with the kids.

25 We heard from **A.J.** . Now, he was

CLOSING ARGUMENT - BY THE DEFENSE

1 called because he actually lived with C. J. and
2 **Child** . So some of the people you heard from, they
3 didn't live with C. J. and **Child** , so they didn't
4 get to see them a whole lot, but **A.J.** did. As a
5 young boy himself he would play with him. He was
6 around them a lot.

7 He said he would see C. J -- maybe
8 just a random pop, but other than that he would
9 never see C. J. hit **Child** . He testified that they
10 all played together, that C. J. and **Child** would
11 watch TV, go to the park, play video games. He
12 said that **Child** did not seem afraid of C. J. in
13 any way. He said that C. J. was not mean to
14 **Child** . He said that **Child** was happy around
15 C. J., and that is all from a child's eyes.

16 We heard from someone else that C. J.
17 and **Child** and Krystal lived with, Yolanda Tyler.
18 Now, Yolanda is a lifelong friend for the most part
19 of C. J.'s, and so they were living with her and
20 her kids. She has two boys and a girl. C. J.
21 would also watch her two sons.

22 She never had any issues with C. J. and
23 her two sons. She said that he was good with her
24 kids and that he was great with **Child** , and she
25 never saw anything at all to indicate that there

CLOSING ARGUMENT - BY THE DEFENSE

1 was any abusive behavior from C. J. towards **Child** .
2 C. J. played with him, C. J. fed him. C. J. was
3 like an uncle to **Child** is how she viewed it. And
4 she believed that he treated **Child** just like he
5 treated **J.** who is C. J.'s daughter.

6 Other than the witnesses, you can also
7 look to the things that C. J. and **Child** did
8 together that day. They went to the park. C. J.
9 walked **Child** down to the park and let **Child** play.
10 Why -- and this was supposedly after the incident
11 where **Child** had been hit according to everyone's
12 timeline that day.

13 Why would someone bother taking the
14 time to take a child to the park to play if they
15 didn't care about them, if they didn't care about
16 their happiness and their well-being. They
17 wouldn't, but C. J. did take **Child** to the park
18 that day. He took **Child** to the park on multiple
19 days and various parks. Not just that park because
20 it was important to him. He said it was, like, a
21 fun activity they could do that day. It was their
22 outing for the day.

23 Now, there has been some testimony
24 about how -- I mentioned it a little bit, how C. J.
25 treated **Child** differently than **J.** . Now, C. J.

CLOSING ARGUMENT - BY THE DEFENSE

1 considers J. his daughter, but she's not his
2 biological daughter. He doesn't have any rights to
3 her, doesn't have any type of a custody
4 arrangement, as he testified to, but biology
5 doesn't matter to C. J. Doesn't matter to him as
6 far as J. and it didn't matter to him as far as
7 Child .

8 Now that you heard that he seemed to be
9 more excited around J. . Well, that's because
10 he really didn't get to see her that often. It's
11 just when her mom allowed it, essentially, he would
12 see her. So, of course, if you were around someone
13 everyday like he was around Child , you know, same
14 old same old, you see the kid everyday.

15 So when there's someone that you don't
16 get to see everyday, of course you might get a
17 little more excited to see that person. It was
18 the same as when Child would get excited more
19 about seeing his mom when she was home, because he
20 didn't get to see her as often since she was
21 working. It's the same thing.

22 And it's not unusual for people to
23 treat boys and girls differently. People do it all
24 the time, even if it's unconscious. That's why
25 sometimes there's a debate if you should really

CLOSING ARGUMENT - BY THE DEFENSE

1 push, like, dolls -- baby dolls on girls and G.I.

2 Joe on boys, things like that.

3 I know my father treated his children
4 differently. I'm one of six kids. There's five
5 girls and one boy, and he's the baby. Definitely,
6 I do feel that he was probably more affectionate
7 with the girls. And a lot of times, I remember
8 just silly things like he would give us girls money
9 for clothes, but my brother, like, he had a much
10 harder time getting money for things like that.

11 And then I guess in my past mind, we
12 would always give him a hard time I guess due to it
13 was more important for a man. So since there were
14 so many of us, my dad would tend to be cheap when
15 we would go out to eat. For all the kids, like, he
16 wouldn't let us get sodas. We'd have to get water,
17 things like that, but for some reason he would let
18 my brother get a soda and, like, extra things to
19 eat. Just things like that.

20 I mean, nothing major, but I think it's
21 normal and it's certainly not unusual for boys and
22 girls to be treated differently.

23 C. J. told you he went to military
24 school. So sometimes it's stressed in military
25 school to be tough and everything. So sometimes

CLOSING ARGUMENT - BY THE DEFENSE

1 it's unconscious; people do tend to tell boys don't
2 cry, things of that nature. Just because someone
3 may have that attitude, it doesn't mean that they
4 don't care about a boy's life. That doesn't make
5 any sense. It's common and the two are not related
6 at all.

7 So, also, when you're looking at
8 extreme indifference to human life, you can look to
9 C. J.'s reaction to things that happened to that
10 day, to **Child** 's condition. There has been some
11 evidence to suggest that **Child** was deteriorating
12 and that maybe he could have been taken to the
13 hospital earlier. But C. J., he had no clue what
14 was going on. I mean, he knew something wasn't
15 right. He texted Krystal. Krystal told you that,
16 he told you that.

17 You know, Krystal wasn't there. He
18 just said he was acting a little weird and so she
19 didn't think much of it, but he did tell her it
20 entered his mindset that something wasn't
21 completely right.

22 But when **D.S.** and Shaquille came
23 over, they both said he wasn't speaking much, and
24 then there was some testimony that **Child** was a
25 fairly quiet boy at times. He didn't speak. He

CLOSING ARGUMENT - BY THE DEFENSE

1 said, what's up, and everything, but they thought
2 he was fairly normal and nothing to the extreme.
3 Neither one of them said at any time, why isn't
4 this kid at the doctor? There's something wrong.
5 They were just like -- (Indicating) Oh, he seemed
6 a little unusual, but nothing major.

7 Now, they did leave and they went to
8 the store. They knew they shouldn't have done
9 that, that Shaquille didn't object. D.S. didn't
10 object. So these are three young stupid boys who
11 thought they were just going around the corner and
12 they would be right back. And they were. They
13 weren't gone but ten or so minutes. And so that
14 was a not a good decision and I think they
15 recognize that, but they left him, they came right
16 back, Child was in the same position when they
17 came back.

18 So when they got back, C. J. changed
19 his pants. Now, he took him to the bathroom. He
20 decided to cut off his underwear. Well, that makes
21 sense because that's how diapers are designed.
22 Diapers open and close from the side because they
23 don't -- that way you don't get all the mess on the
24 kids and whoever is doing that stays clean.

25 And so that's what he was thinking when

CLOSING ARGUMENT - BY THE DEFENSE

1 he got a knife and cut the pants. I don't think
2 it's unusual to grab a knife. I frequently do it.
3 While scissors would be preferable, I know as much
4 as I try sometimes to have a place for my scissors,
5 often I can't seem to find them, but my knife -- I
6 have a knife block in the kitchen and then I have a
7 drawer where the silverware and tools are, and I
8 have plenty of knives and so it's just easier to
9 grab a knife.

10 While the Solicitor might try to say,
11 oh you grabbed the knife to threaten **Child**, there
12 is zero indication of that from anyone. **D.S.** and
13 Shaquille were there. They never saw anything of
14 concern. **C. J.** and **Child** were in the bathroom,
15 it's a small place. They never heard **C. J.**
16 threaten anyone or yell at **Child**. There is zero
17 evidence that **C. J.** did anything with that knife
18 other than use it to cut the underwear open. And
19 he was honest with the police about that from the
20 very beginning.

21 Now, going back to how **Child** was
22 acting that day. **C. J.** told you he thought he was
23 coming -- he had some type of virus, maybe
24 something relating to the pinkeye, or something was
25 going on. And Shaquille told you as well that **C.**

CLOSING ARGUMENT - BY THE DEFENSE

1 J. indicated that to him, that C. J. thought that's
2 what was maybe going on.

3 So at no time -- and C. J. had no way
4 of -- people don't really think, oh, someone is
5 internally bleeding. That's just not something
6 that a reasonable person would jump to, that
7 conclusion. The State stressed that Shaquille was
8 good with **Child** , that he played with him, that he
9 had a nickname for him, and that they had a really
10 good relationship.

11 Well, Shaquille didn't -- again,
12 Shaquille saw him, Shaquille was spending time with
13 him, and Shaquille at no time was like, we've got
14 to rush this guy -- this kid to the hospital.
15 Because it didn't really become apparent until
16 after C. J. bathed him. That's what C. J. said and
17 that's what Shaquille and **D.S.** both indicated as
18 well.

19 After C. J. bathed **Child** , he took him
20 out to the living room and he did his best to
21 comfort him. He told you that, he showed the
22 police the reenactment. You saw the pictures.
23 **D.S.** told you that; Shaquille told you that. You
24 know, **Child** wasn't feeling well, but C. J. put him
25 on the couch, C. J. covered him with a blanket,

CLOSING ARGUMENT - BY THE DEFENSE

1 C. J. got him water to drink, C. J. held him in his
2 arms. All of those things demonstrate a person who
3 cares about a child, about that specific child.

4 And then at some point, and only at
5 this point, his breathing started to become
6 strange. And so Shaquille and D.S. , they were
7 actually going to leave. So, again, they said,
8 let's take him to the hospital. They were on their
9 way out, and C. J., according to all parties was
10 the one that said, no, we need to go to the
11 hospital. And that's what they did.

12 So the boys were rushed to the hospital
13 in the car. Shaquille and D.S. both told us it
14 was emotional in the car. C. J. was trying to do
15 CPR on Child . He hadn't been officially trained,
16 but he told you that he went back to his days of
17 camp when he had kind of learned the basics of CPR.

18 So he was trying to do CPR and it was
19 difficult because he -- he told us how at one point
20 it sounded like -- he used this word that it
21 sounded like maybe he was saying that his jaw
22 locked and he could barely get it open. So he was
23 trying to get it opened as forcefully as he could
24 in order give him breath, but it didn't work.

25 They got to the hospital and they ran

CLOSING ARGUMENT - BY THE DEFENSE

1 to the door, it was locked. They didn't think
2 twice about abandoning the car and leaving it,
3 running around the hospital to find an open door,
4 so that's what they did. The whole time C. J. is
5 carrying **Child** . He's holding him -- he's running
6 so he's having to hold him tightly so he doesn't
7 drop him.

8 So the boys are running to the hospital
9 and you heard from the respiratory nurse that she
10 saw this man plastered against the door, because he
11 was trying to get in as fast as he could. And so
12 it was like one of those turn-around doors and he
13 was trying to get in and he gets in and he hands
14 **Child** over. So, unfortunately, everyone would
15 agree, obviously, that it was tragic that **Child**
16 died and, unfortunately, C. J. hadn't been able to
17 do enough to save **Child** .

18 But that night Krystal comes and she
19 told us that when she saw C. J. he ran towards her
20 and he was crying. So, obviously, he was very
21 upset by the death of **Child** . That night despite
22 being upset, despite being in shock, he still
23 cooperated with the police and the coroner. He
24 talked to them at the hospital and he took them
25 back to his residence.

CLOSING ARGUMENT - BY THE DEFENSE

1 Now, if he wanted to he could have used
2 the excuse, oh, I don't have my key, he had left it
3 in Shaquille's car, but instead he crawled into the
4 window to let them in. And they asked him -- all
5 they were asking about was, what happened before
6 you took him to the hospital.

7 And so that's what he told them about,
8 what happened before they went to the hospital.
9 And he enacted it for them. You saw the pictures
10 and he told you about it, Shaquille and D.S. told
11 you about what happened before they went to the
12 hospital.

13 The next day he continued to cooperate.
14 The police said, can you and Krystal come down and
15 he said sure. So his mom took him to the police
16 station the next day. And, yes, at that point, as
17 you saw on the stand and you saw in the video, he
18 does admit that he did strike Child earlier in the
19 day. Now, before that, he had not been able to put
20 two and two together.

21 And you got to see in the video when he
22 learned the reason that Child died. Before the
23 interview no one had suggested he died of internal
24 bleeding, that he died from the spleen rupturing,
25 that a blow had caused his death, so he had no clue

CLOSING ARGUMENT - BY THE DEFENSE

1 what the cause of death was.

2 And you can kind of see in the video
3 where he's, like, can I ask you a question? And
4 he's looking at the pictures and he sees the boy's
5 side and that's when you can see it kind of dawning
6 on him. And when it did, he told the police. He
7 told the police what had happened that day.

8 He certainly had not intended that
9 injury. And while, yes, the State does not have to
10 prove the actual intent to kill, they do have to
11 prove that he was essentially thinking when he
12 acted that death could result. Perhaps he didn't
13 know his strength. Sometimes there's just -- you
14 could call it an unlucky punch.

15 Sometimes you may have heard that --
16 sometimes two men are fighting and one guy hits the
17 other, and -- just a punch in the head. And that
18 one blow can kill a person at times, but people
19 don't think of that before they get into a
20 fistfight. But at no time did that enter C. J's
21 head, and he told you that.

22 Now, C. J. doesn't know that his punch
23 caused the death of that child. The Solicitor was
24 trying to get him to admit that. He doesn't know,
25 he's not a doctor. All he knows, and he admits

CLOSING ARGUMENT - BY THE DEFENSE

1 that, he did hit him in that area. So he doesn't
2 understand what happened, it doesn't make sense to
3 him, but he does admit that he hit **Child** in that
4 area.

5 Now, there are some other bruises as
6 well. Dr. Presnell testified that it's
7 controversial to date bruises just by looking at
8 them and sometimes people may have traditionally
9 tried to look at the colors, but that's just not a
10 reliable method. So she used a microscope to look
11 at some of the bruises. She told you she used it
12 to just look at a few of them, not all of them.

13 And the Solicitor -- they're trying to
14 date these. And she said they were consistent with
15 having happened within nine hours. She didn't say
16 they did happen within nine hours. She said that
17 would be consistent.

18 Dr. Presnell testified that the spleen
19 affects the oxygen levels in the body. When I
20 asked her if oxygen can affect how bruises looked,
21 the coloring, she said she didn't know the answer
22 to that. So perhaps he looked the way he did to an
23 extent because of that.

24 Well, Dr. Busch testified that nothing
25 in **Child** 's medical records suggested a reason to

CLOSING ARGUMENT - BY THE DEFENSE

1 be concerned. We know that Krystal didn't really
2 take **Child** regularly to a doctor. A child is
3 supposed to have certain amount of well visits, and
4 they're pretty frequent the first few years. So
5 there should have been over ten well visits and
6 Dr. Busch testified to that. And she only had
7 records for two. She did not have records for the
8 three-year-old well visit that he should have had
9 around his birthday.

10 He had been to the doctor that week
11 just for pinkeye. You know, while they do look at
12 basics, like, does anything look too strange, they
13 certainly don't do any tests or anything. They're
14 not going to spend a lot of time on a child for a
15 pinkeye visit. People are looking for some
16 medicine to clear it up so they can go back to
17 school and back to work and things of that nature.

18 They didn't do any other kind of
19 screening on **Child** to look for any kind of blood
20 issues, nutrition deficiencies that could have
21 caused issues. They didn't do anything like that.

22 Krystal also testified that her son was
23 very active and clumsy. She admitted -- she used
24 the word clumsy. Krystal admitted -- she told
25 police that **Child** had come home from daycare with

CLOSING ARGUMENT - BY THE DEFENSE

1 a bruise, that lump on his head. She couldn't
2 really remember that too specifically, but she
3 admitted that she told police that it was sometime
4 in daycare.

5 And Ms. Haynes got on the stand and
6 said, we would have told the parents or there would
7 have been a report, but surely they don't write a
8 report every single time that a child falls. Maybe
9 the bruise or bump didn't develop until later that
10 day. They weren't sure of the time frame. If it
11 was Friday afternoon, they may not have seen it,
12 but obviously they don't tell parents every time a
13 child falls. That would be impossible.

14 There was an injury on the buttocks.
15 Now, normally I would consider this too much
16 information, it's not something I would normally
17 tell people, but when I saw the picture of Child 's
18 bruise I just immediately went to earlier this
19 year, right before I went on vacation. I was
20 getting out of the shower and I slipped on the
21 water and I tried to catch myself. I hurt my hand,
22 but I ended up falling on my rear.

23 I had a very significant, very large,
24 very dark bruise covering half my rear for nearly a
25 month. And so that's just what I thought of when I

CLOSING ARGUMENT - BY THE DEFENSE

1 saw that picture.

2 And perhaps -- and you heard testimony
3 from -- maybe some of the boys. D.S. mentioned
4 when they were walking back to the house he fell,
5 and Curtis told you that he fell several times in
6 the house and this was when he wasn't feeling well.

7 And, again, he didn't really know what was going,
8 but he fell several times in the kitchen, he fell
9 in the bathtub, sliding to the front of the
10 bathtub. So he was falling a lot.

11 And at the park -- you know, the State
12 made a big deal about him being at the park. When
13 C. J. said he lost sight of him, he didn't mean
14 that, oh, he lost him. He was just on his phone.
15 It's a small park, you saw pictures. It's not a
16 bustling park. There's not a lot of equipment
17 there for kids to even play on.

18 So he was playing on his phone. That's
19 just normal behavior, it's not unusual. So he just
20 said he didn't know if anything happened to Child
21 at the park. He never mentioned that he heard him
22 cry or anything like that. He just said he didn't
23 know if he fell or something of that nature.

24 There was mark on his elbow, you know,
25 there was an abrasion like he could have fallen

CLOSING ARGUMENT - BY THE DEFENSE

1 down and hit his elbow. I know I've had lots of
2 bruises on my elbow from falling. There's injuries
3 on **Child** , around his jaw and neck that C. J. told
4 you when he was doing CPR that he, you know --
5 **Child** 's mouth basically locked up. And so he
6 really had to try to get it open, so perhaps that's
7 where they're from.

8 C. J. had to carry **Child** several times
9 that day, from the car to the house at one point,
10 and he had to carry from the car to the hospital.
11 And he told you, again, that he had to run a good
12 little distance and the whole time he was holding
13 him he was holding him tightly so he wouldn't fall.
14 And he's running because he has to get the kid help
15 as soon as possible.

16 And, unfortunately, while it was too
17 late, if C. J. had known that he was internally
18 bleeding, if he had known that he was so bad, he
19 would have gone earlier in the day. His actions
20 that day demonstrate that. He just thought **Child**
21 -- he knew something was wrong, but he just didn't
22 know the extent.

23 You are not here today to determine if
24 **Child** 's death was tragic. It most definitely was
25 tragic. The reason you're here is to look at C. J.

CLOSING ARGUMENT - BY THE DEFENSE

1 and his actions that day because mindset is very
2 important. It's important in any crime, but
3 especially this crime because that's why the
4 legislature -- they actually put that extra element
5 in the law. The State must prove beyond a
6 reasonable doubt that the act demonstrated extreme
7 indifference to human life.

8 And, again, extreme is a really big
9 word because it's a relevant big burden.

10 C. J. was perhaps thoughtless, perhaps
11 he didn't know his strength. He did some things he
12 should not have done that day certainly, but he did
13 not act with indifference to human life. And he
14 most certainly did not act with extreme
15 indifference to human life.

16 C. J. loved **Child** . There had not been
17 any prior major issues. There was no indication
18 that **Child** was this boy who was being constantly
19 abused or anything of that nature. Nothing from
20 the daycare or prior doctor visits where Krystal
21 indicated that at all, none of the witnesses
22 suggest that at all. It doesn't make sense that
23 things would have just changed so drastically that
24 day.

25 You heard that Joseph and Joanne were

CLOSING ARGUMENT - BY THE DEFENSE

1 home the whole day. They share a wall. They at no
2 point heard, like, the sounds of a beating. They
3 at no point indicated they heard a kid crying
4 because he was being beaten or anything of that
5 nature because it didn't happen.

6 C. J. did not act in any way that day
7 -- in a way that disregarded **Child** 's life. He
8 did not delay seeking help because he disregarded
9 **Child** 's life. He just didn't realize how bad
10 things were. He made some mistakes that day and
11 the mistakes he is deeply sorry for. You saw him
12 on the stand and he cried. He cried multiple times
13 because this has deeply affected him. He thinks
14 about **Child** all the time. He's not someone who
15 would be -- he cries himself. That was genuine.
16 It was genuine on the stand. It was genuine in the
17 video that you saw.

18 He's not some super tough macho guy.
19 C. J. is deeply sorry for the mistakes he made, but
20 he did not commit homicide by child abuse. He's
21 innocent of that charge and we would ask you when
22 you go back to please consider everything you've
23 heard and to consider the element of extreme
24 indifference to human life, and we would ask for a
25 verdict of not guilty. Thank you.

CLOSING ARGUMENT - BY THE STATE

1 MS. HERRING-LASH: Intent is not an
2 issue in this case. The State is not alleging that
3 Curtis Williams got up that morning with the intent
4 to kill **Child** . He may in fact be very sorry that
5 **Child** died. A lot of times people are sorry for
6 their actions afterwards, but you still have to be
7 responsible for the actions that you took, and the
8 actions that he took that day were purposeful.

9 He didn't accidentally punch the living
10 daylights out of that child. That was a purposeful
11 act. You don't accidentally slug somebody in the
12 back so hard that it kills them. That's not an
13 accident. That's purposeful, and that is the
14 purposeful action that was extremely indifferent to
15 **Child** 's life and that's what he did. He punched
16 this baby like a grown man.

17 It takes a lot of force, a lot of force
18 to lacerate a spleen. The doctors said most often
19 in a car accident or you, probably, perhaps have
20 seen in a football game when she described a sport.
21 A football player gets hit by another player
22 running head on with the helmet into the side, back
23 side, and lacerates their spleen.

24 We're not talking about a mild laying
25 your hands on him. We're talking about a punch. I

CLOSING ARGUMENT - BY THE STATE

1 don't think for one second that when a punch like
2 that happens that the child just stood there.

3 (Indicating) Even a football player writhes in
4 pain when that happens.

5 And why? **Child** didn't walk fast
6 enough out of the bathroom. He's now saying he
7 doesn't remember if he really just laid his hands
8 on him or punched him, or whatever, but he did.
9 You've seen his body. You've seen that it was more
10 than one punch.

11 The doctors said his liver was also
12 damaged, his diaphragm, and some of his ribs.
13 There wasn't one punch. His body except for his
14 abdomen had punches. Curtis tells lots of people
15 what happened that day. Lots of people, but never
16 once does he mention the most tragic thing that
17 happened that day.

18 Now, he said he left that out because
19 he didn't think that that's what hurt him. Well,
20 all the other stuff he told isn't what hurt him or
21 isn't what he thought hurt him. He left out what
22 he knew hurt him. And he had to know that hurt
23 **Child** .

24 Even when the doctors were trying to
25 save **Child** 's life, he didn't tell them what

CLOSING ARGUMENT - BY THE STATE

1 happened. He said, no injuries, no falls, didn't
2 hit his head. Even when they were trying to save
3 his life.

4 Let's talk a little bit about the
5 witnesses. Jean Smith, the kind of professional
6 most of us would probably want to be taking care of
7 our children, she stepped in and tried. The most
8 important thing about her testimony is when she got
9 **Child** his gums, his lips, and his nails were
10 already blue.

11 Samantha Flick, her first bereavement
12 case. She remembers. She escorted C. J. down the
13 hall and he told her the story. She hears him tell
14 the doctors. Once again, nothing. He doesn't know
15 what happened. Nothing happened. She did note at
16 that point there was no crying from C. J., no
17 emotion from C. J.

18 Lucas Cummings the responding officer,
19 he gets there. He gets the same detailed story of
20 the events of the whole day, except for what
21 happened in the bathroom that first time. And he
22 talks to C. J. for awhile. And all of these
23 stories that you heard from all of these different
24 people probably wondering when you were sitting
25 here, we walked to the car, we did this, we did

CLOSING ARGUMENT - BY THE STATE

1 that, how in the world did this child end up dead?

2 When you heard all of these stories
3 that were told to all of these people. You were
4 probably thinking, what in the world could have
5 happened? He ended up dead and all he did was go
6 to the park, lay down, come home, lay down, have an
7 accident of diarrhea, and he's dead. That's the
8 story because the important part was left off.

9 Shaquille Prioleau was a very good
10 friend of C. J., a friend all of his life. He was
11 going over that day to watch football. And he
12 normally would play with **Child** , and **Child** would
13 come to him and play. And that day he didn't. But
14 Shaquille was only there for a short time before
15 they had to leave. And what he said, he thought
16 he's tired. He was just laying on the couch. And
17 if you think back, Shaquille and **D.S.** both
18 described the laying as kind of sitting and
19 slumping like that. They don't describe the being
20 on the tummy and the trying to find a comfortable
21 position.

22 By the time they got there, we were
23 past that. We were past that. He was just laying
24 there by the time they got there. Slumped. They
25 think that he's just tired and sleepy. It was a

CLOSING ARGUMENT - BY THE STATE

1 little different, but they were only there for a
2 short while.

3 Shaquille did say that C. J. did treat
4 **Child** a little different. He needed to toughen
5 him up. And he wanted to toughen boys up, but it
6 wasn't Shaquille's responsibility to say
7 something's wrong with this child. He was not the
8 caretaker, but if he would have known, you can bet
9 he would have.

10 **D.S.** who was only 12, unfortunately,
11 had to see this. He usually would play with **Child**
12 also, but that day not so much. He also said just
13 kind of sitting and slumping. He doesn't describe
14 what C. J. described happening after the park.
15 That getting down on his knees and doing this
16 (Indicating) is the pain as the belly filled with
17 blood.

18 **D.S.** says that when they got in the
19 car and Shaquille says either on the way to the car
20 or after they get in the car there's the smell.
21 Now, they at first think that someone passed gas.
22 On the stand C. J. said -- I mean, C. J. says,
23 well, he didn't look to change his diaper when he
24 took him back in the house. He thought he had just
25 passed gas. Well, if he passed gas, why leave him

CLOSING ARGUMENT - BY THE STATE

1 there? That smell was going away. So he knew that
2 it was in the diaper. He just didn't bother to do
3 anything about it.

4 Now, what **D.S.** tells you is when they
5 got out of the car the child couldn't walk. He had
6 to pick him up and carry him like this,
7 (Indicating) that he fell when he tried to walk,
8 but they left him there. C. J. was in a hurry.
9 Shaquille could have taken that paperwork to
10 Save-A-Lot. C. J. didn't have to go.

11 He left a child that he knew was in
12 pain; that he knew had had diarrhea; that he knew
13 was writhing in pain right by his little self. He
14 was in a hurry I guess to get back and watch
15 football because he didn't have anything else to
16 do.

17 Shaquille nor **D.S.** saw **Child** 's body.
18 He had on little blue jeans and a shirt and was
19 covered with a blanket most of the time they were
20 there. In the car, he had on his clothes. So they
21 didn't see the body.

22 Tiffany Adams did a very good job of
23 taking the pictures. They, hopefully, help you all
24 understand where the couches were, just the layout.
25 Kind of try to put yourself and understand what the

CLOSING ARGUMENT - BY THE STATE

1 home is like the best you can sitting here.

2 She took some evidence. That evidence
3 had body stains on that and you could see the
4 pictures, two of them. It would have been a bit
5 unpleasant to subject you to that when you have the
6 pictures. You can't get quite how big the shirt
7 was and the little pants, but you have the
8 pictures.

9 She also went to the hospital and took
10 pictures, but the pathologist also took pictures.
11 And those are the ones that you all have seen.

12 Now, officer -- or, excuse me,
13 Detective MacDonald went out to the scene. What
14 her job was, was to secure the area and make sure
15 that nobody went into the apartment before they got
16 there.

17 She was also supposed to knock on
18 doors, see if she could find out anything. She
19 told you she took a statement from a witness who is
20 now deceased. So you can't hear his statement,
21 he's now deceased.

22 Tiffany Frierson, a long-time friend of
23 Krystal's because she has been in a relationship
24 with Krystal's brother, and she said that she did
25 not appreciate the way C. J. treated Child . She

CLOSING ARGUMENT - BY THE STATE

1 didn't try to say anything to you like, boy, I saw
2 him beat him or anything like that. She said, I
3 did see him pop him one time, but that was --
4 people do pop children.

5 A.J. , the little boy that testified
6 also said he saw him pop him. But she did say she
7 didn't like the way -- his attitude. He would
8 raise his voice to him and call him a momma's boy.
9 And I hate to say this, but this is his words, a
10 punk ass. You ain't going to be no punk ass around
11 me. He would talk to him like that, and she didn't
12 like that. So they had stopped pretty much hanging
13 around. She had never been to

14 Hester Haynes was the daycare worker.
15 **Child**, had been out of daycare from September 19th
16 until October 20th, which was the week of his
17 death. He'd had to go for a -- had pinkeye that
18 Tuesday and he was out all day Wednesday. She said
19 that on that Friday also he had wet his pants so
20 they had to change his clothes. So they had to see
21 him that Friday with his little pants off.

22 And when he got taken to the doctor,
23 Dr. Busch explained that when she looked at the
24 doctor who examined him for the pinkeye on that
25 Tuesday, they looked at his skin. Nothing. His

CLOSING ARGUMENT - BY THE STATE

1 skin was fine that day.

2 He was out on Wednesday. Now C. J.,
3 his mother, I think maybe his sister, and Krystal
4 all go to the daycare. She says to C. J., tell Ms.
5 Haynes what happened. Same story, little
6 variation, that's the first time he may have used
7 the word dehydrated. He thought he looked
8 dehydrated. But, once again, leaving out -- I
9 mean, leaving out what really happened.

10 Joseph Harris is the neighbor. Just,
11 coincidentally, I was thinking, he didn't try to
12 tell you that I know on Monday, or I know that it
13 was Tuesday, or I know that it was Wednesday. He
14 said, four or five days. Four or five days could
15 have been that Wednesday. If you count Sunday, it
16 would have been five days.

17 If you don't count four days, it could
18 have been that Wednesday when Child was supposed
19 to be at daycare and C. J. could have been
20 sleeping. And so what does he hear? Wham, get
21 back in that bed. Wham. And he says he thought
22 that's pretty hard to hit a two year old. But he
23 had child support on him, and he didn't want to
24 talk to the police at that time.

25 And he does say -- or maybe it was

CLOSING ARGUMENT - BY THE STATE

1 Joanne in her part of the testimony, that Sunday
2 they were watching football so it was not quiet in
3 their apartment. They were watching football. She
4 was laying on the couch. It wasn't like early that
5 morning when it was all silent when he heard the
6 smacking.

7 And, you know, throughout all of these
8 people, and even this day that **Child** died, nobody
9 ever heard **Child** cry. Ever. I don't know if he
10 just learned not to cry, but no one ever heard him
11 cry.

12 Now, Krystal, in the beginning did what
13 a lot of women do, she stood by her man. There are
14 a lot of cases where a child had been injured or
15 assaulted and the momma is sitting right over there
16 behind the man who did it. It happens all of the
17 time. And you can be mad at her and you can think
18 she wasn't a good momma for that, but she is not on
19 trial. She didn't kill **Child** .

20 But she did get on the stand and tell
21 you some stuff that made herself look bad. And
22 when she said C. J. cared for **Child** more. That's
23 babysitting? He babysat for **Child** . She said that
24 -- she admitted, yeah, she knew that the attitude
25 was bad; that he raised his voice; that he called

CLOSING ARGUMENT - BY THE STATE

1 him a punk ass; that he called him a momma's boy;
2 that he didn't want a soft boy around. She
3 admitted that. Didn't make herself look good, but
4 she did.

5 Now, when asked about if C. J. was mean
6 to **Child**, she said, no, it was really nothing.
7 They didn't really interact. **Child** stayed up
8 under her. She didn't try to tell you, oh, he was
9 always so mean to him. It was nothing. **Child**
10 wasn't his self, he wasn't his playful self around
11 him.

12 Now, no one is trying to say to you
13 that every day, day-in and day-out, that C. J. hurt
14 **Child**. This day was different. I don't know why
15 this day was different, but this day was different.
16 He may have been tired of having to watch him some
17 days, but this day was different. No one is trying
18 to say this was a horrible man that got up and beat
19 this child every day, but he beat him this day and
20 that day was enough, because this day killed him.

21 We do know that Krystal worked all the
22 time, one job and then another, and that sometimes
23 she would be gone before he would leave for daycare
24 depending on which route Ms. Haynes took. And a
25 lot of times **Child** would be asleep when she got

CLOSING ARGUMENT - BY THE STATE

1 home from work, so C. J. was left to care for him a
2 lot.

3 The Save-A-Lot video didn't show you a
4 lot, but what it does put for you is time and
5 place. None of these people, and rightly so, know
6 exact times. I mean, they're not thinking --
7 Shaquille is not thinking, I'm going to get to
8 C. J.'s house 4:15 or 3:45, but we do know the time
9 from Save-A-Lot. They get there at 4:17 and they
10 leave at 4:21. And they're kind of just walking
11 around the store, and then they go back home.

12 So -- but we do know that. And one of
13 the important things about that time frame for you
14 is that before they went to Save-A-Lot, by
15 everybody's account, it's when Child lost control
16 of his bowels. Because it was on the way to
17 Save-A-Lot and that trip was about four minutes or
18 so. And when I talk about the body digression,
19 I'll bring that back up. That is the timing, let's
20 say 4:13, 4:12, that he lost control of his bowels.

21 You heard from Lu-Lu and she said that
22 C. J. kept her children off and on. Also, said her
23 sister, who was one of the people over there, was
24 there. So he wasn't alone with the children. You
25 heard from A.J. who said his mom was there, so

CLOSING ARGUMENT - BY THE STATE

1 C. J. wasn't alone with those children. Joseph
2 said he was always at football, but he wasn't
3 really social. Not that he would have beaten him.
4 I'm not trying to tell you he would beat any child.

5 But another thing about Mr. Joseph
6 Matthews we find out, C. J. is strong, he's a
7 football player, he was a defensive back, he knows
8 how to hit and he knows what it feels like to be
9 hit. So he knows about hitting and strength.

10 He tells you that now he doesn't even
11 remember if he punched him or laid his hands on
12 him. But you know what? It doesn't matter. If it
13 was just a slap, it killed him. He did take him to
14 the park that day to be real nice, but he was
15 watching a football game, not **Child**. He goes to
16 Save-A-Lot specifically leaving this child there.

17 He tells you from that stand that after
18 they get back from Save-A-Lot -- now they leave
19 Save-A-Lot at 4:21, after they've driven home and
20 whatever, he gives **Child** a bath. And at that
21 point in time, there was not one mark on **Child**'s
22 body. Public safety responds at 5:13, as
23 Ms. Miller told you. What happened between four
24 whatever, 4:30 and 5:13 that caused his body to
25 look like what you saw? There were marks -- that

CLOSING ARGUMENT - BY THE STATE

1 flies in the face of reason. His body was not
2 crystal clean with not a mark on it at 4:30.

3 Sid Lewis goes to the hospital. He
4 also talked and gets a history from C. J. at that
5 time. He brings him back to the apartment and has
6 that reenactment when he's describing what happened
7 after they came back from the park. Finally, the
8 next day, C. J. tells some of the truth. He tells
9 about one blow, one punch, but we all know there
10 was more because you've seen his body. He wasn't
11 just hit one time.

12 You have the tape, you can see it, but
13 he starts to say, well, he slipped a little bit, he
14 went to Save-A-Lot, well, no, he didn't go to
15 Save-A-Lot, he had injuries, no, he didn't. He
16 leaves out a lot.

17 Do not be mistaken. He purposely
18 punched **Child**. Do not mix up intent to kill with
19 purposeful infliction of injury, violent extreme
20 infliction of injury. He only told you part of the
21 story about the one punch. Dr. Presnell tells you
22 that the child died -- that this little
23 three-year-old **Child** died from a lacerated spleen,
24 which is an organ, she showed you, and that the
25 injuries where it is very difficult to judge all

CLOSING ARGUMENT - BY THE STATE

1 bruises, the best way is at an autopsy,
2 unfortunately.

3 And these were within the time frame
4 all together. I asked her nine hours because
5 that's the time frame of when Krystal left that
6 morning and they showed up at the hospital. And
7 the picture that you saw of the internal bruising,
8 when you look at the buttocks, it looks like a
9 bruise.

10 That bruise went all the way through
11 all the tissue into the muscle. That bruise on the
12 buttocks was not from a simple slap. That was a
13 huge, horrendous bruise that went through the
14 muscle tissue of his buttocks where there's more
15 fat muscle than any other part of your body.

16 Dr. Busch explained how the injuries
17 usually happen to the spleen. She also talked
18 about there's injuries on the back of the head, the
19 front of the head, the side, the foot -- all of
20 this body. That's not from one blow. That's a
21 lot.

22 The other thing that she told you about
23 was the digression of the body. Now, she used
24 words like digestive system and respiratory system,
25 but the reason that that is important is that is

CLOSING ARGUMENT - BY THE STATE

1 **Child** 's day, that day. The violent injuries
2 occurred so the bleeding has started. He goes to
3 the park, he gets lethargic by just sitting. He
4 goes back home. He won't even eat a tootsie roll.
5 He starts laying on the couch. He
6 stays laying there. He begins writhing in pain as
7 his little belly fills with blood and then he loses
8 control of his bowels. She said one of the first
9 organ systems to shut down is the digestive system.
10 Then he starts to lose control of the respiratory
11 system, which is the shallow breathing, then he
12 makes it to the hospital and his heart goes and he
13 dies.

14 She also checked other records. This
15 little guy had no previous medical conditions that
16 would have subjected him to any kind of, you know,
17 bruising or anything like that. **Child** was a
18 three-year-old baby beaten to death by a full grown
19 man. Why doesn't matter. His body is the
20 definition of extreme indifference.

21 Please consider all of the medical and
22 all of the other testimony you've heard Curtis
23 thinks he would agree and not agree to. We proved
24 to you that he caused the death of a child under
25 the age of 11, a three-year-old baby, by child

CLOSING ARGUMENT - BY THE STATE

1 abuse and at that time he was extremely indifferent
2 to **Child** 's life.

3 THE COURT: Ladies and gentlemen, you
4 all have been sitting for a little over an hour.
5 We are going to take a brief restroom break.
6 During the break, please do not discuss the case
7 and please leave your notepads in your seats. As
8 soon as everyone has completed that task, we will
9 resume with the Court's instructions. If you would
10 go with the bailiff please.

11 (Jury out, 2:09 p.m.)

12 THE COURT: Can you make sure that the
13 Court Reporter has all of the exhibits.

14 We'll be out -- should take them about
15 ten minutes and then we'll resume with
16 instructions.

17 Also, the gallery needs to know and the
18 courtroom security and the bailiffs are to be aware
19 that during instruction there is to be no movement
20 in that gallery. So if anybody feels they are
21 going to move around, they need to wait outside
22 until after instruction is completed.

23 (A recess transpired.)

24 THE BAILIFF: All jurors are present,
25 Your Honor.

JURY CHARGE

1 THE COURT: During this trial, ladies
2 and gentlemen, you and I have certain duties to
3 perform. As the trial judge, it is my
4 responsibility to preside over -- to preside over
5 the trial of this case and I also have the duty to
6 pass upon or rule upon the admissibility of
7 evidence offered during this trial.

8 You are to consider only the competent
9 evidence that is before you and you are to
10 disregard and disabuse from your mind any testimony
11 ordered stricken from the record in this case
12 during the progress of this trial if there has been
13 any. You are only to consider the testimony which
14 has been presented from the witness stand together
15 with any exhibits which have been made a part of
16 the record in this case.

17 I also have the additional duty to
18 charge or instruct you on the law applicable to
19 this case. As the presiding judge, I'm the sole
20 judge of the law of this case, and it is your duty
21 as jurors to accept and apply the law precisely as
22 I now state it to you.

23 If you have a preconceived idea as to
24 what the law is or what the law ought to be in a
25 case or in this case, and it should not agree with

JURY CHARGE

1 what I now tell you the law is, you are obligated
2 under your oath to abandon this preconception on
3 your part because you are sworn to accept the law
4 and apply the law precisely as I state it to you.

5 In every case tried in this court
6 before a jury, the jury becomes the sole and
7 exclusive judges of the facts. You, the jury, are
8 the judges of the facts in this case. This court
9 is the judge of the law. The constitution of our
10 state has declared that a trial judge shall not
11 state, intimate, comment upon, or make any
12 statement to a trial jury about the facts in that
13 case.

14 Since you the jury are the sole judges
15 of the facts in this case you are not to infer
16 anything from what I have said during the progress
17 of this trial in ruling upon the admissibility of
18 evidence or otherwise, or anything that I say to
19 you now during the course of this instruction that
20 I have any opinion about the fact. The law does
21 not allow me to have an opinion about the facts.
22 This is a matter solely for you, the jury, to
23 determine.

24 As jurors then, it is your duty to
25 determine the effect, the value, the weight, and

JURY CHARGE

1 truth of the evidence presented during this trial.
2 Necessarily, you must assess the credibility of
3 witnesses who have testified in this case.
4 Credibility is simply a legalistic term meaning
5 believability.

6 It becomes your duty as jurors to
7 analyze and evaluate the evidence and determine
8 that evidence which convinces you of its truth.
9 Some of the things you may consider as you decide
10 whether or not to believe a witness's testimony
11 about a particular matter include, what was the
12 manner and appearance of the witness who testified?
13 Was he or she straightforward or hesitant in
14 answering? Was the testimony of a witness
15 consistent or inconsistent. How did the witness
16 come to know the facts that he or she testified to
17 or what was his or her ability to know these facts?
18 Is there some reason a witness would want to give
19 testimony that would help or hurt one side or the
20 other; in other words, was the witness biased or
21 prejudiced? And was the testimony of a witness
22 strengthened or weakened by other testimony or
23 evidence?

24 I further instruct you that in
25 determining the question of the credibility or

JURY CHARGE

1 believability of witnesses who have testified, you
2 may believe one witness as against several
3 witnesses, or several witness as against one
4 witness. You may believe a part of the testimony
5 of a witness and reject the remaining part of the
6 testimony of that same witness.

7 If you have a good and sound reason,
8 you may believe the testimony of a witness in its
9 entirety or reject the testimony of a witness in
10 its entirety. You may consider the demeanor of the
11 witness, that is, the manner and appearance of the
12 witness from the witness stand. You can believe as
13 much or as little of each witness's testimony as
14 you think proper.

15 Throughout this process, ladies and
16 gentlemen, you have but one objective, to seek the
17 truth regardless of its source.

18 Our Rules of Evidence ordinarily do not
19 permit witnesses to testify to opinions or
20 conclusions. An exception to this rule exists for
21 witnesses we call expert witnesses. A witness who
22 by their education, training, and experience has
23 become an expert in some art, science, or
24 profession or calling may state an opinion as to
25 relevant and material matters in which the witness

JURY CHARGE

1 claims to be an expert, and may also state the
2 reasons for the opinion.

3 You should consider any expert opinion
4 received in evidence in this case like any other
5 evidence. Give it the weight you think it
6 deserves. If you decide that the opinion of an
7 expert witness is not based on sufficient education
8 and experience, or if you conclude that the reasons
9 given in support of the opinion are not sound, or
10 that the opinion is outweighed by other evidence,
11 you may disregard the opinion entirely.

12 An expert witness's testimony is to be
13 given no greater weight than that of other
14 witness's simply because the witness is an expert.
15 Further, you are not required to accept an expert's
16 opinion even though it is not contradicted.

17 Ladies and gentlemen, there are two
18 types of evidence which are generally presented
19 during a trial: Direct evidence and circumstantial
20 evidence.

21 Direct evidence is the testimony of a
22 person who asserts or claims to have actual
23 knowledge of a fact, such as an eyewitness.

24 Circumstantial evidence is proof of a
25 chain of facts and circumstances indicating the

JURY CHARGE

1 existence of a fact. The law makes absolutely no
2 distinction between the weight or value to be given
3 to either direct or circumstantial evidence, nor is
4 a greater degree of certainty required of
5 circumstantial evidence than of direct evidence.

6 You should weight all of the evidence
7 in this case. And as I have already instructed,
8 crimes may be proven by circumstantial evidence.
9 And, again, the law makes no distinction between
10 the weight or value to be given to direct or
11 circumstantial evidence; however, to the extent the
12 State relies on circumstantial evidence, all of the
13 circumstances must be consistent with each other
14 and, when taken together, point conclusively to the
15 guilt of the accused beyond a reasonable doubt.

16 If these circumstances merely portray
17 the defendant's behavior as suspicious, the proof
18 has failed.

19 The State has the burden of proof of
20 proving the defendant guilty beyond a reasonable
21 doubt. And this burden rests with the State,
22 regardless of whether the State relies on direct
23 evidence, circumstantial evidence, or some
24 combination of the two.

25 Again, ladies and gentlemen, you should

JURY CHARGE

1 weight all of the evidence in this case. After
2 weighing all the evidence, if you are not convinced
3 of the guilt of the defendant beyond a reasonable
4 doubt, you must find the defendant not guilty.
5 Conversely, if you are convinced of the guilt of
6 the defendant beyond a reasonable doubt, then you
7 must find him guilty.

8 I instruct you the fact that the
9 defendant was arrested, charged, and indicted is
10 not evidence in this case and cannot be considered
11 by you as evidence of guilt in this case, nor does
12 it create any presumption or inference of guilt.
13 This documentation is simply the formal written
14 instrument which contains the charge or charges
15 made against the defendant. It simply serves as
16 the formal documentation by which this case is
17 processed or brought into this court.

18 The defendant has pled not guilty to
19 the indictment and that plea casts the burden on
20 the State to prove the defendant guilty because a
21 person charged with committing a criminal offense
22 in South Carolina is never required to prove
23 himself innocent.

24 I instruct you, Mr. Foreman, ladies and
25 gentlemen, that it is a cardinal and important rule

JURY CHARGE

1 of the law of evidence that the defendant in a
2 criminal trial, no matter what the seriousness of
3 the charge made against him may be, will always be
4 presumed to be innocent of the crime for which he's
5 indicted, unless his guilt has been proven by
6 evidence satisfying you of that guilt beyond a
7 reasonable doubt.

8 This presumption of innocence does not
9 cease when you retire to deliberate, but
10 accompanies the defendant from the time of his
11 appearance throughout this trial until you reach a
12 verdict in this case.

13 Our Supreme Court has said that the
14 presumption of innocence is like a robe of
15 righteousness placed about the shoulders of the
16 defendant and it remains with him and assigns him
17 to that class, the innocent, until that presumptive
18 robe of righteousness has been stripped from his
19 person by evidence satisfying you of that doubt --
20 evidence satisfying you of that guilt beyond a
21 reasonable doubt.

22 The presumption of innocence is not
23 mere legal theory. It is not just a legal phrase.
24 It is a substantial right to which every defendant
25 is entitled unless you, the jury, are satisfied

JURY CHARGE

1 from the evidence of his guilt beyond a reasonable
2 doubt.

3 The State has the burden of proving the
4 defendant guilty beyond a reasonable doubt. Some
5 of you may have served as jurors in civil cases
6 where you were told that it is only necessary to
7 prove that a fact is more likely true than not
8 true, such as by a preponderance of the evidence.
9 In criminal cases, the State's proof must be more
10 powerful than that. It must be beyond a reasonable
11 doubt. Proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the defendant's
13 guilt. There are very few things in this world
14 that we know with absolutely certainty, and in
15 criminal cases the law does not require truth that
16 overcomes every possible doubt.

17 If based on your consideration of the
18 evidence you are firmly convinced that the
19 defendant is guilty of the crime charged, you must
20 find him guilty. If, on the other hand, you think
21 there is a possibility that he's not guilty, you
22 must give him the benefit of that doubt and find
23 him not guilty.

24 The defendant is charged with homicide
25 by child abuse. The State must prove beyond a

JURY CHARGE

1 reasonable doubt that the defendant caused the
2 death of a child under the age of 11 while
3 committing child abuse or neglect. Child abuse or
4 neglect is an act or failure to act which causes
5 harm to the child's physical health or welfare.

6 Harm to the child's physical health or
7 welfare means that the defendant either inflicted
8 or allowed to be inflicted on the child physical
9 injury including injury sustained as a result of
10 excessive corporal punishment, failed to supply the
11 child with adequate food, clothing, shelter, or
12 healthcare and this failure caused a physical
13 injury or condition which caused death, or
14 abandoned the child causing the child's death.

15 The State must also prove beyond a
16 reasonable doubt that the death occurred under
17 circumstances showing an extreme indifference to
18 human life. The State is not required to prove the
19 defendant acted with the intent to harm the child
20 in order to prove indifference. The State must
21 prove that the defendant performed a deliberate act
22 that he knew would create a risk of death to the
23 child. A deliberate act in the face of such
24 knowledge is a reckless disregard of the risk and
25 thus demonstrates extreme indifference to the

JURY CHARGE

1 child's life.

2 Ladies and gentlemen, you've been
3 selected as fair and impartial jurors in this case,
4 sworn to impartially try the facts of this case,
5 and when you comply with your oath, you will have
6 fully discharged your duty as jurors.

7 You should not be influenced by
8 opinions or expressions of opinions, if any, which
9 you may have heard outside of the evidence in this
10 case, but you are to decide this case according to
11 the sworn testimony that you have heard and the
12 other evidence that has been introduced into this
13 record.

14 There are two possible verdicts in this
15 case and there is no significance whatsoever to the
16 order in which I state these potential verdicts --
17 and you don't have to try to write this down
18 because the verdict form goes into the jury room
19 with you.

20 And the options are as follows: We,
21 the jury, by unanimous consent, find the defendant
22 guilty of homicide by child abuse, or not guilty.
23 Again, there is no significance whatsoever to the
24 order in which I state these potential verdicts.

25 Ladies and gentlemen, in order to reach

JURY CHARGE

1 a verdict all 12 of you must agree means your
2 verdict must be unanimous.

3 Mr. Foreman, once the jury has reached
4 a unanimous verdict, it is your responsibility to
5 fill out the verdict form, to sign and date the
6 form and knock on the door and advise the bailiff
7 that the jury has reached a unanimous verdict.

8 Also, if the jury has any questions
9 during deliberations, it is your responsibility to
10 write those questions out, to sign and date the
11 note, and follow the same procedure by knocking on
12 the door and advise the bailiff that the jury has a
13 question.

14 Ladies and gentlemen, I will tell you
15 in advance that if you have any questions during
16 deliberations there will be a delay in our response
17 to you and that is because there is a procedure
18 that we must follow in answering your questions.
19 So know if there is a question, there will be a
20 delay.

21 Again, ladies and gentlemen, your
22 verdict must be unanimous in order for you to reach
23 a verdict in this case. I'm going to ask that you
24 return your jury room. Do not yet begin your
25 deliberations. I have some brief matters of law to

JURY CHARGE

1 take up with the attorneys that may require further
2 instruction or clarification of an instruction. If
3 there is no further instruction, we will send in
4 your notebook, excuse the alternates and send in
5 the evidence and the verdict form and at that time
6 you will be allowed to begin your deliberations.

7 If you would go with the bailiffs
8 please, and do not yet begin your deliberations.

9 (Jury out, 2:36 p.m.)

10 THE COURT: Any exception from the
11 State?

12 MS. HERRING-LASH: None from the State.

13 THE COURT: Any from the defense?

14 MS. FORD: No, Your Honor.

15 THE COURT: Bring the alternate to me
16 so I can excuse them and then you can allow them to
17 begin their deliberations.

18 (Alternates in, 2:39 p.m.)

19 THE COURT: Ladies, we want to thank
20 you for your time and attention to this case. We
21 know that being an alternate can seem thankless,
22 but it's such a vital service to the jury in the
23 event we have a sick member of the jury, or for
24 whatever reason is unable to go forward.

25 You are welcome to remain with us if

1 you would like. If you want to stay, let the
2 bailiff know and we'll make one of our multipurpose
3 rooms available for you so you can sit comfortably
4 as we await the jury's deliberations. If not, you
5 are welcome to leave and I think I can excuse you
6 for the week.

7 THE CLERK: Yes, ma'am.

8 THE COURT: So your jury service will
9 end on today. You are welcome to discuss this
10 case, but I would ask that you not do it until
11 Friday when the entire panel has been dismissed.

12 If you need a work excuse, we can get
13 those for you, just let us know; otherwise, they
14 will be mailed to you along with your check. Your
15 notes are right there if you want to destroy them,
16 or the bailiff can destroy them for you. Just let
17 them know your preference and he'll accommodate
18 you.

19 Thank you for your service and you're
20 excused with the Court's profound thanks. Let the
21 bailiff know if you want to hang tight with us.

22 (Alternates out, 2:47 p.m.)

23 THE COURT: The record should reflect
24 that the jury began its deliberations at 2:47 and
25 we will await further instructions from the jury.

1 It is my plan to let them go home
2 around 5:30 or 6:00 if they have not reached a
3 verdict -- we don't have any options for dinner --
4 so that they can go home and eat and then return
5 and continue deliberating in the morning, but I
6 will give them that option.

7 We will be at ease.

8 (A recess transpired.)

9 THE COURT: I have a note from the
10 jury. It reads as follows: Can you please explain
11 clearly the phrase, extreme indifference? And it
12 is signed and dated by the foreperson.

13 That will be marked as a Court's
14 Exhibit.

15 I will reinstruct them regarding the
16 definition of extreme indifference. Maybe they
17 didn't have a point of reference because I think
18 it's a pretty clear instruction. Anything more
19 clear would be a factual determination and that's
20 their responsibility to make.

21 Any exceptions from the State?

22 MS. HERRING-LASH: No, Your Honor.

23 THE COURT: From the defense?

24 MS. FORD: No, Your Honor.

25 (COURT EXH. 5, Jury Note, was marked

1 for identification.)

2 (Jury in, 3:21 p.m.)

3 THE BAILIFF: All jurors are present.

4 THE COURT: Ladies and gentlemen, I
5 received your note. Can you please explain clearly
6 the phrase of extreme indifference?

7 In that regard I reinstruct you as
8 follows: The State must also prove beyond a
9 reasonable doubt that the death occurred under
10 circumstances showing an extreme indifference to
11 human life. The State is not required to prove the
12 defendant acted with the intent to harm the child
13 in order to prove extreme indifference.

14 The State must prove that the defendant
15 performed a deliberate act that he knew would
16 create a risk of death to the child. A deliberate
17 act in the face of such knowledge is a reckless
18 disregard of the risk and thus demonstrates an
19 extreme indifference to the child's life.

20 That will conclude the reinstruction
21 regarding extreme indifference. If you need
22 anything further, please let us know.

23 (Jury out, 3:22 p.m.)

24 THE COURT: Any exception from the
25 State?

1 MS. HERRING-LASH: No, Your Honor.

2 THE COURT: From the defense?

3 MS. FORD: No, Your Honor.

4 THE COURT: All right. We will await
5 further instructions from the jury.

6 THE COURT: The jury has reached a
7 verdict. Anything before we bring in the jury?
8 From the State?

9 MS. HERRING-LASH: No, Your Honor.

10 THE COURT: From the defense?

11 MS. FORD: No, Your Honor.

12 THE COURT: Please bring in the jury.

13 (Jury in, 4:29.)

14 THE BAILIFF: All jurors are present.

15 THE COURT: Mr. Foreman, is it correct
16 that the jury has reached a verdict?

17 THE FOREMAN: Yes, Your Honor.

18 THE COURT: If you will give the
19 verdict form to the bailiff please.

20 Thank you, sir.

21 If you would stand for publication of
22 the verdict.

23 Did the alternates leave?

24 THE BAILIFF: Yes, ma'am.

25 THE CLERK: The verdict form in the

1 matter of the State of South Carolina versus Curtis
2 Tyrone Williams, the defendant, as to Indictment
3 2015-GS-10-2641, we, the jury, by unanimous consent
4 find the defendant guilty of homicide by child
5 abuse. Signed by the foreman of the jury on
6 September 15, 2016.

7 Ladies and gentlemen, if this was your
8 verdict please raise your right hand.

9 THE JURY: (Hands raised)

10 THE CLERK: Thank you. Please let the
11 record reflect that all 12 jurors raised their
12 right hand.

13 THE COURT: You may be seated. Is
14 there any request to poll the jury?

15 MS. HERRING-LASH: No, Your Honor.

16 THE COURT: From the defense?

17 MS. FORD: Yes, Your Honor.

18 THE COURT: Mr. Foreman, ladies and
19 gentlemen, the clerk is going to proceed by asking
20 you two questions. He's going to call your juror
21 number and he's going to ask you, is this your
22 verdict, and is this still your verdict? I would
23 ask that you follow his instructions.

24 Mr. Callahan, you may proceed.

25 THE CLERK: Juror No. 223.

1 person, sort of a common sense perspective on the
2 process. So do not be surprised if someone should
3 contact you. You're welcome to talk about the
4 case, but you don't have to talk about the case.
5 If someone should exceed your comfort level, make
6 us aware of it so we can take the appropriate
7 action to protect your privacy.

8 You are welcome to remain with us for
9 sentencing if you would like. If not, you are
10 excused with the Court's profound thanks. Is there
11 any member of the panel that wishes to remain for
12 sentencing? If you would raise your hand for me
13 and you would remain in the jury box.

14 Just those who wish to remain will
15 remain. Those who do not, you're excused. I will
16 hear post-trial motions on sentencing in a moment.

17 (Jury dismissed.)

18 THE COURT: Are there any post-trial
19 motions? I guess the State wouldn't have any.

20 Any there any from the defense?

21 MS. FORD: Your Honor, just a motion
22 for a new trial based on all of my prior
23 objections.

24 THE COURT: Would the State like to
25 respond?

1 MS. HERRING-LASH: Your Honor, we would
2 renew our response that there was sufficient
3 evidence, both direct and circumstantial, for the
4 jury to make a decision.

5 THE COURT: The motion for new trial
6 is denied. Our case law is very clear that if
7 there is any evidence to sustain a jury's verdict,
8 it must be sustained. And there is direct and
9 substantial circumstantial evidence reasonably
10 tending to prove the defendant's guilt.

11 It is not for this court to substitute
12 its judgment for the finders of fact who have heard
13 the evidence, applied the law to those facts, and
14 rendered a verdict; therefore, the motion is
15 denied.

16 Do we have a sentencing sheet?

17 MS. HERRING-LASH: Yes, ma'am.

18 THE COURT: As I understand it, his
19 only record was -- no, he had some other record.
20 But it was traffic offenses mainly?

21 MS. HERRING-LASH: Your Honor, he has
22 2006 shoplifting, a 2009 unlawful carrying of a
23 weapon, a 2010 misprision of a felony --

24 THE COURT: What is the year on the
25 misprision?

1 MS. HERRING-LASH: 2011. A 2011
2 failure to -- a traffic offense, three traffic
3 offenses, a 2012 DUS, and a 2014 failure to stop
4 for a blue light. And he has pending charges of
5 strong armed robbery and assault and battery
6 second.

7 THE COURT: Strong armed robbery and
8 what?

9 MS. FORD: Assault and battery second.

10 THE COURT: What is the status of
11 those charges?

12 Ms. Ford, are you representing him on
13 those charges? Or are those in a different county?

14 MS. FORD: No, Your Honor, they are,
15 but they're brand new charges. We have no
16 discovery.

17 MS. HERRING-LASH: They're just from
18 August of this year, Your Honor.

19 THE COURT: You haven't had a prelim?
20 Well, I guess it is just September.

21 MS. FORD: It was actually scheduled,
22 but I was in trial.

23 THE COURT: So you haven't had the
24 prelim and you haven't had any discovery, but you
25 are representing him on those charges?

1 MS. FORD: Yes.

2 THE COURT: What was the bond that was
3 set on those charges?

4 MS. FORD: It's --

5 THE COURT: Do you know?

6 MS. FORD: He was actually -- well, he
7 was given no bond on the strong armed robbery and a
8 bond on the assault and battery second was quite
9 high into the six figures.

10 THE COURT: I saw -- I don't have the
11 file. I had another -- because the bond on this
12 was originally denied and then set at \$100,000
13 surety, correct?

14 MS. FORD: Yes, Your Honor. And he
15 bonded out after 193 days.

16 THE COURT: Uh-huh. So he had -- is
17 that how much predetention time he had.

18 MS. FORD: Yes, Your Honor. He's
19 currently been in jail for 49 days, but --

20 THE COURT: 39 days on the new charge?

21 MS. FORD: Yes, Your Honor.

22 THE COURT: So if I'm accurate, it
23 will probably be a minute before you can deal with
24 these new charges, especially in light of the fact
25 that you haven't gotten any discovery and you

1 haven't had a prelim.

2 MS. FORD: Yes, Your Honor.

3 THE COURT: Okay. Anything further
4 from the State regarding sentencing?

5 MS. HERRING-LASH: I think the victim's
6 father would like to address the Court.

7 THE COURT: I would be glad to hear
8 from him.

9 And, sir, tell us your name for the
10 record and spell your last name for the court
11 reporter.

12 THE WITNESS: My name is Terry Tyrone
13 McKithen.

14 THE COURT: Say that for me one more
15 time.

16 THE WITNESS: Terry Tyrone McKithen,
17 M-C-K-I-T-H-E-N. I would just like to say on
18 behalf of **Child** , I would like to thank the jury
19 and just thank you for taking your time so we can
20 put this to rest. Thank you.

21 THE COURT: Thank you, sir.

22 MS. HERRING-LASH: And, Your Honor, the
23 State would request a sentence on the high end of
24 this --

25 THE COURT: I need you to quantify

1 that for me.

2 MS. HERRING-LASH: 30 at least, 35, 40.

3 This was a merciless beating that this child took
4 and I can't imagine the amount of pain he was in
5 from the way the doctors have explained what those
6 bruises would have entailed.

7 And the bleeding -- the doctors
8 explained to me that, that kind of death, having
9 your tummy fill up, is painful.

10 THE COURT: It's like he was
11 suffocating.

12 All right. Be glad to hear from the
13 defense. And as I understand it, the range of
14 penalty is a minimum mandatory of 20 years and a
15 maximum of life, correct.

16 MS. HERRING-LASH: Yes, Your Honor.

17 THE COURT: And this is classified as
18 violent and most serious?

19 MS. HERRING-LASH: Yes, Your Honor.

20 THE COURT: Which would constitute a
21 strike as well.

22 All right. Glad to hear from you.

23 MS. FORD: Thank you, Your Honor.

24 THE COURT: Yes, ma'am.

25 MS. FORD: I think you learned some of

1 C. J. during the trial through all of the
2 witnesses, and most people have said that he's, in
3 general, very good with kids. Even Krystal said
4 it, that he was good with kids, Your Honor.
5 Mr. Matthews came and told you that C. J. helped
6 with football. Teaching young kids, going out of
7 his way to find equipment for them if they couldn't
8 afford it, that he was better with the kids than he
9 was as far as being -- his demeanor with them. He
10 said he was, you know, probably meaner than C. J.
11 Was to the kids as far as interacting with them,
12 and there were never complaints. That was over the
13 course of several years, Your Honor.

14 He did watch numerous children with no
15 complaints. Yolanda, whom we heard from, she had
16 indicated to my office, also -- like, we'd asked
17 her, would you still be okay with C. J. around your
18 kids? And she said, of course. So that's her
19 saying that after knowing the allegations and
20 everything. So just his history does not show a
21 past of abuse towards children.

22 We did speak to J. 's mother, Amber,
23 and she confirmed what everybody else said, that
24 C. J. was good with her daughter. And she also
25 said that the person of C. J. was loving and kind.

1 Krystal, when we spoke to her after
2 C.J.'s arrest, she had noted that C. J. --
3 describing his personality as fun, lovable,
4 personable, and caring, Your Honor. As far as
5 J. , that was not his daughter, but he took
6 responsibility for a child who was not his own.

7 His dad actually was never really in
8 the picture, Your Honor. He did have a stepfather,
9 but there were some issues there as well resulting
10 in him moving out at a fairly young age.

11 I know that Shaquille, when we asked
12 him about C. J., you know, we asked him about anger
13 issues in general, and he said, well, not really.
14 The only thing really is just certain things about
15 his dad sometimes he gets angry about. I think
16 that shows, you know, there is some issues with
17 father figures to him, Your Honor.

18 Before **Child** 's death, he was working
19 on and off at the car wash like people said, but he
20 also had worked at Sonic at some point for three
21 years. So working some place for three years at
22 the age of 25 is a pretty significant work history.
23 So it's not just that C. J. wouldn't work. A lot
24 of times people just -- he actually did help people
25 a lot watching their kids, Your Honor.

1 We have spoken to one of his former
2 bosses, Jenaro Florez, who actually -- he's known
3 C. J. and Yolanda both since they were younger, and
4 so he's seen C. J. with her kids, and that he was
5 good with them. As an employer, he said he was a
6 great employee and never had any anger issues or
7 anything like that on the job.

8 As far as some other issues C. J. has
9 faced, Your Honor, when he was growing up in
10 school, he had an IEP for -- he had ADHD. He also
11 has an IQ -- certainly, it's not terribly low, but
12 it's not very high; it's 83, Your Honor. So that,
13 with the ADHD, he had a difficult time in school.
14 He ended up going to military school and he ended
15 up getting a GED, Your Honor.

16 You heard some things mentioned about
17 Deputy Degrow. I only bring that up because as a
18 result of that, he ended up being a witness in that
19 case, and he received many threats against him from
20 people within the community who were upset that he
21 would testify.

22 So as a result of that, he became
23 suicidal and he was actually hospitalized. He was
24 later diagnosed with PTSD, he's also suffered some
25 issues of anxiety and depression. When you look at

1 the jail calls, some of the first things he asks
2 about when talking to his mom, he's talking about
3 getting medicine for depression and anxiety. I
4 know that since he's been back in the jail, we've
5 talked to them about trying to get him some
6 medicine. Right now he's not on any medication
7 because they have to wait to get the psychiatrist
8 to approve everything, but he's had some issues.

9 And I think C. J. is someone that feels
10 very deeply, because you hear about -- and there's
11 always concerns when you have a witness being
12 threatened. I don't think I've ever heard of
13 someone having to be hospitalized because they were
14 so distraught over all the threats and everything.
15 I think C. J. is just someone who internalizes
16 things very deeply. And I think that could be seen
17 as well on the video and in his testimony. He was
18 obviously very tearful and remorseful, Your Honor.

19 He still -- certainly, I don't think
20 anybody would say he intended to kill **Child**. I
21 don't think it ever went through his head that he
22 might die. I don't think he really knew that he
23 was internally bleeding. He's the one that
24 ultimately rushed him to the hospital. And the
25 other witnesses, **D.S.** and Shaquille, they support

1 that, Your Honor, it was his idea. And the nurse
2 testified he ran in asking for help. So he did try
3 to get **Child** help when he realized that it was
4 more than just a virus or something like that. So
5 he was cooperative with police.

6 I would ask that he just -- he's been
7 suffering a lot of nightmares too, just in addition
8 to some of the anxiety and depression. C. J.'s
9 never tried to blame -- C. J. is someone when I
10 talk to him about this case and other situations,
11 he doesn't blame others, Your Honor. He's at no
12 time -- to an extent it might be, well, why did you
13 hit **Child** ? And he would say, I can't really give
14 you an answer.

15 But he, at no time, has ever tried to
16 blame **Child** at any time or tried to say that
17 **Child** was doing anything bad. He's always said
18 **Child** was a good kid. He's never tried to blame
19 **Child** . Obviously, when I came into the picture,
20 we were looking at possible alternatives for, you
21 know, what could have happened to him.

22 So, of course, you know, we looked to
23 the other primary caregiver, the mother, and he
24 never at any time tried to put any blame on her.
25 He never tried to say, oh, Shaquille or **D.S.** were

1 with him alone. He never -- at the park he never
2 tried to say maybe the other kids -- he never tried
3 to put blame on anybody. So while he can't
4 necessarily give a best explanation for his
5 actions, I think possibly things were just built up
6 and he was just in a bad place, but he's never
7 tried to blame anyone, especially Child .

8 And there has been some -- I know the
9 State presented, like, he perhaps tries to act boys
10 should be tough. And I think possibly that's
11 something unconscious. I don't think -- I've
12 talked to him about that. He doesn't recognize
13 that in himself. I will note that his mom is here
14 in support, and some other family. His mom is a
15 good support for him. Yesterday, when she was
16 talking to him briefly, she was able to see him and
17 she was praying with him. And she told him, you
18 know, just mentioned to him when he was going to
19 testify, to be manly.

20 So I think that's just something that's
21 been stressed with him when he was raised and
22 possibly in the military school. So I think it's
23 where it's coming from. I think C. J. is actually
24 -- he's an emotional guy. He was probably told
25 that a lot, don't cry, but, obviously, he does cry,

1 Your Honor. He does feel remorse and he is
2 devastated that **Child** died.

3 And, of course, while he's been worried
4 about what's going to happen to him, he's had
5 multiple jobs since he's been out of jail and he
6 hasn't been able to keep one for very long. He's
7 worked at four restaurants and he has worked in
8 landscaping, I think it was supervision work, but
9 he's just -- he's had a lot of difficulties,
10 including the nightmares, since **Child** 's death.
11 **Child** 's death has deeply affected him, Your Honor.

12 He does have a record, Your Honor.
13 He's never been to prison before. We would ask
14 that you would consider a sentence of 20 years.
15 Certainly, especially since he's never been to
16 prison before, that is a very significant amount of
17 time, but we would ask if you could consider that.

18 THE COURT: Anything further?

19 Any members of his family wish to be
20 heard?

21 MS. FORD: Just a moment, Your Honor.
22 I think his mother would like to talk.

23 THE COURT: Yes, ma'am, glad to hear
24 from you. Tell me your name for the record.

25 MS. WALKER: Valorie Jenkins Walker.

1 THE COURT: Yes, ma'am.

2 MS. WALKER: Curtis was born at
3 five-and-a-half months, five pounds, and has
4 struggled through life because he wasn't developed
5 properly. But I'd ask you to please have mercy on
6 his soul so that he can have some type of life,
7 Your Honor. Thank you.

8 THE COURT: You're welcome, ma'am.

9 Does the defendant wish to be heard?

10 Yes, sir.

11 THE DEFENDANT: Your Honor, I've
12 thought about a lot of things to say for today. I
13 really don't know what would be appropriate to say.
14 I haven't really thought about it because it's
15 stressful, but I would like to say to Krystal and
16 Terry, and to the rest of their family, that I'm
17 truly sorry for the events that have took place on
18 October 27th.

19 And I just would like to be -- I would
20 like to say that I'd just like to not be sentenced
21 to prison for 30 or 40 years. I would just like to
22 let the whole court know I'm sorry.

23 THE COURT: Thank you, sir.

24 Is there anything further from the
25 State? Is there any other member of the families

1 that wish to be heard on this matter?

2 MS. HERRING-LASH: No, Your Honor.

3 THE COURT: I'm going to take the
4 matter of sentencing under advisement and render a
5 decision in the morning at 9:30. Please transport
6 him back for that purpose.

7 Ladies and gentlemen, we thank you for
8 your time and attention and you are excused with
9 the court's profound thanks.

10 (These proceedings were recessed at
11 4:59 p.m., to be concluded September 16, 2016, at
12 9:30.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (The following proceedings were had
2 September 16, 2016 in re: State v. Curtis
3 Williams, Charleston County Circuit Court, 10:06
4 a.m.)

5 THE COURT: We're just waiting on the
6 jurors that wanted to observe sentencing.

7 (Jurors in, 10:07 a.m.)

8 THE COURT: Anything further from the
9 State in regards to sentencing?

10 MS. HERRING-LASH: No, Your Honor.

11 THE COURT: Anything further from the
12 defense in regard to sentencing?

13 MS. FORD: No, Your Honor.

14 THE COURT: Sir, if you would stand for
15 pronouncement of sentence.

16 And you said that he had had 193 days
17 pre-detention time, MS. Ford, on this charge?

18 MS. FORD: Yes, ma'am.

19 THE COURT: He had about 35 days on
20 these pending charges, correct? Thirty-nine days
21 is what you said?

22 MS. FORD: Yes, Your Honor, 39.

23 THE COURT: Which would not be
24 applicable, correct?

25 MS. FORD: Yes, Your Honor.

1 THE COURT: Sir, you are sentenced to
2 the State Department of Corrections for a period of
3 30 years. You will get credit for any time that
4 you've served to be calculated and applied pursuant
5 to 24-13-40.

6 (These proceedings were concluded at
7 10:08 a.m.)

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DHL/0241836/20141011270
WITNESSES

North Charleston Police Department

AGENCY CASE NUMBER

2014037175

ARREST WARRANT NUMBER

2014A1010205732

DATE OF ARREST

10/28/2014

ACTION OF GRAND JURY

TRUE BILL

Nancy McKeown MAY 5 2015
Foreperson of Grand Jury Date:

VERDICT

Guilty

Andrew McLeod Bryant 01/5/2016
Foreperson of Petit Jury Date:

DOCKET NO. 2015-GS-10-02641

667

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

MAY TERM 2015

THE STATE

VS.

CURTIS TYRONE WILLIAMS
~~XXXXXXXXXXXX~~

Indictment for

HOMICIDE BY CHILD ABUSE

SC Code: § 16-03-0085(A)(1)(B)(1)
CDR Code: 2356

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

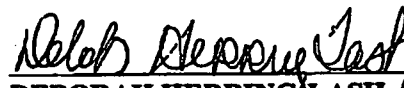
INDICTMENT

At a Court of General Sessions, convened on May 4, 2015, the Grand Jurors of Charleston County present upon their oath:

HOMICIDE BY CHILD ABUSE

The defendant, Curtis Tyrone Williams, did on or about October 26, 2014, in Charleston County, South Carolina, cause the death of Child _____, a child under the age of eleven (11), while committing child abuse or neglect, and the child's death occurred under circumstances manifesting an extreme indifference to human life. This is in violation of Section 16-3-85(A)(1) of the 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.


DEBORAH HERRING LASH
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

CURTIS TYRONE WILLIAMS

AKA:

Race: [REDACTED] Sex: [REDACTED]DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# [REDACTED] SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Homicide By Child AbuseIn violation of § 16-03-0085(A)(1)(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2356☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS☐ Mandatory GPS
(CSC w/minor 1st or Lewd Act)☐ §17-25-43The charge is: ☒ As indicted, ☐ Lesser Included Offense,The plea is: ☐ Without Negotiations or Recommendation,☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Deborah Herring-Lash 15083
Deborah Herring-Lash, Assistant Solicitor SC Bar #

Defendant

Mary Ann 73776
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 90 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$, provided that upon the service of days/months/years and or payment of \$ plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives HearingTotal: \$ plus 20% fee: \$ ☐ Ordered PTUP

days/hours Public Service Employment

Payment Terms: Obtain GED ☐☐ Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning \$ Paid to Public Defender FundOther: Recipient: *Fine: \$ §14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso 61.6 (Public Def/Prob) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75☐ Appointed PD or appointed other counsel,

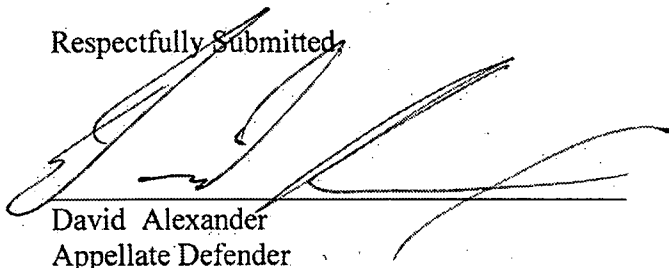
§47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk: CalvinCourt Reporter: Denise JamblerPresiding Judge: Al JonesJudge Code: 2128Sentence Date: 9.15.16

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,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line.

David Alexander
Appellate Defender

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

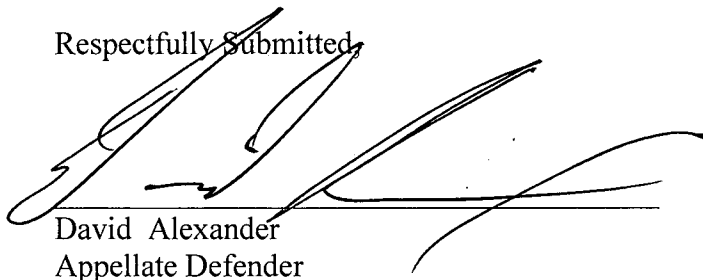
ATTORNEY FOR APPELLANT

This 28th day of September, 2017.

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,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 28th day of September, 2017.

RECEIVED

SEP 28 2017

SC Court of Appeals