

6

RECEIVED

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUN 12 2017

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS MAY 30 2017

S.C. SUPREME COURT

APPEAL FROM MARLBORO COUNTY

Court of General Sessions

Honorable J. Michael Baxley, Circuit Court Judge

SC Court of Appeals

Opinion No. 5473 (S.C. Ct. App. Filed March 15, 2017)

Appellate Case No. 2013-001409

THE STATE, ... PETITIONER,

v.

ALEXANDER CARMICHAEL HUCKABEE, III, ... RESPONDENT.

**APPENDIX
VOLUME I OF III**

JOHN H. STROM
Appellate Defender

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

ATTORNEY FOR RESPONDENT

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3922

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

Post Office Box 516
Greenwood, SC 29649
(864) 942-8800

ATTORNEYS FOR PETITIONER

INDEX

RECORD ON APPEAL

RECORD ON APPEAL VOLUME ONE 1

RECORD ON APPEAL VOLUME TWO 505

SUPPLEMENTAL RECORD ON APPEAL 967

SECOND SUPPLEMENTAL RECORD ON APPEAL 979

FINAL BRIEF OF APPELLANT 985

FINAL BRIEF OF RESPONDENT 1032

FINAL REPLY BRIEF OF APPELLANT 1075

SOUTH CAROLINA COURT OF APPEALS OPINION 1093

PETITION FOR REHEARING.....1109

ORDER DENYING PETITION FOR REHEARING.....1122

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM MARLBORO COUNTY

J. Michael Baxley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALEXANDER CARMICHAEL HUCKABEE, III,

APPELLANT.

APPELLATE CASE NO. 2013-001409

RECORD ON APPEAL

JOHN H. STROM
Appellate Defender

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

Attorney for Appellant

ALAN WILSON
Attorney General

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

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

Attorneys for Respondent

INDEX

INDEX.....	i
PRE-TRIAL HEARING (OCTOBER 5, 2012).....	1
PRE-TRIAL HEARING (OCTOBER 18, 2012).....	37
TRIAL TRANSCRIPT (MAY 14, 2013)	44
OPENING STATEMENTS	59
TESTIMONY	
LINDA HOOPER, R.N.	
Direct Examination by Mr. Redmond.....	66
Cross Examination by Mr. Jones	76
CYNTHIA SCHANDL, M.D.	
Direct Examination by Mr. Redmond.....	89
Cross Examination by Mr. Jones	120
Redirect Examination by Mr. Redmond	132
LIEUTENANT LARRY TURNER	
Direct Examination by Mr. Redmond.....	140
Cross Examination by Mr. Jones	157
Redirect Examination by Mr. Redmond	158
LIEUTENANT KATHY BASS	
Direct Examination by Mr. Redmond.....	160
Cross Examination by Mr. Jones	213
Redirect Examination by Mr. Redmond	260
Re-cross Examination by Mr. Jones.....	265
Reply Examination by Mr. Redmond	266
ATELIA HUNT	
Direct Examination by Ms. Lee	267
Cross Examination by Mr. Jones	359
PAUL LAROSA - PROFFERED	
Direct Examination by Mr. Redmond.....	423
Cross Examination by Mr. Jones	445
ATELIA HUNT	

Redirect Examination by Ms. Lee.....	458
Recross Examination by Mr. Jones.....	459
Reply Examination	460
PAUL LAROSA	
Voir Dire Examination	461
Direct Examination by Ms. Redmond.....	467
Cross Examination by Mr. Jones	479
Redirect Examination by Mr. Redmond	480
RHONDA FRAZIER	
Direct Examination by Ms. Lee	486
Cross Examination by Mr. Steen.....	488
ERIC HOOPER	
Direct Examination by Mr. Redmond.....	489
Cross Examination by Mr. Steen.....	494
FARAND WASIAK	
Voir Dire Examination	497
Direct Examination by Ms. Lee	501
Examination by The Court	511
Follow up Examination by Ms. Lee.....	512
Follow up Examination by Mr. Steen	512
MOTIONS FOR DIRECTED VERDICT	513
RULING	517
TESTIMONY – DEFENDANT’S CASE	
ALEXANDER CARMICHAEL HUCKABEE, III	
Direct Examination by Mr. Steen.....	519
Cross Examination by Mr. Redmond.....	557
TRANSCRIPT VOLUME II (JUNE 21, 2013).....	579
CLOSING ARGUMENTS.....	582
SENTENCING	640
INDICTMENTS	641
EXHIBITS	
STATE’S # 77 – MIRANDA WAIVER	649
STATE’S # 78 – MIRANDA WAIVER (10-10-11)	650

STATE'S # 79 – DEFENDANT'S WRITTEN STATEMENT	651
STATE'S # 90 – DIARY FROM COMPUTER.....	652
STATE'S # 99 – COMPUTER CRIMES REPORT FROM SLED.....	654
STATE'S # 103, COURTS #2 – DEFENDANT'S STATEMENT (OCTOBER 13, 2011)....	713
DEFENSE'S # 1 – LETTERS FROM ATELIA HUNT TO TIMOTHY MCDUFFIE.....	917
DEFENSE'S # 2 - LETTERS FROM TIMOTHY MCDUFFIE TO ATELIA HUNT.....	943
CERTIFICATE OF COUNSEL.....	958

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE'S EXHIBITS #80 – 83 (DEFENDANT'S VIDEO STATEMENTS)

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF MARLBORO	)	FOURTH JUDICIAL CIRCUIT
	)	
The State of South Carolina	)	OCTOBER 5, 2012
	)	
PLAINTIFF	)	
	)	
VERSUS	)	
	)	
Atelia Hunt and	)	2012-GS-34-0040
	)	
Alexander Carmichael Huckabee III,	)	2012-GS-34-0037
	)	
DEFENDANTS	)	
	)	

BEFORE

THE HONORABLE J. MICHAEL BAXLEY

APPEARANCES

Mary-Thomas Johnson-Lee, Esquire
Mia B. David, Esquire
ATTORNEYS FOR THE STATE

Brandon Steen, Esquire
Tristan M. Shaffer, Esquire
Rick Jones, Esquire
ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee
Circuit Court Reporter

Jackson v Denno Hearing

Page 003

WITNESSES

OFFICER JASON GREEN

Direct Examination by Ms. Johnson-Lee	Page 011
Cross Examination by Mr. Jones	None
Cross Examination by Mr. Shaffer	None

OFFICER JOHN B. HEPBURN

Direct Examination by Ms. Johnson-Lee	Page 016
Cross Examination by Mr. Jones	Page 039
Cross Examination by Mr. Shaffer	Page 042
Redirect Examination by Ms. Johnson-Lee	Page 049

ROBERT ANTONELLI

Direct Examination by Ms. Johnson-Lee	Page 050
Cross Examination by Mr. Jones	None
Cross Examination by Mr. Shaffer	Page 059

INVESTIGATOR LARRY TURNER

Direct Examination by Ms. Johnson-Lee	Page 061
Cross Examination by Mr. Shaffer	Page 075
Cross Examination by Mr. Jones	Page 080
Re-cross Examination by Mr. Shaffer	Page 085

LIEUTENANT KATHY BASS

Direct Examination by Ms. Johnson-Lee	Page 086
Cross Examination by Mr. Jones	Page 115
Cross Examination by Mr. Shaffer	Page 119

Bond Hearing for Ms. Hunt

Page 132

Statement by Ms. Hunt

Page 135

Ruling of the Court

Page 137

Certificate of Reporter

Page 138

EXHIBITS

NUMBER	DESCRIPTION	PAGE
1	Interview	71
2	Interview	71
3	Interview	71
4	Interview	72
5	Interview	72
6	Interview of Malichi, Mr. Huckabee and Ms. Hunt	65
7	Interview	65
8		
9		
10	Pre-interview statement	59
11		
12	Bennettsville Police Department Miranda Rights Warning for Atelia Hunt.	29
13	Miranda Rights	113
14	Miranda Form	93
15	Bennettsville Police Department Miranda Rights Warning for Michael Huckabee.	36
16	Voluntary statement of Alexander Huckabee.	95

JOHN B. HEPBURN - DIRECT EXAMINATION

20

- 1 Q. Okay. Now, when you responded to Number [REDACTED]
2 [REDACTED], was that before or after any questing of Ms.
3 Hunt?
- 4 A. That was after.
- 5 Q. Okay. Now, did you go to the Police Department to
6 interview Ms. Hunt before you went to Pershing Street?
- 7 A. No.
- 8 Q. Okay. So, you left the hospital and went to?
- 9 A. Pershing Street.
- 10 Q. Number [REDACTED]. And who lives at that
11 location, or lived at that location?
- 12 A. Huckabee and also Atelia.
- 13 Q. And is that Mikey Huckabee and Ms. Atelia Hunt?
- 14 A. Yes.
- 15 Q. Okay. Do you know who lives in the house with them?
- 16 A. There were two other children there, which was removed
17 by DSS.
- 18 Q. And, do you know those children's names?
- 19 A. S and also Alex.
- 20 Q. Alex Huckabee and S
- 21 A. Yes.
- 22 Q. Okay. Now, you say in addition, is that children in
23 addition to the deceased child, Miss minor
- 24 A. Yes.
- 25 Q. Okay. Now, when you arrived at Number [REDACTED]

JOHN B. HEPBURN - DIRECT EXAMINATION

21

1 Street, who was present at the house?

2 A. It was Alex, S and also Michael.

3 Q. Now, did you hear Mr. Mikey Huckabee making any
4 statements while you were there at the home?

5 A. Well, when I arrived there I started taking pictures
6 of the home. He was in conversation with somebody
7 there that was there also. But I don't know what they
8 were saying.

9 Q. But he was making statements to somebody?

10 A. Somebody, yes.

11 Q. Okay. Now, did you mirandize him at that point?

12 A. No, I didn't.

13 Q. Okay. Now, did anybody bring Mr. Mikey Huckabee to
14 the Police Department?

15 A. Yes. He was transported by Lieutenant Turner.

16 Q. And was that from Number 2 Pershing Street, directly
17 to the Police Department?

18 A. Yes.

19 Q. And was that at your request?

20 A. Yes.

21 Q. And, the other two children, they were taken into DSS
22 custody that night?

23 A. Yes, they were.

24 Q. Now, when you left Number [REDACTED] where did
25 you go?

JOHN B. HEPBURN - DIRECT EXAMINATION

22

1 A. I went to the Bennettsville Police Department.

2 Q. Now, when you arrived at Bennettsville Police
3 Department, what did you do?

4 A. I began to talk with Lieutenant Turner to kind of
5 advise him of what we had. And we were trying to get
6 the pictures developed off of my camera.

7 Q. And those were pictures that you took at the hospital
8 of the child?

9 A. At the hospital of the child.

10 Q. Okay.

11 A. And then from that point, we were sitting up in the
12 interview room to interview the people that was
13 involved.

14 Q. Now, you interviewed multiple people that night; is
15 that correct?

16 A. Yes. We also interviewed a neighbor that helped
17 transfer the child to the hospital.

18 Q. Now, did you participate in an interview with Atelia
19 Hunt that night?

20 A. Yes.

21 Q. Who else was in the interview with you?

22 A. Lieutenant Larry Turner.

23 Q. Now, was that interview on tape?

24 A. Yes, it is on DVD.

25 Q. And who is actually responsible for starting and

JOHN B. HEPBURN - DIRECT EXAMINATION

23

1 stopping the recording?

2 A. Lieutenant Turner did all of that.

3 Q. Now, this was the night of the 6th, going into the
4 morning of the 7th. Do you know approximately what
5 time her interview began?

6 A. Well, we interviewed the other witnesses, the Malichi
7 and Mike Huckabee. Then hers went into, I think the
8 7th.

9 Q. And there are actually two tapes with her interview
10 that night?

11 A. Yes, it was.

12 Q. So, the first tape is going to have multiple
13 interviews on it?

14 A. Right.

15 Q. Including Mikey Huckabee?

16 A. Yes.

17 Q. And then there is a second tape with just Atelia Hunt?

18 A. And Mikey Huckabee.

19 Q. Now, this took place at the Police Department -- Where
20 at in the Police Department?

21 A. In our interview room.

22 Q. Did Ms. Atelia Hunt appear to be under the influence
23 of any drugs or alcohol to the extent that would
24 impair her ability to understand?

25 A. No.

JOHN B. HEPBURN - DIRECT EXAMINATION

24

1 Q. Did she appear to have any physical or mental
2 disability to the extent that would impair her ability
3 to understand?

4 A. No.

5 Q. What all is present in that interview room? What type
6 of furnishings?

7 A. It is a table, and we have two chairs on both sides of
8 it, and we have the video camera pointing down at the
9 interview.

10 Q. Approximately how long did her questioning take place
11 that night?

12 A. I would say somewhere close to an hour.

13 Q. Now, did she ask for any breaks during that
14 questioning?

15 A. No, she didn't.

16 Q. Was she at any point during that questioning denied
17 access to telephone, bathroom, food, or drink?

18 A. No.

19 Q. Did you threaten her or promise her anything in
20 exchange for giving you a statement that night?

21 A. No.

22 Q. Now, was she under arrest at the time you began the
23 statement?

24 A. No, she wasn't.

25 Q. Was she in handcuffs?

JOHN B. HEPBURN - DIRECT EXAMINATION

25

1 A. No, she wasn't.

2 THE COURT: I didn't hear that, sir. Was it a yes
3 or a no?

4 SERGEANT HEPBURN: No.

5 THE COURT: Thank you.

6 Q. Was she free to go at any time during that
7 questioning?

8 A. Yes.

9 Q. Now, at the time you began the interview, was she
10 considered a suspect for any type of criminal activity
11 at the time you began the interview?

12 A. At the beginning of the interview, in a way she was,
13 but we were trying to find out exactly what happened,
14 because we showed her the pictures of her child, and
15 we began to question her about how did these bruises
16 get on this child that she was in care of.

17 Q. Okay. So, your main thing was to find out who harmed
18 that child?

19 A. Right.

20 Q. Now, before you began the questioning, did you advise
21 her of the nature of why you were there? I know you
22 showed her pictures. But, what did you tell her about
23 why she was there?

24 A. Well, we advised her of her rights. And we asked her
25 what happened to her child. Because, the pictures

JOHN B. HEPBURN - DIRECT EXAMINATION

26

1 that I had took at the emergency room, like I say,
2 with the bruises from the head all the way to her
3 feet, they were just --- she couldn't do that to
4 herself.

5 Q. Now, you said that you advised her of her rights. Was
6 that the Miranda warnings?

7 A. Yes.

8 Q. Now, did you accomplish that through a written
9 document?

10 A. A written document, yes, ma'am.

11 Q. I want to show you what has been marked for
12 identification, State's Exhibit Number 12 for purposes
13 of the Jackson v Denno Hearing. Do you recognize that
14 document?

15 A. Yes, I do.

16 Q. What is that document?

17 A. This is a Bennettsville Police Department Miranda
18 Rights Warning.

19 Q. Do you read any of the warnings directly from that
20 document?

21 A. Yes, one through five.

22 Q. Okay. How did you read it to Ms. Atelia Hunt that
23 night?

24 A. I told her --- she do have the right to remain silent.
25 Anything you say can and will be used against you in a

JOHN B. HEPBURN - DIRECT EXAMINATION

27

1 court of law. You have the right to have an attorney
2 present while you are being questioned. If you cannot
3 afford one, one will be appointed to you.

4 Q. Now, do you have her initial anything on that document
5 as you are reading the warnings?

6 A. Well, after I read it to her, and I explain to her
7 what it is, and I told her if she understands
8 everything on this document to initial it. And on the
9 side here is her initial there, and she signed it as
10 it says defendant.

11 Q. Now, where she initialed it, is that next to each one
12 of the one through five Miranda?

13 A. Yes.

14 Q. Okay. Now, what else is contained on that document?

15 A. I have got witnesses, and the date and the time.

16 Q. What date does that document show?

17 A. 10/7/2011.

18 Q. And what time?

19 A. 1:47 a.m.

20 Q. Okay. Who witnessed that document?

21 A. Larry Turner and myself. And below here is where she
22 fill out her information of her address, her date of
23 birth, her height, her eye color, her social security
24 number, the year that she completed in school, the
25 date and time, and the location.

JOHN B. HEPBURN - DIRECT EXAMINATION

28

1 Q. Okay. Now, did she appear to have any trouble filling
2 out the information about herself?

3 A. No.

4 Q. What did she list as her schooling?

5 A. Down here she has high school.

6 Q. Okay. Did she have any questions about the form
7 before she initialed or signed it?

8 A. No.

9 Q. Did she have any questions about the form after she
10 signed it, initialed it, and filled out her personal
11 information?

12 A. No.

13 Q. Okay.

14 MS. JOHNSON-LEE: At this time I would ask that the
15 document be put into evidence for purposes of Jackson v
16 Denno.

17 THE COURT: Is there an objection?

18 MR. SHAFFER: No objection, Your Honor, for Ms.
19 Hunt.

20 THE COURT: Marked as I believe, State's 12.

21 MS. JOHNSON-LEE: State's 12.

22 THE COURT: Is there an objection from either
23 defendant?

24 MR. JONES: No, sir.

25 THE COURT: All right. Hearing none, so admitted

JOHN B. HEPBURN - DIRECT EXAMINATION

29

1 State's 12 for purposes of this hearing.

2 WHEREUPON, STATE'S EXHIBIT

3 NUMBER 12 WAS MARKED AND

4 ADMITTED INTO THE RECORD

5 WITHOUT OBJECTION.

6 Q. Now, did Ms. Hunt's answers to any of your questions
7 appear rational and responsive to you?

8 A. Yes.

9 Q. Okay. Did she appear emotional?

10 A. No.

11 Q. Did anyone, you or Lieutenant Turner, threaten or
12 coerce her in any fashion, or offer her any promise,
13 or hope, or reward in exchange for answering your
14 questions?

15 A. No.

16 Q. When you went through the rights, and reached the
17 right about having an attorney present, did she have
18 any response to that?

19 A. None at all.

20 Q. At any point did she ask to speak with an attorney?

21 A. No.

22 Q. At any point did she ask to cease questioning to speak
23 to an attorney?

24 A. No.

25 Q. Did she ever try to cease questioning for any other

1 reason?

2 A. No.

3 Q. To the best of her knowledge, was her statement freely
4 and voluntarily given?

5 A. Yes.

6 Q. And you said the statement was recorded. Is that a
7 video and audio recording?

8 A. Video yes, recording.

9 Q. Now, what did she say during that interview?

10 A. Well, I can't go word for word, but she was denying
11 that she knew what happened to her child. She didn't
12 know how it happened and everything. And she said
13 that she had some kind of doctor's appointment for
14 this child at some point later on that month because
15 she had been sick. Because she had been sick. And,
16 she was talking about an appointment she had with some
17 doctor, I want to say another week or two, because she
18 called, because the child was sick.

19 Q. Did anything else stand out with you about that first
20 interview with Ms. Atelia Hunt?

21 A. What do you mean?

22 Q. Is there anything that she said in that interview that
23 stands out to you that you need to tell the Court
24 prior to the Court taking the video to review it?

25 A. No more basically than what she said, she didn't know

JOHN B. HEPBURN - DIRECT EXAMINATION

31

1 what happened to the child.

2 Q. Now, you also interviewed Mikey Huckabee.

3 A. Yes.

4 Q. That day. Do you --- Let me back up just a moment.

5 Did that interview also take place at the

6 Bennettsville Police Department?

7 A. Yes, it did.

8 Q. Okay. Now, who was present in the video statement

9 taken of Mikey Huckabee?

10 A. Lieutenant Larry Turner.

11 Q. And did he also begin and end the recording of that

12 interview?

13 A. Yes, he did.

14 Q. Now, did you mirandize Mikey Huckabee?

15 A. Yes.

16 Q. Did that interview take place in the same room at the

17 Police Department?

18 A. Yes.

19 Q. That you described for Ms. Atelia Hunt?

20 A. Yes.

21 Q. Was anybody else in the room beside Mr. Huckabee, you,

22 and Lieutenant Turner?

23 A. That was all.

24 Q. Now, during the interview, did Mikey Huckabee appear

25 to be under the influence of either alcohol or drugs

JOHN B. HEPBURN - DIRECT EXAMINATION

32

1 to the extent that it would impair his ability to
2 understand?

3 A. No.

4 Q. During the interview, did Mikey Huckabee appear to
5 have the --- any physical or mental disability to the
6 extent that would impair his ability to understand?

7 A. No.

8 Q. Do you recall approximately how long that first
9 interview with Mikey Huckabee took?

10 A. Probably thirty, forty minutes, somewhere around that
11 neighborhood, I can't remember exactly.

12 Q. At any point in time do you recall him asking to take
13 a break during that first interview?

14 A. No.

15 Q. At any point in time was Mikey Huckabee denied access
16 to telephone, bathroom, food, or drink?

17 A. No.

18 Q. Did you make Mikey Huckabee any threats or promises in
19 exchange for his statement?

20 A. No.

21 Q. Now, was he under arrest at the time?

22 A. No, he was not.

23 Q. Now, I believe earlier you testified that Lieutenant
24 Turner actually drove Mikey Huckabee to the Police
25 Department. Was Mikey in handcuffs?

JOHN B. HEPBURN - DIRECT EXAMINATION

33

1 A. No, he wasn't.

2 Q. At any point in time during the interview was he in
3 handcuffs?

4 A. No.

5 Q. Was he under arrest at the time of his statement?

6 A. No.

7 Q. Was he free to go at the time that questioning began?

8 A. Yes.

9 Q. At the time the questioning began, was he a suspect
10 regarding the bruises or the death of Miss minor

11 A. Not at the time.

12 Q. What was the purpose of questioning him at that time?

13 A. To find out what happened to the child also, because
14 he was there living in the same house with the child.

15 Q. What did you tell Mikey Huckabee as far as the nature
16 of why he was there?

17 A. To find out what happened to the child.

18 Q. Now, did you advise him of any Miranda rights prior to
19 questioning him?

20 A. Yes.

21 Q. Was that done in writing?

22 A. Yes.

23 Q. Was that the same type of form as used for Ms. Atelia
24 Hunt?

25 A. Yes, it was.

JOHN B. HEPBURN - DIRECT EXAMINATION

34

1 Q. I want to show you what has been marked for
2 identification for Jackson v Denno purposes as State's
3 exhibit number 15. Do you recognize that document?

4 A. Yes.

5 Q. And is that the standard Miranda form used at the
6 Police Department?

7 A. It is.

8 Q. Now, what did you do with that form in relation to
9 Mikey Huckabee?

10 A. I advised him of it. I read it to him, one through
11 five and he initialed it on the left-hand side here.
12 Also, he signed where it says defendant. He also
13 filled out the name, date of birth, address, height,
14 weight, eyes, hair, and social security number.

15 Q. Now, when you say he initialed one through five, did
16 you read either or any of those statements to him?

17 A. Yes. You have the right to remain silent. Anything
18 you say can and will be used against you.

19 Q. Slow down a little bit so that the Court reporter can
20 take that down.

21 A. You have the right to remain silent. Anything you say
22 can and will be used against you in a court of law.
23 You the right to talk to a lawyer, or have him present
24 while you are being questioned. And if you can't
25 afford one, one will be appointed to you. If you

JOHN B. HEPBURN - DIRECT EXAMINATION

35

1 desire to make a statement, or answer any questions,
2 you have the right to stop at any time. That is one
3 through five, where he initialed it.

4 Q. And he initialed next to each one of those Miranda
5 statements?

6 A. Yes.

7 Q. And he signed the document?

8 A. Yes.

9 Q. And he filled out the bottom?

10 A. Yes.

11 Q. Who witnessed the document?

12 A. Myself and Lieutenant Turner, on October 7, 2011, at
13 12:42 a.m.

14 Q. So, if his was at 12:42, then he was questioned prior
15 to Ms. Hunt's questioning or after?

16 A. Before.

17 Q. Okay. Now, what did he list as his education level?

18 A. He didn't.

19 Q. Did he leave that blank?

20 A. Yes.

21 Q. Did he appear to have any problem filling out the
22 section regarding his personal information?

23 A. No.

24 MS. JOHNSON-LEE: At this time, I would move to have
25 Number 15 put into evidence for Jackson v Denno, for The

JOHN B. HEPBURN - DIRECT EXAMINATION

36

1 State.

2 THE COURT: All right. What says the defense?

3 MR. JONES: Without objection.

4 MR. SHAFFER: Without objection, Your Honor.

5 THE COURT: All right. Without objection, 15 in
6 evidence as well.

7 WHEREUPON, STATE'S EXHIBIT

8 NUMBER 15 WAS MARKED AND

9 ADMITTED INTO THE RECORD

10 WITHOUT OBJECTION.

11 Q. Now, did Mr. Huckabee appear to have any trouble at
12 all understanding his rights?

13 A. No, he didn't.

14 Q. Did his answers to your questions appear rational and
15 responsive?

16 A. Yes.

17 Q. Did you or anyone else threaten him or coerce him in
18 any fashion, or offer him any promise or hope of
19 reward?

20 A. No.

21 Q. At any point in time did he ask to speak to an
22 attorney?

23 A. No.

24 Q. When you were reading him the rights, and you read the
25 right regarding an attorney, did he make any statement

JOHN B. HEPBURN - DIRECT EXAMINATION

37

1 regarding wanting an attorney?

2 A. No.

3 Q. At any point in time did he attempt to cease
4 questioning?

5 A. No.

6 Q. Now, at some point in time did he request a break
7 during that initial questioning?

8 A. No, he didn't.

9 Q. And he never attempted to stop questioning in any
10 manner?

11 A. No.

12 Q. To the best of your knowledge, was his statement
13 freely and voluntarily given?

14 A. Yes.

15 Q. And, it was recorded on a video?

16 A. Yes.

17 Q. And that is with sound?

18 A. Yes.

19 Q. What did Mikey Huckabee say during that first
20 interview?

21 A. Basically he denied, he didn't know what had happen to
22 the child. That he was at home with the child that
23 night, and the child had some kind of seizure. And
24 that is when he took the child to the hospital.

25 Q. Anything else stand out to you at this point. The

JOHN B. HEPBURN - DIRECT EXAMINATION

38

1 judge is going to watch the video, but does anything
2 stand out to you at this point regarding that interview
3 that you need to point out to the Court?

4 A. He said he didn't do anything to that child.

5 Q. Now, did you participate in any subsequent questioning
6 of Mr. Mikey Huckabee?

7 A. No.

8 Q. At some point in time did you make arrangements for
9 SLED Agent Lieutenant Kathy Bass to come to
10 Bennettsville regarding this case?

11 A. Yes. She was called in --- she called me on Saturday
12 October, I think the 8th, that she would be here on
13 Monday.

14 Q. Did you meet with her on that Monday when she came to
15 town?

16 A. Yes.

17 Q. And that would have been on October 10, 2011?

18 A. Yes.

19 Q. Did you participate in any additional interviews with
20 Atelia Hunt?

21 A. Not after that night.

22 MS. JOHNSON-LEE: Beg the Court's indulgence.

23 (PAUSE.)

24 MS. JOHNSON-LEE: Thank you. Answer any questions
25 that any of the defense attorneys may have.

JOHN B. HEPBURN - CROSS EXAMINATION BY MR. JONES 39

1 THE COURT: Cross examination.

2 MR. JONES: Yes, sir

3 CROSS EXAMINATION BY MR. JONES

4 Q. Sergeant, you may have said this, and I apologize if
5 you did. Mr. Huckabee was not in custody; is that
6 correct?

7 A. Not at first, no.

8 Q. Okay. And the interview began around 12:42 a.m., is
9 that what I heard you say?

10 A. Yes.

11 Q. At what point in time did you or any of the officers
12 first, I don't want to say take Mr. Huckabee into
13 custody. But, when did he become in your presence
14 prior to 12:42?

15 A. He was called to come back to the office the next day,
16 and he was arrested then.

17 Q. I'm sorry. Prior to 12:42, how long had he been with
18 either you or another officer?

19 A. I don't know. Because, when we got him from Pershing
20 Street, he came up to the Police Department.

21 Q. Did he bring himself there or did an officer take him
22 there?

23 A. Lieutenant Turner brought him there.

24 Q. Okay. And, do you know if that was hours before 12:42
25 or just prior to 12:42?

JOHN B. HEPBURN - CROSS EXAMINATION BY MR. JONES 40

1 A. Well, it was before then, because we was talking to
2 other witnesses.

3 Q. And during that period that Mr. Huckabee was either at
4 --

5 A. -- He was at the Police Department, somewhere in the
6 Police Department.

7 Q. For some period of time?

8 A. We started interviewing him at 12:42, so, he was there
9 --- I don't know what time we picked him up from
10 Pershing Street, but he was there, because we were
11 interviewing other people also.

12 Q. All right. Let me ask it another way. When you first
13 got your call, what time was that?

14 A. I don't know what time it was exactly.

15 Q. All right. During your questioning of Mr. Huckabee,
16 did he appear at anytime to be under any distress?

17 A. No.

18 Q. Was his demeanor --- Can you describe his demeanor?

19 A. He act normal.

20 Q. Was he agitated?

21 A. No.

22 Q. In any way? Did he appear to be under the influence
23 of anything?

24 A. No.

25 Q. Was he able, in your opinion, to understand your

JOHN B. HEPBURN - CROSS EXAMINATION BY MR. JONES 41

1 questioning?

2 A. Yes.

3 Q. Did you he have any trouble with any of the questions,
4 ask you to repeat anything?

5 A. No.

6 Q. Did he appear to be sleepy?

7 A. No.

8 Q. And I think you said he did not ask for anything. And
9 I don't know if that was with Ms. Hunt or Mr.
10 Huckabee. Did he ask for any drinks, did he ask for
11 any breaks during your interrogation of him?

12 A. No.

13 Q. And I think it was a general question of any promises.
14 Was Mr. Huckabee given any incentive by your or
15 Lieutenant Turner to answer any questions?

16 A. No.

17 Q. Was anything mentioned at any time either prior to the
18 interview or during the interview about arrest?

19 A. No.

20 Q. And I believe you stated that at any time during that
21 first interview Mr. Huckabee was free to get up and
22 walk out?

23 A. Yes.

24 Q. Did he in any way make any motion to do so?

25 A. No.

LARRY TURNER - DIRECT EXAMINATION

66

1 for both Mikey Huckabee and Atelia Hunt that night?

2 A. Yes, ma'am.

3 MS. JOHNSON-LEE: And I believe I have already
4 moved to put that second one into evidence also for Mikey,
5 but if I didn't in an abundance of precaution, I would like
6 to have that moved to be put into evidence for Jackson v
7 Denno; I am not sure if that was done earlier.

8 MR. JONES: Are you talking about the tape or the
9 statement?

10 MS. JOHNSON-LEE: The Miranda form.

11 MR. JONES: I think it is Number 10.

12 MR. SHAFFER: No objection.

13 MS. JOHNSON-LEE: Okay.

14 STATE'S EXHIBIT 10 WAS
15 ALREADY ADMITTED INTO
16 EVIDENCE ON PAGE 55.

17 Q. Now when Mikey Huckabee left that first interview, he
18 was not under arrest when he left the Police
19 Department; is that correct?

20 A. Correct.

21 Q. Okay. Now, at some point in time did he call back to
22 the Police Department?

23 A. He was, but something happened.

24 Q. Okay. Agent Kathy Bass came on Monday the 10th of
25 October. Did you participate in that interview along

LARRY TURNER - DIRECT EXAMINATION

67

1 with her on Mikey Huckabee on that day?

2 A. Some part of the interview, yes, ma'am, I did?

3 Q. Okay. And, was that the initial one that day at the
4 jail, or the second one at the Police Department?

5 A. Actually I participated at the one at the jail, and
6 the second one I came to the --

7 Q. Now, who all went to the jail to interview Mikey
8 Huckabee?

9 A. Myself, Agent Bass.

10 Q. Now, to your knowledge, did Mikey Huckabee have an
11 attorney by that time?

12 A. I don't think so.

13 Q. Was he mirandized?

14 A. Yes, he was.

15 Q. And who did that?

16 A. If I remember, Agent Bass.

17 Q. Okay. And who actually lead the interview with
18 Mikey Huckabee?

19 A. Agent Bass.

20 Q. So, you were basically there as a witness that day?

21 A. Yes, ma'am.

22 Q. Now, at some point did he attempt to begin writing a
23 statement for Agent Bass?

24 A. Yes, ma'am.

25 Q. Did he complete that statement?

KATHY BASS - DIRECT EXAMINATION

88

1 A. Lieutenant Turner and I went to the Bennetttsville
2 Detention Center, and interviewed him at 10:45 a.m.

3 Q. And that was the only time?

4 A. Yes, ma'am.

5 Q. Where at inside of the Detention Center did that
6 interview occur?

7 A. In one of the conference rooms. It was a bigger room.

8 Q. All right. What was present in that room.

9 A. Table and chairs.

10 Q. Was there anybody else inside of the four walls of
11 that room besides yourself, Lieutenant Turner, and Mr.
12 Huckabee?

13 A. No, ma'am.

14 Q. What was the length of time of that particular
15 questioning? To the best of your recollection.

16 A. We were probably there a hour and a half. And that is
17 an approximation. I went over the Miranda form with
18 him, and he signed it. Wait a second, and I will
19 refer back to the Miranda real quick, but I am almost
20 positive that it was when I read him his rights, it
21 was quarter till eleven that morning, and we were
22 there an hour and a half, two hours at the most.

23 Q. When you were doing this particular questioning at the
24 jail, did he appear to be under the influence of
25 alcohol or drugs to an extent that would impair his

KATHY BASS - DIRECT EXAMINATION

90

1 A. He was under arrest; yes, ma'am.

2 Q. Now, you stated that you gave him a Miranda warnings,
3 how was that accomplished?

4 A. Just a standard form that is actually read to the
5 suspect once we have explained it. And, I go into
6 detail with them to let them know that virtually what
7 it means, is that any point during my questioning they
8 can stop answering questions, they don't have to
9 answer any more questions. They have a right to a
10 lawyer. And the form is actually read to them. They
11 sign it as a waiver of their rights, if they agree to
12 speak with me. And then she is witnessed by myself
13 and whomever is with me.

14 Q. I have what is marked for identification in this
15 Jackson v Denno as State's 14. Are you familiar with
16 that?

17 A. Yes, ma'am.

18 Q. Is that the Miranda form?

19 A. Yes, ma'am. It is a copy.

20 Q. Okay. Now, you actually read those rights to him?

21 A. Yes, ma'am.

22 Q. Okay. And please read them to the Court as they were
23 read to him that day.

24 A. Before we ask you any questions, you must understand
25 your rights. You have the right to remain silent.

KATHY BASS - DIRECT EXAMINATION

91

1 Anything you say can and will be used against you in
2 court. You have a right to talk with a lawyer for
3 advice before we ask you any questions about him or
4 her. If you cannot afford a lawyer, the Court will
5 appoint one for you before any questions if you wish.
6 If you decide to answer questions now without a lawyer
7 present, you will still have the right to stop
8 answering questions at any time to talk to the lawyer.
9 And the Waiver of Rights says, I have read this
10 statement of my rights. And that I understand what my
11 rights are. I am willing to make a statement and
12 answer questions. I do not want a lawyer at this
13 time. I understand and know what I am doing. No
14 promises or threats have been made to me. No pressure
15 or coercion of any kind has been used against me.

16 Q. And did he initial next to those?

17 A. No, ma'am. This form is just a standard form we
18 listed. It doesn't have initials beside it. But, he
19 did sign the bottom of it.

20 Q. Now, does he also fill out anything on that particular
21 form?

22 A. There is at the bottom instructions for name, address,
23 date of birth, height and weight, and -- I don't
24 recall him completing that part of the form.

25 Q. Now, did he have any questions about any of those

KATHY BASS - DIRECT EXAMINATION

92

1 rights as you read them to him?

2 A. No, ma'am.

3 Q. When you got to the part where he is advised of his
4 right to an attorney, did he say anything about
5 wanting an attorney?

6 A. No, ma'am.

7 Q. Did at any point in time he cease or attempt to cease
8 questioning to get an attorney?

9 A. No, ma'am.

10 Q. Did he have an attorney by that point in time?

11 A. Not to my knowledge; no, ma'am.

12 Q. Okay. And that is his signature on that form?

13 A. Yes, it is.

14 Q. Who filled out that information at the bottom?

15 A. To the best of my knowledge, I think Lieutenant Turner
16 filled it out.

17 Q. And, was that information provided by Mr. Huckabee?

18 A. Yes, ma'am.

19 Q. Did he appear to have any trouble giving his personal
20 information to you?

21 A. No, ma'am.

22 Q. All right. And this shows this occurred on October
23 11, 2011 at 10:45 a.m.; is that correct?

24 A. October 10th.

25 Q. Excuse me. October 10, 2011?

KATHY BASS - DIRECT EXAMINATION

93

1 A. Yes, ma'am.

2 Q. 10:45 a.m.?

3 A. Yes, ma'am.

4 MS. JOHNSON-LEE: All right. At this time, I would
5 move to have State's Exhibit 14 put into evidence for
6 purposes of Jackson v Denno.

7 MR. SHAFFER: No objection, Your Honor.

8 MR. JONES: And none from me.

9 THE COURT: Without objection, in evidence. This
10 is 14 for The State.

11 WHEREUPON, STATE'S EXHIBIT
12 NUMBER 14 WAS MARKED AND
13 ADMITTED INTO THE RECORD
14 WITHOUT OBJECTION.

15 Q. Now, and I may have already asked this. But, did he
16 have any trouble, or appear to have any trouble at all
17 understanding his rights as you read them to him?

18 A. No, ma'am.

19 Q. Okay. Were his answers to your questions responsive
20 and rational?

21 A. Yes, ma'am.

22 Q. Did you promise him anything, or offer him any hope or
23 reward in exchange for answering questions?

24 A. No, ma'am.

25 Q. To the best of your knowledge, was his statement

KATHY BASS - DIRECT EXAMINATION

106

1 his ability to understand?

2 A. No, ma'am.

3 Q. Did you reissue the Miranda warnings on the 13th?

4 A. I did verbally.

5 Q. And is that going to be reflected on the videotape?

6 A. Yes, ma'am, it is.

7 Q. Did you remind him of his prior Miranda from the 11th?

8 A. Yes, ma'am.

9 Q. Did he ask you to repeat any Miranda after you gave
10 them?

11 A. No, ma'am. I explained it like I had before. You are
12 free, if you say, Kathy it is time to go, I don't want
13 to talk with you anymore, we will go back to the jail.
14 It was that simple. In other words, he understood
15 that he did not have to talk with me.

16 Q. And, he had no questions whatsoever about Miranda?

17 A. No, ma'am.

18 Q. Any questions whatsoever about an attorney?

19 A. No, ma'am.

20 Q. Ever asked you to stop the questioning so that he
21 could get an attorney?

22 A. No, ma'am.

23 Q. Ever cease the questioning, or attempted to cease the
24 questioning for any other reason?

25 A. No, ma'am.

- 1 A. Yes, ma'am. Yes, sir.
- 2 Q. And, did you say that the interview on the 10th was
- 3 not recorded?
- 4 A. No, sir. It was at the jail.
- 5 Q. At the jail, all right. And the 13th was recorded.
- 6 A. It was.
- 7 Q. And there were three parts to it, two with you alone
- 8 and one with you and Lieutenant Turner?
- 9 A. Yes, sir.
- 10 Q. All right. Let's talk about the interview on the
- 11 10th.
- 12 A. Okay.
- 13 Q. Is that where the written statement, Exhibit Number 16
- 14 was attempted to be written by Mr. Huckabee?
- 15 A. Yes, sir.
- 16 Q. And that was --- Were you present at that time, or did
- 17 he just bring it in and you were present?
- 18 A. No, sir. I was present during all of them.
- 19 Q. Okay. And, on that day, Miranda warning were given on
- 20 Exhibit Number 14, if I understood. Is that correct?
- 21 A. Yeah, I don't know if it was Exhibit 14, but yes there
- 22 was a Miranda done.
- 23 Q. All right. Yours?
- 24 A. Yes, sir.
- 25 Q. Okay. Now, on the 13th, which was recorded, there was

KATHY BASS - CROSS EXAMINATION BY MR. JONES 117

1 no additional written Miranda warnings given?

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

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

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

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

13 A. Yes, sir.

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

16 A. What was?

17 Q. The interview three.

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

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

22 A. No, sir.

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

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

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

THE STATE VERSUS HUCKABEE AND HUNT

137

1 change of condition for bond. The Court does not believe
2 that bond would be appropriate in this case for the reason
3 just given by the Solicitor. The Court accepts those
4 reasons and agrees with them.

5 If there is an issue about medical records being
6 provided to the physicians that work with the jail, I would
7 ask you to assist Ms. Hunt in making sure that the
8 documentation is provided. She has entitlement to medical
9 care at the jail. And the Court would not grant bond for
10 purposes of receiving medical care. If you wish to take
11 this up when we are next together, that you believe that
12 there is some specific failure as a result of some specific
13 information provided to the medical personnel at the jail,
14 I will hear from you at that time. All right.

15 MR. SHAFFER: Thank you, Your Honor.

16 THE COURT: Thank you. And, ladies and gentlemen,
17 that concludes this hearing for today.

18 This Court now stands in recess in this matter until
19 the week of October 15, 2012.

20 (Whereupon, this hearing was concluded at
21 1:04 p.m. on Friday, October 5, 2012.)

22 -- END OF TRANSCRIPT --

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF MARLBORO	)	FOURTH JUDICIAL CIRCUIT
	)	
The State of South Carolina	)	OCTOBER 18, 2012
	)	
PLAINTIFF	)	2012-GS-34-00135
	)	
VERSUS	)	
	)	
Ateliai Hunt and	)	
Alexander Carmichael Huckabee III,	)	
	)	
DEFENDANTS	)	
	)	

BEFORE

THE HONORABLE J. MICHAEL BAXLEY

APPEARANCES

Kernard Redmond, Esquire
 Mary-Thomas Johnson-Lee, Esquire
 ATTORNEYS FOR THE STATE

Brandon Steen, Esquire
 Tristan M. Shaffer, Esquire
 Rick Jones, Esquire
 ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee
 Circuit Court Reporter

Jackson v Denno Hearing

Page 03

Ruling from October 5, 2012 Hearing

Page 04

Certificate of Reporter

Page 23

2012-GS-34-00135

4

1 with regard to Jackson v Denno?

2 MR. REDMOND: Nothing from The State at this time,
3 Your Honor.

4 THE COURT: And now from the defendant, Ms. Hunt?

5 MR. SHAFFER: Your Honor, I would just say that
6 based on her statement, your reviewing the actual video, I
7 believe that there is certain parts of it, mainly the
8 second half of it could be --- there would be coercive, and
9 not freely and voluntarily given.

10 THE COURT: All right, thank you. And now on
11 behalf of Mr. Huckabee, anything further?

12 MR. JONES: Your Honor, just to say that we would
13 like His Honor to exclude the statements, based on them not
14 being voluntarily given. In the alternative, if His Honor
15 feel that all the standards were met, there are certain
16 portions of Mr. Huckabee's statements that we have been
17 through, and I think that Mr. Steen has provided written
18 notice to the Court of those particular statements.

19 THE COURT: Right. Very good. Just one moment,
20 please.

21 (PAUSE.)

22 THE COURT: All right. Ladies and gentlemen, the
23 Court is prepared to rule. And, let me first begin with a
24 discussion of what the Court perceives after a review to be
25 the pertinent issues with regard to Jackson v Denno, and

2012-GS-34-00135

6

1 Mr. Huckabee was being interviewed, that he did not sign a
2 Miranda Form, and that in the discussion between Agent Bass
3 and Mr. Huckabee, he was not specifically advised of the
4 right to counsel at the time of the third statement, as
5 well as the fact that he had a right to stop --- that is to
6 have counsel present or to stop making a statement in order
7 to consult with counsel.

8 With regard to Ms. Hunt --- Going back to Mr.
9 Huckabee, it should be noted that there are Miranda forms
10 for the first two statements given by Mr. Huckabee, and
11 there is no dispute that those forms were indeed signed by
12 Mr. Huckabee and were entered into the record here, and
13 they are complete. And show that at those two times he was
14 fully accorded and fully understood his Miranda rights as
15 well as his Fifth and Sixth Amendment rights.

16 Now, let's move forward to Ms. Hunt. The allegations,
17 or the defense raised by Ms. Hunt's counsel is that in her
18 first interview, which occurred on the night of this
19 incident, and the discovery of this incident, that the law
20 enforcement officers took the position with her that if she
21 wanted bond, then she should be forthcoming with them, and
22 tell them what had happened to the child, minor I would
23 note that the statement, when reviewed in its entirety,
24 there never was anything that was divulged by Ms. Hunt as
25 to her involvement, if any, with the demise of the child,

2012-GS-34-00135

7

1 minor But, it was the belief of the officers there that
2 she simply was not cooperating.

3 Now, with that understanding of the background and the
4 factual dispute, the Court finds that neither of those
5 issues, neither the issue raised by Mr. Huckabee's counsel,
6 nor the issue raised by Ms. Hunt's counsel, would rise to
7 the level of suppressing these statements for Jackson v
8 Denno Hearings.

9 What I find, and let's talk about Mr. Huckabee,
10 specifically was that he clearly was advised before his
11 first two statements of his Miranda Rights, and he signed a
12 Miranda Rights form. The third statement he gave was
13 really set in a way as a courtesy to him, because he just
14 was in no condition for whatever reason to write a
15 statement on the second interview, and thus it was carried
16 over. And the Court finds that by the time he sat down for
17 his third interview, he had clearly been advised of his
18 rights, and he had clearly waived those rights, each and
19 every one. Now when Agent Bass sat down and did not
20 mention among the numerous rights that she did mention on
21 the tape of the third statement, failed to mention the
22 right, the specific right to counsel right then or the
23 right to stop and talk to counsel. The Court does not find
24 that that somehow were coercive, that there had been a
25 failure to advise Mr. Huckabee of that specific right,

1 because he had heard that right at least twice, and
2 initialed the form so that he was aware of the right.
3 And he expressed clearly an intention to go forward in the
4 statement on the third occasion without reservation.

5 As to Ms. Hunt, while I find that the officers did
6 discuss and tie to her or with her the issue of bond and
7 cooperation. The Court does not find that that in anyway
8 has overcome her will, or her voluntariness, because first
9 of all she did not give any, or at least I did not perceive
10 any inculpatory information that would be directly damaging
11 to her. In that statement, her position was --- simply was
12 she did not know what had happened.

13 And, furthermore, I find that that session occurred
14 after she had been clearly advised of her rights. She
15 signed and affirmed that she was well aware of her rights,
16 so she could stop at anytime, yet she did not ask to stop.
17 And the Court does not find that the officer's here in the
18 heat of the loss of a child, and the attempt to determine
19 what is happening when there are perhaps multiple parties
20 that may have some responsibility. The Court does not find
21 that their methods were over-reaching, or were
22 inappropriate to the extent that it would violate a right
23 of the defendant, Ms. Hunt.

24 For these reasons, the statements come in. I find
25 that all of the statements are in compliance with the Fifth

2012-GS-34-00135

9

1 and Sixth Amendment rights of the defendants as well as
2 under the safeguards of Miranda. And that these statements
3 were knowing and intelligently given. They were without
4 coercion, they were without undue influence, and they were
5 given without duress, without potential for reward or
6 punishment. And, thus, the Court finds that it will be
7 appropriate for them to be admissible in evidence at trial.

8 Now, I am not prepared at this time to make a ruling
9 to go within the statements now and parse them piece by
10 piece, because I first do not know what The State intends
11 to use. There are seven hours of tapes. Whether or not
12 The State intends to use them all remains to be seen. And
13 we will make a determination later, if counsel cannot
14 workout whether there should be portions redacted among
15 themselves. Then we will wait for The State to determine
16 exactly what goes in or what they agree to redact, if
17 anything, and if it can't be agreed upon, we will take it
18 up at that time.

19 That is the Court's decision on Jackson v Denno. The
20 Court perceives that the reasons and the ruling clearly
21 indicated on the record, no need for a written order at
22 this time.

23 Now, is there a reply from The State?

24 MR. REDMOND: Only as it relates to, and I may have
25 missed it. On the 24th she gave a statement to Robert

THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF MARLBORO	)	FOURTH JUDICIAL CIRCUIT
	)	
The State of South Carolina	)	MAY 14, 2013
	)	
PLAINTIFF	)	
	)	
VERSUS	)	
	)	
	)	
Alexander Carmichael Huckabee III,	)	2012-GS-34-0037
	)	2012-GS-34-0038
DEFENDANTS	)	2012-GS-34-0627
	)	2012-GS-34-0135

BEFORE

THE HONORABLE J. MICHAEL BAXLEY

APPEARANCES

Kernard Redmond, Esquire
 Mary-Thomas Lee, Esquire
 Mia B. David, Esquire
 ATTORNEYS FOR THE STATE

Brandon Steen, Esquire
 Richard Jones, Esquire
 ATTORNEYS FOR THE DEFENDANT

Pamela Ozment-Cartee
 Circuit Court Reporter

FRIDAY, MAY 14, 2013

Motions Page 011

MONDAY, MAY 17, 2013

Call of the Case by the Solicitor Page 038

Jury Qualification Page 039

Jury Selection Page 077

Introduction to the case by the Court Page 095

Opening Statement by Ms. Lee Page 104

Opening Statement by Mr. Brandon Steen Page 109

WITNESSES FOR THE STATELINDA HOOPER, R.N.

Direct Examination by Mr. Redmond Page 111

Cross Examination by Mr. Jones Page 121

MELISSA WALLACE

Direct Examination by Mr. Redmond Page 127

Cross Examination by Mr. Jones Page 145

CYNTHIA SCHANDL, M.D.

Voir Dire Examination by Mr. Redmond Page 150

Direct Examination by Mr. Redmond Page 153

Cross Examination by Mr. Jones Page 184

Redirect Examination by Mr. Redmond Page 196

JUNE 18, 2013REBECCA JORGENSEN - PROFFERED EXAMINATION

Proffered Examination by Mr. Redmond	Page 202
Direct Examination by Mr. Redmond	Page 219
No Cross Examination	

LIEUTENANT LARRY TURNER

Direct Examination by Mr. Redmond	Page 232
Cross Examination by Mr. Steen	Page 249
Redirect Examination by Mr. Redmond	Page 250

LIEUTENANT KATHY BASS

Direct Examination by Mr. Redmond	Page 252

JUNE 19, 2013LIEUTENANT KATHY BASS - CONTINUED

Cross Examination by Mr. Jones	Page 313
Redirect Examination by Mr. Redmond	Page 360
Re-cross Examination by Mr. Jones	Page 365
Reply Examination by Mr. Redmond	Page 366

ATELIA HUNT

Direct Examination by Ms. Lee	Page 368
Cross Examination by Mr. Jones	Page 463

PAUL LAROSA - PROFFERED

Direct Examination by Mr. Redmond	Page 533
Cross Examination by Mr. Jones	Page 555

JUNE 20, 2013

ATELIA HUNT - CONTINUED

Re-direct Examination by Ms. Lee	Page 575
Re-cross Examination by Mr. Jones	Page 576
Reply Examination	Page 577

PAUL LaROSA

Voir Dire Examination	Page 578
Direct Examination by Mr. Redmond	Page 584
Cross Examination by Mr. Jones	Page 596
Redirect Examination by Mr. Redmond	Page 597

LAURA MILLS

Voir Dire Examination	Page 599
Direct Examination by Mr. Redmond	Page 601
Cross Examination by Mr. Jones	Page 617
Redirect Examination by Mr. Redmond	Page 620

RHONDA FRAZIER

Direct Examination by Ms. Lee	Page 623
Cross Examination by Mr. Steen	Page 626

ERIC HOOPER

Direct Examination by Mr. Redmond	Page 628
Cross Examination by Mr. Steen	Page 633

MAURICE MALICHI

Direct Examination by Mr. Redmond	Page 635
Cross Examination by Mr. Steen	Page 644
Redirect Examination by Mr. Redmond	Page 651

FARAND WASIAK

Voir Dire Examination	Page 653
Direct Examination by Ms. Lee	Page 657
No Cross Examination	
Examination by The Court	Page 667
Follow up Examination by Ms. Lee	Page 668
Follow up Examination by Mr. Steen	Page 668

ARBUS LOCKLEAR

Voir Dire Examination	Page 672
Direct Examination by Mr. Redmond	Page 683
Cross Examination by Mr. Jones	Page 685
State Rest at 2:15 p.m.	Page 695
Motions for directed verdict	Page 696
Ruling	Page 700
The Court examines the defendant Fifth Amendment Right	Page 702
Criminal History of defendant	Page 706

DEFENDANT'S CASE**ALEXANDER CARMICHAEL HUCKABEE, III**

Direct Examination by Mr. Steen	Page 710
Cross Examination by Mr. Redmond	Page 749
Certificate of Reporter	Page 773

No.	STATE'S EXHIBITS	
001.	Photograph - full body at autopsy	179
002.	Photograph -	Withdrawn
003.	Photograph - Bottom half of body	179
004.	Photograph -	Withdrawn
005.	Photograph - full body at autopsy face down	179
006.	Photograph - Buttocks	179
007.	Photograph - full head area	179
008.	Photograph -	Withdrawn
009.	Photograph - mouth	179
010.	Photograph -	Withdrawn
011.	Photograph - foot - half leg	179
012.	Photograph -	Withdrawn
013.	Photograph -	Withdrawn
014.	Photograph -	Withdrawn
015.	Photograph - back of head area	179
016.	Photograph - side view of hip area	179
017.	Photograph - back of legs, buttocks	179
018.	Photograph -	Withdrawn
019.	Photograph -	Withdrawn
020.	Photograph - vaginal area (hospital)	028
021.	Photograph - house & gray vehicle	133
022.	Photograph - back of house	133
023.	Photograph - door entrance	133
024.	Photograph - kitchen sink area	133
025.	Photograph - kitchen, refrigerator, rabbit	133
026.	Photograph - doorway to living room	133
027.	Photograph - kitchen backdoor	133
028.	Photograph - doorway to living room	133
029.	Photograph - living room couch and table	133
030.	Photograph - living room with AC unit	133
031.	Photograph - living room front door room door	133
032.	Photograph - living room to kitchen and rabbit	133
033.	Photograph - living room doorway and kitchen	133
034.	Photograph - couch, speakers and heater	133
035.	Photograph - bathroom	133
036.	Photograph - doorway to 1 st bedroom from bedroom	133
037.	Photograph - doorway to room with heater	133
038.	Photograph - bedroom, couch	133
039.	Photograph - pile of clothes at unit	133
040.	Photograph - foot of bed and tv	133
041.	Photograph - master bedroom	133
042.	Photograph - one room to another room	133
043.	Photograph - bed unmade	133
044.	Photograph - bedroom floor with clothes	133
045.	Photograph - bedroom with green blinds	133
046.	Photograph - bedroom	133
047.	Photograph - hammer beside bed	133

No.	STATE'S EXHIBITS	
048.	Photograph - hammer	133
049.	Photograph - bar, jacket	133
050.	Photograph - kitchen floor	133
051.	Photograph - kitchen floor with food	133
052.	Photograph - bedroom window and clothes	133
053.	Photograph - cigarettes under bed	133
054.	Photograph - door with Big Lot's bag	133
055.	Photograph - top of door	133
056.	Photograph - strap	133
057.	Photograph - floor with cigarette butts - chair	133
058.	Photograph - top of table - strap	133
059.	Photograph - living room	133
060.	Photograph - towel on floor	133
061.	Photograph - panties on carpet	133
062.	Photograph - panties on tile	133
063.	Photograph - couch and shirt	133
064.	Photograph - shirt	133
065.	Photograph - open door	133
066.	Photograph - latch	133
067.	Photograph - Shania	227
068.	Photograph -	Withdrawn
069.	Photograph -	Withdrawn
070.	Photograph - Edna	Withdrawn
071.	Photograph - Edna's ear	Withdrawn
072.	Photograph - Edna and Eugene	Withdrawn
073.	Photograph - back of Edna's head, right ear	Withdrawn
074.	Medical records	674
075.	Diagram of house	133
076.	Autopsy Report	176
077.	Miranda Waiver	238
078.	Miranda Waiver - 10-10-11	244
079.	Defendant's written statement	245
080.	Defendant's video statement, coincides with State's Exhibit 103	239
081.	Defendant's video statement 10-13-11 (part 1)	299
082.	Defendant's video statement 10-13-11 (part 2)	299
083.	Defendant's video statement 10-13-11 (part 3)	299
084.	Fishing rod	271
085.	Computer	274
086.	Samples from rod collected by Lt. Turner	I.D. ONLY
087.	Atelia Hunt, swab	I.D. ONLY
088.	Defendant's swab	Withdrawn
089.	Letter Atelia Hunt to Pat Huckabee	456
090.	Diary from computer	443
091.	Container Correct. from SLED, swabs of panties, belt, hammer and towel	Withdrawn
092.	Swabs from hammer	Withdrawn

No.	STATE'S EXHIBITS	
093.	Swabs from rod	Withdrawn
094.	Hammer	A
095.	Belt	A
096.	Towel	426
097.	Evidence Processing Report from SLED	Withdrawn
098.	DNA Supplemental Report from SLED	610
099.	Computer Crimes Report from SLED	665
100.	Boy Scout Application	462
101.	Boy Scout meeting roster	462
102.	Hunt's blood and other samples from autopsy	Withdrawn
103.	Defendant's statement (part 2) coincides with Exhibit 80	239
104.	Picture of Edna Hunt	570

No.	DEFENSE EXHIBITS	
01.	Letters written by Atelia Hunt to Timothy McDuffie	465
02.	Letters written Timothy McDuffie to Atelia Hunt	465
03.	Video (Withdrawn on Page 570)	Removed
04.	Video (Withdrawn on Page 570)	Removed
05.	Video	Removed
06.	Video	Removed
07.	Video (Withdrawn on Page 570)	Removed

No.	COURT EXHIBITS	
1.	Group of photographs State Exhibit No's 69, 68, 8, 12, 13, 14, 4, 10, 2, 18, 19,	571
2.	Transcripts of Mr. Huckabee's Transcripts	

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 30

1 further as well.

2 Then tell us, what do we have next, Mr. Redmond.

3 MR. REDMOND: Your Honor, it's not like a --- and I'm
4 going to refer to a memorandum that was done back in October
5 of last year. It's a memorandum by the defense regarding
6 objections to certain contents in the defendant's
7 statements. As the Court knows, there are two. Well, I say
8 two. There are two separate dates where he gave video tape
9 statements, one on the 7th of October 2011; the other one on
10 the 13th. I believe it was of 2011.

11 The one on the 17th was approximately a little over 30
12 minutes. I think between 30 and 40 minutes. The interview
13 on the 13th was approximately a little over four hours
14 total.

15 The motion that they made regarding some specific
16 objections they had to some of the content, and there are
17 three different DVD's with the October 13 interview. And I
18 think all the objections relate to the October 13 interview
19 as it relates to content.

20 Of course, the Court has already ruled as it relates to
21 Jackson v Denno issues. These are issues that are being
22 made on other grounds --- objections made on other grounds
23 as being inadmissible.

24 To save the Court time, I've had the chance to go
25 through and listen to each part of their objection, and with

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 31

1 the exception of two parts, have pretty much conceded that
2 those portions need to be redacted. And I think this motion
3 was filed, it's dated on the 12th of August --- of October
4 2012, so --- that the defense had filed. Haven't had the
5 chance to review it, and I've actually listed the specific
6 time frames that need to be redacted when that tape is
7 played for the jury, and I guess there are portions on all
8 three of the discs from the interview done on the 13th of
9 October. I think I'm correct from what I read. I gather
10 this is all from the interview that Special Agent Massey
11 done with the defendant. And with that said, Your Honor, I
12 can put on the record those time frames. I've listed them
13 out. I can supply then to the defense, and then we can look
14 over them and make sure that we're in synch, and that
15 they're in agreement with those time frames that I've
16 listed. But I can tell the Court that with the exception of
17 two, and I'll mention those briefly.

18 There are two sections where the investigating officer
19 or the SLED agent indicated that she had died from a
20 cerebral hemorrhage, I think is what it said. And in fact,
21 Doctor Schandl would testify that we now know that the cause
22 of death was actually as it relates to blood clots --- many
23 micro blood clots that had gathered and actually killed a
24 portion of her brain which set off a chain reaction
25 resulting in the child's death. So, the way it is

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 32

1 characterized on the video can be misleading as it relates
2 to what the actual medical cause of death was.

3 With that said, Your Honor, I think, and I've talked to
4 Mr. Jones, I think those two portions can be dealt with by
5 stipulation that can be stated either before or after the
6 jury hears the tape.

7 Doctor Schandl would have already testified by the time
8 the tape is played. So, the State had proposed that we
9 stipulate as it relates to the cause of death being somewhat
10 mis-stated in the interview that was done on the video, but
11 those were the only two portions that we would ask to remain
12 in, because the content otherwise is not objectionable.
13 It's just that mis-statement by the officer.

14 THE COURT: Do you want to reply to what you heard,
15 Mr. Jones or Mr. Steen?

16 MR. JONES: Your Honor, I think what happened with
17 that --- I think Mr. Steen might have one other issue with
18 the first statement that he would like to address the Court,
19 and it's filed on a written notice.

20 (WHEREUPON, there was a discussion between
21 counsel off the record.)

22 THE COURT: Let's do this. Why don't you all take a
23 moment off the record and discuss it among yourselves, and
24 see if you can reach a conclusion. If you can't, then I'll
25 take it up.

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 33

1 MR. REDMOND: And Your Honor, actually I can tell the
2 Court without even looking at it, because that falls under
3 the DSS, and I apologize. I just missed that. That falls
4 under the issue with other DSS cases that could definitely
5 cause problems in the future in this case, so we would
6 concede that point now, note that and redact it. It's
7 actually listed from hour one, minute two, to hour one,
8 minute three, where there is just discussion. We're redact
9 that too.

10 THE COURT: Very good. Then that doesn't --- it
11 appears to me that it leaves nothing for us to resolve in
12 regard to the tapes. I know there is a mis-statement in
13 cause of death. Do you want to be heard on that, Mr. Jones?

14 MR. JONES: No, sir.

15 THE COURT: All right. So, you agree then that we
16 would stipulate to the jury that there may be a mis-
17 statement. I will let you all draw the stipulation. Of
18 course, quite often --- shortly after someone has passed
19 away as medical evidence evolves, the cause of death may be
20 changed or altered, so it's not unusual that that would
21 occur, and whatever stipulation you all wish to publish, I
22 would concur until I had to do so.

23 One other thing I wanted to mention. This goes with
24 the --- back to the photographs as well as the playing of
25 the tape. As I mentioned to you in chambers, because ---

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 34

1 and let's talk about the photographs first.

2 If you wish for me to give some type of contemporaneous
3 instruction that would tend to reduce shock value and
4 discuss the necessity of the photographs, and that the Court
5 should take no --- or the jury should take no impression
6 from the subject matter, or specific views or angles of the
7 photographs, I would defer your judgment and would be glad
8 to give it contemporaneously.

9 Secondly, with regard to the statements that we're
10 talking about, playing the tape, obviously if we redact
11 portions, there will be movements on the tape or things will
12 appear out of place and will happen instantaneously, as well
13 as the redacted versions on the transcripts you intend to
14 give to the jury. If you have a contemporaneous charge you
15 wish for me to explain that to the jury as well, I'll be
16 glad to, but I would defer to counsel since both of you have
17 an interest that may be somewhat desperate in the way you
18 want it said to the jury, to try to work together to try to
19 put together contemporaneous charges, which I would gladly
20 give.

21 All right. Is there anything further now before we
22 close this record as we prepare for trial on Monday from the
23 State?

24 MR. REDMOND: The only thing that I failed to
25 mention, and Mr. Jones and I actually discussed this, and

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 35

1 that's Laura Mills with SLED choosing an analyst with SLED
2 in the DNA laboratory. Kay Lumpkin did the test. She moved
3 away and is actually not available. I think she has had
4 some medical issues if I'm not mistaken, that also make her
5 unavailable. And ironically Ms. Mills had testified a
6 couple of weeks ago in the Darlington trial regarding the
7 Jack B. Nimble case in place, I think, of Ms. Erkin. And
8 so, I had already talked with Mr. Jones about that. We were
9 prepared to have her here today. But in talking, he has not
10 raised any objection to that. But I just wanted to let the
11 Court know that when the DNA analyst testifies, hopefully
12 mid-week, then it will not actually be the lady that did the
13 test, but it will be the technician that actually reviews
14 the information that is submitted and can explain that I
15 think sufficiently to make her admissible.

16 THE COURT: Is there an objection?

17 MR. JONES: Your Honor, I don't think we're going to
18 have an objection.

19 THE COURT: All right. Is there anything further
20 from the defense at this point?

21 MR. JONES: No, sir.

22 THE COURT: Counsel, do you wish me to have some
23 colloquy --- I know there have been some discussions about
24 whether this case might be resolved. Do you wish me to have
25 some colloquy with the defendant about his decisions with

THE STATE VERSUS ALEXANDER CARMICHAEL HUCHABEE, III 36

1 regard to what plea offers may have been made or not. I'll
2 be glad to do that. I don't insist upon it, but if you wish
3 for me to have that conversation, I would be more than happy
4 to.

5 MR. JONES: No, Judge, I don't think that is
6 necessary.

7 THE COURT: Very good. And then let's make sure
8 we're all on the same schedule for Monday. What time will
9 the jury come in, Ashley?

10 DEPUTY CLERK: They will be here at 9:15.

11 THE COURT: All right. So, the jury arrives at 9:15.
12 And what time do you think we would be ready to qualify the
13 panel?

14 DEPUTY CLERK: I would say by 9:30, 9:45.

15 THE COURT: The Court will be here by 9:30 and we'll
16 take up whatever matters we need to. But it would be my
17 intention to just come on in, qualify the jury and pick this
18 panel, and then we'll be ready to go forward.

19 Any objection of that from either side?

20 MR. REDMOND: None from the State, Your Honor.

21 MR. JONES: No, sir.

22 THE COURT: All right. Then you may have heard
23 Ashley say the jury will begin arriving around 9:15. This
24 Court will be in recess until 9:30 on Monday morning.

25 (WHEREUPON, Court is in recess until 9:30

OPENING STATEMENT BY MS. LEE

104

1 opening statement, and at end of the case in closing
2 argument. And, please remember that the lawyers are not
3 under oath, and they're not under direct and cross
4 examination. What the lawyers express to you is their
5 belief and their opinion as to what the evidence either will
6 show or perhaps has shown. But the evidence in the case is
7 what the witnesses say, they're the ones who are under oath
8 and under direct and cross examination. I'm not telling you
9 the lawyers are going to be dishonest with you, I'm just
10 simply saying, please appropriate the difference between a
11 lawyers argument and what is actually evidence in this case.

12 Ladies and gentlemen, I look forward to working with
13 you. And with that understanding, now the Court recognizes
14 prosecution for opening statement, Ms. Lee.

OPENING STATEMENT BY MS. LEE

15 MS. LEE: Counsel, members of the jury, good
16 afternoon. We're here today because Alexander Carmichael
17 Huckabee, III, often know as Mikey, who you have seated at
18 the defense table in the middle, in the white shirt,
19 bruised, burn, battered, and abuse a little three year old,
20 minor He also, as one of her care
21 givers, failed to obtain proper medical care for her,
22 resulting in her death. Now, Mikey is not related to Baby
23 minor [redacted] s mother, Atelia is married to a gentlemen
24 name Willie Hunt. The two of them had two children, S
25

OPENING STATEMENT BY MS. LEE

105

1 and minor Mikey Huckabee and Atelia Hunt met online in a
2 chat room. My yearbook site. They had been corresponding
3 online for about two years prior to June, 2011. Well,
4 sometime in 2011, Willie and Atelia separated. After they
5 separated, Atelia continued the online chatting with Mikey
6 Huckabee. And then they began visiting in person in June of
7 2011, back and forth. She up there. He down here in
8 Bennettsville, South Carolina. Atelia is from North
9 Carolina. Sometimes during one of those late visits in June
10 of 2011, she decided to moved to South Carolina, and move in
11 with Mikey Huckabee and his six year old son, Alex in a
12 house that Mikey rented over on Parsonage Street in
13 Bennettsville. She brought with her, her little girl, seven
14 year old S and three year old Baby minor Sometime
15 between July 1st, around the time she moved in, up til about
16 August 15, 2011, Baby minor was inflicted with various
17 bruising about her head and her body. She went to live for
18 a month in North Carolina with her grandparents. During
19 that month in North Carolina, all the bruises healed up and
20 went away. And on September 16, 2011, Atelia Hunt went back
21 to North Carolina to her parents home, got Baby minor and
22 brought her back to Mikey Huckabee's home. Between
23 September 16, 2011 and this baby's death on October 6, 2011,
24 that period of about three weeks, this child was inflicted
25 with bruises literally from the top her head, face, her

OPENING STATEMENT BY MS. LEE

106

1 body, arms, legs, there wasn't much of an area on this body
2 that wasn't covered with a bruise. During that period of
3 time this child was burnt with cigarettes across her body.
4 Cigarette burns around her vagina, placed there in linear,
5 placed in symmetrical markings. They were across her
6 buttocks. During that three week period of time, this
7 child's two front teeth were yanked out of her head. Her
8 head was shaved so she looked like a boy. At some point in
9 time, something was inserted in this child's vagina causing
10 trauma to her vagina. You're going to hear from Dr. Cynthia
11 Schandl from the Medical University of South Carolina. She
12 is a forensic pathologist, who will be testifying later this
13 afternoon. She's going to describe all the injuries to you
14 that she found during her autopsy. She is also going to
15 tell you that this child at some point had developed a
16 urinary tract infection. And it wasn't all the bruises. It
17 wasn't the hemorrhage on the brain, all of these things
18 didn't kill this baby. What actually killed this baby was
19 an untreated urinary tract infection, a UTI that spread to
20 her kidneys, and then to her blood. The infection got so
21 bad that she developed thrombosis which causes blood clots
22 throughout her body. Dr. Schandl will testify that when
23 this child first became sick, UTI, she would have had
24 symptoms. Frequency of urination, urgency urination,
25 burning on urination. This three year old baby would have

OPENING STATEMENT BY MS. LEE

107

1 been displaying symptoms. She's also going to tell you that
2 when the illness spread throughout her body, and that she
3 was so sick that in the last seven days of her life, she
4 would have been critically ill, that would have been known
5 to anybody who was caring for this child. She will tell you
6 that during the last seven days of this baby's life there
7 were clots in her brain that were daily killing off parts of
8 her brain, seven days in a row. She is going to tell you
9 that during that time as this child lay dying in that home,
10 that she was raped with something. We don't know if it was
11 a penis, finger, or what other object, but something was
12 inserted in this child's vagina and caused trauma to the
13 vagina, about three days before her death as she laid dying.
14 She is going to tell you that five burn marks on her
15 buttocks were within forty eight hours of death.

16 Now Atelia Hunt has already pled guilty in her part in
17 not getting medical attention for her child. She's already
18 pled guilty and accepted responsibility.

19 Now, Mikey Huckabee, and this was his home they lived
20 in. You're going to hear testimony that Mikey Huckabee
21 cared for this child on a regular basis. You're going to
22 hear that Atelia Hunt is the one who signed his child up for
23 scouts and would take his child to scouts every week.
24 You're going to hear that for about an hour and half, the
25 night of this baby's death, Mikey Huckabee was alone with

OPENING STATEMENT BY MS. LEE

108

1 this child, because Atelia Hunt had his child at scouts.
2 You're going to hear Atelia Hunt is the one who did the
3 grocery shopping. She is the one who went and helped take
4 care of his mother, cleaned the house. But on the day the
5 child died, Atelia had actually taken his mother for some
6 eye surgery.

7 Now, Mikey is charged with four things, Homicide by
8 Child Abuse. That is because he failed to obtain any
9 medical care for that child. He could have called 9-1-1.
10 He could have taken the child himself. He could have gone
11 to a neighbor. You're going to hear testimony regarding
12 these things. He's also charged with Criminal Sexual
13 Conduct with a Minor in the First Degree. That is because
14 something was inserted in that child's vagina, causing
15 trauma. You're going to hear testimony about inflicting
16 great bodily injury of child as well as the unlawful conduct
17 with the child.

18 When this trial is over, Kinard Redmond and I are going
19 to ask that you find Mikey Huckabee guilty of all four of
20 these things.

21 Now, you're going to hear a lot of evidence. These
22 indictments themselves, as the Judge told you, they're not
23 evidence. Anything Mr. Redmond and I tell you of this child
24 is not evidence. Evidence is the things that are put into
25 evidence such as documents, items, photographs. And

OPENING STATEMENT BY MR. STEEN

109

1 evidence is whatever any witnesses testifies to from that
2 stand. And we're going to ask you, once you hear all the
3 evidence from everyone, that you find Alexander Carmichael
4 Huckabee guilty of all four of these indictments for the
5 death of this baby. Thank you.

6 THE COURT: For the defense?

7 OPENING STATEMENT BY MR. STEEN

8 MR. STEEN: Good afternoon. My name is Brandon
9 Steen. Myself, along with Mr. Rick Jones are representing
10 Mr. Alexander Huckabee here today. This is not going to be
11 an easy trial. You've heard the solicitor's opening, and
12 there's going to be some gruesome details pointed out this
13 week. We can all agree on several things here today. There
14 was evil inside that house on Parsonage Street. That the
15 death of an innocent three year old little girl is the worst
16 tragedy you could have, and that little girl does deserve
17 justice. The one thing you we can agree on here today is,
18 who is responsible for that little girl's death. The State
19 decided from day one that Mr. Alexander Huckabee was the
20 responsible party. It's our intent to show this week that
21 the real responsible party was Atelia Hunt. We intend to
22 show that Ms. Hunt was the one in charge of her own
23 daughter's health. That she let the little --- she let the
24 little girl's UTI go untreated. That she lied about taking
25 minor to the doctor. That she let jealousy drive her to do

OPENING STATEMENT BY MR. STEEN

110

1 unimaginable things. That she decided to bring minor back
2 from North Carolina against the DSS Safety Plan. In the
3 end, we plan to show that she placed the blame on Alexander
4 Huckabee. Remember, like the solicitor said, minor died of
5 an untreated urinary tract infection. It wasn't the
6 bruises. It wasn't the burns. It wasn't the hemorrhage
7 that did it. Unfortunately, mama's boyfriend, he didn't
8 know the symptoms for a urinary tract infection. He didn't
9 know that, that was what was going on.

10 Mr. Huckabee, he's not an evil mastermind here. He was
11 a mama's boy. He was taught to mind his own business. He
12 was not responsible for the horror that happened to minor
13 Please don't --- please don't write him off yet. Listen to
14 both sides. Hear all the facts and keep an open mind.

15 In conclusion, please remember three things that are
16 common in every trial in this country. The Defendant is
17 presume innocent. The burden is on the State to prove it's
18 guilt. And they must prove that guilty beyond a reasonable
19 doubt. When all the evidence is in, which will leave with
20 you, we'll have no doubt that that responsible party here is
21 Ms. Atelia Hunt, not Mr. Alexander Huckabee. You will find
22 him not guilty. Thank you.

23 THE COURT: Call your first witness?

24 MR. REDMOND: Thank you, Your Honor. May it please
25 the Court. Ladies and gentlemen, the State calls first

LINDA HOOPER - DIRECT EXAMINATION

111

1 Nurse Linda Hooper.

2 THE COURT: Please come forward and take the oath of
3 a witness.

4 WHEREUPON, LINDA HOOPER,

5 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

6 MS. HOOPER: I do. My name is Linda Covington
7 Hooper.

8 MR. REDMOND: Okay. Thank you, Ms. Hooper. I was
9 going to ask you to speak loud so that every one could hear
10 you, but I think you've already got --4

11 MS. HOOPER: -- It does --

12 MR. REDMOND: So, I think we've got that covered. So
13 thank you.

14 DIRECT EXAMINATION BY MR. REDMOND

15 Q. By whom are you employed, Ms. Hooper?

16 A. Marlboro Park Hospital.

17 Q. And how long have you been so employed?

18 A. At Marlboro Park, since 10/10/10.

19 Q. Okay.

20 A. In the ICU department, an assistant supervisor.

21 Q. And I was going to get into what exactly --- what ---
22 are you a nurse?

23 A. Yes, I'm a register nurse.

24 Q. Okay. And how long have you been a register nurse?

25 A. Register nurse, since 2000.

LINDA HOOPER - DIRECT EXAMINATION

112

- 1 Q. Okay. And prior to 10/10 of 2010, from the Marlboro
2 Park Hospital, did you work as an RN at any medical
3 facility?
- 4 A. Yes, I did. Chesterfield General.
- 5 Q. And how long did you work at Chesterfield General as a
6 RN?
- 7 A. From December 1993 until 10/10/10. They're sister
8 hospital, so they're the same ownership.
- 9 Q. And you just transferred over to Marlboro Park?
- 10 A. That's correct.
- 11 Q. And I believe you were the charge nurse on the night of
12 October 6, 2011?
- 13 A. I was the supervisor.
- 14 Q. Supervisor, excuse me --
- 15 A. Right.
- 16 Q. -- on the 6th of October, 2011?
- 17 A. That's correct.
- 18 Q. And were you, in fact, on duty at that time?
- 19 A. Yes, I was.
- 20 Q. Okay. Now, could you tell --- of course, you know why
21 you are here, based on what you observed and
22 participated in that night, about what time was it that
23 minor was brought into the hospital, to Marlboro
24 Park Hospital? ..
- 25 A. Between quarter of ten and ten-till-ten. Somewhere

1 just before ten o'clock --

2 Q. Okay.

3 A. -- at night.

4 Q. And let me ask you this, could you describe for the
5 ladies and gentlemen of the jury, at the time that
6 child came into Marlboro Park Hospital, could you tell
7 us what took place?

8 A. Yes. As supervisor, I had to be sure all the
9 departments had what they needed. And at the time I
10 happened to be in the ER seeing if everything was okay
11 with them. I was standing at the counter next to the
12 doctors dictation. The other nurses were attending to
13 other people. One of the nurses who happened to be the
14 manager of the department, Peggy Manning, a registered
15 nurse, was coming towards me when she glanced out of
16 the emergency windows doors that usually EMS arrives
17 and brings patients in. She said, somebody is bringing
18 a child. So, she walked towards the doors to open
19 them. And as she did, they --- I know now it was the
20 mother, but a female brought a young child in. I
21 thought was a boy, because all I could see was the
22 haircut. She said, something to the affect, help me my
23 baby's not breathing.

24 Q. Okay. Let me stop you there. You said on the
25 haircut, would it -- could you describe the haircut?

LINDA HOOPER - DIRECT EXAMINATION

114

1 Was it a --

2 A. -- It was a close shaving, like a little boys.

3 Q. Close shaven. Almost bald?

4 A. Um, very close shaving. A little bit more on top than
5 on the sides.

6 Q. Okay. And again, you thought it was a boy; didn't you?

7 A. Right. Because what I could see was the head extending
8 from the mom's arms.

9 Q. Now, and I interrupted you please --

10 A. That's okay --

11 Q. -- from that point.

12 A. Um, so when she said that, Peggy transferred the
13 situation to Room Eight and said, call a code. I went
14 to the registration desk, because it was quicker to
15 walk there than to pick up the phone and call them to
16 say, call a code. They announced it overhead
17 throughout the hospital, because we have a code team
18 that comes to assist in codes. Then I came back. I
19 took the mother and put her in the family waiting room,
20 because they don't need to see what all goes on during
21 a code usually. We have too many doing their part, and
22 they --- it's best that they be in another area. So, I
23 had placed her back there, and I came back. I was the
24 reporter, I took all of the notes of what medicines
25 were being given, what actions, who did what, who was

LINDA HOOPER - DIRECT EXAMINATION

115

- 1 there. I was the scribe for the code.
- 2 Q. Okay. Now, she's in room eight, I think?
- 3 A. Eight.
- 4 Q. Can you tell us if there were any life saving measures
- 5 being instituted with that code team to try to revive
- 6 the child?
- 7 A. Oh, absolutely. Yes, sir.
- 8 Q. And I think we know the answer, but to establish for
- 9 the record, were those efforts successful?
- 10 A. No, sir. They were not.
- 11 Q. And about how long did y'all work on trying to revive
- 12 this baby?
- 13 A. Probably twenty to twenty-five minutes. It was some
- 14 time. I want to say around 10:15 or 10:18 that the
- 15 code was called.
- 16 Q. Okay.
- 17 A. I don't have the papers to know the exact time.
- 18 Q. I understand, but you were present at that --
- 19 A. I was present.
- 20 Q. Okay. Now, little minor is deceased at this point?
- 21 A. Yes.
- 22 Q. Was there anything else that was observed that caused
- 23 this case to go further than just ending at that point
- 24 of that child's death?
- 25 A. Yes, sir. There was obvious burn marks, bruises all

LINDA HOOPER - DIRECT EXAMINATION

116

1 over the body. The top of head had bruises. The
2 bottom of her feet had bruises. Her legs. There were
3 cigarette burns on her private area, on her buttocks.

4 Q. Take your time. I understand.

5 A. It's hard. I've never seen anything like it, and I
6 hope I never do it again.

7 Q. Upon observing this Nurse Hooper, can you tell the
8 ladies and gentlemen of the jury, is there a protocol
9 for cases --- well, let me just ask you this, was abuse
10 suspected?

11 A. Absolutely.

12 Q. Is there a protocol to handling situations where you
13 have observed what you believe to be abuse?

14 A. Yes.

15 Q. Okay. Can you explain to the jury?

16 A. We have to notify the police department and DSS, and
17 upon a death coming to the hospital like that, we also
18 have to notify Tim Brown, because of the death, as well
19 as --- because of the possibility of abuse. Tim Brown
20 is the coroner here.

21 Q. And did DSS and law enforcement arrive at the hospital?

22 A. Yes, they did.

23 Q. And I believe they were pictures taken at the hospital?

24 A. I took them.

25 Q. And we'll get to that shortly. Now, let's talk about

1 the mother. So, in the room the code has been called,
2 and unfortunately you all were unable to save little
3 minor Tell me about what took place. Who notified the
4 mother that, in fact, little minor had expired?

5 A. Dr. Dobbins --

6 Q. Okay.

7 A. -- was the ER doctor that night who had been leading
8 the code. And when it was called, he notifies the
9 person. At that time it was the mother. And I went
10 with him, because I needed to know what was said for my
11 records as well. So, he and I went around to the
12 family waiting room where minor was, her name was not
13 minor the mother.

14 Q. The mother's name was Atelia.

15 A. Atelia. And there was another female there, and a
16 male. I didn't know who they were. And Dr. Dobbins
17 explained --- well, first he ask them questions about
18 what's been going on with her? Had she been sick? You
19 know, when did she see a doctor? Who's her doctor?
20 Those kinds of questions. And then he said, you know,
21 we're sorry, but we weren't able to save her, something
22 to that effect.

23 Q. And could you describe the demeanor of the mother at
24 the time that this occurred?

25 A. As he ask the questions, to start with the mother

LINDA HOOPER - DIRECT EXAMINATION

118

1 didn't answer, the other female answered more so than
2 the mother of, you know, the doctor --- the questions
3 about who her doctor was or who --- when she had last
4 seen a doctor? Had she been sick? Those kinds of
5 things. And I'm sorry, I don't know who that other
6 female was.

7 Q. And that's no problem at all. You had obviously other
8 concerns going on at the time. And I'll ask you, and
9 you may not know, but can you say whether or not the
10 Defendant was at the hospital that day?

11 A. I did not see him.

12 Q. Oh, okay. All right.

13 A. I don't know if he was there.

14 Q. You did not --

15 A. I did not see him.

16 Q. I understand. Thank you. Thank you.

17 MR. REDMOND: If I may approach with what's been
18 marked as State's Exhibit 20? If I may approach the
19 witness, Your Honor?

20 THE COURT: You may, yes, sir.

21 Q. Let me show what's been marked as State's Exhibit 20.
22 Do you recognize that?

23 A. Yes, I do.

24 Q. Is that one of the pictures that you're referring to?

25 A. Yes, it is.

1 Q. Is that a representation of what you saw on October 6,
2 2011?

3 A. Yes, it is.

4 MR. REDMOND: At this time, Your Honor, we'd move to
5 admit State's Exhibit 20 into evidence prior to publishing.

6 THE COURT: All right. Over objection. Do you wish
7 to be heard?

8 MR. JONES: Yes, sir. Just to renew our objection,
9 Your Honor.

10 THE COURT: All right. Over objection, The Court
11 overrules --

12 MR. REDMOND: Thank you, Your Honor.

13 THE COURT: And will permit this evidence.

14 MR. REDMOND: Thank you, Your Honor.

15 THE COURT: The picture in evidence, twenty for the
16 State.

17 WHEREUPON, STATE'S EXHIBIT

18 NUMBER 20 WAS ADMITTED INTO

19 EVIDENCE WITH OBJECTION, BUT

20 OVERRULED.

21 MR. REDMOND: And let me, if I could ask you briefly
22 to step down.

23 THE COURT: All right. Counsel before you --- ma'am,
24 just one second. Counsel, step up if you will please.

25 (WHEREUPON, a bench conference was held in

LINDA HOOPER - DIRECT EXAMINATION

120

1 the presence of the jury panel, but out of their hearing.)

2 THE COURT: All right. Ladies and gentlemen, you
3 heard it said by one of the attorneys that there --- there
4 would be some disturbing evidence which goes into the record
5 during the course of this case. Let me say to you, that
6 some of the photographs, and again this is for the jury to
7 determine whether you perceive it to be disturbing. But I
8 simply would say this to you, that any photograph or
9 document that's placed into evidence, you will have it with
10 you in the jury room when you retire to deliberate. We do
11 not demand or force you to look at that document here in the
12 courtroom, but we simply will tell you in advance that some
13 of the photographs may be disturbing, and if you do not wish
14 to look at it, if you wish to divert your eyes or respond in
15 whatever way, the Court accepts whatever decision that you
16 make here in the courtroom. And again, we would remind you
17 that you will have this evidence with you when you retire to
18 deliberate in the jury room. All right. You may proceed.

19 MR. REDMOND: Thank you, Your Honor.

20 Q. Nurse, if you could step down for me. State's Exhibit
21 Number 20, could you tell the ladies and gentlemen of
22 the jury, what this exhibit represent in this
23 photograph?

24 A. This is a front view of this little girl that we coded
25 that night. There are cigarette burn marks on here,

1 bruises, bruises, bruises, and more bruises that you
2 can not see.

3 Q. And again, there are other pictures, you can have a
4 seat, there were other pictures which obviously we will
5 get into later through other witnesses, but again, does
6 that represent what you saw at the hospital?

7 A. Yes, sir.

8 Q. And again, based on what you saw, was the protocol
9 initiated to contact law enforcement and DSS?

10 A. Yes, sir, and Tim Brown.

11 Q. And the coroner. I forgot to mention the coroner. And
12 about how long was it at the hospital, I think you
13 mentioned, but about how long was it again from the
14 time, the best that you can remember, from the time she
15 got to the hospital until the code was called?

16 A. Probably between twenty and twenty-five minutes.

17 Q. Okay.

18 A. It's roughly a quarter till to about quarter after ten,
19 give or take, you know.

20 MR. REDMOND: Thank you nurse. I appreciate you
21 being willing to testify today, and please answer any
22 questions that the defense may have.

23 MS. HOOPER: Thank you.

24 THE COURT: Cross examination?

25 MR. JONES: Yes, sir. Thank you.

LINDA HOOPER - CROSS EXAMINATION

122

CROSS EXAMINATION BY MR. JONES

Q. I have just a couple of questions. When you were ask about the demeanor of the mother, your response went to the questions that were asked. What was actually her demeanor? How did she act?

A. Um, stoic, I guess is about the best word I could use to describe it. She just seem to have a flat affect, never a tear.

Q. No emotion of any kind?

A. Pretty much that, yes. Just --

Q. During the efforts to the save the child, were you in the room, in Room 8 with the child the whole time?

A. Not the entire time. Because they put the child in there, and I took the mother around to the waiting room, and then I came back, and yes, I was in there from then on.

Q. And I guess the question I wanted to ask was from the time that you first saw the mother, and the child, and the other lady arrive, until the time Dr. Dobbins began talking with them, did you have a chance to observe the mother at other times before you went into the room?

A. Just as I sat her --- took her around to the family waiting room.

Q. Yes, ma'am.

A. And just, I mean, was just briefly --- I said this is

1 where we need for you to stay, you know, and we'll be
2 back as soon as we can, pretty much. No real
3 conversation.

4 Q. Did you see her doing anything else while she was in
5 the waiting room?

6 A. No.

7 MR. JONES: One second please.

8 (PAUSE.)

9 Q. After you and Dr. Dobbins spoke with -- let me back up
10 a minute. Did you know this lady at all? Had you ever
11 seen this lady before? This --

12 A. -- The mother?

13 Q. The mother.

14 A. No, sir.

15 Q. All right. And in your conversation with her, at some
16 point in time you did determine that she was the mother
17 of the child?

18 A. Right.

19 Q. Okay. After you and Dr. Dobbins discussed the death of
20 the child with the mother, did you observe the mother
21 after that?

22 A. Just briefly, yes. We had to have other information,
23 um, you know, related to the death.

24 Q. And did she remain passive or stoic as you said --

25 A. Pretty much --

LINDA HOOPER - CROSS EXAMINATION

124

1 Q. -- during that whole period?

2 A. Yes.

3 Q. Did you see --

4 A. She --

5 Q. Excuse me.

6 A. I'm sorry. She, um, did ask a question.

7 MR. REDMOND: Your Honor, I would object to anything
8 that anybody said in that regard, unless there's a
9 foundation that has been laid. That's my only objection,
10 Your Honor.

11 THE COURT: Sustain that at this juncture, counsel.
12 Counsel, that will be hearsay, unless you lay foundation for
13 it.

14 MR. JONES: Yes, sir. Yes, sir.

15 THE COURT: So, please move to your next question.

16 Q. And that question is, did you see her do anything else
17 such as talk on the telephone or anything else during
18 any period of time?

19 A. The only thing I recall, not a telephone call, but
20 talking to the other female that was there, and the
21 guy, and I don't know who they were.

22 Q. Don't know either one of them?

23 A. No, sir.

24 Q. Did the other female remain with her the entire time?

25 A. She came at some point while I was back in the room

LINDA HOOPER - CROSS EXAMINATION

125

1 with the code, because minor I mean, the mother was the
2 only one I took to that room.

3 Q. Yes, ma'am.

4 A. And then when we came back at the end of the code, the
5 other persons were there.

6 Q. Did you --- did you or Dr. Dobbins question the mother
7 about the marks on the child?

8 A. I did not. I don't think Dr. Dobbins did.

9 MR. JONES: Thank you. That's all I have, Your
10 Honor.

11 MR. REDMOND: No redirect, Your Honor.

12 THE COURT: All right. Very good. Just one moment.
13 When a witness is presented you have direct examination by
14 the propionate of a witness and you have cross. And if
15 they're new issues brought in cross we go back to the
16 propionate of the witness and ask for redirect on those new
17 issues. You tell me there's no redirect for the witness?

18 MR. REDMOND: No redirect, Your Honor.

19 THE COURT: Any objection to releasing this witness?

20 MR. REDMOND: None at all from the State, Your Honor.

21 MR. JONES: No, sir.

22 THE COURT: All right, ma'am, you're not required to
23 leave, but you're free to leave if you wish. Please watch
24 your step as you exit the witness box.

25 MS. HOOPER: Thank you.

MELISSA WALLACE - DIRECT EXAMINATION

129

1 requesting that we come and process the resident
2 where the incident occurred, mainly to collect
3 pieces of evidences that they want us to look for,
4 and photo the scene.

5 Q. Okay. And did you do that on the 10th of October 2011?

6 A. We did.

7 Q. Okay. And could you tell ladies and gentlemen of the
8 jury, once --- who else was at the crime scene with you
9 during this time?

10 A. Myself, Agent Ben, and a trainer, Agent Worley also
11 responded from the crime scene.

12 Q. Okay. And about what time did y'all arrive into
13 Bennettsville?

14 A. If I can refer to my notes?

15 Q. Yes, absolutely.

16 A. We got to Bennettsville shortly after 2:00 p.m.

17 Q. Okay. And when you got to Bennettsville, and [REDACTED]
18 [REDACTED] in particular, is that the residence
19 that you conducted your crime scene duties?

20 A. Yes.

21 Q. Okay. Could you describe -- what were you observations
22 when you first got to the residence?

23 A. Well, we had requested a search warrant prior to
24 arriving, and we made sure that the search warrant was
25 secured before we entered the house. When we got to

1 the scene we made contact with the officer who was on
2 scene, which was Shawn Lucas. We were briefed as to
3 any updates of the case, and then we did an initial
4 walk through, meaning that the local agency walks us
5 through the scene, basically points out any evidence
6 that they've already seen and anything in particular
7 they want us to document. We made entry through the
8 backdoor of the residence. We immediately noticed a
9 strong odor coming from the house. There was a rabbit
10 that was loose in the house, and there was feces and
11 urine all over the floor. The house was fairly neat,
12 but the kitchen was pretty messy. Like I said, the
13 rabbit had been loose for several days inside the
14 house.

15 Q. Okay. Now, at the time that you conducted, and I guess
16 you conducted this, you conducted your work several
17 days after the incident occurred from your
18 understanding; is that correct?

19 A. That's correct.

20 Q. All right. At the time you actually conducted your
21 analysis, was there any evidence that was gather?

22 A. Yes.

23 Q. And again, I think you mentioned that there was several
24 photographs of the crime scene that you took?

25 A. Yes. We took complete photographs of the outside of

MELISSA WALLACE - DIRECT EXAMINATION

131

1 the residence, as well as the inside of the residence.

2 Q. Okay. And, did you also do a diagram of the residence
3 based, not to scale, but based on that particular
4 analysis --

5 A. -- Yes.

6 Q. -- that you did at the scene?

7 A. Yes, we did.

8 Q. All right. Can you tell us before we get into the
9 actually exhibits, can you tell us what items of
10 evidence were actually collected?

11 A. There was a pair of girls panties, a hammer, a red
12 towel, and a leather strap or piece of a leather belt.

13 Q. Okay. And, when we say collected those items, what's
14 your procedure when you collect items. What happens
15 with them once they're collected?

16 A. After they are collected, they are transported back to
17 our laboratory and submitted to the laboratory for
18 forensic analysis.

19 Q. Okay. And was that done in this case?

20 A. Yes, it was.

21 Q. Okay. And were there any other observations around the
22 house that were, I guess, that you documented in your
23 notes?

24 A. Two things in particular were a lock on the outside of
25 the girls bedroom. It was a typical latch lock, but it

1 was at the very top of the door so a short person would
2 have had to stand in the chair for instance, and only
3 an average adult would've been able to reach it. But
4 it was on the outside of the door.

5 Q. Okay.

6 A. There was also a sheet or some type of piece of fabric
7 that was covering the mirror in the girls' room as
8 well.

9 MR. REDMOND: Okay. Now, let me, if I may with the
10 Court's permission, approach the witness?

11 THE COURT: You may.

12 Q. With what's been marked as State's Exhibit 21 through
13 66, and State's Exhibit 75. I believe you've had an
14 opportunity to review those previously, and I'd just
15 that you scan through it and see if those are in fact,
16 the exhibits that you were referring to earlier, being
17 the pictures and the diagram?

18 A. Yes, they are photographs of the residents, and the
19 diagram of the residents.

20 Q. Okay. Thank you. And are those items represented ---
21 are they representative of your recollection of that
22 house at Parsonage Street that you had an opportunity
23 to examine?

24 A. Yes.

25 MR. REDMOND: Your Honor, at this time I would

MELISSA WALLACE - DIRECT EXAMINATION

141

1 Q. Okay.

2 A. But we moved that so we could get a good photograph of
3 the strap.

4 Q. Okay. The next exhibit is actually 56?

5 A. And again that's another --- another close photograph
6 of that strap.

7 Q. And then 57?

8 A. That is a close photograph of the bottom of that
9 previous chair. It's also depicting the cigarette
10 butts that are on the floor.

11 Q. Fifty-nine?

12 A. That's another photograph of the living room taken from
13 the hallway area.

14 Q. Sixty?

15 A. That's a closer photograph of that red towel that was -
16 -- you can see next to the coffee table.

17 Q. Okay. And 61?

18 A. That's a pair of girls panties.

19 Q. And where were they found?

20 A. Those were found in the living room.

21 Q. And could we go back to an exhibit I meant to ask you
22 about, are those --- is that, right above the towel,
23 the towel is located --

24 A. Yes. Right at the foot of the couch.

25 Q. Okay. And we can go forward. I'm sorry. And that's

1 State's 63?

2 A. That's a photograph of that couch that had it's back to
3 the bathroom. Um, there was some girls clothes is
4 what's on the arm rest of the couch.

5 Q. And State's 64, a closer shot of that, of the girls
6 clothing you described?

7 A. Yes.

8 Q. Let's go to State's 65.

9 A. State's 65 is --- that is the doorway of the boys
10 bedroom. That is his door.

11 Q. Okay. And State's 66?

12 A. That's a latch that was on the inside of that door.

13 Q. Okay. So, is the boys bedroom?

14 A. Yes.

15 Q. The latch was on the inside?

16 A. That's correct.

17 Q. State's 72 for the next one?

18 A. That is a close up photograph of the girl's panties
19 that were collected from the bathroom floor.

20 Q. State's 54?

21 A. That is a photograph of the door leading into the
22 girl's bedroom.

23 Q. And in the right corner of it, and I guess the next
24 exhibit, what is that a picture of? That would be
25 State's 55.

MELISSA WALLACE - DIRECT EXAMINATION

143

1 A. That's a close photograph of the latch lock that's on
2 the outside of the doorway.

3 Q. Okay. Let's go back to one exhibit, please. Thank
4 you. That would be State's 54. Is that latch
5 reflected in the right corner, I guess, the right
6 corner of that -- of the photograph --- the left corner
7 of the door?

8 A. Correct.

9 Q. All right. We can go on to the next exhibit, which is
10 52?

11 A. That is a photograph of the inside of the girl's
12 bedroom. You can see the bed and the window covering,
13 and there's a chest-of-draws on the right hand side.

14 Q. State's 47 is the next exhibit?

15 A. State's 47, that is a close-up photograph of a pet bed
16 that was on the right side of the bed, that's just
17 below that same window where the air condition unit is.

18 Q. Now State's 48?

19 A. That's a close-up photograph of the hammer that we
20 collected.

21 Q. And State's 49 is next?

22 A. That is a photograph --- it's got the edge of the
23 doorway leading back out to the living room, and it's
24 the pink cloth that was over the mirror.

25 Q. So, the mirror is underneath that particular cloth; is

1 that correct?

2 A. That's correct. That's the foot of the bed.

3 Q. Now, we'll get to State's 53?

4 A. That is a photograph underneath her bed. There's at
5 least one cigarette butt depicted in that photograph.

6 Q. So -- is this a picture underneath the bed in the
7 girl's bedroom?

8 A. That's correct.

9 Q. State's 50?

10 A. That's a photograph of the kitchen floor. We were
11 trying to document the feces.

12 Q. Okay. And I believe State's 51 is a different angle,
13 but the same thing?

14 A. Yes, sir.

15 Q. And -- and let me just show you this diagram. It's
16 already in evidence. If you could step right up here,
17 and the jury will have this in evidence. But the
18 evidence that was collected, the panties, hammer, towel
19 and the strap, is the location that they were collected
20 in the house also reflected in your diagram?

21 A. They are.

22 MR. REDMOND: I beg the Court's indulgence just one
23 moment. You may have a seat, Agent Wallace, and please
24 answer any questions that the defense may have of you at
25 this time.

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 153

1 education in a particular field is allowed to come in and
2 testify about what they saw, or heard, or did just like a
3 lay witness would, but then also what opinion they derive.
4 And that's the difference between an expert witness and a
5 lay witness. But when an expert is offered, we stop right
6 there, we go to the other side, we give them an opportunity
7 to question the witness about expertise only. Is there voir
8 dire for witnesses as to her expertise or objection to the
9 qualifications.

10 MR. JONES: There's none whatsoever. Without
11 objection.

12 THE COURT: Very good. Then the witness is so
13 qualified. Now, one more thing, an expert witness' opinion
14 is given to not to control your judgment, it's given to you
15 to assist you in finding matters of fact that are within the
16 purview of that expert that are before you. If you find it
17 to be helpful, you give it the weight that you deem it to be
18 entitled to. And please proceed, Mr. Redmond.

19 MR. REDMOND: Thank you, Your Honor. May it please
20 the Court?

21 DIRECT EXAMINATION BY MR. REDMOND

22 Q. Now, did you have the opportunity to conduct an autopsy
23 on three year old, minor I believe that autopsy
24 was done on the 8th of October, 2011?

25 A. Yes, sir.

1 MR. REDMOND: And before we begin, I'm going to, so I
2 won't interrupt you too much. With the Court's permission,
3 if I may approach the witness.

4 Q. First, to give you a copy of what's been marked as
5 State's Exhibit Number 76, while at the same time get
6 another exhibit. And just tell us if you recognize
7 that document, and we'll go forward from there?

8 A. Yes. This is the majority of the autopsy report and
9 some of the paperwork, and it's within the autopsy
10 report, the file including diagrams. And these are --
11 this report is one that I generated. And these
12 diagrams are also generated by myself.

13 Q. Okay. And let me ask you this, let's just go straight
14 to it. In conducting your autopsy of young minor
15 what were your conclusion as to her cause of death.

16 A. So, I mentioned briefly about what an autopsy is, but
17 in order for me to tell you what my conclusion were, if
18 I may, I would like to go through some steps that I
19 took to get there.

20 Q. Absolutely.

21 A. So, I told you it is a complete examination of someone
22 who has died. So, what that includes is first looking
23 at the body, looking at their, you know, scan surface,
24 looking for injuries, you know, start the examination,
25 taking pictures. We want to see things that will

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 155

1 identify them, as well as look for things that may be
2 injuries and those such of things, so that's the first
3 part of it. It is looking at the external surface of
4 the body. After that we do an examination of the
5 organs inside the body. So, I'm going to look at every
6 single organ, the heart, the lungs, the kidneys, brain,
7 everything, to see if there is any, again, injuries
8 found, or if there is any disease process going on in
9 those. I can tell something just by looking at those
10 organs, and then others things I need to tell by
11 looking at tissue in the microscope. So, I take
12 sections, we call them sections of some of those
13 tissues, all of the major organs to look in the
14 microscope to see again, if I'm seeing any trauma or if
15 I am seeing any disease processes. Anything part of
16 the examination is going to be to collect blood samples
17 if they are available on the body to see for
18 toxicology. That's routinely done in forensic cases,
19 and was done in this case as well.

20 In child cases --- this child, she was three,
21 she's being called three but she was almost four.
22 Her birthday was a month or so from when she died.
23 And in the smaller children and babies we also get
24 a full skeletal survey. Now, what that is, is a
25 full x-rays of each bone in the body. The reason

1 we do that is to see if any of them are broken
2 now, or have been broken in the past. So, that's
3 sort of a brief example of all the things that are
4 done in an autopsy report, and what was done in
5 this autopsy. In minor Hunt's autopsy --- what I
6 found in her autopsy was, and after all of this
7 work --- the whole thing was done, that she had a
8 massive infection that started as a urinary tract
9 infection into the urethra, which is the pipe that
10 hooks the bladder which holds the urine to the
11 outside world that climbed up the urethra ---
12 bacteria climbed to the urethra, and anybody
13 that's had a UTI or urinary tract infection knows
14 what that is. And it infected the bladder, and
15 then went up to the kidneys and infected the
16 kidneys. The kidneys were full of bacteria
17 infection. In addition to the kidneys being
18 infected, there was also some secondary effects
19 from the infection in other organs, particularly
20 in her brain.

21 So, taking all these things into
22 consideration, what happened to minor is that as a
23 result of this infection --- infection of her
24 kidneys, which we call pyelonephritis. It's a
25 long word for infection of the kidneys. She ended

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION

157

1 up with a blood infection, in fact, it got into
2 her blood from her kidneys, and from that she
3 died. Now, for the wording that I have in the
4 report is that she died from something called
5 diffuse intravascular coagulopathy, or DIC due to
6 this infection. And all that is what happens when
7 bacteria get into the blood. Bacteria in the
8 blood, if you don't take care of the infection,
9 the bacteria is going to basically cause all kind
10 of havoc with your ability to clot your blood.
11 It's like getting little injuries to the inside of
12 your blood vessels wherever the bacteria decides
13 to sit down. And if you think about it, if you
14 hurt yourself, if you bleed, you're suppose to
15 clot. It's one little area, okay, that's suppose
16 to clot. But if you have bacteria in your blood
17 stream, it's all over place. This bacteria is
18 sitting down all over the place, and you're
19 starting to clot all over the place in your body
20 in your vessels. And those clots went to her
21 brain, and she had basically small strokes in her
22 brain from those clots caused by the infection.

23 So that's a lot of words to say that she died
24 from the infection.

25 Q. And I think, and the many blood clots, I think we

1 referred to as thrombosis, if I'm saying that
2 correctly?

3 A. Yes. Yes. So, the little blood clots that are forming
4 inside the vessels are called either microthrombi ---
5 they're really tiny, or they may be embolic, meaning
6 they move from one place to another. So, a bigger
7 piece of clot which may be --- is made up of stuff
8 that's sticking in the blood, because when you cut
9 yourself, you do want clot. So, you have stuff that is
10 sticking in there. It will stick down where we need to
11 mend. So, this sticking stuff comes with a ball. So
12 it starts flying around through the blood stream, and
13 in her case it started clogging up different vessels in
14 her brain.

15 Q. Now, and I'll get into more detail about that in just a
16 moment, but was there anything else that you observed
17 on minor outside of her cause of death that was noted
18 in your report and definitely caught your attention
19 regarding her --

20 A. -- Yes. Yes. In performing this case I really was not
21 expecting it to be an infectious death. When I saw
22 minor I saw that she had a number of injuries to
23 her body. She had a number of bruises, seven or eight
24 to the face and head, in that area. Several to the
25 inner thighs. She had bruises on the vagina. She had

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 159

1 ulcerations which were round, and under the microscope
2 looked like small round burns in her skin. Several of
3 them were very fresh or acute that had happened very
4 recently, and others that were scarred over. She had
5 some blood inside of her head suggestive of some trauma
6 to the head, which mean some from the scalp bruises.
7 So, there were a number of things about this case that
8 I was not really expecting it to be an infectious
9 cause.

10 Now, saying that trauma and infection kind of
11 go hand in hand when you're making damage to the
12 blood vessels, and causing this process can kill
13 you, this DIC or diffuse intravascular
14 coagulopathy. Trauma can also ---a lot of trauma
15 can also cause those sorts of changes in your
16 circulation. So, these two things aren't
17 necessarily mutually exclusive. But from my point
18 of view, the infection was so overwhelming that --
19 - that's what I called the cause of death.

20 Q. Now, when you were doing your examination and taking
21 these, I guess, making these findings, is there any way
22 in discussing the bruises first, and then we'll get to
23 the burns --- well actually let me start with the
24 thrombosis and the DIC. About how long of a process
25 would minor have, I guess, exhibited symptoms and

1 deteriorated to the point that she died on the 6th of
2 October?

3 A. Well when I saw her and looked at the sections of her
4 brain under the microscope, I told you that there were
5 little areas that look like little strokes, infarcts,
6 to strokes. Areas of these blood clots had broken off
7 and went to the vessel and cut off the blood supply in
8 that little area of the brain, and caused the little
9 area --- a dead brain. Looking at those areas under
10 the microscope, that didn't just happen. Those
11 happened several days, a week or so prior to her death,
12 because there are changes --- there are cells that come
13 into that area to try and start cleaning up the dead
14 tissue like anywhere where you're trying to heal. The
15 brain does a similar thing. It tries to heal itself.
16 So, these changes were going on for probably five, six,
17 seven days, where she had actually brain damage from
18 these micro thrombosis. This would have been after the
19 symptoms that she would've exhibited having the urinary
20 tract infection and the pyelonephritis. So, prior to
21 having brain damage from the micro thrombosis which
22 might have made her very tired, difficult to arouse'
23 Maybe she didn't want eat. Maybe she didn't want to
24 drink. Maybe she didn't walk quite as comfortable as
25 she normally would. Eventually she couldn't be aroused

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 161

1 at all. Went into a coma. Sometimes there's seizures
2 associated with this kind of brain damage, and then
3 little blood clots start flying around. Those might
4 have been the symptoms in that last five to seven days.
5 Before that, we would expect symptoms from the urinary
6 tract infection. So, in the beginning of urinary tract
7 infection you would have burning upon urination. The
8 urge to urinate. Urinating more often. Leakage of
9 your urine. Your urine might spell bad. It might be
10 bloody. All those sorts of things that would be
11 associate with having a bad urinary tract infection.

12 Now, as it goes on to the kidneys, then you
13 start to have back pain, can be very, very --- um,
14 it can be very painful. So, pain in the back,
15 continuing with symptoms --- urinary tracts
16 symptoms, while the pain in the back goes on. And
17 then when the bacteria --- the germs actually get
18 into blood stream, then you're going to start to
19 have the fever, the chills. The whole systems
20 changes that you would associate with being
21 really, really sick. Now, a fever over a hundred
22 and three, you start to have chills, sweats, those
23 sorts of symptoms. And then as it progress, and
24 she began to get brain damage herself. Being a
25 whole other set of symptoms start compounding and

1 added to the first set of symptoms.

2 Q. Now, would the skin color have changed possibly during
3 this whole process?

4 A. Well it's hard say when you --- um, a child who has a
5 very high fever that can look flushed, you know, that
6 sort of thing, um. It's hard to say what an individual
7 is going to look like when they feel --- when they feel
8 so bad.

9 Q. And I'll just ask you point blank. Based on the
10 progression of symptoms that you've just described,
11 would it have become obvious that she was sick; really
12 sick?

13 A. I believe it would have.

14 Q. Okay. And is that based on the symptoms that you have
15 just indicated to the jury, that would have progressed
16 to the point leading up to her death?

17 A. Yes. Yes. And even just speaking about the last week
18 it's highly, highly unusual for someone to have brain
19 involvement by DIC or diffuse intravascular
20 coagulopathy, and having those symptoms, no --- no, um,
21 wobbliness, no lethargy, or slowness, or difficult to
22 react to people talking to them. It's highly, highly
23 unlikely to think she would not have had those kinds of
24 symptoms in that last week.

25 Q. Now, with, and I guess talking about that last week, is

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 163

1 there anyway to tell, or could you give us an idea of
2 whether -- at what point, if you could tell us, if she
3 had been taken to the doctor or hospital prior to her
4 death, or prior to that night --- at what point could
5 she have been taken to the hospital and still survived?
6 I guess is the question I'm trying to ask.

7 Q. Well, with what -- this is very difficult question to
8 answer. It would depend on how bad the damage to her
9 brain had been. The other things that are going to be
10 damaged are her other organs. I didn't have any
11 evidence at autopsy that she had liver damage that was
12 severe enough to kill her. Or kidney damage that was
13 severe enough to kill her. And then the overwhelming
14 bacterial infection that was in her, her kidneys were
15 still actually working. So, those are the things that
16 get damaged first when you have these little clots
17 flying around your brain, the kidneys, sometimes the
18 heart, and the lungs. And there were little micro
19 thrombi, those little clots in those organs. But it
20 didn't look like it was shutting down. But that's what
21 happens with this progression is that all organs start
22 to shut down. And so if a person who is hospitalized
23 and on antibiotics first gets to take away the cause --
24 - take away the cause of DIC or the infection. If you
25 take away that cause, then you have to support the

1 organ systems that are failing. And hopefully that
2 person will be recovered. People who are in DIC or
3 diffuse intravascular coagulopathy or infection will
4 die --- about a third of them will die. So, I can't
5 say whether she would have been all right. You know,
6 if they taken her --- if she had ended up in the
7 hospital that day, or the day before, or three days
8 before, we know that she had DIC for about a week for
9 sure. She had the infarcts to the brain --- the little
10 stroke in the brain. So, I feel --- and not knowing
11 how she was behaving, or what things were changing in
12 her, it's really hard for me to tell whether she would
13 have been functional or, you know, what kind of things
14 would have happened if she had been in the hospital,
15 you know, a week earlier or, you know, when the DIC
16 symptoms started or --- it's a difficult one.

17 Q. Let me --- and the last thing on that point, the fact
18 that --- and as an expert, hypothetically I ask you, if
19 the child had been brought into the hospital after in
20 essence drawing her last breath, in your opinion, would
21 symptoms have been exhibited prior to her drawing her
22 last breath that should've gotten her to the hospital a
23 lot earlier than waiting to the last minute?

24 A. Yes, I think so.

25 Q. Okay. Let's move on to the burns, the bruises, and

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 165

1 talk about them in a little bit more detail. And you
2 got your report there, and if you would --- if you
3 could, highlight and touch on your observations in some
4 detail regarding the bruises first. If we can talk
5 about the bruises first. And then I want to talk about
6 the burns. And then there's an area in the vagina that
7 was noticed that I want you to discuss as well, if you
8 could.

9 A. Okay. As far as bruises, the way I generally do cases
10 is from the top down. So, looking at the body from the
11 outside, there were a number. Her hair was very close
12 cut. It was almost shaved. It was like this long. It
13 was a very light Brown color, and so I could see right
14 down to her scalp. It was real clean hair. Then
15 straight hair and cut down very, very, very short, so,
16 I could see right to her scalp. So, I could identify
17 bruises without any extra effort on my part. So, there
18 were bruises to her head, both on the right side of her
19 head, and the left side of head. On her face, and her
20 chin, and her neck, and the angle of her mandible. And
21 when we go to look inside of the head and look at the
22 brain, we do look also at the scalp, what we call
23 reflect the scalp. So, these bruises to the head went
24 to the scalp, so the scalp had blood in it too. So, it
25 wasn't --- these weren't very superficial. It was

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 166

1 like, if you have, you know, were walking and the door
2 jam was suddenly this high, and you kept walking that
3 kind of bump. So, she had five or six of those, um,
4 because you could see there was hemorrhage in the scalp
5 itself. And when we opened up the skull to look at the
6 brain, there's also some hemorrhage around the brain,
7 we call it subdural hemorrhage. So. also another
8 indication of some trauma to the head. Um, other
9 things that we found as the entire case was continued,
10 you know, I would look at some things under the
11 microscope and so on, were hemorrhages around the optic
12 nerves. The eyes have nerves that go back into the
13 brain so that you can see. They go all the way back
14 into the brain, and there was hemorrhage in this space
15 around the optic nerves. And so, there were several
16 different things that suggested that there was trauma
17 to the head. Okay.

18 After looking --- as we go down the body, there was ---
19 there were no broken ribs. The complete skeleton
20 survey showed no broken bones. No broken long bones.
21 No broken ribs. The skull had no fractures either. At
22 the abdomen, it looked like there was a bruise on the
23 right lower quadrant, sort of a elongated bruise. Long
24 skinny bruise there on the right lower quadrant of the
25 abdomen, um, this part. And then as you go down

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 167

1 further there were two bruises, each on her inner
2 thighs. And then when you go down further in the legs,
3 there are a couple of scrapes with bruising behind them
4 that look also like straight lines. One might think
5 of, I don't know, something that was straight. Someone
6 either hit or hit her around the ankles particularly
7 the inner right ankle. On the back there are four
8 distinct bruises sort of right in the middle.

9 Now as far as the bruises to the extremities
10 in the back, there not as deep as the ones that
11 were to the head. I said they were superficially
12 there to the scalp. So, the ones to the body
13 rarely went into the subcutaneous tissue. So,
14 those are verily superficial bruises. Inside the
15 body, other than inside the head, there was no
16 sign of trauma. So, as far the bruises
17 there's a number to the head and neck which were
18 substantial and did look like they transmitted
19 enough force the blood inside the head. And then
20 others that just look like, well, bruises from
21 some kind of blunt trauma.

22 Q. Let me ask you this as it relates to the head, because
23 we've said they're several to the head. If she would
24 have fallen, I think you gave the example of hitting
25 her head on a door frame or something like that, would

1 that one incident cause the number of bruises and
2 trauma that you found to the head?

3 A. No, this looks like, I mean, it was on both sides, on
4 the front and the sides. So it's difficult, I mean,
5 nothing is impossible, but it's very difficult to
6 create a scenario where you can bruise the front of
7 your head and the sides --- both sides of your head
8 doing one thing.

9 Q. And so -- and again as an expert, based on your review
10 and the number of different locations for the trauma to
11 the head, is that consistent with abuse?

12 A. Um, well I can't -- I can't come to that conclusion.
13 It certainly is consistent with --- but that's not the
14 only explanation that you can come to.

15 Q. Okay. And let me give you a hypothetical then. As an
16 expert, if a child had been hit on more than one
17 occasion to her head, would that be an explanation for
18 what you found in the autopsy?

19 A. Yes.

20 Q. So, in other words, I guess a better to ask it, what
21 you found, without knowing all of the details of what
22 you found, does it disqualify abuse?

23 A. No, I was very -- I'm very suspicious of abuse.

24 Q. Okay. Thank you. Now, let's talk about the burns.
25 We're talking about bruises and whatnot, but let's talk

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 169

1 about the burns. Did you find one cigarette, or one
2 burn, or how many burns did you find?

3 A. Well, it's hard to tell you exactly. I can tell you
4 for sure that they are at least five. But then they
5 are many other round areas that are now healing that
6 probably were burns, and are now healing and becoming
7 scars. So, it would probably be more on the order of
8 ten or fifteen assuming. I don't wish to assume.
9 Assuming that those round scars were caused by the same
10 mechanism. Now, the ones that I'm saying are
11 definitely burns are very fresh. The tissue -- the
12 skin is basically, simply absent in a little circular
13 area on the buttocks in five different areas. Roughly
14 circular on some of them. Some of them more elongate.
15 And, then under the microscope there's are some changes
16 to the cells that suggest either a burn or an
17 electrocution. So, those are my two options. It's
18 smaller than perhaps you might think of a cigarette
19 lighter in a car. It's more of the size of a
20 cigarette. But anything that would be round and make a
21 consistent burn through the skin.

22 Q. And were there any cigarette burns noted around her
23 vaginal area?

24 A. There were two healing areas that were very consistent
25 with those burns to her buttocks that I suspect are the

1 same type of injury that were starting to heal.

2 Q. And in viewing that, is it --- is there anyway that you
3 can determine whether, given the nature of the wound
4 and the symmetry of the wounds around her vagina, does
5 it appear that she was in essence being held or
6 standing still as she was being burn, or did she appear
7 that she moved or jerked away? Does the injury
8 indicate one or the other to you?

9 A. Well, the injuries are not exactly round, so if you can
10 think of it you have to --- if you're going to burn a
11 hole in something you have --- the thing has to be
12 there long enough for the hole to be burn in it.
13 Alright. So, if the thing is moving it's not going to
14 be a perfect circle, and if the thing is still it
15 would, if, you know, it depends on how long it takes
16 too. How long a person has to be still. So, it's
17 seems that some of the ones that are more round like it
18 suggests, that she was more still at those times,
19 whether she was held, or asleep, or who knows what, you
20 know. I don't know. But the ones that are more round
21 suggest less movement on her part.

22 Q. Okay. Is there anyway, and I think you've talked on
23 it, but the age, is there anyway to determine about how
24 long it had been with some of these bruises and burns?
25 And I think you've touched on it, but to be little more

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 171

1 in specific as it relates to the bruising, were there
2 any other bruises that you noted that most likely
3 occurred within the week of her death?

4 A. Yes, timing. Bruises is not. I wouldn't recommend it.
5 It can throw you off. But in this case I did take a
6 section to look at them under the microscope. And the
7 hemorrhage in the vagina, I wanted to make sure number
8 one, that it was really hemorrhaging, that I wasn't
9 misinterpreting what my eyes were seeing. And then I
10 also wanted to see if I could tell how long it had been
11 there. So, yes, it was hemorrhaged under the
12 microscope, and there were --- there were inflammatory
13 cells coming to try and clean the area up after the
14 damage. So, there was blunt trauma, and it had been
15 within two or three days, because it was just getting
16 started as far as cleaning up that area.

17 Q. Okay. And let's be a little more specific as it
18 relates to the vaginal injury. Was it, and I hate to,
19 I mean, I hate to have to get into this, but we've got
20 to. But was it on the outside of her vagina, or was it
21 on the inside of her vagina? Would you explain the
22 location of that wound for the jury?

23 A. Yes, it was -- it was on the inside, I mean, barely,
24 like about a centimeter inside the vagina. We do sort
25 of on a clock face, so if you're facing a vagina, the

1 twelve would be at the top and go around to twelve
2 again, so this was -- there was injury at the eight and
3 nine o'clock facing someone lying down, like if you
4 were an obstetrician or something.

5 Q. Okay. And of course you noted that. Now is that
6 something -- is that something that was significant in
7 your mind?

8 A. Well, any injury to a child is significant. And one,
9 the vagina is suspicious for sexual encounter of some
10 kind.

11 Q. Okay. Thank you, Dr. Schandl. Now, did any of the
12 burns, I think I ask you about the bruises, did any of
13 the burns occur before you, I mean, occur within the
14 week before her death; if you can tell us?

15 Q. Yes. The ones that are on her buttocks. Again, I
16 looked at it --- at one of those under the microscope,
17 and there's no evidence of any inflammatory cells
18 coming in to clean up the mess. So, from my point of
19 view as a pathologist, looking under the microscope,
20 that was an acute injury. There hasn't been time for
21 the body to response to that injury. So, that's likely
22 to have occurred in an acute period which could have
23 been twenty-four, or forty-eight hours, or even more,
24 even closer to the time of the death possibly.

25 Q. Okay. Now, let's talk about some toxicology findings.

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 173

1 Were there anything -- was there anything significant
2 that would be consistent with the treatment of a fever
3 or some type of achiness that you found?

4 A. She did have some ibuprofen in her bloodstream. One
5 moment. The level was 4.6 micrograms per milliliter.
6 So, ibuprofen is what I call a nonsteroidal anti-
7 inflammatory drug. It's like aspirin or one of those,
8 and she had that on board.

9 Q. Okay. Now, and again, ibuprofen is usually treated for
10 --- what is ibuprofen used for?

11 A. Well, people use for a variety of things. Pain,
12 fevers, discomfort, headaches, just like they would
13 aspirin or something like that.

14 Q. Her hair, you've already talked about the fact that her
15 head was shaved. Did you in the course of your
16 examination find any medical reason to determine or
17 justify why her head was shaved?

18 A. No.

19 Q. Did you find any evidence of any lice or infestations
20 like that, that would have required her head to be
21 shaved?

22 A. No.

23 Q. Okay. Let's talk about her teeth. Were her teeth all
24 there when you examined her?

25 A. Since she was almost four years old, someone of that

1 age generally has twenty teeth, and they don't start
2 losing their teeth until they are six or seven, and
3 then start with usually the bottom two central
4 incisors. Then they'll got to the top two central
5 incisors. She did not have her top two teeth, which I
6 thought was really strange, because she wasn't four
7 yet. And so yes, that was usual.

8 Q. Were you able to make any determinations as it relates
9 to the condition of the teeth that had been pulled?

10 Let me ask you this, had they been pulled recently?

11 A. It was healed, so I don't know if they were pulled. I
12 don't know if they were knocked out. I don't know how
13 they came to not be there.

14 Q. But when you indicate that it was healed, could you
15 explain what you mean by that as it relates to time
16 frame?

17 A. Well, that's another difficult one. At that age you
18 don't know. Your next set of teeth are coming down,
19 that doesn't give us any time frame. You start to heal
20 immediately. So, it could be within, you know, a
21 couple of weeks, maybe a month in time.

22 Q. Okay. So, let me ask you this. And based on reviewing
23 your records --- your report --- the tooth --- one of
24 the teeth --- when you talk about healing, was that
25 true on both of the teeth that had been extracted?

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 175

1 A. It was --- it was the same between the two teeth. They
2 were both gone.

3 Q. And now could you explain the alveolar crest as it
4 relates to the teeth? What's the significant's of
5 that?

6 A. That's just the bone that grows out of, bone.

7 Q. Okay. Now, the fact that it was intact with minor
8 could you explain the significant's of that, if any?

9 A. Well, um, there's no real significance to that. One
10 might suspect that if she had a major trauma that would
11 knock her teeth out, like a car crash, or something
12 might also be a maxillary or bone trauma to the bone
13 that holds that teeth, but there wasn't. So, that's --
14 it still doesn't tell me whether they were knocked out
15 or if they were pulled. It just -- it didn't break
16 that bone.

17 Q. But based on what you saw in the autopsy with her
18 teeth, and I think you testified it has been either a
19 couple of weeks or a while because they were healing,
20 if hypothetically her teeth had either been knocked out
21 or pulled that day, if one of her teeth had been
22 knocked or pulled that day, would you have seen the
23 level of healing that you saw in this child when you
24 examined her?

25 A. No, I don't think so. No.

1 Q. Thank you.

2 MR. REDMOND: I beg the Court's indulgence for just
3 one moment. Let me approach with several exhibits, State's
4 Exhibit 1, 3, 5, 6, 7, 9, 11, 15, 16, and 17. If I may
5 approach the witness with these exhibits, and with State's
6 Exhibit 102. And if I have not done so, I would move to
7 introduce the autopsy report into evidence at this time.

8 MR. JONES: If I may look at it?

9 THE COURT: You may.

10 MR. REDMOND: And I apologize for not showing it to
11 you, Mr. Jones.

12 MR. JONES: No objection, Your Honor.

13 THE COURT: That is number what?

14 MR. REDMOND: 74.

15 THE COURT: Check that again please.

16 MR. JONES: 76.

17 THE COURT: 76 in evidence without objection for the
18 State.

19 WHEREUPON, STATE'S EXHIBIT
20 NUMBER 76 WAS ADMITTED INTO
21 EVIDENCE WITHOUT OBJECTION.

22 MR. REDMOND: Thank you, Your Honor.

23 Q. Now, could you take a look at those pictures, and the -
24 -- I think the pictures in State's exhibit Number 102
25 and tell us if you recognize those particular exhibits?

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 177

1 A. The photographs are the one among the ones that I took
2 during the autopsy of her --- of her body before I
3 looked inside, just of her --- the outside of her body.

4 Q. Okay. And how about State's 102?

5 A. This is -- these are envelopes that have our autopsy
6 sticker on them. It would seem one is a blood spot,
7 vaginal swabs, and the other ones, these are also
8 things that we gathered at the time of autopsy that
9 were later transferred as evidence.

10 Q. And just to be sure and be clear for the record. I'll
11 give you these scissors, you can actually cut open that
12 exhibit, I meant to do that. And you can look at it
13 closer just to confirm that those are the samples that
14 you took at the autopsy?

15 A. The vaginal swabs, oral swabs, and rectal swabs, that's
16 a standard set when we suspect they may have been
17 sexual contact and blood spot which is usually used for
18 DNA comparison. Yes, those are all from me.

19 Q. And do you recall giving those to SLED Agent, Charles
20 Brown, and I think that's actually reflected in your
21 report, once you collected those samples?

22 A. Let me look real quick.

23 Q. Oh, certainly. Certainly.

24 A. Thank you. Yes. The pathologist assistant that I work
25 directly with, Erwyn Corerain, she transferred them to

1 Special Agent Charles Brown of SLED on October 11,
2 2011, at 10:30 in the morning.

3 Q. Okay.

4 A. In addition to these items, there was also a CD of the
5 autopsy photos transferred at that time.

6 Q. Okay. And you indicated that you did take photos of
7 the autopsy?

8 A. Yes, sir.

9 Q. Okay. And looking at the pictures that I have
10 indicated, are those pictures the pictures that you
11 took at the autopsy?

12 A. Yes, they are, sir.

13 Q. And does that reflect what you describe in your
14 testimony here today?

15 A. Some of them, yes,

16 Q. And again, those are pictures you took?

17 A. Yes, sir.

18 MR. REDMOND: Your Honor, I would ask that these
19 pictures, those particular exhibits be introduced into
20 evidence at this time.

21 THE COURT: All right. May I see those? Thank you.
22 All right, defense maintain objection?

23 MR. JONES: Yes, we do, Your Honor.

24 THE COURT: Very good. Then the Court will over
25 objection. State's Exhibit 1, 3, 5, 6, 7, 9, 11, 15, 16 and

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION

179

1 17, over objection in evidence.

2 WHEREUPON, STATE'S EXHIBIT

3 NUMBER'S 1, 3, 5, 6, 7, 9, 11,

4 15, 16, 17 WAS ADMITTED INTO

5 EVIDENCE OVER OBJECTION.

6 MR. REDMOND: Thank you, Your Honor. And given that
7 it's getting late rather than me -- actually our person
8 just walked in to work the t.v. We've actually got those
9 exhibits reflected in this in the CD. So, if the Court will
10 indulgence us for just one moment, and then I'll be able to
11 ask Dr. Schandl to step down to show us those pictures.

12 Q. And while we are doing that, just to be clear on a
13 couple of points, is that what you found in your
14 autopsy, the bruises, the results that you have
15 outlined, are those things consistent with abuse?
16 Obviously, given other information that you might not
17 be privy to?

18 A. It's consistent. Yes, sir.

19 Q. Okay. If I could have you step down Dr. Schandl.

20 A. Yes, sir.

21 MR. REDMOND: With the Court's permission?

22 THE COURT: Yes, you may.

23 Q. And I'm going to have you stand facing the Court
24 reporter, and I'm going to stand back over here. And
25 as we go through each exhibit ---

1 A. I don't understand.

2 Q. If I can hold the exhibits and make sure that I am
3 calling the right exhibit number. I want you to
4 explain to the jury what these pictures represents in
5 the context of the findings of possible abuse that you
6 have outlined.

7 A. Okay. As to this, this is how we received Miss minor
8 She had no clothes. And so what we do first is,
9 take a picture of what the person looks like when we
10 first get them, and that's what it's showing. You can
11 see she had a possible identification band here. These
12 are defibrillation pads, indicating when they were
13 trying to resuscitate her at the hospital. This is our
14 case marker, it has our case number on it. And from
15 this view you can see also another endotracheal tube,
16 also from when they were trying to resuscitate her at
17 the hospital. And you can just start to get an idea.
18 There's a reddish mark here, that's a bruise. A
19 reddish mark here, that's a bruise. And you can start
20 to see some things here, but they're not --- I've
21 clearly shown on this picture.

22 Q. Okay. And the next picture please.

23 A. This is a picture of her face. Again our number. This
24 is the endotracheal tube cut off so that you can see
25 more of her face. And then there is an abrasion with a

CYNTHIA SCHANDL, M.D. - DIRECT EXAMINATION 181

1 bruise here, a scrap and/or a bruise here, and one
2 here. There's a little scar underneath her lips, and a
3 little bruise here. And then you can start to make out
4 some bruises here, and here, and here.

5 Q. And for the record, State's Exhibit 7. Okay. The next
6 exhibit please.

7 A. This is the side of her head. And I'm showing a bruise
8 here that you can see through cut hair on the side of
9 her head, right beside her head.

10 Q. And for the record that's State's Exhibit 15. The next
11 exhibit please.

12 A. This is the right side of her face. You can see there
13 is a scrap to her ear. I didn't mention before, but
14 there's a scrap to her ear here. And you can see this
15 bruise. And this bruise on the side of head.

16 Q. And the next exhibit, please.

17 A. This is showing where her teeth would have been. So,
18 her two front teeth should have been right there. It
19 took me a little while to realize that they were gone,
20 because it's easier to do things when they look wrong,
21 not when they're gone. But she doesn't have her two
22 front teeth. And I'm showing there's no damage to the
23 frenulum, that little thing that holds your lip down.
24 That can be another sign of abuse. But there's no
25 damage to her upper frenulum or her bottom frenulum.

1 So, that was not there.

2 Q. Okay. Next exhibit, please.

3 A. This is her left side right around her buttock. This
4 is a bruise here. You can see a bruise here, and here
5 on the leg on down the thigh.

6 THE COURT: Just a moment, counsel. Can you see?

7 Mr. Redmond would you move over, please?

8 MR. REDMOND: Oh, I'm sorry if I'm obscuring anybody.
9 I apologize. I am kind of wide. I'm sorry.

10 Q. And for the record, that will be State's Exhibit Number
11 16. And next exhibit, please.

12 A. This is her backside. And these are the areas that are
13 consistent with burn injuries to her buttocks. And
14 then there are other areas that look like there
15 healing. They're round and similar in their shape and
16 size, but healing, turning into scars on her buttocks.
17 And here's one similar injury a little bit higher up.

18 Q. And next exhibit, please?

19 A. This is the outside of her right leg. And you can see
20 bruises, here, here, and here. I was trying to
21 describe that linear or straight kind of bruise that
22 she has on the side of her legs, and also on the inside
23 of right leg also.

24 Q. Next picture, please.

25 A. And then the other leg you can see some bruises also

1 going down the other side the left leg.

2 Q. Next exhibit, please.

3 A. You can see which is sort of --- up here you can see
4 one of the bruises on her inner thigh. She has another
5 one on this inner thigh, and two on the other inner
6 thigh as well.

7 Q. And the last one.

8 A. That's back to the first one.

9 Q. Oh, that's back to the first one. Well that must have
10 been the last photo. I'm sorry. And actually there is
11 one that I want to show you, because it's not reflected
12 in there, but it's already introduced to State's
13 Exhibit 20. We were talking about the vaginal scars,
14 if I can ask you to look at that picture. Now this is
15 a picture from the hospital, but does it reflect the
16 scars as you recall them, even though they weren't your
17 photos, but do they adequately reflect the scaring ---
18 the burns to the vaginal area that you described in
19 your testimony?

20 A. Yes. Yes. These are healing round areas turning into
21 scars. They were similar to those burns that you see
22 on the back side. And you can also see some other
23 bruises on the inner thigh --- the inner left thigh as
24 you see on this picture.

25 Q. And let me ask you this, and you can have a seat. I've

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

7 A. No, sir.

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

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

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

19 A. Yes, sir.

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

22 THE COURT: Cross examination?

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

24 CROSS EXAMINATION BY MR. JONES

25 Q. Dr. Schandl?

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION

185

1 A. Yes, sir.

2 Q. Let me go back and start where you started, and talk
3 about the cause of death?

4 A. Yes, sir.

5 Q. Is it true or not that the cause of death of the young
6 child was the untreated urinary tract infection?

7 A. I believe so. Yes, sir.

8 Q. Now, that urinary tract infection, if I understood your
9 testimony, more than likely started more than a week
10 prior to her death?

11 A. Yes, sir. And that's my estimation.

12 Q. Could it have been two to three weeks prior?

13 A. Um, I don't know when it started. It is possible.

14 Q. And when it began, did I understand you to say that
15 possible symptoms would have been burning urination,
16 and other things of that nature?

17 A. Yes, sir.

18 Q. And would the symptoms increased in severity, or would
19 they have begun and stayed the same until it escalated
20 into this raging infection?

21 A. They likely would have gotten worse with more symptoms
22 added on as the bacterial --- the bacterial tend to
23 duplicate, they multiple in the body. So, the more
24 bacteria you have in your body, the harder it is for
25 your body to fight, and the bigger response that the

1 body tries to make, and the more symptoms you're going
2 to have, the fevers, the chills, and so on.

3 Q. And that's my next question, those symptoms include
4 fevers and chills in other words, maybe flu like
5 symptoms?

6 A. It's possible.

7 Q. Is it also possible that there could have very well
8 have been no initial symptoms until the infection was
9 what I call raging; is that possible?

10 A. Well, it's possible, but unlikely.

11 Q. So, if you have an infection that's beyond one, to say
12 three weeks prior to death and ends up in death on
13 October 6th, I think it was, the last seven days which
14 we're concentrated on in your questioning. Did I
15 understand that at that point in time the symptoms
16 would have also included, I think you called it,
17 wobbliness, would that also be a symptom?

18 A. It's one possibility. It depends what part of the
19 brain was affected by the process.

20 Q. At that point in time the urinary tract infection has
21 caused the little mini strokes in the brain, and that
22 perhaps was what I hearing you say?

23 A. Correct.

24 Q. Thank you. As those are happening, what other outward
25 indications of that would a person expect to see?

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION

187

1 A. Well, she would have continued to have symptoms of
2 urinary tract infection, because her kidneys were
3 extremely infected. She would've continued to have
4 likely pain in her back that would have probably been
5 somewhat disabling, certainly very painful. She would
6 have fevers and chills. And then when the brain
7 started to be effected, she would have started to show
8 what we call, neurological signs, so whatever depends
9 on what part of the brain is effected could be, you
10 know, the wobbliness, if it gets to the part that keeps
11 you balanced. It could be lethargy, that your whole
12 brain is sort of swollen and everything is going
13 slowly. It could be her vocal signs, if you have an
14 infarct in one ear and it leads to a particular
15 function that's now being impaired by that. So, it
16 could be --- we really do expect them to be tired.
17 Difficult to arise. Likely having little appetite.

18 Q. And there was some mentioned of seizure type --

19 A. Yes. Yes. When you start to effect the brain, the
20 brain function, seizure is another possible symptom
21 that you can have. Absolutely.

22 Q. Now, if those type of occurrences were happening, if
23 this child had fallen, would you have expected to see
24 some bruising?

25 A. Well, any child that falls may have some bruising. So,

1 yes, sir.

2 Q. All right. And I think in your example when you ---
3 particularly when you were speaking of the head, I
4 think you used the example of running into a low door
5 and seeing that. Could another possible explanation or
6 another possible cause of the head to bruise, would be
7 someone falling from a bed?

8 A. It would depend on the circumstances, but they would
9 have had to fall several times, on several different
10 parts of their head.

11 Q. Absolutely. And that was as you described, several on
12 each side of the head?

13 A. Yes, sir.

14 Q. And I think you've mentioned that also, a time period.
15 Let me see if I can get that correct. Turning now to
16 burns and bruises as we've seen, as you were describing
17 too, she had several bruises on the buttocks area, and
18 you said perhaps occurred between twenty four to forty
19 eight hours of death, or perhaps even sooner?

20 A. Yes, the burns. Correct.

21 Q. Okay. And did you have a similar explanation of the
22 bruises or any of the bruises?

23 A. The only bruise that I was able to say is not within,
24 you know, six hours, or it's probably more than six
25 hours, was the one inside the vagina.

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION

189

1 Q. And you think that as earlier or later?

2 A. It would have been probably at least six hours,
3 probably closer to twenty four, forty eight, something
4 like that. It becomes very muddy when you try to do
5 that, but it's not -- it didn't just happen.

6 Q. So, the other bruises could have happened --

7 A. -- Over time --

8 Q. -- hours or days prior to her death?

9 A. Hours.

10 Q. One question I want to ask. The efforts to resuscitate
11 this child, could those efforts have caused any of the
12 marks that you saw?

13 A. There was a slight abrasion inside her mouth that could
14 have been from the endotracheal tube. But none of the
15 ones to the legs or head, those sort of things. No,
16 sir.

17 Q. Very good. As to the teeth, and I was somewhat
18 confused. Did I understand you to say that those
19 extractions, however they occurred, could have happened
20 up to a month prior to her death?

21 A. Yes, sir. Yes.

22 Q. And would that be your best estimate, or would it be --

23 A. Well, once it heals it could be further out than. I
24 mean, it could be. It could be two weeks. It could be
25 a month. It could be two months. I don't --- I don't

1 know.

2 Q. And the lack of trauma to any other area in the mouth
3 was significant because --- tell me why that's
4 significant?

5 A. Well there's -- there's really only two reasons. One
6 is that it indicates that it wasn't an acute injuries.
7 There's no bleeding. There's no injury to the area.
8 And the other suggest that it wasn't such a trauma that
9 it would break the mandible, the bone of the face that
10 holds the teeth.

11 Q. All right. And I want to say lastly, because I do
12 think I have a couple of more questions. I'm going to
13 ask what are the semi-hypothetical questions. I'm
14 going to show you what is marked State's Exhibit Number
15 50. Could the injury that you describe to the young
16 child's vagina, which I understand you to say was
17 within a centimeter of the outside, would that injury
18 have occurred if that child fell on that chair right
19 there?

20 A. Um, well I would expect other associated injuries and
21 bruises with that kind of a trauma. So, I think it's
22 unlikely.

23 Q. And the lack of trauma around that injury told you what
24 again?

25 A. Well, um, it was in a very -- it was one area of trauma

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION 191

1 in the vagina. So, one area was hit by something. So,
2 if you show me something like a chair --- the back of a
3 chair, that's not really quite consistent with one
4 little area being injured. You'd think there would be
5 bruises in other areas on the outside.

6 Q. Unless it was the corner of a chair?

7 A. It's hard to -- I can't explain it.

8 Q. Thank you. Now, the, -- a couple of questions about
9 the exhibits, particularly the pictures that you took.

10 MR. JONES: Your Honor, if I may have one second to
11 look over these?

12 THE COURT: You may.

13 (PAUSE.)

14 Q. And I'm sorry to belabor this. But I wanted to show
15 you one particular of the left hip area, and I will use
16 State's Exhibit Number 5. On that picture, what I was
17 interested in asking is the area right below the hip
18 area on the left hand side, it's red versus blue
19 bruises, does that mean that, that injury or occurrence
20 happened sooner or later than the others happened?

21 A. No. It really doesn't help me with that. And the
22 other possibility is, it's not a bruise at all.

23 Because you have to --- to prove it's a bruise you have
24 to cut through and see if there's blood in the wound.
25 So it's --- it doesn't help just looking at this

1 picture.

2 Q. As to time?

3 A. As to time or even identifying what the red thing is.

4 Q. Okay. And again, I will ask what I asked earlier.

5 Could that redness, I'll just call it redness, could
6 that have occurred during resuscitation efforts?

7 A. I don't know what it is, so it's hard to tell you.

8 Q. And Dr. Schandl, not to be facetious, but this child
9 did not die of bruises, that's correct?

10 A. Um, that is correct, But I have to suggest also
11 though, that again, trauma and infection work together
12 to create this environment in the body where these
13 clots formed. But she did not die of bruises that is
14 true.

15 Q. And one without the other, could the child have died of
16 a urinary tract infection without the bruises?

17 A. Yes, sir.

18 Q. No question?

19 A. I believe so.

20 Q. Okay. The child could not have died of the bruises
21 without the urinary tract infection?

22 A. That is my quadrant, because she does have head trauma,
23 and sometimes head trauma is worse than it looks. So,
24 I have difficulty saying that with absolute faith, but
25 definitely infection is --- was enough to kill her.

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION 193

1 Q. All right. And again the same question, with the marks
2 that you attributed to burns?

3 A. Yes, sir.

4 Q. Same thing. Now, the -- I have one or two more
5 questions concerning burns. I'm going show you State's
6 20 and State's 6. And again 20, being the genital area
7 and 6 being the buttocks area, did I understand you to
8 say that the marks on the buttocks area were more fresh
9 than the ones to the front?

10 A. Yes, sir.

11 Q. And I understood you to say that those appeared to be
12 round as typically a cigarette could be?

13 A. Yes, possibly.

14 Q. And I have a little bit of trouble, and maybe it is
15 just me, but I'm going to point you to that mark right
16 there.

17 A. Yes.

18 Q. Is there anything round about that mark?

19 A. Yes. The -- there -- to me that looks like -- if there
20 weren't two different things that were used. So,
21 they're round, cut out burns, and then there is one
22 that's like a racing track. So, unless there was a
23 second thing that was burning her, that would be
24 consistent to me with two burns from a round thing or
25 more than two burns. So, it's in an area that has

1 round edges but has longer sides. More like a race
2 track than a circle.

3 Q. And with that marking in mind, I'll ask the same
4 question that the solicitor ask, about whether or not
5 you have an opinion as to if that mark could have been
6 caused by or caused while the child was moving?

7 A. It is possible.

8 MR. JONES: If I could have on second, Your Honor.

9 THE COURT: Yes, sir.

10 (PAUSE.)

11 Q. I do have one additional set of questions that should
12 not take too long. As you described the symptoms that
13 were increasing in severity particularly the last week
14 of the child's death, among those symptoms, I believe
15 you said would have been lethargy or the child would
16 have been very lethargic?

17 A. Yes.

18 Q. Would that have been --

19 A. -- That's likely.

20 Q. -- sleepy a lot?

21 A. That's likely.

22 Q. And then with the wobbliness, as events occurred within
23 her brain?

24 A. It's possible.

25 Q. Possible. Again I understand, all -- we don't know the

CYNTHIA SCHANDL, M.D. - CROSS EXAMINATION

195

1 actual, or you don't know what the actual symptoms
2 were, but those are very real possibilities?

3 A. Yes, sir.

4 Q. Probably?

5 A. Yes.

6 Q. Would this child have had much of an appetite in the
7 last week, in your opinion?

8 A. It's not likely.

9 Q. And how about thirst, would that have increased or
10 decreased as the symptoms continued?

11 A. That's difficult to gauge. There are a lot of things
12 that are bouncing things out, so you know, on the one
13 hand she'll be sweating and she'll be needing to drink.
14 On the other hand she's not going to feel like doing
15 anything. So, you may not want anything. She might be
16 nausea and not want anything. She might try to drink
17 and throw it up. So this is -- I can't tell you what
18 she was doing.

19 Q. But I did hear you say that your observation or your
20 experimentation --- not experimentation, but your work
21 during the autopsy indicated the kidneys were fully
22 functioning?

23 A. It appears that way, yes.

24 Q. And I also noted in the autopsy that there were
25 contents of the stomach including corn; is that

1 correct?

2 A. That is correct.

3 Q. So, the child would have eaten and not thrown up, at
4 least corn during the last hours of her life?

5 A. It's difficult to know how long it takes the stomach to
6 empty. It takes a lot longer when you're under stress,
7 and sick, and other things. So, I don't know how many
8 hours, but yes, she definitely had some corn at some
9 point.

10 Q. So, she would have eaten during a period of time; is
11 that not correct?

12 A. Yes.

13 MR. JONES: Thank you. That's all I have.

14 THE COURT: Is there redirect?

15 MR. REDMOND: Briefly, Your Honor.

16 REDIRECT EXAMINATION BY MR. REDMOND

17 Q. If I could Dr. Schandl, direct your attention to Page 3
18 of your final report, and specifically under the
19 evidence of injury. The second paragraph beginning
20 with no oral mucosa, hemorrhages, or lacerations are
21 present.

22 A. Yes, sir.

23 Q. And correct if I'm reading this wrong. The upper
24 central incisors are both absent and an unusual finding
25 for a child this age. Is that what is stated in your

CYNTHIA SCHANDL, M.D. - REDIRECT EXAMINATION 197

1 report?

2 A. Yes, sir.

3 Q. Okay. And when you say it's an unusual finding, could
4 you briefly explain why was that an unusual finding,
5 enough that you noted it in your report?

6 MR. JONES: Your Honor, I would objection. I think
7 that been asked and answered. I think we had a --

8 THE COURT: How is that appropriate redirect?

9 MR. REDMOND: Your Honor, he --- the reason I got
10 into that is that he was --- he, being on cross made
11 illusions to the specific sentence right before that. So,
12 I'm just actually trying to tie into the sentence right
13 after.

14 THE COURT: Very good. Overruled. You may proceed.

15 MR. REDMOND: Thank you, Your Honor.

16 A. Ah, yes, so the two front teeth are missing. I
17 mentioned it earlier, she wasn't four yet. She was
18 going to be four in another month. Although the four
19 year old has their twenty teeth, they get twenty teeth
20 at that age, twenty teeth. They don't start losing
21 teeth until they're six or seven. So, when I found
22 that those were not there, it was strange to me.

23 MR. REDMOND: And, Your Honor, that's all the
24 questions that I have at this time. So, the State would not
25 object to Dr. Schandl being excused from the subpoena.

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 198

1 THE COURT: All right. Very good. Then ma'am, in
2 just a moment we will release you. We will just let you
3 remain with us one second while we release our jury first.

4 Ladies and gentlemen, I'm going to ask you to be back
5 in the jury room tomorrow morning at 9:30, and we will be
6 ready to proceed at 9:30.

7 Now again as I mentioned earlier, when you go home your
8 love ones are going to be curious. So, please do not
9 discuss this case. Tell your love ones that the Judge has
10 directed you specifically not to discuss the case until it's
11 all over with, and then you can fully discuss it with your
12 love ones.

13 Also again, direct you not to watch the television news
14 this evening, that is news of the local origin, and not to
15 look in local newspapers, as well as including any other
16 regional newspapers that may come in here. And I'll ask you
17 about that in the morning.

18 Any questions now about scheduling or where we go from
19 here? Then we'll see you tomorrow morning at 9:30 back in
20 the jury room. Now, let's all remain where we are while are
21 jury departs the courtroom. Have a nice evening, ladies and
22 gentlemen.

23 (WHEREUPON, the jury exits the courtroom for
24 the day at 5:28 p.m.)

25 THE COURT: All right. Ladies and gentlemen, the

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 199

1 jury is clear. Is there anything for our record before we
2 close these proceedings for the day, from the State?

3 MR. REDMOND: Nothing from the State except from an
4 administrative standpoint. We've got the transcripts here.
5 I'm just talking to Ms. White, and she was informing me that
6 we have exchanged it. We tried to get the redaction
7 straight so we can get the copies made for the Court and the
8 jury. Got them there, but they're closed. We got them
9 done, but got them to late. So, we're going to have take
10 them the first thing in the morning. And I've counted about
11 twenty copies we need. We've got other witnesses --- well,
12 we've got one other witness at the beginning. But then I
13 think starting with Lieutenant Turner, those transcripts --

14 THE COURT: Okay.

15 MR. REDMOND: -- that's when we're going to get into
16 the video so --

17 THE COURT: Well, I'll be here at 9:00 to take up the
18 issue with the witness --

19 MR. REDMOND: Yes, sir.

20 THE COURT: -- that you want to proffer. We'll be
21 ready to proceed at 9:30. And then in the meantime we'll
22 let you rearrange --- work with the copy shop to have
23 everything ready, and we'll just proceed in that fashion.

24 MR. REDMOND: Thank you, Your Honor.

25 THE COURT: All right. Anything from defense?

1 here in Bennettsville?

2 A. I did.

3 Q. Okay. Could you tell the ladies and gentlemen of the
4 jury, about that?

5 A. We left the hospital. We were to meet at the residence
6 with the police department. We arrived at the
7 residence. And Mr. Huckabee was standing on the porch
8 smoking a cigarette.

9 Q. And let me stop you right there. Do you see Mr.
10 Huckabee in the courtroom?

11 A. Yes.

12 Q. Do you recognize him?

13 A. Yes. I do.

14 Q. Okay. And for the record, could you tell us ---
15 describe what he's wearing at this time?

16 A. He has on a blue long sleeve shirt and what appears to
17 be a gray or black tie.

18 Q. And if the record would reflect that she has identified
19 the Defendant. So, let me go back for a second. He
20 was --- what was he doing when you first arrived?

21 A. He was standing on the porch smoking a cigarette.

22 Q. Okay. And tell us, were you present when they got to
23 the house. Were you present during any comments that
24 the Defendant made at the time you were at the house?

25 A. Yes.

REBECCA JORGENSEN - DIRECT EXAMINATION

223

1 Q. Okay.

2 A. I was.

3 Q. And could you tell us about that?

4 A. When --- as soon as we got there, he briefly hugged
5 Joanne, who was the caseworker. And he started off
6 just by saying that she was acting normal. And then
7 she started shaking and fell to the floor. He pointed
8 to the sofa and said, look that's where she peed, and
9 she peed on me. We did not -- I did not ask him any
10 questions, but law enforcement did. And he was asked
11 if anyone had been pouring water on S and he said
12 no. We put her in the tub. He said that at one point
13 she started shaking and fell to the floor. And that
14 when she stopped breathing, he picked her up and took
15 her to the kitchen, and put her on the table in the
16 kitchen to do CPR. And he demonstrated how he did
17 that.

18 Q. And at that time, when he demonstrated to the best that
19 you can recall, what was it that he demonstrated again?

20 A. He just indicated that he picked her up off the either
21 --- off the floor or off the sofa, and he was standing
22 in that general area when he was saying that. And then
23 he walked into the kitchen as if he was carrying her,
24 showing us that, and showed that he placed her on the
25 table and did CPR. He didn't show us how he did CPR,

1 he just said this is where I did CPR.

2 Q. Okay. Now, at some point, did he say -- well let me
3 ask you this, and you've got your notes. Do you have
4 your notes?

5 A. I do.

6 Q. Okay. At some point did he indicate anything about how
7 she was acting, I guess, right there near the beginning
8 of the conversation?

9 A. He said that she was acting normal, and then started
10 shaking and fell to the floor.

11 Q. Okay. So he said --- he said she was acting normal,
12 and that it was a sudden occurrence basically?

13 A. That's what he said.

14 Q. Okay. Now, were there any other observations in the
15 house that you made?

16 A. I saw the stains on the sofa that he indicated was
17 where she had peed. I saw two pairs of little girl
18 panties on the floor in the living room. There was a
19 hammer on the floor beside the bed that S was
20 asleep in. The home was in some disarray, but it
21 wasn't in terrible condition. I saw a cigarette butt
22 in the sink in the bathroom.

23 Q. Now, of course, these are the notes that you, I guess
24 took and typed up based on what you observed?

25 A. That's right.

REBECCA JORGENSEN - DIRECT EXAMINATION

226

1 let her know that she was coming with us.

2 Q. Okay. Now, after the kids departed with y'all --

3 A. -- I'm sorry?

4 Q. Did the kids depart with y'all --- depart the residence
5 with y'all?

6 A. Yes, they did

7 Q. And did y'all end up going to the police department?

8 A. We did, yes.

9 MR. REDMOND: Okay. And actually I'm going to --- if
10 I could approach the witness with State's 67.

11 THE COURT: You may.

12 Q. Could you look at that and tell us, did you take any
13 picture that night?

14 A. I did.

15 Q. Okay. And is that a picture that you took?

16 A. It is.

17 Q. Okay. And does it represent what you took that night -

18 -

19 A. -- It does.

20 Q. -- or what you saw that night?

21 A. Yes.

22 Q. All right.

23 MR. REDMOND: With that Your Honor, I could move to
24 introduce State's, I think that was, 67 into evidence at
25 this time.

LARRY TURNER - DIRECT EXAMINATION

232

1 then you give it the weight you deem it to be entitled to.
2 And again, I will discuss that with you a little further in
3 the --- when I charge you on the law. But you will be
4 looking to determine whether or not this Defendant was
5 appropriately advised of his rights, and that the statement
6 was a free and voluntary one.

7 Now, Mr. Redmond, are you ready to proceed, or Mrs.
8 Lee, whoever will be calling?

9 MS. LEE: Ready, Your Honor.

10 THE COURT: All right. Please call your witness.

11 MS. LEE: Lieutenant Larry Turner.

12 THE COURT: Please come forward and take the oath of
13 a witness.

14 MS. LEE: He is under sequestration. They're getting
15 him now, Your Honor.

16 THE COURT: All right. Lieutenant, please come
17 forward and take the oath

18 WHEREUPON, LARRY TURNER

19 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

20 MR. TURNER: I do. Larry Turner. T-U-R-N-E-R.

21 DIRECT EXAMINATION BY MS. LEE

22 Q. Where are you employed?

23 A. Bennettsville Police Department.

24 Q. And what is your job there?

25 A. Lieutenant over investigations.

LARRY TURNER - DIRECT EXAMINATION

233

1 Q. How long have you been a lieutenant over
2 investigations?

3 A. Going on two years.

4 Q. And do you have prior experience at the Bennettsville
5 Police Department?

6 A. Yes, ma'am. I started my career in 1996 with the
7 Bennettsville Police Department. The first two years I
8 was a patrol officer. In '99 I was moved to sergeant
9 over patrol, the night shift, which I served in that
10 capacity to the earlier part of 2000. Then I was moved
11 to narcotics investigations around the middle of 2000.
12 I was promoted to sergeant in narcotics. Worked there
13 until I was moved up to the rank of lieutenant over
14 investigations.

15 Q. Do you have other prior law enforcement experience?

16 A. No, ma'am. My whole career has been with Bennettsville
17 Police Department.

18 Q. Are you graduate of the South Carolina Criminal Justice
19 Academy?

20 A. Yes, ma'am. I graduated in 1996.

21 Q. Are you a Class I certified officer?

22 A. Yes, ma'am.

23 Q. Now, what was your job description in October of 2011?

24 A. Lieutenant over investigations.

25 Q. Now, described how you came to be involved with the

1 death of Baby minor

2 A. I was contacted by Sergeant John B. Hepburn, with the
3 Bennettsville Police Department about the incident that
4 had happened.

5 Q. And about what time did you receive that call?

6 A. It was some time after ten, if I'm not mistaken, that
7 night.

8 Q. What did you do when you received the call from
9 Sergeant Hepburn?

10 A. I responded to the incident location on [REDACTED]

11 [REDACTED]

12 Q. And is that [REDACTED]?

13 A. Yes.

14 Q. Now, was that the home of the Defendant, Mikey
15 Huckabee?

16 A. Yes, that's correct.

17 Q. And is his full name, Alexander Carmichael Huckabee,
18 III?

19 A. Yes.

20 Q. And just for identification purposes, is he in the
21 courtroom?

22 A. Yes, ma'am.

23 Q. And what is he wearing?

24 A. A blue shirt. I think that's either a dark blue or
25 gray tie.

LARRY TURNER - DIRECT EXAMINATION

235

1 MS. LEE: For the record he has identified the
2 Defendant.

3 Q. Now, what happened when you arrived at, [REDACTED]
4 [REDACTED]

5 A. I was briefed by Sergeant Hepburn of what had taken
6 place, and that we would be transporting Mr. Huckabee
7 to the Bennettsville Police Department.

8 Q. Now, where is number [REDACTED] located?

9 A. It is located in part of Bennettsville, they actually
10 call it Fire Stone. I guess you can consider it more
11 towards West Bennettsville.

12 Q. And who all was at [REDACTED] when you arrived
13 there?

14 A. Myself, along with Sergeant Hepburn, officer Jason
15 Green, and there was employees from DSS if I'm not
16 mistaken.

17 Q. Now, did you do anything at the scene other than
18 transport Mr. Huckabee back to the police department?

19 A. No, ma'am.

20 Q. Now, do you know who else lived at that address on
21 October 6, 2011, beside Mr. Huckabee?

22 A. Atelia Hunt, Mr. Huckabee's son, and a Atelia's two
23 daughters.

24 Q. Now, what was your purpose in transporting the
25 Defendant to the police department?

- 1 A. I knew Mr. Huckabee, so I chose to transport him.
- 2 Q. Okay. And what were you going to do when you got to
- 3 the police department?
- 4 A. We were going to interview him at the Bennettsville
- 5 Police Department.
- 6 Q. Did he volunteer any statements while in route to the
- 7 P.D. about what had happened to minor
- 8 A. He had basically told me, you know, basically she had
- 9 passed out, and he tried to do CPR on her to revive
- 10 her.
- 11 Q. Now, did you interview anybody else that night at the
- 12 police department?
- 13 A. Yes, ma'am, Ms. Hunt. Then I can't remember if her
- 14 name --- Deanne Malachi and Maurice Malachi.
- 15 Q. Now, you said Ms. Hunt, you participated in
- 16 interviewing Atelia Hunt?
- 17 A. Yes, ma'am.
- 18 Q. And she was the mother of Baby minor
- 19 A. Yes, ma'am.
- 20 Q. Now was she also charged?
- 21 A. Yes, ma'am.
- 22 Q. And has she pled guilty?
- 23 A. Yes, ma'am.
- 24 Q. Okay. Now, this interview that you conducted, was it
- 25 the night of the 7th --- night of the 6th going into

LARRY TURNER - DIRECT EXAMINATION

237

1 earlier morning hours of the 7th?

2 A. Yes, ma'am.

3 Q. Now, the actual interview began at approximately 12:42
4 a.m. on the 7th; is that correct?

5 A. Yes, ma'am.

6 Q. Now, was he Mirandized before the interview?

7 A. He was.

8 Q. Now, explain to the jury what Miranda is?

9 A. Miranda warning is advising the Defendant, or a
10 witness, or a person that they do not have --- they do
11 have the right if they want to talk to us. If they do
12 not, they don't have to talk to us. It also advise
13 them they have the right to have a lawyer present with
14 them while we're talking to them.

15 Q. Now, does the person sign a written Miranda form?

16 A. They do.

17 Q. And is that to acknowledge they understand their
18 rights?

19 A. Yes, ma'am.

20 Q. Now, who was present for the interview with Mr.
21 Huckabee?

22 A. Myself, along with Sergeant John B. Hepburn.

23 Q. And was the interview form --- Miranda interview form
24 actually filled out for him?

25 A. Yes, ma'am.

1 Q. Okay. I'm going to show what's marked for
2 identification is State's Exhibit 77. Can you
3 recognize that document?

4 A. Yes, ma'am. It was a Miranda from that was filled out
5 on the 7th.

6 Q. Okay. Is Mr. Huckabee signature on that document?

7 A. Yes, ma'am, it is.

8 Q. Okay. And who signed as witnesses?

9 A. Sergeant John B. Hepburn and myself.

10 MS. LEE: At this time I would ask to move the
11 Miranda into evidence?

12 THE COURT: Is there an objection?

13 MR. STEEN: No objection, Your Honor.

14 THE COURT: And the number again, please?

15 MS. LEE: That is number 77.

16 THE COURT: Okay. 77 for the State in evidence
17 without objection.

18 WHEREUPON, STATE'S EXHIBIT

19 NUMBER 77 WAS ADMITTED INTO

20 EVIDENCE WITHOUT OBJECTION

21 Q. Now, the statement with the interview, excuse me, was
22 it video taped?

23 A. Yes, ma'am, it was.

24 Q. Who started and stopped the video tape?

25 A. I did.

LARRY TURNER - DIRECT EXAMINATION

239

1 Q. Now, previously marked as State's Exhibit 80 and 103
2 are two video tapes I believe previously viewed by the
3 defense, were those the recordings that you started and
4 stopped of the interview that night with Mr. Huckabee?

5 A. Yes.

6 MS. LEE: I'd ask to move the videos into evidence.
7 One is already in the computer to play, and the second one
8 is ready to go.

9 THE COURT: And the numbers are?

10 MS. LEE: 80 and 103.

11 THE COURT: Is there an objection?

12 MR. STEEN: We'd like to renew our previous objection
13 to these statements, Your Honor.

14 THE COURT: And those previous objections were
15 overruled, so over objection 80 and 103 are in evidence for
16 the State.

17 WHEREUPON, STATE'S EXHIBIT
18 NUMBER 80 AND 103 WERE
19 ADMITTED INTO EVIDENCE WITH
20 OBJECTION.)

21 Q. Now, before we play the videos we need to go through
22 some other items. When you were interviewing Mr.
23 Huckabee, the Defendant on that night, did he appear
24 distressed?

25 A. No, ma'am.

LARRY TURNER - DIRECT EXAMINATION

240

- 1 Q. Did he appear agitated?
- 2 A. No, ma'am.
- 3 Q. What was his demeanor during the interview?
- 4 A. Calm.
- 5 Q. He did appear to be under the influence of alcohol or
- 6 drugs?
- 7 A. No, ma'am.
- 8 Q. Did he appear to have a mental or a physical disability
- 9 that would impair his ability to understand you?
- 10 A. No, ma'am.
- 11 Q. Did you or Sergeant Hepburn have photographs with you
- 12 during the interview? Photographs of Baby Edna's body?
- 13 A. During the first --- the initial first part of the
- 14 interview, no, ma'am. But yes, later on we did.
- 15 Sergeant Hepburn actually had photos.
- 16 Q. Okay. And were the photos depicted injuries of the
- 17 child?
- 18 A. Yes, it was.
- 19 Q. And were those photos taken at the hospital?
- 20 A. Yes, ma'am.
- 21 Q. What did those photos depicted specifically?
- 22 A. It was photos of the child itself. Nude photographs
- 23 depicted injures to the child's body.
- 24 Q. Okay. What type of injures were in the photographs?
- 25 A. What appeared to be bruising and burn marks.

LARRY TURNER - DIRECT EXAMINATION

241

1 Q. Now, were those photos shown to the Defendant?

2 A. Yes, they were.

3 Q. What was his response to the photos?

4 A. I guess the best way to describe it would be calm. I
5 meant, as a parent I would've --- would've been more
6 shocked compared to what response he had.

7 Q. Did he get mad looking at the photographs?

8 A. No.

9 Q. Did he cry looking at the photographs?

10 A. No.

11 Q. Did he raise his voice?

12 A. No.

13 Q. Did he get mad with you?

14 A. No.

15 Q. Did he get mad with anyone else?

16 A. No.

17 Q. Did he have any emotional response to the photographs?

18 A. No.

19 Q Now, tell the jury what the Defendant told you on the
20 night of October 7th, the early morning hours of October
21 7th?

22 A. He gave us a brief history of -- of -- of the child.
23 He told us about how the child had appeared to him,
24 that she had passed out. He also described about how
25 her color was a grayish looking color. He said the

1 child would fall a lot. We talked to him about the
2 bruises. And he said --- and he had stated before that
3 he felt like something was wrong with the child.

4 Q. Did he say whether or not the child was taken to the
5 doctor?

6 A. He mentioned about when she was in North Carolina he
7 thought the child had been taken to the doctor. But in
8 South Carolina they had made an appointment to take the
9 child, but the child was never taken.

10 Q. Did he indicate why they did not take the child to the
11 doctor?

12 A. Because of the bruising. And he also made statements
13 during the interview that he was not the biological
14 father, so he did not feel like it was his
15 responsibility for the child's medical well being.

16 Q. During the interview, did you determine whether or not
17 he was an active care giver of this child?

18 A. During the initial part of the interview --- when we
19 first started out we were not sure, but as the
20 interview went along and the photos --- you see in the
21 photos it would be almost impossible for anybody not to
22 know the injuries of their only child, if you were the
23 care giver, or if you were even around the child in a
24 normal day-to-day atmosphere.

25 Q. We're going to play the video of this interview, but do

LARRY TURNER - DIRECT EXAMINATION

243

1 you participate in an interview with him again on
2 October 10th of 2011?

3 A. Yes, ma'am.

4 Q. Now, where did that interview take place?

5 A. At the Marlboro County Detention Center.

6 Q. And who was present?

7 A. Myself, along with Lieutenant Bass with SLED.

8 Q. Is that Agent Kathy Bass?

9 A. Yes, ma'am.

10 Q. Now, was that recorded at the jail?

11 A. No, ma'am.

12 Q. What did Mr. Huckabee and Agent Bass talk about at the
13 county jail?

14 A. His story was pretty much the same as the initial
15 interview that myself, along with Sergeant Hepburn had
16 conducted prior.

17 Q. Now, was he Mirandize prior to that interview also?

18 A. Yes, ma'am.

19 Q. I'm going to show you what's marked for identification,
20 State's Number 78 and ask if you recognize that
21 document?

22 A. Yes, ma'am, I do.

23 Q. Okay. And what is that document?

24 A. The Miranda from that was given by Lieutenant Bass to
25 the Defendant, and was witnessed by me.

1 Q. Okay. And was he read his rights off of that form?

2 A. Yes, ma'am, he was.

3 Q. And is his signature on that form?

4 A. Yes, ma'am, it is.

5 Q. And who witnessed that form?

6 A. I did, along with Agent Bass.

7 Q. Thank you.

8 MS. LEE: At this time I'd move to enter the Miranda
9 from October 10th into evidence as State's 78.

10 THE COURT: Is there an objection?

11 MR. STEEN: No objection, Your Honor.

12 THE COURT: 78 then in evidence without objection.

13 WHEREUPON, STATE'S EXHIBIT

14 NUMBER 78 WAS ADMITTED INTO

15 EVIDENCE WITHOUT OBJECTION.

16 Q. Next I'm going to show you what been marked as
17 identification State's 79. Do you recognize that
18 document?

19 A. Yes, ma'am. It's a voluntarily statement that Mr.
20 Huckabee wrote at the County Detention Center.

21 Q. Is there any signatures on it?

22 A. The only signature on it is where I witnessed it.

23 Q. And who actually wrote the statement itself?

24 A. The Defendant, Mr. Huckabee.

25 MS. LEE: At this time I would moved to have the

LARRY TURNER - DIRECT EXAMINATION

245

1 written statement from October 10th placed into evidence as
2 State's 79.

3 MR. STEEN: May I see?

4 MS. LEE: Certainly.

5 MR. STEEN: No objection, Your Honor.

6 THE COURT: Without objection, State's 79 in
7 evidence.

8 WHEREUPON, STATE'S EXHIBIT

9 NUMBER 79 WAS ADMITTED INTO

10 EVIDENCE WITHOUT OBJECTION.

11 Q. At this time, would you please read to the jury what
12 Mr. Huckabee wrote on that form?

13 A. "I came home about 7:30 from the shop, and I was laying
14 on the chair watching t.v. Then I hear minor scream
15 out, and she hit the front --- she hit the floor. Then
16 I pick her up, and she was breathing. I ran to the
17 kitchen, and I'm not sure exactly what he's trying ---
18 saying so far. I can't understand that. Then I look
19 out the window and saw Tia at the neighbor backdoor.
20 Then they came to the back door. That when I put her
21 in the back of the car."

22 Q. Thank you. Now, did he just write that statement or
23 did he also give a verbal interview in addition to
24 writing that?

25 A. He also gave a verbal statement to Agent Bass and

1 myself.

2 Q. And during the verbal statement, did he indicate that
3 he had left home and not come back until seven or 7:30
4 that night, to the best of your recollection?

5 A. The best of my knowledge during the verbal interview, I
6 can't --- I'm not sure if he did or not, until he
7 actually wrote the statement.

8 Q. And the statement indicated he didn't come home until
9 seven?

10 A. Yes, ma'am.

11 Q. Okay. Now, you were present for another interview on
12 October 13th with the Defendant; is that correct?

13 A. Yes, ma'am.

14 Q. And was that interview recorded?

15 A. Yes, ma'am, it was.

16 Q. Was that interview conducted at the Bennettsville
17 Police Department?

18 A. Yes, it was.

19 Q. Who was present for that interview?

20 A. Myself, along with Lieutenant Bass.

21 Q. Now, were you there for the entire interview or just a
22 portion?

23 A. No, ma'am, I was there for the end portion of the
24 interview.

25 Q. The end portion?

LARRY TURNER - DIRECT EXAMINATION

247

1 A. Yes, ma'am.

2 Q. Okay. And the interview itself was conducted by Agent
3 Bass of SLED?

4 A. Yes, ma'am.

5 Q. Now, that was video taped?

6 A. Yes, it was.

7 Q. And who started and stopped video tape from that?

8 A. I did.

9 Q. Okay. Now, during any of the interview with Mr.
10 Huckabee, did you tell him that you believed him?

11 A. Yes, ma'am, I did.

12 Q. And did you tell him that more than once?

13 A. Yes, ma'am.

14 Q. What was your purpose for telling Mr. Huckabee that you
15 believe him?

16 A. When you go into an interview and you're dealing with
17 individuals, there's really no set parameters on, you
18 know, how you're going to question somebody. I guess
19 the best way to put it is, sometimes you play good cop,
20 bad cop. I wanted him to feel as comfortable as
21 possible, because my job is to get to the truth. My
22 job is there for the victim. So, I wanted him to think
23 he had a friend in me while we were there in the
24 interview, and that he could tell me whatever, you
25 know, he needed to tell me. Because like I said, the

1 point is to get to the truth.

2 Q. Now, at any point in time during any of these
3 interviews, did he admit to putting any of the burns on
4 Baby minor

5 A. During the first initial interview no, but during the
6 interview with Agent Bass he, um, stated that she ran
7 into a cigarette one time he had, and it burned her.

8 Q. And during any of the interviews, did he admit to
9 placing any bruises on her?

10 A. No. Not that I recall.

11 Q. Now, at any point in time during any of the interviews,
12 did you suggest that his six year old child might be
13 involved or seven year old child might be involved?

14 A. Yes, ma'am. During the interview, both Defendants were
15 denying that they had did any harm to the child. And I
16 basically told them, well, that only left a third
17 person, and that would be his son.

18 Q. And is that sometimes done as an investigative
19 technique to get the Defendant to talk?

20 A. Yes, ma'am.

21 Q. But what was Defendant Huckabee's response?

22 A. That he didn't think his son would've --- would've done
23 that.

24 MS. LEE: At this point, Your Honor --- I beg the
25 Court's indulgence.

LARRY TURNER - CROSS EXAMINATION

249

1 Q. At any conversations on any of the interviews with Mr.
2 Huckabee --- at no point did his son, Alex come up
3 until after you brought him up initially; is that
4 correct?

5 A. That's correct.

6 Q. Thank you.

7 MS. LEE: At this time I'd like to begin publishing
8 the video.

9 THE COURT: All right. You may do so. It's in
10 evidence. Please proceed.

11 (WHEREUPON, the first video was published
12 for the jury)

13 MR. REDMOND: And, Your Honor, if the Court would
14 indulgence us, we are queuing the second part of the
15 interview which is on a separate disk. It won't take us but
16 a second.

17 THE COURT: Thank you.

18 (WHEREUPON, the second video was published
19 for the jury)

20 MS. LEE: That would be all the questions. Please
21 answer any questions that the defense may have.

22 THE COURT: Any cross examination?

23 CROSS EXAMINATION BY MR. STEEN

24 Q. Lieutenant, did you arrest Mr. Huckabee after this
25 interview?

LARRY TURNER - REDIRECT EXAMINATION

250

1 A. No, sir.

2 Q. He was taken back to his home?

3 A. Yes, ma'am.

4 MR. STEEN: No more questions.

5 THE COURT: Is there redirect?

6 REDIRECT EXAMINATION BY MS. LEE

7 Q. When was he arrested?

8 A. The next day.

9 Q. Okay. Thank you.

10 MS. LEE: No further questions.

11 THE COURT: All right. Then sir, you may step down.

12 Please watch your step as you exit the witness box.

13 Counsel, please tell me how long do you anticipate your next
14 witness to be?

15 MR. REDMOND: This is going to be long, because we've
16 got the videos --- the three different videos plus the
17 questions before that.

18 THE COURT: Let's take our break then. Now, ladies
19 and gentlemen, so that we can be prepared to stay until the
20 lunch, we'll be in recess approximately ten minutes or so.
21 And we'll remain where we are while you return to the jury
22 room. Thank you.

23 (WHEREUPON, the jury exits the courtroom at
24 11:30 a.m.)

25 THE COURT: All right. Court will be in recess now

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 251

1 approximately ten minutes.

2 (WHEREUPON, the Court took a recess from
3 11:30 a.m. until 11:41 a.m.)

4 THE COURT: Are we ready?

5 MR. REDMOND: Yes, sir, Judge. Before we bring the
6 jury back in -- Before we get started, just a couple of
7 housekeeping matters, Your Honor, real quick. One, when the
8 witness testified, I don't know what is the Court's
9 preference. I'm going to go through I'm guessing, twenty,
10 thirty minutes worth of questions beforehand. And so, what
11 I'm actually proposing, if the Court is okay with it,
12 obviously, they will cross after the tape is played. Rather
13 than splitting up the tape, would the Court consider, once I
14 finished the questioning of Lieutenant Bass, taking our
15 lunch break at that time, then play the video. That way we
16 can come back a little earlier. Play the video and we won't
17 have to break up the video, and ultimately we still won't be
18 here as late as we were yesterday.

19 THE COURT: The questioning you believe will take
20 thirty minutes?

21 MR. REDMOND: I'm think thirty minutes, Judge.

22 THE COURT: All right. Let's see about that at the
23 end of it, and then we'll proceed --

24 MR. REDMOND: -- Yes, sir.

25 THE COURT: -- in that fashion. Then it appears we

KATHY BASS - DIRECT EXAMINATION

252

1 are ready. The jury is ready, so please bring in the jury.

2 Ms. White or Mr. Redmond, this tape is how long?

3 MR. REDMOND: This tape is about three hours.

4 THE COURT: Okay. Very good. Thank you.

5 (WHEREUPON, the jury enters the courtroom at
6 11:44 a.m.)

7 THE COURT: Welcome back, ladies and gentlemen. And
8 Mr. Solicitor, please call your next witness.

9 MR. REDMOND: Thank you, Your Honor. The State would
10 next call Lieutenant Kathy Bass.

11 THE COURT: Please come forward and take the oath of
12 a witness.

13 WHEREUPON, KATHY BASS

14 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

15 MS. BASS: I do.

16 CLERK: If you'll be seated and state your full name
17 for us.

18 MS. BASS: My name is Kathy Bass.

19 DIRECT EXAMINATION BY MR. REDMOND

20 Q. Lieutenant Bass, I guess I've given part of that away.
21 What is your rank with the State Law Enforcement
22 Division?

23 A. I'm a lieutenant.

24 Q. Okay. And I'm also give away who you work for. Who do
25 you work for?

KATHY BASS - DIRECT EXAMINATION

253

1 A. I work for the South Carolina Law Enforcement Division,
2 and I work in Special Victims Unit, in the Child
3 Fatality Division.

4 Q. Okay. And how long have you done that?

5 A. One year.

6 Q. All right. And before that, tell us your history with
7 SLED, and even prior to that?

8 A. I have fourteen years experience with Probation and
9 Parole. I had two years experience with DSS prior to
10 that, in Child Protective Services. I worked nine
11 years with SLED. And one of those years has been in
12 Special Victims Unit. And prior to being promoted, I
13 worked in that unit almost another year. I was a
14 regional agent in the Pee Dee Region. I worked a
15 variety of different types of cases which included
16 child's fatalities.

17 Q. And along those lines, did you become involved in this
18 investigation regarding the death of minor

19 A. Yes, sir, I did.

20 Q. And let's just go through as chronological as we can.
21 How did you get involved in the case? And when I say
22 you, I'm also referring to SLED?

23 A. We were contacted by the coroner, Tim Brown on October
24 8th. Coroner Brown requested for SLED's assistance,
25 and that's what we do. We come in and assist the

1 locals when they need extra manpower, just like Melissa
2 Wallace explained, with a crime scene. We come in and
3 help out. And we're a speciality unit especially with
4 the Special Victims Unit. I was requested, because at
5 that time we didn't have enough manpower on our own
6 because of budget cuts in the Special Victims Unit.
7 So, Major Lyle called and ask --- with my history and
8 my experience to come in and help Bennettsville Police
9 Department with the investigation of minor

10 Q. And did you do that?

11 A. I did.

12 Q. Did you drive to Bennettsville and begin your
13 investigation?

14 A. I contacted Sergeant Hepburn and Lieutenant Turner on
15 the 10th. I came down and we began our investigation.

16 Q. And take us through the steps of what you did in the
17 beginning of your investigation. What steps did you
18 take? Take us through that.

19 A. Well, when I got here I was kind of briefed on the case
20 a little bit. I got a copy of the incident report, and
21 was told that the two subjects had been arrested and
22 that they were in the local detention center.

23 Q. And was this on the 10th that you got there?

24 A. Yes, sir. It was on a Monday. And to back up a little
25 bit, I made sure that the regional office, the regional

KATHY BASS - DIRECT EXAMINATION

255

1 lieutenants, and everybody were on board with what was
2 going on with the Special Victims Unit as well, because
3 I was kind of reporting to two different authorities
4 there. So, I made sure everybody at SLED was on the
5 same board, because we found out the family lived in
6 North Carolina. So, I would be traveling out of state,
7 because I knew that I would want to speak with
8 everybody that was involved. And that's pretty much
9 what my role is as an investigator, is to find facts.

10 Q. And in fact did you talk --- you talked about talking
11 to family members in North Carolina, did you in fact do
12 that, talk with grandparents and any others that were
13 family members?

14 A. Yes, sir, we did. Myself and several investigators
15 from Bennettsville Police Department traveled to
16 Maxton, North Carolina on that Monday. And we
17 interviewed not only James Jacobs, Sarah Jacobs, there
18 was Willie Hunt, the father of the two girls, his mom,
19 and step dad. And I interviewed Eugenia and Eugene
20 Jacobs. And that's the parents of Atelia Hunt.

21 Q. Okay. And so you interviewed them. And also on the
22 10th, were you --- did you actually --- I guess were
23 you aware --- or were you present at the house on
24 Persian Street during the time the search was being
25 made?

1 A. No, sir. I called crime scene and requested for crime
2 scene to come, because I wanted photographs. I wanted
3 to see if there was any evidence of anything there that
4 we needed to process or take to SLED to have it
5 analysis. So, I had made contact with Lieutenant Jeff
6 Crooks to have him come down. And while I was doing
7 some other things, they were there at the crime scene
8 with Bennettsville Police Department.

9 Q. Okay. And I'm going to skip ahead just a tad and talk
10 about the house and things. Were you present on the
11 11th, at the time there was another search warrant, I
12 believe done, and some evidence gathered?

13 A. Yes, sir. After we did several interviews with
14 different people, we felt that it was important to go
15 back to the home, because there was more evidence that
16 needed to be gathered. So, another, excuse me, search
17 warrant was conducted or served, and we gathered
18 information, I mean, more evidence then.

19 Q. Okay. And I'll get into that --

20 A. -- Okay --

21 Q. -- a little bit later in more detail. Also on the 10th
22 of October, did you have the opportunity to be present
23 at the interview of the Defendant or at an interview?

24 A. Yeah --- I --- yes, sir. On the 11th I was present at
25 the jail when we interviewed him.

KATHY BASS - DIRECT EXAMINATION

257

1 Q. Okay. And were you present at the time that Larry
2 Tuner has testified to, at the time of the interview
3 with the Defendant, where Lieutenant Turner was also
4 present?

5 A. At the detention center?

6 Q. Yes.

7 A. Yes, sir.

8 Q. Let me again move forward, because we'll get into that.
9 Let me back up. Do you also recall him not being able
10 to complete a statement from being uncomfortable
11 writing?

12 A. Yes, sir. Essentially what happened is, our protocol
13 is that we usually obtain handwritten --- handwritten
14 voluntary statements is what we call it. We travel all
15 over the State. And we don't have video or cameras
16 that we carry with us to do audio videos. So, if I
17 come to your house to interview you or anybody else's
18 house, I would sit down with you, take notes, find out
19 what your statements is and what happened, and then I
20 would get you --- I have a form that you fill out, and
21 I get you to write it in your own handwriting. So, I
22 interviewed Mr. Huckabee. And then when I ask him if
23 he would handwrite a handwritten statement, he agreed.
24 And he wrote I guess, maybe two sentences, two or three
25 sentences. And we'd been there for about an hour and

1 half. So, there was more information that needed to be
2 documented. And at time he didn't even sign the
3 statement that I got him to fill out. I got Lieutenant
4 Turner to witness it. But I ask him --- at that point
5 I didn't realize that Bennettsville Police Department
6 had audio/video capability. So, I ask him if it would
7 be okay if at a later date we sat back down and talked
8 again, and we'd do it on audio/video, and that way I
9 wouldn't have to write a statement for him, because he
10 wasn't capable of writing the statement. And he
11 agreed.

12 Q. Okay. And was that statement subsequently taken on the
13 13th of October?

14 A. Yes, sir, it was.

15 Q. Okay. And again, we'll get into that a little bit
16 later on. Directing your attention back to the 10th --
17 - 11th of October, did you also --- I think on the 11th
18 you had the opportunity to interview Atelia?

19 A. Yes, I did.

20 Q. Okay. And obviously we won't get into the details of
21 that. But you did actually have a chance to interview
22 Atelia Hunt; is that correct?

23 A. I did.

24 Q. All right. Now, on the 12th could you tell us what
25 took place regarding the computer. I guess you

KATHY BASS - DIRECT EXAMINATION

259

1 interviewed Atelia on the 11th. Subsequent to that
2 interview, did you become interested in obtaining a
3 computer?

4 A. Yes, sir, I did. And just to back up just a tad --

5 Q. -- Yeah, certainly. Absolutely.

6 A. Instead of going through what I had already gone
7 through with Mr. Huckabee, I went ahead and set up my
8 interview at the police department with Ms. Hunt to do
9 everything audio/video. So, once I interviewed her and
10 she gave me information that they had a computer, and
11 that they had --- did searches on the computer, you
12 know, Facebook or My Yearbook, that kind of thing. I
13 felt that there was a need for me to have that
14 computer, to find out what was on the computer,
15 especially considering minor was so sick. I wanted to
16 make sure there were searches on there of how to help
17 her.

18 Q. Okay. And tell us, were you able to get the computer?

19 A. I was.

20 Q. Now, take us through how that process unfolded?

21 A. Once we obtained the search warrant, we went back to
22 the home and the computer wasn't at the home.

23 Q. Let me stop you there. So, you get the search warrant?
24 The computer was not there?

25 A. No, sir, it was not.

1 Q. So, would it be fair to say the computer had been
2 moved?

3 A. Yes, it had been.

4 Q. Continue please.

5 A. Okay. And we found out that Mr. --- The Defendant's
6 father had been to the home and gotten several items.
7 I don't know if they were afraid somebody was going to
8 break in, because nobody was there and they both were
9 incarcerated. I'm not sure. But we received
10 information that he had the computer. So we --- and it
11 bleed over into the 12th, because it was in the wee
12 hours of the morning by this time. You know, we had
13 interviewed Ms. Hunt on the 11th, so this was like
14 right after midnight when we finally figured out that
15 he was at work --- working night shifts. So, we
16 traveled to where he was, and he gave us the computer.

17 Q. And do you recall where that was that you traveled to,
18 to get the computer?

19 A. Cheraw --

20 Q. -- Was it somewhere in Cheraw?

21 A. Somewhere in Cheraw. Yes, sir. But I can't remember
22 the name of the business. I'm sorry.

23 Q. Okay. And if I were to say it was in Cheraw to the
24 best of your --

25 A. -- Yes.

KATHY BASS - DIRECT EXAMINATION

261

1 Q. --- recollection ---

2 A. Yes. I'm not from this area, so I apologize.

3 Q. You're from Mullins?

4 A. Yes.

5 Q. All right. Let me ask you -- let me go back for just
6 a minute just to make sure this is crystal clear. Did
7 you get consent from Atelia to get the computer?

8 A. Yes, sir, I did.

9 Q. Subsequent to getting a consent from Atelia to get the
10 computer, did you go back to the house hoping ---
11 thinking that you were going to retrieve it, the
12 computer?

13 A. Yes.

14 Q. And were you able to retrieve the computer at the
15 house?

16 A. No, sir.

17 Q. Okay. It had been moved?

18 A. Yes, sir.

19 Q. So then, did you proceed, as you indicated, to Cheraw
20 to get the computer?

21 A. Yes, sir.

22 Q. And were you able to get the computer?

23 A. Yes, sir, Mr. Huckabee had it with him.

24 Q. And who again had it? Who had the computer?

25 A. The Defendant's father, Mr. Huckabee. I think they

1 call him --

2 Q. -- Had the computer?

3 A. Yes, sir.

4 Q. He had the computer?

5 A. Yes.

6 Q. All right. So, did you get the computer?

7 A. I did. I got the computer.

8 Q. Now, tell us, once you got the computer, what steps
9 were taken as it relates to having the computer
10 analyzed?

11 A. I went back to the detention center and advised Ms.
12 Hunt that I had the computer, that I'd like to search
13 the computer. She gave me a voluntary consent to allow
14 SLED to search the computer. I went back --- I
15 traveled to SLED several days later. It was like the
16 26th of October, I think is date I have. And I turned
17 it over to computer crimes, and that's what their
18 speciality is. It's analyzing. They download what
19 they have on the hard drive, and they analyze what's on
20 the computer.

21 Q. And without getting into what the results were, are you
22 aware that that computer was actually being analyzed by
23 SLED?

24 A. It was by Fran Wasiak.

25 Q. Okay. And he's with computer crime?

KATHY BASS - DIRECT EXAMINATION

263

1 A. Yes, he is.

2 Q. Thank you. Go back again to the time frame of what
3 took place. So, you got the computer, and just take us
4 through what were the next steps you took in your
5 investigation?

6 A. Well, we had --- do you want me to talk about these
7 other things that we seize from the home that night as
8 well?

9 Q. Yes. Yes.

10 A. Okay. On the evening of the 11th, we also --- we
11 found a video recorder in the home. We found some
12 gambling cards, like football gambling cards that you
13 would gamble with.

14 Q. And let me ask you specifically about a rod, and I'll
15 show these exhibits. Did you, I think it was called a
16 fishing pole or fishing rod, did you obtain a rod?

17 A. Yes, sir. That's the other thing that I also
18 retrieved.

19 Q. Okay. And --- and I didn't ask you this, but at what
20 point did you actually --- did you actually get what we
21 called buccal swabs, or I called the buccal swabs for
22 DNA purposes?

23 A. I did. Well, Lieutenant Turner actually took the swabs
24 for me, and I'm the one that transported them back to
25 SLED to have our lab analyze them.

1 Q. Okay. And they were off that rod?

2 A. Yes, sir.

3 Q. Okay. Now, let me move forward. Let me ask you this
4 as it relates to buccal --- the actual swabs for DNA
5 purposes from the Defendant and Atelia Hunt, did you
6 take any of those types of swabs?

7 A. I did. We had a hearing and we were granted access for
8 their DNA. So, I swabbed both of their jaws with a Q-
9 tip, took it to head quarters, and we had distinguish
10 their DNA from DNA that we might have found at the
11 crime scene.

12 Q. Okay. And would that have been around the 12th, I
13 mean, excuse me, the 16th of December, 2011 that you
14 took those buccal swabs?

15 A. Yes, sir.

16 Q. Okay. And when I say buccal swabs/oral swabs --

17 A. It's just a Q-tip, and you --- the salvia is what
18 you're trying to --- it doesn't hurt. It's very
19 simple.

20 Q. Okay. Now, in January, let's move forward to January,
21 was there information that your investigation --- that
22 led you and your investigation into certain letters
23 involving Atelia?

24 A. Yes, sir. On January 19th, I received information that
25 the detention center had recently terminated one of

KATHY BASS - DIRECT EXAMINATION

265

1 their employees in regards to them having inappropriate
2 relationship with one of the inmates, and the inmate
3 just happen to be Ms. Hunt. So --

4 Q. And were you able to, as a result of that, without
5 getting into the content of the letters, did you obtain
6 the letters?

7 A. Yes, sir. We received several letters that she had
8 sent him. And there were letters that he had sent her
9 as well, while he was employed there as a correctional
10 officer at the detention center.

11 Q. Okay. And were those in fact taken into evidence and
12 turn over to the defense, all of that?

13 A. Yes, sir.

14 Q. Okay. Were there --- was there a letter that you also
15 got from --- that was obtained from representatives of
16 Ms. Hunt regarding the letter sent to the Defendant's
17 mother?

18 A. Yes, sir. There was a letter sent to Patricia Huckabee
19 --

20 Q. -- Okay --

21 A. -- from Ms. Hunt.

22 Q. And was that obtained, and of course then turned over
23 to you?

24 A. Yes, sir, it was.

25 Q. Now, I'm going to move forward even more to July of

- 1 2012. At that point, were you able to obtain the
2 medical records --- are were the medical records
3 obtained from Pembroke Pediatric, I believe, up in
4 Pembroke, North Carolina?
- 5 A. Yes, sir, from Dr. Bell. That was minor Hunt's doctor
6 when she lived in Maxton, North Carolina.
- 7 Q. Okay. And so, you were able to obtain copies of the
8 medical records?
- 9 A. Yes, sir.
- 10 Q. And again, as I think we have seen, the investigation
11 is still ongoing --
- 12 A. Uh'hum
- 13 Q. -- up to July, you still seeing work is being done
14 regarding the investigation. In August of 2012, did
15 you have the opportunity to interview Rhonda Frazier
16 and Eric Cooper?
- 17 A. I did. About --
- 18 Q. And --- and who are they? Without saying what they
19 told you, but who are they?
- 20 A. They're involved with Cub Scouts here in Bennettsville.
- 21 Q. Okay. And did your interest in them come from
22 information that you obtained from the interviews from
23 both Atelia and the Defendant?
- 24 A. Yes, sir.
- 25 Q. Okay. And we'll discuss that in a little while as

KATHY BASS - DIRECT EXAMINATION

267

1 well. And in August of 2012, did you also have the
2 opportunity to interview Ms. Jorgensen, who were heard
3 from?

4 A. Yes, ma'am. She was a former employee of Social
5 Services.

6 Q. Okay. And let's see, did you also have the
7 opportunity, I believe, to interview someone by the
8 name Malachi? I think that was back in September of
9 2012?

10 A. Yes, sir. She was the next door neighbor of Mr.
11 Huckabee and Ms. Hunt.

12 Q. And pursuant to your investigation --- in gathering
13 information pursuant to the investigation, are you also
14 aware that her husband, Mr. Maurice Malachi had given
15 their information to law enforcement as well?

16 A. Yes, sir. I believe he had given it to Bennettsville
17 P.D.

18 Q. Okay. Thank you. Now, let me just go through the
19 tedious process that hopefully won't take to long. But
20 that's the evidence. Gotta go through this. Let me
21 first show you what's been marked State's Exhibit 84,
22 with permission, of course, to approach the witness.

23 THE COURT: Yes, sir.

24 Q. And have you --- well let me ask you this, let me lay
25 some foundation. The evidence that was taken to SLED

1 that we discussed, did you bring that evidence back, I
2 believe, last Wednesday?

3 A. Yes, sir.

4 Q. Did you go to Columbia to get it and bring it back?

5 A. Yes, sir, I did.

6 Q. And have you --- between you and Kal Hall of the
7 Bennettsville Police Department, have y'all been in
8 charge of making sure this evidence is secured until
9 it's turned over to the clerk of the Court?

10 A. Yes, sir.

11 Q. Okay. And is that true of State's Exhibit 84?

12 A. Yes, sir.

13 Q. Okay. What is State's 84? Well let me --- before I
14 get --- before you open it, tell me what it is, what it
15 represents, and then I'll go --

16 A. Okay. What's in this bag is a black, I call it a
17 fishing rod, but it is something that was used to
18 discipline the children, or to hit one of --

19 MR. JONES: Objection, Your Honor, speculative. She
20 doesn't know what it was used for.

21 THE COURT: All right. Just a moment.

22 MR. REDMOND: Just out of abundance of caution, I
23 will rephrase that question.

24 THE COURT: All right. Then let's do this. First of
25 all, you haven't really queried the witness about how she

KATHY BASS - DIRECT EXAMINATION

269

1 would know that. So, at this juncture I'm going to sustain
2 that objection. We'll come to that later in the testimony,
3 I'm certain. But --

4 MR. REDMOND: Yes, sir.

5 THE COURT: -- objection is sustain at this point.
6 So, please rephrase and move forward.

7 MR. REDMOND: I'll move on.

8 THE COURT: I'll just ask the jury at this juncture
9 to please disregard that comment by the witness. Go ahead,
10 counsel.

11 MR. REDMOND: Thank you, Your Honor. May it please
12 the Court?

13 Q. Did you --- that's the rod that I think on the 12th of
14 August that you obtained; is that correct?

15 A. Yes, sir.

16 Q. And is that based on information that you had received
17 from interviewing, I think at that point it would have
18 been Atelia Hunt?

19 A. She gave us the information about this rod during our
20 interview.

21 Q. And --- and --- and is that why it became of importance
22 for you to receive it?

23 A. Yes, sir.

24 Q. Okay. And was that item received and sent to SLED,
25 along with the swabs, and while I'm at it, I will show

KATHY BASS - DIRECT EXAMINATION

270

1 you what has been marked as State's Exhibit Number 86.
2 And Your Honor, for the record, since we've actually
3 met last week and reviewed all this evidence, but
4 obviously if they need to review it further, today the
5 State has no problem.

6 A. Yes, sir. The DNA swabs were collected by Larry Turner
7 --

8 Q. Okay.

9 A. -- on the rod.

10 Q. And was all that sent to SLED?

11 A. Yes, sir, it was.

12 Q. And was it sent to SLED for purposes of having it
13 tested through the lab?

14 A. Yes, sir.

15 Q. Okay. Was that done in accordance with the procedure
16 set out by SLED?

17 A. Yes, sir, it was.

18 MR. REDMOND: With that said, Your Honor, and with
19 that foundation, at this point the State would move the rod,
20 just the rod, to be State's, I think 86 for ID only. But
21 the rod, we'd move into evidence.

22 THE COURT: The rod is 87, I believe you said.

23 MR. REDMOND: 87 --- 84, I think.

24 MR. JONES: What are we putting in?

25 MR. REDMOND: The rod is 84, and 86 are the samples.

KATHY BASS - DIRECT EXAMINATION

271

1 I'm not moving 86 in. I'm only moving 84.

2 THE COURT: 84, which is the package there. The
3 lengthy package is offered into evidence by the State.

4 MR. JONES: Yes, sir. No objection.

5 THE COURT: All right. Without objection. Then 84
6 in evidence for the State. Let's take a moment and mark
7 that, so we will be sure we can keep up with what's in and
8 what's out.

9 WHEREUPON, STATE'S EXHIBIT
10 NUMBER 84 WAS ADMITTED INTO
11 EVIDENCE WITHOUT OBJECTION.

12 MR. REDMOND: And Madam Court Reporter, I apologize.

13 Q. And let me ask you to read what's written right there
14 in gold, and I made a reference to possibly gold club,
15 what does that say? What the inscription on there?

16 A. Tommy Hammer, is that what says?

17 Q. Tommy Hammer.

18 A. I don't have my glasses. I apologize.

19 Q. Okay.

20 A. Yes, sir.

21 Q. Tommy Hammer.

22 A. Uh'hum

23 Q. Again, thank you. You can put that down in the bag.
24 Let me while I'm up here, also to cover this
25 evidentiary issues, show you what has been marked as

KATHY BASS - DIRECT EXAMINATION

272

1 State's 87 and 88. And these are for ID purposes only,
2 Your Honor. Do you recognize 87 and 88?

3 A. Yes, sir. These are the swabs that I took from Mr.
4 Hunt, excuse me, Ms. Hunt and Mr. Huckabee.

5 Q. Okay. Which one --- which exhibit is which, of course,
6 belongs to which?

7 A. This is Ms. Hunt's.

8 Q. Okay. And that's exhibit number --

9 A. 87. You're going to make me wear them, aren't you? 87
10 is Ms. Hunt's.

11 Q. And is Exhibit 88 the swab that was taken from Mr.
12 Hunt?

13 A. Yes, sir, it was. Yes, sir.

14 Q. And is that package --- and was it delivered to SLED in
15 accordance with the procedure by handling evidence?

16 A. Yes, sir.

17 Q. And was it taken to SLED with the intent of it being
18 tested at the lab?

19 A. Yes, sir. On December 28, 2011, Special Agent Gainey
20 transported it to SLED.

21 Q. Okay. And did you give them to Special Agent Gainey to
22 transport to SLED?

23 A. I did.

24 Q. Okay. And was it sealed at that time?

25 A. Yes, sir.

KATHY BASS - DIRECT EXAMINATION

273

1 Q. Thank you. Finally, I'm going to show you what's been
2 marked as State's 85. I think it's somewhat obvious
3 what it is, but I'm going to ask you what it is?

4 A. One Acer Laptop Computer.

5 Q. And is that the computer that you got from the
6 Defendant's father on the 12th of August, 2011?

7 A. Yes, it is.

8 Q. And is that the computer that was taken to SLED for
9 purposes of having it analyzed by computer crime?

10 A. Yes, sir.

11 Q. Okay. And does it appear to be in the same or similar
12 condition as it was when you retrieved it?

13 A. Yes, sir.

14 Q. Okay.

15 MR. REDMOND: Your Honor, at this time, I would
16 actually move the computer, State's Exhibit Number 85 into
17 evidence.

18 THE COURT: Is there an objection?

19 MR. JONES: Without objection.

20 THE COURT: All right. Without objection. In
21 evidence.

22 MR. REDMOND: Thank you, Your Honor.

23 WHEREUPON, STATE'S EXHIBIT
24 NUMBER 85 WAS ADMITTED INTO
25 EVIDENCE WITHOUT OBJECTION.

1 Q. Now, we're done with evidence for right now,
2 thankfully. Let's talk about the statements. And just
3 to be clear, were you present at the time, he being the
4 Defendant, actually gave his written statement, were
5 you present at that time?

6 A. Yes, sir.

7 Q. Let me show you what's now in evidence as State's 79.
8 And I'm just going to direct your attention to one part
9 of it. What time on October 6, 2011, does the
10 Defendant claim that he got back home?

11 A. 7:30.

12 Q. Okay. And so, he had been away and came back at 7:30.
13 That's what he says in that first statement?

14 A. Yes, sir.

15 Q. That's written?

16 A. Yes, sir.

17 Q. And is that written in his handwriting?

18 A. It is.

19 Q. Okay. In his handwriting he says he got back at 7:30.
20 We'll explain why that's important as we go through.
21 Let's direct your attention to the interview on the
22 13th. We touched on it but let's get into a little bit
23 more detail about it. Tell me about the --- let me ask
24 you this, where was this interview conducted?

25 A. The Bennettsville Police Department.

KATHY BASS - DIRECT EXAMINATION

275

1 Q. And was it on video?

2 A. Yes, it was.

3 Q. And I think it's a little over three hours of video
4 that the jury will have to view?

5 A. Yes, sir.

6 Q. But it was done on video. Let me just kind of ---
7 well, let me ask you this, did you, I guess when I say,
8 did you make a memorandum based on the interview that
9 you took of Mr. Huckabee on the 13th?

10 A. Yes, sir, I did.

11 Q. Okay. Now, obviously, does this particular memorandum
12 cover every single thing in that three plus hour
13 interview?

14 A. Not everything. No, sir.

15 Q. Oh, okay. But it covers a lot?

16 A. It covers a lot. A great deal.

17 Q. Let's discuss what --- what was indicated in that
18 interview. Could you tell the ladies and gentlemen of
19 the jury, --- first of all, what did he --- did he say
20 whether or not the Ms. Hunt lived with him? And tell
21 us about what he says regarding that?

22 A. He told me that he had met Ms. Hunt two years prior on
23 a internet chat, a social network called My Yearbook.
24 And that they had chatted for about two years. She was
25 still married to her husband at the time, and she would

1 tell him her problems or things that were, you know,
2 going on in her life, and they were chit chat back and
3 forth. And I think finally after Ms. Hunt and Mr. Hunt
4 had separated, that's when they finally decided to
5 meet. He said that he got his friend Edgar Cottingham
6 --- Covington, excuse me, to take him to Maxton with
7 his son. And he met Atelia. And he met minor And he
8 met S Spent time with her family. And I think
9 there were a couple of trips there. And even at one
10 point I think Ms. Hunt came to South Carolina and
11 stayed with him for maybe a couple of days, and then
12 went back to North Carolina. He describes when he met
13 her that she had given him the impression that she was
14 wealthy. Had several horses. Own a house. Worked at
15 a doctors office, And later he figured out that none
16 of that was true. That she didn't own anything. That
17 she lived with her parents. That her dad had one horse
18 and that she didn't have a job. He says that the very
19 first time that he went, they wanted to go --- she
20 tried to get him to go into the barn to have sex with
21 him. And he was afraid somebody would shoot him. So,
22 he wouldn't go in the barn with her. But it was a very
23 hands on relationship to start off with. And I guess
24 because they had talked for so long on the internet,
25 the chit chat back and forth.

KATHY BASS - DIRECT EXAMINATION

277

1 Q. Okay. Now, moving along with your --- with your
2 report, does he indicate --- now were you present
3 during the tape, not while it was done, but were you
4 present in court while the tape and the testimony of
5 Lieutenant Larry Turner was going on?

6 A. For part of it I was.

7 Q. Yes. Okay. And the rest of it I think you had to go
8 step out and get evidence. You were not there at that
9 particular time?

10 A. No, sir.

11 Q. All right. Just to be clear on that. But let me ask
12 you, does he talk about her now --- does he now talk
13 about her talking about minor --- Little minor having
14 several seizures starting when she got in South
15 Carolina?

16 A. He told me that when he first met minor and I don't
17 know if there has been real clear to everyone, minor
18 couldn't speak well. She could say yes and no, and I
19 think SpongeBob, but to tell you I hurt or I want a
20 banana, she couldn't do that. She had a speech
21 impediment. So, when he met her he said she couldn't
22 speak well. And he said she walked funny. And this
23 was mid-summer of 2011. And he said that when she did
24 talk that she would jabber. During the interview --- I
25 interviewed him for three hours and we talked about lot

1 of different things. But he does describe that while
2 she's here in South Carolina, that she has several
3 seizures. How that comes up is because he --- Mr. Hunt
4 --- Huckabee, tells me that he has epilepsy and that
5 he's had narcolepsy. So, he has sleep issues and this
6 all came when he was young. They diagnosed him when he
7 was six years old. So, here's something he's had to
8 deal with his whole life. He described his seizures as
9 being --- staring off into space, not having like a
10 grandma. Seizure, where you would lay down and seize,
11 and jump and shake. He describe [redacted] seizures as
12 where he would have to grab her jaw and put his fingers
13 in her mouth to stop her from swallowing her tongue.

14 Q. Like a grandma versus --

15 A. Yes, sir. I would interpret it as a grandma seizure.
16 But he does say she does that several times. And I
17 want to make sure I'm telling you this right. I'm
18 almost positive it's only when he's with her is when
19 it's going on. He'll call --- he would call and say,
20 and I don't want to get the two interviews confused
21 with Ms. Hunt and Mr. Huckabee, but it was a situation
22 where he was with her when they would happen. And I
23 think he felt comfortable with that, because he knew
24 what to do because he had experience them before.

25 Q. Now, when -- so he talks about now he's telling you

KATHY BASS - DIRECT EXAMINATION

279

1 there were several seizures?

2 A. Yes, sir.

3 Q. And --

4 A. And --- and I don't mean to interpret, but he also says
5 she's anemic. He describes that.

6 Q. Iron deficiency?

7 A. Yes, sir. Yes, sir.

8 Q. Now, in August of 2011, does he talk about the
9 circumstances around minor going to stay with her
10 grandmother and DSS getting involved in August of 2011?

11 A. He does.

12 Q. Okay. Tell us about that?

13 A. He says that Ms. Hunt, he calls her Tia. Her name is
14 Atelia, but for short they say Tia. But he said that
15 Tia was investigated in North Carolina already because
16 of minor that she went to her grandmother's house.

17 He's speaking of Eugenia and Eugene Jacobs. This is
18 her --- Tia's parents. And that she had some marks on
19 her behind. Like a place on her ear, different things
20 like that. And that DSS came in and investigated it.
21 And they ask for a drug screen and that type of thing
22 with Tia.

23 Q. Okay. So, just to be clear, she stayed with her, she
24 being minor stayed with her grandparents in North
25 Carolina from like, August to September of 2011?

KATHY BASS - DIRECT EXAMINATION

280

1 A. It was almost four weeks. Yes, sir.

2 Q. Because of allegations of abuse, being that had been --

3 A. Actually what had happened was, S went first and
4 spent some time with her grandparents. And then when
5 S went back, the grandfather took minor with them
6 then. It was kind of like, I'm going to drop off one,
7 and I'm going to pick up another. And she came and
8 stayed. And the reason her stay was longer was because
9 a report was made to Social Services, and a safety plan
10 was put into effect. So, she stayed there. That was
11 part of the safety plan, that until the investigation
12 was finished, that she would stay there with the
13 Jacobs.

14 Q. Okay. And I just wanted to clear that up. Now, did
15 the Defendant talk about any of the --- anything as far
16 as whatnot --- anything that he had observed during
17 that particular time?

18 A. Prior to her --

19 Q. Either prior or right after?

20 A. I ask him about the marks on her vagina. And he said
21 that he had asked Tia about that, and that Tia had told
22 him that she just blistered up. And --- because I was
23 really confused about the fact that someone just
24 blistering up, and he said that Tia --- that Tia had
25 told him that she did that when she was little. I ask

KATHY BASS - DIRECT EXAMINATION

281

1 about the marks on her leg. He explain that a way as
2 he didn't know, but he said that she had fallen ---
3 stumbled in the shower or in the bath, excuse me, in
4 the bathroom one day, and he couldn't remember if he
5 grabbed by her arm or her leg. He tells me that he
6 popped her one time because she was going to play with
7 the socket --- the wall socket or touch it, and he told
8 her not to. And he popped her and he left a mark that
9 time.

10 Q. Okay.

11 A. But other than --- all the other marks and bruises, he
12 said he would always ask Tia how they got there. And
13 there was always an explanation for --- she bumped into
14 this, or she fell into that.

15 Q. Was there talk about fleas?

16 A. Yes, sir. minor didn't --- wasn't allowed to sleep in

17 ~~the bed with her sister S~~ --- ~~The home that they~~

18 lived in was three bedrooms. So, Alex had a room.

19 S had a room which was technically hers and

20 Edna's. And then there was what I call the master

21 bedroom. They took cushions off of a chair or out of

22 the chair in the master bedroom and laid them on the

23 floor. So, when you went into the home, the bed was

24 here and then the window was over on this side. The

25 cushions were on the side that Mikey slept on, and

1 that's what minor had to sleep on. And they had a
2 rabbit --- a pet rabbit that he had bought Tia that
3 roamed all over the house. When I went in it reeked of
4 urine and feces from the rabbit. They were fleas in
5 the home. It was, you know, but that rabbit had been
6 there for several days too with nobody taking care of
7 it. So I'm sure it wasn't like that prior to the
8 rabbit being enclosed in that home. But the rabbit had
9 fleas, so in turn when minor would have to sleep on the
10 floor, she would get bit by the fleas or that was what
11 I was told.

12 Q. That's what the Defendant --

13 A. Yes, sir --

14 Q. -- told you?

15 A. I didn't see any flea bites on her, but that's what I
16 was told.

17 Q. Okay. I was about to ask you that. Thank you. Now,
18 did he also talk about Atelia Hunt having a temper ---
19 and there was some interesting turns, looks like during
20 that portion of the conversations. Could you explain
21 that to the ladies and gentlemen of the jury?

22 A. In regards to Tia getting upset and yelling, and --

23 Q. And the things he said, especially about himself during
24 that portion of the --- during that portion of your
25 notes. And specifically I'm referring to the third

KATHY BASS - DIRECT EXAMINATION

283

1 page, yeah the third page.

2 A. He said that Ms. Hunt had a temper, and that she would
3 yell at the children. She would push minor and S
4 and she would make them as discipline, stand in the
5 corner. He said that he wasn't guilty of making ---
6 not allow Atelia to take minor to the hospital. But he
7 talks about --- he refers to minor not as minor but to
8 that girl, or that baby, or almost like he as detaching
9 himself from her. But he says that Atelia would yell
10 at them, that she would make them stand in the corner
11 for an hour, and have their hands raised, and things
12 like that.

13 Q. But what does --- I guess what I'm getting at is, what
14 is it that he says? And I wanted that part. But as it
15 relates to him, what is it that he, I guess, confesses
16 for a lack of a better term?

17 A. ~~Oh, he says he never hurt the child. If he's guilty of~~
18 anything it's for not getting her medical attention.
19 And that he should have gotten her medical attention or
20 he should have made Tia get her medical attention.

21 Q. And did he say that once or --- and we'll see in the
22 interview, does he say it once, or does he say it
23 several times?

24 A. He says it several times. Three that I know for sure,
25 but probably more.

1 Q. Okay. Now, moving on with the statement, what does he
2 say as it relates to his role with Atelia being ---
3 with his role with minor as it relates to taking care of
4 her?

5 A. He admitted -- to begin with we were talking about
6 bathing or feeding, and he said that she would eat
7 corn, that she liked corn. That he would feed her a
8 peanut butter and jelly sandwich, you know, that kind
9 of deal. That they would sit and watch television
10 together, or she would play. She liked SpongeBob a
11 lot, and that was one of the words that she could say.
12 But when I ask him about bathing her, he had at first
13 said, well, I bathed her four or five times in the, you
14 know, he kind of made light of it. And then as we
15 continued talking he said, well, maybe six or seven, I
16 mean, excuse me, five or six times. But he never said
17 that he washed her bottom area whatsoever. He said
18 that S would be there, and that S would wash
19 her bottom area.

20 Q. So, did he say anything to you at the time, saying
21 well, she takes care of her kids and I take care of
22 mine? Did he make that comment to you in his
23 interview?

24 A. Not that I --- not in that context, no, sir, he didn't.
25 As a matter of fact, he even told me that Tia would get

KATHY BASS - DIRECT EXAMINATION

285

1 very upset when she would tell minor to do something.
2 He would tell her not to, and minor would listen to him.
3 It was like he could command minor just to stay there
4 or don't listen to your mom, do what I say to do, and
5 minor would listen to him.

6 Q. And does he tell you where she spends the majority of
7 the time while both are there with him?

8 A. Oh, yes, sir. Because he, Mr. Huckabee, didn't have a
9 drivers license per se, even though I think he did
10 drive --

11 THE COURT: Mr. Brown, seize that phone. Go ahead,
12 Mr. Redmond.

13 MR. REDMOND: Thank you, Your Honor.

14 A. I'm sorry. Where were we?

15 Q. Let me continue. We apologize for that interruption.
16 But I think I was at the point of asking you about him
17 ~~taking care of her and whatnot. So, let me just go~~
18 back a little bit. Does he indicate to you that he had
19 a lot or took a lot of responsibilities as it relates
20 to the care of minor

21 A. He -- the normal routine for their household would be
22 that he was trying to get minor potty trained. She was
23 having problems with the potty. So --- and she would
24 urinate or he would make her sit on the potty for at
25 least an hour, and she wouldn't urinate. But then she

1 would get up, and defecate and urinate on herself. So,
2 he was responsible for getting her up in the morning to
3 get her to the bathroom, and then they would go back to
4 sleep. She would sleep on her little cushions, and he
5 would get back in this bed. Tia would get with the
6 older kids to make sure they were ready for school.
7 And his oldest, I mean, his child, Alex has ADHD and it
8 requires him to take medication. And Tia had gotten
9 social services involved so he could get Medicaid, and
10 it paid for the medicine. So, she made sure every
11 morning that, that was in his system. She would take
12 both of the children down to the bus stop, so she would
13 walk down there. The bus would pick up the kids, and
14 then she would walk to the house. She had a valid
15 drivers license. Mr. Huckabee's mom is on oxygen and
16 has medical conditions, so she was always running
17 errands, going to the grocery store, taking care Mrs.
18 Patricia Huckabee, you know, doing the running. And
19 she would leave minor there with Mr. Huckabee while she
20 was out doing her errands.

21 Q. Okay. Let's see, let's go to October 6, 2011 as it
22 relates to your discuss with the Defendant about what
23 took place that day. Tell the ladies and gentlemen of
24 the jury, what the Defendant claimed happened that day?

25 A. Originally he told me that they had gotten up, they

KATHY BASS - DIRECT EXAMINATION

287

1 slept in until about ten. Tia had gone with his mom to
2 the doctor. She had, had some eye surgery, I don't
3 know if it's cataracts or what kind of surgery, and
4 that she came in around 1:00. And he left at that
5 point and he never came back to the home until like,
6 7:30 --- 7:00 or 7:30. When they got -- when he came
7 in he was tired. He went over to the couch. He
8 noticed minor was sitting on the love seat wrapped in a
9 red towel. And he said the next thing he knew was that
10 minor had fell out of --- off the couch, took a deep
11 breath, fell off the couch. And he realized she wasn't
12 breathing. He picked her up and took her to the table
13 and began CPR. And as we continued to talk about it, I
14 had received information that Tia wasn't there all day.
15 That she had gone to the doctor's appointment, and that
16 she came back in time to get the kids from school, that
17 she had left. She was there about two hours, and then
18 she left to take his son to Cub Scouts. So, he said he
19 forgot that. So, we went back and talked about that.

20 Q. And let me stop you there. I think that's important.
21 In his written statement, did he say he got back at
22 7:30?

23 A. Yes, sir. In his written statement it says, "I came
24 home about 7:30 from the shop."

25 Q. Does he ever mentioned anything about Tia being at a

KATHY BASS - DIRECT EXAMINATION

288

1 scout meeting?

2 A. No, sir.

3 Q. Okay.

4 A.. Scouts --

5 Q. And at first --- oh go ahead, I'm sorry.

6 A. The scout meeting, until I introduced it to him, he
7 never brought it back up to me.

8 Q. Until you introduced it to him?

9 A. Yes, sir.

10 Q. So, let me be clear on that. The issue about the scout
11 meeting, you brought it up?

12 A. Yes, sir.

13 Q. And did he admit that after he had given the written
14 statement, and after telling you initially that he ---
15 that, you know, he didn't get back until 7:30? Did he
16 then finally admit that she had gone to the scout
17 meeting, and in fact, he had been at the house for
18 about two and half hours with the kids?

19 A. Yes.

20 Q. Okay.

21 A. And now he was at the house all day with minor from that
22 morning until she came back, right before the kids got
23 home from school. She was there briefly for about two,
24 two and half hours, and by 5:20, she and Alex had
25 already gone to the Cub Scouts meeting. And it was

KATHY BASS - DIRECT EXAMINATION

289

1 later in the evening, 7:30, 8:00 before she got home
2 from the Cub Scout meeting.

3 Q. And did you, and I think we've already touched on it,
4 but did you get information --- documentation and talk
5 with witnesses regarding Atelia and the meeting?

6 A. Yes, sir.

7 Q. Okay. And we don't need --

8 A. Yes, sir.

9 Q. -- to get in detail with that, but that was a part that
10 you followed up in your investigation?

11 A. Yes, sir. I'm confident that they both were at that
12 meeting.

13 Q. Okay. Now, and does he finally admit that, that they
14 were at that meeting?

15 A. He did.

16 Q. Okay. Let me go back for just a moment, and I think
17 ~~we're about done with this portion. There are things~~
18 in particular I want to talk in more detail about based
19 on what the Defendant told you. Let's start with the
20 cigarette burns first. How did he address those
21 injuries?

22 A. He said that she had just blistered up. He didn't know
23 where the marks on her vagina or her butt came from.
24 He admitted to her running into one of his cigarettes
25 while they were outside one day and it burning her arm.

1 Q. Okay.

2 A. But he doesn't --- he --

3 Q. So, he didn't offer any clear explanation of the
4 numerous --

5 A. No, sir.

6 Q. -- cigarette burns that we've heard testimony about?

7 A. He didn't remember anything about that.

8 Q. Now, let's talk about the hair next.

9 A. Okay.

10 Q. About the shaving the hair. Tell me about what his ---
11 what your discussion with this Defendant was regarding
12 her head shaved?

13 A. He said that there were fleas in the home, and that she
14 had some sores and scab places on her head. And that
15 he told Tia he wanted --- he was going to shave her
16 head, and she said okay. So, he shaved her head to see
17 exactly what was going on in her scalp.

18 Q. So, he shaved her head to see -- that's what he told
19 you?

20 A. Yes, sir.

21 Q. But I guess the key part of all it is whether it's true
22 or not, the key part. Did he admit --

23 MR. JONES: Your Honor, I'm going to object to the
24 editorializing that --

25 THE COURT: Sustain.

KATHY BASS - DIRECT EXAMINATION

291

1 MR. REDMOND: I'll rephrase.

2 THE COURT: Please rephrase, counsel. Don't lead.

3 Q. Did he admit having shaved her head?

4 A. He said he shaved Edna's head.

5 Q. All right. He did?

6 A. Yes, sir.

7 Q. Now, did he claim that he ask Atelia Hunt or did he
8 claim that she ask him? Tell us about that aspect --

9 A. He says that --

10 Q. -- of what he claims?

11 A. He claims that he told Atelia Hunt that he was going to
12 shave Edna's head, and that she said okay. And so, he
13 shaved her head.

14 Q. Okay. Now, and I think I'm coming near the end. Let's
15 talk about the --- and I'm sure I'm skipping a lot, but
16 of course, we've got three hours of tape. Let's talk
17 about his explanation regarding her teeth.

18 A. Okay.

19 Q. Her, being minor teeth and the fact they are missing.
20 Tell the ladies and gentlemen of the jury, his claim
21 regarding that?

22 A. He says that one tooth was loose. He can't explain
23 how. I ask him did she --- did she -- was she knocked
24 into a wall? Did she fall? There was no explanation
25 except for it was loose, so he pulled it. And he said

1 that she would like grind, you know, when a child gets
2 ready to loose a tooth, how it might stick out a little
3 bit. He said it was in an odd way, and that she would
4 grind or like she was gritting her teeth. And he said
5 that he and Tia went to check it. And he said that
6 when he pushed and pulled that the other came out. So,
7 he really doesn't own up to pulling the second tooth.
8 He says that Atelia pulled the second tooth. But both
9 teeth were pulled and there's no explanation of why,
10 except for one was loose, and then the other one ---
11 she was gnawing or gritting at her teeth, and he
12 thought that maybe it was time for it to come out.

13 Q. But the key part of that is, did he claim that one of
14 the teeth was pulled, or it fell out, or whatever the
15 day she died --

16 A. Yes.

17 Q. -- on October 6th?

18 A. Yes, sir. One came out that day, that morning.

19 Q. So, he sayings it came out?

20 A. Uh'hum

21 Q. One of them?

22 A. Yes, sir.

23 Q. Thank you. I did miss something. Let me go back
24 really quickly, and that is --- and we touched on the
25 fact that DSS had involvement in August of 2011. Did

KATHY BASS - DIRECT EXAMINATION

293

1 he ever state to you in the context of --- of --- I
2 guess, contacting and trying to get help for minor Did
3 he ever mentioned anything about any fear regarding DSS
4 in the context of them having been involved in August
5 of 2011?

6 A. Mr. Huckabee feared DSS because they've been involved
7 in almost every relationship that he's ever --

8 Q. All right. Let me --

9 MR. STEEN: Objection --

10 A. I'm sorry.

11 Q. My question is only as it relates to August of 2011?

12 In other words, was he --- did he express any fear as
13 it relates to August of 2011?

14 A. He feared that if DSS became involved that he would
15 loose his son, Alex.

16 Q. Okay.

17 A. And that was one of his main things is that he loved
18 his son and did not want to loose Alex.

19 Q. Okay. And just to be clear, we're only talking about
20 DSS --

21 A. Yes, sir.

22 Q. -- August of 2011?

23 A. Okay.

24 Q. All right. Now, the last thing I want to touch on.

25 In looking at the end of your notes --- interesting it

1 says that, Mikey Huckabee --- well let me --- I'm not -
2 -- it is your statement. Did you talk to Mikey
3 Huckabee about making a call to the hospital to try to
4 get minor or get her medical attention? Did he
5 ever indicate not being able to make the call 9-1-1
6 because he didn't have a phone?

7 Q. No, sir. He had phone access. He just said that she
8 wasn't his responsibility even though feed her, he
9 bathed her, and everything else, he didn't feel like
10 there was a need to call the hospital or take her
11 anywhere.

12 Q. Okay. And last question just to be clear, I think.
13 Did he also indicate that he found out that, I guess,
14 he found out that the, um, about minor being deceased
15 because the neighbor, Malachi had called him from the
16 hospital?

17 A. Yes, sir. He said that he received a call from his
18 neighbor, and that she stated that the child had passed
19 away.

20 Q. And does that go to your point about him having
21 telephone access as it relates to getting assistance --
22 - emergency assistance?

23 A. Yes, sir.

24 MR. REDMOND: Your Honor.

25 A. And he also --

KATHY BASS - DIRECT EXAMINATION

295

1 MR. JONES: Objection, leading.

2 MR. REDMOND: I'll rephrase, Your Honor.

3 THE COURT: All right. Let me --- let me speak to
4 the jury about that. All right. Ladies and gentlemen, when
5 you have your witness on direct, you can't lead the witness.
6 A leading question is one that has the answer contained in
7 it. Just a real simple explanation. If this was a wreck
8 case, which clearly is not, and you said, "what color was
9 the car?", because you have own witness. Well that's
10 appropriate. But if you said, was the car blue, you've lead
11 the witness, because the answer is contained within the
12 question. So again, counsel, you --- there's not been an
13 objection, but you very consistently lead the witness. The
14 Court doesn't react to it until there's an objection. So,
15 please, don't lead your witness.

16 MR. REDMOND: Yes, sir, Your Honor, and I'll
17 rephrase.

18 THE COURT: Thank you.

19 Q. Based on your interview with the Defendant, did he have
20 a telephone?

21 A. Yes, he did.

22 Q. Did he have telephone access?

23 A. He had telephone access.

24 Q. And did the Defendant at any time indicate using that
25 telephone access to call 9-1-1, or someone to give

1 assistance for this child on the 6th or at any time
2 previously?

3 A. No, sir, he did not.

4 Q. Please --

5 MR. REDMOND: At this point, Your Honor, thank you.
6 That would conclude this portion of my questions. The next
7 portion would be the video, which I indicated that it's the
8 three videos combined, a little over three hours.

9 THE COURT: All right.

10 MR. REDMOND: Looking at the time.

11 THE COURT: Very good, we'll definitely take our
12 lunch at this point. But let me follow up about the
13 questioning. On cross examination you can lead a witness to
14 see if they hold what they testified to on direct. So, if
15 you hear a leading on cross, that's appropriate. Now, let's
16 --- going by this clock on the wall, it's 12:35. Let's take
17 an hour and ten minutes for lunch, which will be ample time
18 for everyone, and let's be back then at 1:45. I do that so
19 that we can attempt to get in all the video, as well as
20 cross examination, and not stay beyond our appointed time
21 today. All right. Now, lunch is own your own. Whomever
22 you have lunch with, please don't discuss the case, whether
23 it be a stranger or another juror. Just have a nice lunch.
24 We'll see you in about an hour and ten minutes, at quarter
25 till two. It's 1:45. And we'll remain where we are while

KATHY BASS - DIRECT EXAMINATION

297

1 you depart the courtroom.

2 (WHEREUPON, the jury exits the courtroom at
3 12:35)

4 THE COURT: All right. Ladies and gentlemen, we'll
5 now be --- anything before our record, before we close the
6 record?

7 MR. JONES: No, sir.

8 THE COURT: Then we'll be in recess until a quarter
9 till two.

10 (WHEREUPON, a lunch recess was taken for
11 12:36 p.m. until 1:48 p.m.)

12 THE COURT: Thank you ladies and gentlemen, please be
13 seated. All right. Ms. Frye, is the jury all back?

14 MS. FRYE: They are, Your Honor.

15 THE COURT: Okay. Very good.

16 (WHEREUPON, the jury enters the courtroom at
17 1:48 p.m.)

18 THE COURT: All right. Ladies and gentlemen, welcome
19 back. I trust you had a nice lunch, and thank you for being
20 back on time. And we were in direct examination of Mrs.
21 Bass. And please continue Mr. Redmond.

22 MR. REDMOND: Thank you, Your Honor. May it please
23 the Court? To save time I'm going to attempt to go ahead
24 and turn this on as it relates to the interview. I know
25 there has been some redactions that have been discussed with

1 the defense. And so, if The Court would indulge me. We
2 have gone to get Ms. White. And once this shows up, I'll go
3 ahead and start, and then she can slip in and start
4 monitoring it.

5 THE COURT: Very good.

6 MR. JONES: Your Honor, may I ask a question while
7 he's doing that? Is that particular interview already in
8 evidence?

9 MR. REDMOND: That's a good question.

10 COURT REPORTER: No. I don't think so.

11 MR. JONES: I don't think it is..

12 MR. REDMOND: Your Honor, just to be on the safe
13 side, I don't know if it was actually put in at the Jackson
14 v. Denno hearing. But out of abundance of caution, I've ask
15 the questions, I'll ask some follow up questions just to
16 make sure that's clarified; if those okay with you.

17 THE COURT: All right. Go ahead, please.

18 Q. Agent Bass, we had reference to the interviews being
19 video taped, have you had an opportunity to review
20 those?

21 A. Yes, sir.

22 Q. And I believe you had an opportunity to review the
23 video prior to a previous hearing --- at a previous
24 hearing?

25 A. Yes, sir, I have.

KATHY BASS - DIRECT EXAMINATION

299

1 Q. And do those videos represent, and specifically I think
2 I'm talking about State's Exhibit Number 81, 82, and
3 83. Do those reflect the interview. --- that three plus
4 hour interview that you had on the 13th of October?

5 A. Yes, sir, with Mr. Huckabee.

6 Q. Okay.

7 MR. REDMOND: And with that, Your Honor, we would
8 move to admit --- we would move to admit State's 81, State's
9 82, and State's 83 into evidence and to publish it at this
10 time.

11 THE COURT: What says the defense?

12 MR. JONES: We just renew our previous Motion, Your
13 Honor.

14 THE COURT: All right. I'll overrule your objections
15 as previously overruled. And therefore, they are admitted
16 over objection. And you may publish them at this time if
17 you wish.

18 MR. REDMOND: Thank you, Your Honor.

19 WHEREUPON, STATE'S EXHIBIT
20 NUMBER 81, 82, AND 83 WAS
21 ADMITTED INTO EVIDENCE OVER
22 OBJECTION.

23 THE COURT: Ms. White, can you cut that off for me,
24 please? Counsel, before we go into this let's make sure, we
25 --- this is three hours straight, or is it different discs

1 that comprise --

2 MR. REDMOND: Different discs --

3 THE COURT: -- three hours?

4 MR. REDMOND: Yes, sir, Your Honor. It's different
5 discs. The first disc is about two hours. And the next two
6 discs, I think they're over thirty minutes but under an hour
7 --- between thirty and forty minutes for the last two, if I
8 recall correctly. And then the first disc is actually two
9 hours.

10 THE COURT: Did you have a transcript?

11 MR. REDMOND: We do. But however, they have 7 ready.
12 So, Your Honor --

13 MS. WHITE: Eight.

14 MR. REDMOND: We have a couple of options, there are
15 eight copies ready. We may have to have some of the jurors
16 share transcripts. We're trying to make sure those
17 redactions are in accordance of what's been ruled upon. We
18 can either have them share some while we finish up the other
19 ones, or we can just wait until all of them are done --- at
20 a stopping point. And that way we will be able to provide
21 them all to each of them.

22 THE COURT: All right. Let's go for about an hour
23 and then we'll take a break.

24 MR. REDMOND: Yes, sir.

25 THE COURT: Since we just had our lunch. We may need

KATHY BASS - DIRECT EXAMINATION

301

1 to take a break in about an hour. So, if you would just
2 stop at convenient time then, and then we'll discuss the
3 transcripts.

4 MR. REDMOND: That will be fine.

5 THE COURT: All right. Then please proceed.

6 MR. REDMOND: Thank you, Your Honor. With that, the
7 State is ready to publish.

8 Your Honor, actually I have been informed that the
9 transcripts are ready, and given to what's happening it
10 might be --

11 THE COURT: Let's take a break.

12 MR. REDMOND: We can take a break, and that way we
13 can provide the transcript. I think that will help.

14 THE COURT: All right. Ladies and gentlemen, we'll
15 be on break for approximately ten or fifteen minutes. And
16 we'll remain where we are while you depart to the jury room.

17 ~~(WHEREUPON, - the jury exits the courtroom at~~
18 2:52 p.m.)

19 THE COURT: All right. Ms. Kathy, since you're still
20 under testimony you're welcome to step out and take a break.
21 But you probably shouldn't speak to the lawyers on either
22 side. Okay. All right. We'll be in recess now
23 approximately ten minutes.

24 MR. REDMOND: Thank you, Your Honor.

25 (WHEREUPON, a brief recess was taken.)

KATHY BASS - DIRECT EXAMINATION

309

1 (WHEREUPON, day three of this hearing begins
2 at 9:07 a.m. on Wednesday, June 19, 2013.)

3 -- DAY FOUR OF HEARING --

4 MR. REDMOND: We can handle this a couple of ways. I
5 can give you a brief background, and then I can put some
6 testimony on the record if the Court likes. I know we've
7 got a little time issue here, but I can go ahead and at
8 least give you a background of what it is the State is
9 seeking to introduce.

10 THE COURT: And let me ask, have you all discussed
11 this, and is there a consent or an agreement between counsel
12 about it?

13 MR. STEEN: There's no consent, Your Honor, we have
14 not discussed this.

15 THE COURT: You have not discussed it?

16 MR. STEEN: Not with the solicitor.

17 MR. REDMOND: We have not discussed it between
18 ourselves as to whether or not there's going to be any
19 agreement. If I were a betting man, based on the
20 information --- and I sent the email out yesterday
21 clarifying the fact. In talking with Agent LaRosa, we will
22 actually get into it as it relates to the cigarette burns,
23 not just the fact that it was an adult, but also given the
24 nature and the location of these burns, gender issues as
25 well. So, I sent out an email to --- I think to --- I know

KATHY BASS - DIRECT EXAMINATION

310

1 your clerk is on vacation, but I sent an email to both ---
2 both Jamies and to the defense, letting them know that
3 clarification as to what he would be testifying to.

4 MR. STEEN: Yes, Your Honor, we will be objecting to
5 the testimony in the trial.

6 THE COURT: And do you object to the fact that it's
7 apparently a two part testimony. One, that an adult would
8 have done this type of --- it's not an accident for example,
9 not self-inflicted somehow. Do you object to that part as
10 well?

11 MR. STEEN: Yes, sir. I object to the testimony
12 concerning the consistency of the injury --- consistency of
13 the wound being inflicted by an adult. And as indicated ---
14 The solicitor did notify us of the --- did notify us.

15 THE COURT: All right. And you're objections are on
16 what basis?

17 MR. STEEN: ~~Your Honor, that proof of a fact which is~~
18 offered --- that is offered nor makes it more or less
19 probable that it occurred. That is unfairly prejudicial
20 based on Dr. Schandl testimony. And that is cooperative of
21 Dr. Schandl's testimony, and it proves --- proof non
22 evidence. It creates evidence for the record, Your Honor.
23 They don't have any other evidence for the CSC.

24 THE COURT: And tell me, is the State required to
25 disclose an expert witness to you in any particular time

1 frame in your opinion? Is this a Rule 5 or a Brady issue?

2 MR. STEEN: No, Your Honor. We were notified of the
3 issue. We were notified of the expert's testimony, Your
4 Honor.

5 THE COURT: All right. Then what I will need to do
6 is stand down, take the telephone conference that we have
7 committed to take. I'll do that briefly as well, and come
8 back in an approximately maybe five minutes or so, and let
9 you put up the testimony.

10 MR. REDMOND: That will be fine, Judge. And Agent
11 LaRosa --- we'll all be standing by.

12 THE COURT: Very good.

13 MR. REDMOND: So, when the Court comes back, we'll be
14 ready.

15 THE COURT: We'll be in recess now briefly until we
16 conclude the telephone conference which is on another
17 matter, not this Court. Court's in recess temporarily.

18 (WHEREUPON, a recess was taken.)

19 THE COURT: Thank you ladies and gentlemen, please be
20 seated everyone. Mr. Redmond, this would be your first
21 witness today?

22 MR. REDMOND: No, sir. Actually, it will be the
23 second witness. We're not counting Agent Bass' continued
24 cross --- for her cross. We anticipate Atelia Hunt being
25 the next witness, and then there would be the witness

KATHY BASS - CROSS EXAMINATION

313

1 I trust you had a nice evening. Welcome back to the
2 courtroom. And let me ask, since we were last together, is
3 there any member of the jury panel who has had a discuss
4 with anyone about the facts of this case, or seen any media,
5 if there has been any about this case, if so please raise
6 your hand. Let's, let the record reflect no one has raised
7 their hand. Thank you again for complying with the Court's
8 continuing request in that regard. You will recall at the
9 end of the day we had seen a video --- videos at the
10 conclusion of the direct examination by the State. We now
11 move to cross examination on Agent Bass. And you may
12 proceed, counsel.

13 MR. JONES: Thank you, Your Honor.

14 THE COURT: Yes, sir.

15 CROSS EXAMINATION BY MR. JONES

16 Q. Good morning, Lieutenant Bass.

17 A. Good morning.

18 Q. I'm going to start where you started yesterday. I
19 think you went through your experience both in
20 probation, Department of Social Services, as well as
21 SLED; is that correct?

22 A. That's right.

23 Q. And then at some point in time I believe that you said
24 that your job was to primarily be a fact finder; is
25 that correct?

1 A. I gotta -- I gather information. I gather facts.

2 Q. Now, in this case when you began your work, is it not
3 true that there were already two people in custody,
4 charged with this crime?

5 A. Yes, sir.

6 Q. Would it then be a fair statement to say that you're
7 task with law enforcement in general, with accumulating
8 evidence against not only this Defendant, but the other
9 person who was charged?

10 A. Yes.

11 Q. Okay. Now, and as you testified yesterday, you spoke
12 to a number of people. And then as we saw, there were
13 interviews with not only with Mr. Huckabee, but also
14 intensive interviews with Ms. Atelia Hunt; is that
15 correct?

16 A. Yes, sir.

17 Q. Okay. Let me start here, when --- when you went
18 through your testimony, I believe one of the first
19 items we talked about or that you talked about were
20 some letters that Ms. Atelia Hunt --- and just so we're
21 clear, Ms. Atelia Hunt is who?

22 A. minor Hunt's mother.

23 Q. Mother of the child.

24 A. Uh'hum

25 Q. And do you know what date she was arrested and actually

KATHY BASS - CROSS EXAMINATION

315

1 charged with this crime?

2 A. October 7, 2011.

3 Q. Okay. And I believe you began talking about some
4 letters that she had written while she was incarcerated
5 at the Bennettsville Detention Center; is that correct?

6 A. Yes, sir.

7 Q. Okay. And the first group of letters or the group of
8 letters that you testified to, to whom were they
9 written?

10 A. Timothy McDuffy.

11 Q. And tell me who is he?

12 A. Timothy McDuffy was a correctional officer, or he had
13 been a correctional officer at the Marlboro County
14 Detention Center for eight years.

15 Q. And I apologize. I think I said that wrong. I think I
16 said Bennettsville.

17 A. It's okay.

18 Q. And you're familiar with those letters?

19 A. Yes, sir.

20 Q. And I think you actual got copies of those?

21 A. I do.

22 Q. Have you reviewed those?

23 A. Yes, sir, briefly.

24 Q. Can you give me a general statement as to what the
25 content of those letters are?

KATHY BASS - CROSS EXAMINATION

316

1 MR. REDMOND: Your Honor, I would object to that. I
2 don't know --- that one, hearsay would be my objection. And
3 just briefly the reason being, I don't think there's a
4 foundation set that makes them admissible other than through
5 the person that wrote them.

6 THE COURT: And what say --

7 MR. JONES: Your Honor, that was probably about the
8 tenth or twentieth question that solicitor ask Lieutenant
9 Bass yesterday, as to whether or not she was familiar with a
10 group of letters, and I think the date he ask her about was
11 specifically January 19th.

12 THE COURT: And how did you not open the door for
13 that, Mr. Redmond?

14 MR. REDMOND: Well because the existence of the
15 letters is not the issue. I didn't ask her a thing as it
16 relates to the content. As I recall, I specifically said we
17 can not get into the content. So, the door has not been
18 open, at least the statement contend. The existence of the
19 letters is the only thing that was established. We've got
20 the witness that can deal with the content.

21 THE COURT: And what do you intend to ask about these
22 alleged communications, Mr. Jones?

23 MR. JONES: Your Honor, I --- and I'll be happy to
24 say in the presence or out of the presence of jury. May we
25 approach very briefly?

KATHY BASS - CROSS EXAMINATION

317

1 THE COURT: That's fine. Please just approach just a
2 moment, ladies and gentlemen, please.

3 (WHEREUPON, a bench conference was held in
4 the presence of the jury, but out of their hearing range.)

5 THE COURT: All right. Ladies and gentlemen, let me
6 memorialize what this discussion is, because I don't want to
7 have some communication that you think there's something
8 being hidden from you. Typically, whenever a letter comes
9 into evidence or some written communication, it must be
10 authenticated. You must have the author, because again,
11 this is just not a casual conversation, this is proof in a
12 court of law. But there are circumstances that would be
13 exception to that rule, such as opening the door to permit
14 questioning about a particular document when the author of
15 the document is not here, and it has not been properly
16 authenticated. That's what the discussion was about here.
17 ~~Counsel basically has reached an agreement among themselves~~
18 while they were standing here. The Court would --- it's not
19 necessary that the Court rule on an objection. Please move
20 to your next question, Mr. Jones.

21 MR. JONES: Thank you.

22 Q. Lieutenant Bass, let me back up a minute. In your role
23 as a SLED investigator, I understood you to say
24 yesterday that you pretty much reviewed all of the
25 evidence; is that correct?

1 A. Yes, sir.

2 Q. Okay. And along with other evidence that you reviewed,
3 you did review certain letters that you had spoke about
4 yesterday?

5 A. Yes, sir.

6 Q. Those letters which I think you became aware of on
7 January 19, 2012, actually they were two sets. There
8 was a single letter, am I not correct, from Ms. Hunt to
9 Mrs. Patricia Huckabee?

10 A. Correct.

11 Q. All right. And there was a group of letters from Ms.
12 Hunt to Mr. McDuffy, and from Mr. McDuffy to Ms. Hunt?

13 A. Correct.

14 Q. Would it be a fair characterization of those letters to
15 say that the McDuffy/Hunt letters were love letters?

16 A. Yes, sir, they were.

17 Q. Okay. And would it be a fair characterization of the
18 Hunt to Patricia Huckabee letter, to say that also was
19 a letter expressing love for Mr. Huckabee?

20 A. Yes, it was.

21 Q. Okay. Thank you. Let me move on then. In your
22 interviews of both Mr. Huckabee and Ms. Hunt, I think
23 yesterday in one of your closing statements, if I
24 remember correctly, was that you felt that Mr. Huckabee
25 was not being completely truthful; is that a fair

KATHY BASS - CROSS EXAMINATION

319

1 characterization?

2 A. Yes, sir.

3 Q. Okay. And the same be said of your interviews with Ms.
4 Atelia Hunt?

5 A. She was -- no she was not completely truthful with me
6 the whole time.

7 Q. Is it also a fair statement to say that during the
8 interview process, which I believe was at least three
9 separate interviews if I'm not mistaken --

10 A. With who?

11 Q. Ms. Hunt, I'm sorry.

12 A. No, sir. I think she --- with me --

13 Q. Let me ask the question. How many interview sessions
14 did you have with Ms. Hunt?

15 A. Two --- the best of my recollection I think it was one
16 at the Bennettsville Police Department. Now I've
17 spoken with her after her conviction, but during the
18 investigation it was a very long interview.

19 Q. So, that's all one interview --

20 A. Yes.

21 Q. -- on several tapes?

22 A. Yes.

23 Q. And then, is it also correct that there was a separate
24 interview, whether it's the second or whatever, on or
25 about March 1st of this year?

1 A. Yes, sir.

2 Q. Okay. And that was also memorialize on audio disc; is
3 that correct?

4 A. Yes.

5 Q. Did you tape her March 1st --

6 A. Yes. I did. I making sure I have my dates correct.
7 Yes.

8 Q. All right. My question --- my question is going to be
9 again, did you find that she was completely truthful or
10 did you feel she was completely truthful with you
11 during both of those interviews?

12 A. No, sir.

13 Q. Okay. And I think one of Mr. Redmond's last questions
14 to you yesterday was about your interview technics.
15 And as I recall, your answer was you were just
16 gathering facts; is that correct?

17 A. Uh'hum Yes, sir.

18 Q. All right. Would it be a fair statement to say that in
19 --- in one of the technics that appeared that you used
20 yesterday as far as talking with Mr. Huckabee, and I
21 don't have a name for that interview technic, but would
22 it be fair to say that you were telling him that
23 perhaps Ms. Hunt said certain things on the other side
24 --- I believe you told Ms. Hunt that Mr. Huckabee said
25 certain things in order to illicit information from

KATHY BASS - CROSS EXAMINATION

321

1 them?

2 A. Yes, sir. I --- If I knew information and I had
3 confirmed the information that one of them had given
4 me, I called them out on it.

5 Q. Okay. Now, and what point in time did you make a
6 determination that either Mr. Huckabee's statement or
7 Ms. Hunt statement as to certain event was truthful?

8 A. I don't believe either one of them had been a hundred
9 percent truthful with me at any point.

10 Q. Okay. Very good. And you make that determination how?

11 A. Based on the fact that we have a three year old little
12 girl, the whole totality of the events that occurred.
13 Her head been shaved. She doesn't have her front
14 teeth. Her vagina is bruised, I mean, bruised ---
15 burned. She had a hemorrhage inside. She has
16 hemorrhages on her brain. She has marks and bruises
17 all over her. I mean, things don't add up.

18 Q. Is it fair to say you don't believe either one of them?

19 A. That they're being truthful about all the events that
20 occurred. The two weeks that she was with him, when
21 they --- no, sir, I don't think either one was being
22 honest.

23 Q. Okay. Now, as a -- would you characterize yourself as
24 the lead investigator in this case?

25 A. I wouldn't say I was the lead investigator, I --- I ---

1 we were a team. We worked as a whole.

2 Q. Okay. And as you accumulated the evidence such as the
3 statements, such as the other interviews that you ---
4 the other interviews that you alluded to yesterday with
5 various other people who were involved or could have
6 been involved, you obviously, along with your law
7 enforcement team, came to the conclusion that --- that
8 there were probably two people involved in this; is
9 that correct?

10 A. When I got involved, the two people that had been
11 involved with the team until the 10th of October. Miss
12 minor died on the 6th. The arrests were made on
13 the 7th. And I started my process of helping them on
14 the 10th, to put all the rest of the pieces of the
15 puzzle together.

16 Q. Again, so as to my first question to you, that
17 determination as to the two responsible people had
18 already been made before you to get into it?

19 A. Yes, sir. And other than the fact of the criminal
20 sexual conduct, first, I was the one who presented that
21 to the grand jury for a straight indictment on that.

22 Q. Okay. All right. Very good. And in reviewing the
23 evidence, you had an occasion to review reports on the
24 Acer computer; is that correct?

25 A. Yes, sir, I did.

KATHY BASS - CROSS EXAMINATION

323

1 Q. All right. And again, in the Acer computer, there were
2 I think you said yesterday or at least in your
3 questioning with Mr. Huckabee yesterday, it was
4 elicited that they were certain searched as to medical
5 treatment for various conditions; is that a fair
6 statement?

7 A. Yes, sir.

8 Q. All right. And in addition to that there were other
9 things on that computer --

10 A. Yes, sir --

11 Q. Among the other things that were there, what I would
12 call journal entries from Ms. Atelia Hunt?

13 A. It doesn't have --- well, yes, sir.

14 Q. They were --- they were ---

15 A. It doesn't have her name attached to it --

16 Q. Okay --

17 A. but it's obvious that who --- who typed the journal
18 entries.

19 Q. And did you review that?

20 A. Yes, sir, I did.

21 Q. Okay. And would you characterize those statement ---
22 and do you know how many statements there actually are
23 on that computer?

24 A. Five entries.

25 Q. Okay. And particular the last --- particular the last

KATHY BASS - CROSS EXAMINATION

324

1 several entries, and I see in my material one dated
2 August 26, 2011?

3 A. Yes, sir. That would be the second one.

4 Q. All right. You've reviewed that one?

5 A. Yes, sir.

6 Q. Okay. And the first one is undated? Is that the
7 information?

8 A. Yes, sir.

9 Q. August 26th, September 17th, September 20th, and
10 September 22nd?

11 A. Yes, sir.

12 Q. Are those your -- is that what you have reviewed on the
13 computer?

14 A. Yes, sir.

15 Q. All right. And do you know the author of those notes?

16 A. Yes, sir. Atelia Hunt.

17 Q. Okay. And would you along the same lines of my earlier
18 question, would you characterize these notes
19 memorialized on that computer amusing of a frustrated
20 woman?

21 A. Of a woman who had a low self-esteem.

22 Q. Very good. And they were as late as the 27th, I
23 believe you said?

24 A. Yes, sir.

25 Q. Very good. Now, getting back to the statements we

KATHY BASS - CROSS EXAMINATION

325

1 heard yesterday from Mr. Huckabee, is it --- is it my
2 understanding that he attempted to write a statement
3 first?

4 A. He did.

5 Q. Were you present for that?

6 A. Yes, sir, I was.

7 Q. Okay. And that statement I believe is State's 79 ---
8 State's 79; is that correct?

9 A. Yes, sir.

10 Q. All right. And are you familiar with that --

11 A. I am --

12 Q. or do I need to show that to you --

13 A. I am. I'm familiar with it. Yes, sir.

14 Q. Okay. And Mr. Huckabee began writing that statement;
15 is that correct?

16 A. This was his statement. He advised me that he couldn't
17 ~~write well. He wasn't a very good speller. And that~~
18 was that he could --- after we talked an hour and half,
19 this is what he --- all he could give me on writing it
20 down.

21 Q. And that's a pretty pitiful statement; is it not?

22 A. Yes, sir. And some people are not writers, I mean.

23 Q. Okay. And as we saw yesterday, he --- he spoke much,
24 much more about the events --

25 A. Yes, sir --

1 Q. in response to your questions?

2 A. Yes, sir.

3 Q. Now, one --- I think, one of the main problems that law
4 enforcement had with this statement was the fact that
5 he omitted Ms. Hunt and Alex going to the Cub Scout
6 meeting; would that be a fair statement?

7 A. He omitted everything, I mean, he left out his whole --
8 - the events of the evening of anything. I mean, but
9 yes, you're right. Okay. I see your point.

10 Q. Well --

11 A. The Cub Scouts, right.

12 Q. Okay. You don't think this was his attempt to tell you
13 everything that happened, or do you?

14 A. At that point I think this is what he --- all he wanted
15 to tell me. He didn't want to disclose anything else.

16 Q. Did your interview continue after this attempt?

17 A. That day? No, sir, other than me asking him --- he ask
18 me to write the statement for him. And I told him that
19 I couldn't do that, that I don't write statements for
20 others. Because I could write my own wording and it
21 would mean something different that he would want me to
22 imply. And I ask him at that point --- I didn't
23 realize that there was audio and video at the
24 Bennettsville Police Department. So, I ask him would
25 he be willing to meet with me on another date, and sit

KATHY BASS - CROSS EXAMINATION

327

1 down and talk, and let's do it on audio/video. And he
2 had -- he said he didn't have a problem with that.

3 Q. And we saw that yesterday?

4 A. Yes, sir.

5 Q. Very good. But an admission from this omission from
6 this, is the Cub Scout meeting; is that correct?

7 A. Yes, sir.

8 Q. Okay. I believe, as we saw yesterday, an omission on
9 the audio statement was also the Cub Scout meeting?

10 A. Yes, sir.

11 Q. Okay. Now, Lieutenant Bass, when you were
12 investigating this matter, did you speak with Dr.
13 Schandl, who testified yesterday?

14 A. Yes, sir. A group of us went to speak to Dr. Schandl.

15 Q. Do you remember when?

16 A. I apologize give me one second.

17 ~~Q. Let me ask you this way, it might be easier. Did you~~
18 speak with Dr. Schandl before the interviews with Mr.
19 Huckabee?

20 A. No, I didn't meet with her before the interviews. I
21 had preliminary results. But I didn't go sit down and
22 talk with her until several months later --

23 Q. Okay.

24 A. -- several weeks later, excuse me.

25 Q. All right. And those preliminary results came from

1 where. What source?

2 A. From her. From her office.

3 Q. So, that information was available to you prior to
4 speaking to Mr. Huckabee?

5 A. Yes.

6 Q. Okay. Very good. And was there medical information
7 available to you about seizures being a part of the or
8 being a symptom of what the young child was
9 experiencing during the last days of her life?

10 A. You mean, when her brain was dying, and she would have
11 seizures, and things like that. Honestly I don't
12 recall. I knew that I had received information from
13 Mr. Huckabee saying that she had, had seizures, and
14 knew there were no history of seizures. But I don't
15 remember the possibility of her having one until we
16 actually went to Charleston and sat down with her, and
17 went over each part of what they found at the autopsy
18 at that point. They --

19 Q. At --- excuse me.

20 A. That's okay.

21 Q. Was that weeks after the interviews with Mr. Huckabee?

22 A. Yes, sir.

23 Q. Okay.

24 A. And I just don't remember about if the told me. I know
25 that I had evidence of the trauma that she had

KATHY BASS - CROSS EXAMINATION

329

1 sustained and that kind of things but, I don't remember
2 the part about the seizures.

3 Q. Okay. But is it a fair statement to say that in both
4 of your interviews with Mr. Huckabee, as well as your
5 interviews with Ms. Hunt, that both described the young
6 child as having some seizures like activity prior to
7 her death?

8 A. Ms. Hunt did not describe that. She never saw her have
9 a seizure. She said that she received information from
10 Mr. Huckabee that she would like, be at Mrs. Hunt's
11 house, and he would call and say she had a seizure,
12 that the seizures always occurred when she was with Mr.
13 Huckabee.

14 Q. Did Ms. Hunt not indicate to you that she had actually
15 tried to get medical help for the child by either
16 speaking with or taking the child to a doctor after an
17 episode --- a seizure like episode?

18 A. She said that she had a doctor's appointment. minor
19 died on October 6th. But I don't think the doctor's
20 appointment --- the alleged doctor's appointment was
21 set up until like the 20th of that month.

22 Q. Sometime later?

23 A. Uh'hum for a check-up.

24 Q. All right. Do you recall her saying that she in fact
25 had spoken to someone either at a doctor's office or

1 the emergency room about the young child, minor having a
2 seizure?

3 A. Yes, sir. She had originally told me on the evening of
4 Edna's death, that she had called the hospital and told
5 the hospital what was going on. And they said that
6 when she was able to respond, then bring her to the
7 hospital. And I ask her what she meant by that. In
8 other words, what do you mean by her responding? By
9 her responding when you call her name.

10 Q. And did you verify with the hospital as to whether or
11 not a call had actually been made by Ms. Hunt?

12 A. No, call was made. Nobody. No one knew of a call.

13 Q. She made that up?

14 A. Uh'hum.

15 Q. Okay. In your interviews of both Mr. Hunt --- Ms. Hunt
16 and Mr. Huckabee, did both of them detail the last two
17 or three days, or perhaps the last week of Edna's life?

18 A. Yes.

19 Q. All right. And during both interviews, did both
20 confirmed certain facts that you were able to verify?

21 A. Some, yes.

22 Q. All right. Specifically, let me ask a question. Were
23 you told by both Ms. Hunt and Mr. Huckabee that on
24 Wednesday, the day before young minor died, that they
25 were all at a restaurant, Pizza Time here in

KATHY BASS - CROSS EXAMINATION

331

1 Bennettsville eating lunch?

2 A. They picked up the food and then went back to the house
3 to eat the food. I don't think they dined in.

4 Q. Okay. And were you able to verify that?

5 A. No, sir. No one --- no one --- we had no receipts or
6 anything to confirm, other than the fact they both said
7 they went, and that minor had spaghetti that day.

8 Q. All right. Did both of them verify that minor ate on
9 Wednesday?

10 A. Yes.

11 Q. Okay. Both of them said I think, spaghetti?

12 A. Yes, sir.

13 Q. All right. Did you also --- did you try to verify
14 that?

15 A. There was no way to verify, I mean, they paid cash.
16 There are no video cameras there in the store.

17 Q. Do you have an opinion as to whether or not that fact
18 may be true?

19 A. I think they went to --- I think they went to Pizza
20 Time. I don't know how much spaghetti minor actually
21 ate that day.

22 Q. Okay. All right. Did both of them also verify that
23 minor ate on Thursday, the day that she died?

24 A. Mr. Huckabee stated that he gave her a peanut butter or
25 a peanut butter sandwich and corn. Atelia said corn.

1 Q. Okay. But both verify that she ate something on
2 Thursday?

3 A. Yes.

4 Q. All right. And tell me again your understanding of who
5 or which one of the two indicated that young minor had,
6 had seizure activity on Thursday?

7 A. Mr. Huckabee --- well both of their stories changed so
8 much. Atelia never said anything. She said that Mikey
9 would call it one of her episodes, or she was in her
10 mode. But, um, I don't recall minor ever, excuse me, I
11 don't ever recall Ms. Hunt telling me that she had a
12 seizure. Mr. Huckabee is the one that described the
13 seizures.

14 Q. Okay. And is it a fair statement to say, that both of
15 them blame the other for any marks that may have been
16 on the child's body?

17 A. They both said that they ask the other about the marks.
18 And each person always had an excuse, that she would
19 ask about a mark on her leg, and he would say she
20 bumped into the speaker, or he would say, well she
21 bumped into this. There was always an excuse. But
22 neither one of them said up until the very end when Ms.
23 Hunt talked about the burns, um, no one ever pointed a
24 finger at anyone.

25 Q. So, at some point in time, Ms. Hunt made some

KATHY BASS - CROSS EXAMINATION

333

1 statements concerning the burns?

2 A. Yes, sir.

3 Q. And what were those statements?

4 A. Um, that Mikey was in the restroom using the bathroom,
5 and he had minor standing in front of him with no
6 clothes on, and he was smoking a cigarette. And this
7 was the morning of --- I think it was the morning of
8 her death or the third --- there was one morning where
9 that she woke up, and minor and Mikey were already in
10 the bathroom. And she got the kids off to the bus
11 stop. And then Mikey and minor got back in the bed and
12 went back to sleep. And I think that's the day she had
13 to go to North Carolina on some other business, and
14 came back by lunchtime. But she alluded to the fact
15 that he was in there with her smoking a cigarette,
16 making --- it was a real small bathroom. So, minor was
17 standing in front of him with no clothes on while he
18 was sitting down on the commode using the restroom,
19 smoking the cigarette. And so, that was the only
20 conclusion that she could come to, that you know, he
21 was around her with cigarettes.

22 Q. Did you indicate that she saw him do that?

23 A. Not to me, no, sir, she didn't.

24 Q. And did she indicate that she heard the young child
25 scream or holler in any way, or was there -- was there

KATHY BASS - CROSS EXAMINATION

334

1 any evidence that in fact, that the event had occurred
2 during that period of time that you're talking about?

3 A. No. No evidence. She said that she had went to bathe
4 her one time when she had, had an accident in her
5 pants, and that's when she noticed the marks. So, when
6 she put minor on the bed, she called Mike into the room
7 so he could look at them. And she said, how did this
8 happened?. Where did this come? He said, I don't know.

9 Q. Okay. His statement is the exact opposite?

10 A. He just said that Atelia told her that she blistered
11 up. He wanted to know where the marks came from. And
12 she said, she blisters up. I use to do that when I was
13 little.

14 Q. And that was his statement of her yesterday?

15 A. Yes, sir.

16 Q. Okay. But that was also in response to whether or not
17 he noticed that the child's body had marks which
18 appeared to be burns?

19 A. Yes, sir.

20 Q. Okay. So, he --- is a fair statement to say that he
21 said she said blistered up --

22 A Yes, sir.

23 Q. -- I use to do that?

24 A. Yes, sir.

25 Q. So, again a fair statement to say, both of them blamed

KATHY BASS - CROSS EXAMINATION

335

1 the other?

2 A. Yes, sir.

3 Q. You're aware that the cause of death is what I in
4 layman's terms, called an untreated urinary tract
5 infection?

6 A. That went very bad. Yes, sir.

7 Q. Yes. All right. And in reviewing the autopsy report,
8 you were able to --- to make that determination from
9 the language that was in there?

10 A. Yes, sir.

11 Q. Okay. In your conversation with Dr. Schandl ---
12 Schandl some weeks after the interviews that were
13 talking about, did she indicate to you what type of
14 symptoms minor would have experienced the last days of
15 her life?

16 A. Yes, sir.

17 Q. And to your recollection, what were those symptoms?

18 A. She would have had a fever. She would have gotten hot,
19 cold, chills. Um, she would have literally --- she had
20 infection all over her body. Um, she would be
21 lethargic. She would have slept a lot. She would not
22 have wanted much to eat or drink. And you're talking
23 about just from the UTI?

24 Q. Yes.

25 A. The burning sensation. Pain. That type of stuff.

1 Q. And in your interviews with both Mr. Huckabee and Ms.
2 Hunt, were you able to verify that in fact some of
3 those symptoms did manifest themselves?

4 A. Oh, yes, sir. Uh'hum.

5 Q. Which ones?

6 A. All of them. She was lethargic. She slept most of the
7 day. Originally, Mr. Huckabee had told me that she was
8 up playing. She would color and this. And as the
9 interview progressed he admitted yes, she slept most of
10 the day. And Ms. Hunt did the same thing. She said
11 that she played with S or she played with Alex.
12 And then when you got down to just brass tacks with
13 her, no she slept all day. She, you know, the day, on
14 October 4th, when one of the other children were sick
15 that day, that's why she was inside, because she was
16 sleeping.

17 Q. Is that what you gather from that?

18 A. Yes, sir. That she was put into a bedroom and left
19 there by herself.

20 Q. Did you not feel that that situation was to hide the
21 child from Mr. and Mrs. Jacobs that day?

22 A. I think C.T. and Mr. Jacobs came that day. But I do
23 think it was to hide the way that she looked. By that
24 time her skin was turning colors. She had two styes on
25 both of her eyes, so she probably look like she had

KATHY BASS - CROSS EXAMINATION

337

1 black eyes. She had no hair. Her teeth were gone.
2 And from the bruising on the inner thigh and vagina,
3 I'm sure that she wasn't walking very well.

4 Q. All right. Now, in your interviews, you very ---
5 particularly your interviews with Ms. Hunt, I think you
6 very emphatically make some statements, or is it a fair
7 statement that you made some statements concerning how
8 the various bruises occurred?

9 A. Yes, sir.

10 Q. All right. I think at one point in time you were
11 wrapping on the table, saying somebody --- I think you
12 indicated Mr. Huckabee actually was wrapping on her
13 head?

14 A. I did that with both interviews.

15 Q. Okay. And do you know that for a fact?

16 A. That somebody hit minor in the head?

17 Q. Yes.

18 A. The bruises had to come from somewhere. And Ms. Hunt
19 indicated that he --- when Mr. Huckabee would play with
20 her, that he would give her nuggies, which is where you
21 take and pop somebody on the head. You know, I have a
22 little boy, so it's one of those things where he plays
23 rough. So, that's the only reason I know that. And I
24 guess that's the correct terminology for it.

25 Q. All right. And along those same lines, were they also

1 statements made by you to either or both of them
2 concerning the child being picked up and slammed
3 against the wall?

4 A. There were bruises on Edna's leg. And in my opinion,
5 um, if I took my hand and laid my hand on her leg in
6 the picture, it was where the four fingers were. And
7 if you looked at the other picture, which was the other
8 side of her leg, there was one place where the phone
9 would go. So, it looked like somebody had grabbed her
10 by the ankle to either snatch her up, I don't know why
11 they --- they grabbed her by her ankle to pull her
12 under somewhere. But someone --- that's what it looked
13 like to me. And I ask that question. And Mr. Huckabee
14 indicated that she had fallen in the bathtub or in the
15 bathroom when she was trying to go to the bathroom one
16 day, and that he couldn't remember if he grabbed her by
17 the arm or by the leg.

18 Q. But neither one of them said anything about snatching
19 anybody against the wall?

20 A. No, sir.

21 Q. Okay. So, that was speculation on your part as to how
22 that injury could have occurred?

23 A. Yes, sir.

24 Q. Okay. And I think there were several examples of that.
25 Would that be a fair statement in both of --

KATHY BASS - CROSS EXAMINATION

339

1 A. In trying to figure out. Yes, sir. I came up with
2 nothing that I could think of to try to help me figure
3 out what they had done to her.

4 Q. Okay. And all -- most -- all of those are the --- and
5 I don't know if this is the correct term to say,
6 superficial injuries, but the outward marks that are on
7 the child's body. All of those are your speculation as
8 to how some of those occurred; is that correct?

9 A. Yes.

10 Q. Okay. Is it a fair statement to say that the child did
11 not die from any of those marks?

12 A. No, she didn't die from the marks.

13 Q. Okay. All right. And let's get back to the actual,
14 what you believe from your review of the evidence and
15 your investigation, the actual cause of death was
16 right, which was that untreated urinary tract
17 infection?

18 A. Yes, sir.

19 Q. All right. Now, is it a fair statement to say that
20 urinary tract infections are primarily a female
21 condition, not exclusively, but primarily?

22 A. Most of the time, I would say because the urethra is
23 short. Yes, a female would.

24 Q. Okay. And if treated correctly, is it your
25 understanding that an antibiotic clears all of that up?

1 A. Yes.

2 Q. All right. A series of antibiotic treatments --

3 A. Yes.

4 Q. -- clears all that up? Okay. In this situation, did
5 you find that there were any medical steps taken to
6 treat a condition?

7 A. They had put Vaseline or ointment on the burns. So, on
8 her body she had, and I think that's why they put her
9 in bathtub before they carried her to the emergency
10 room, is to try to wash some of that off. Um, and
11 there was ibuprofen in her blood stream when they did
12 the tox. We found vitamin. A Flintstone vitamins and
13 I think that they had -- I don't know if that was in
14 the system or not, but I think they had given her half
15 of a vitamin.

16 Q. Okay. So, there were some small efforts towards
17 treatment of the urinary tract infection?

18 A. If you consider a Flintstone vitamin and Vaseline
19 something to help with urinary tract infection; which I
20 don't.

21 Q. I understand. Now, did Mr. Huckabee ever acknowledge -
22 -- was there ever any statement about the urinary tract
23 infection discussed with Ms. Huckabee?

24 A. No, sir.

25 Q. Did you ever make any determination if he had any idea

KATHY BASS - CROSS EXAMINATION

341

1 what a urinary infection was?

2 A. No. And at that point when I interview him, I did not
3 know the urinary tract infection was the cause of
4 death. I knew that there was hemorrhaging. That she
5 had hemorrhaging in the vagina. I knew that she had
6 hemorrhaging on her brain, and I knew that she had all
7 the marks. So, I knew that her life prior to her dying
8 was miserable. On top of the fact, then I found out
9 the UTI was the cause of the death.

10 Q. And again, there are two separate charges; are they
11 not? One for the outward marks?

12 A. Uh'huh.

13 Q. And then one for the death of a child?

14 A. Yes, sir. They neglected to medical health. Yes,
15 ma'am. Yes, sir.

16 Q. Okay. All right. In specifically in talking about the
17 charge where the child die because that medical
18 condition was untreated, did you ever discuss with Mr.
19 Huckabee -- you've already answered that, that there
20 was no mentioned of a urinary tract infection?

21 A. No, sir.

22 Q. Okay. Was there a mention of that with Ms. Hunt?

23 A. No, sir.

24 Q. Because at that time you didn't know?

25 A. No, sir.

- 1 Q. All right. So, you were the only --- it's a fair
2 statement that what you were dealing with were outward
3 symptoms such as seizure like activities, her acting
4 lethargically?
- 5 A. Right. And the hemorrhage, hemorrhaging in the vagina.
- 6 Q. Okay.
- 7 A. So, I consider them internal.
- 8 Q. Okay. All right.
- 9 A. And I don't think they can --- and I'm not expert on
10 this, but I -- if her life, if they had kept doing what
11 they were doing to her, the quality of her life was,
12 she would've never survived. I just don't --- I just
13 don't see it.
- 14 Q. I understand what you're saying, but we're still
15 talking about two separate events.
- 16 A. I understand that.
- 17 Q. Two separate charges; is that correct?
- 18 A. Uh'hum I do. Uh'hum Yes, sir.
- 19 Q. Okay. And one perhaps impacts the other, but they're
20 different?
- 21 A. Yes.
- 22 Q. All right. One lead to the death of the child. One --
- 23 A. Was going to led to death --
- 24 Q. -- quality of life we talking about?
- 25 A. Uh'huh.

KATHY BASS - CROSS EXAMINATION

343

1 Q. Okay. In your investigation, were you able to
2 ascertain whether or not this child had been in the ---
3 at least temporary custody of the maternal grandparents
4 prior to her death?

5 A. She went to Eugene and Eugenia Jacobs home on a visit,
6 and then once social services received allegations of
7 abuse. And I think there were some other things that
8 were --- but I know the abuse --- there were marks on
9 her neck, behind her ears, her legs, and things like
10 that. They did what's called a family placement. When
11 I worked with social services, I don't remember family
12 placement. But it's been explained to me that instead
13 of placing a child in foster care, they would place
14 them with a family member to still keep that family
15 unit together. So, the hold concept of keeping her
16 there, was that she's still part of family and she was
17 in a comfortable environment, and a safe environment.

18 Q. And do you know what the dates of that placement were?

19 A. The allegations of abuse --- of abuse were on September
20 16th She went back home. No, excuse me, hold one
21 second.

22 Q. Certainly.

23 A. I might have it, that I think it was August. She went
24 back to Atelia Hunt's home and Mike Huckabee's home
25 September 15th, 16th, somewhere in there. And she

1 stayed with the Jacobs approximately four or five
2 weeks. So, it was in August when the allegations were
3 made, and she stayed up until one weekend when she was
4 returned home.

5 Q. Okay. And was that return sanctioned --- was that a
6 result of the ending of whatever Department of Social
7 Services were doing?

8 A. No, sir. Atelia went to get her and brought her home.

9 Q. Okay.

10 A. I think the Jacobs were going out of town that weekend,
11 so she went back with her mom.

12 Q. Okay. I assume with the permission of the grandparents
13 at that point in time?

14 A. I don't know.

15 Q. Okay.

16 A. I don't know. That would be something that the Jacobs
17 would have to answer for you.

18 Q. Fair statement. And did you speak with the Jacobs
19 concerning that period of time that they had young
20 minor

21 A. Yes, I did.

22 Q. All right. And was there any medical treatment even to
23 young minor at that point in time by the Jacobs?

24 A. Yes.

25 Q. And what was that?

KATHY BASS - CROSS EXAMINATION

345

- 1 A. minor had marks behind her ears, they were raw. And she
2 had really wavy hair, and it was fine. And her hair
3 would get caught behind her ears, because it would get
4 matted up. So, that's how she kept --- she kept
5 brushing her ear. So, when Ms. Jacob's was bathing
6 her, she realized that something was wrong. Then she
7 realized that there were bruised areas on her neck,
8 like somebody had put their hands around her neck. And
9 when she started looking at the rest of her, she found
10 marks on the back of leg, and I think there was one on
11 her mid back. And they explained one of them, that she
12 had --- when she was trying to go to the potty that she
13 had fallen in the commode, and the back of the commode
14 had hit her back. And I don't know if Mr. Huckabee had
15 popped her and left a mark that time. I don't if that
16 was on the leg or --- both of them had admitted that
17 ~~they had popped her. You know, nobody admitted to~~
18 anything but popping her, but social service was
19 called. Pictures were taken. An investigation was
20 given to South Carolina. And she was left in North
21 Carolina until social services could determine whether
22 or not it was a founded or unfounded case.
- 23 Q. Okay. Now, back to the question, are you familiar with
24 any medical treatment that minor received while in the
25 care of the Jacobs?

KATHY BASS - CROSS EXAMINATION

346

- 1 A. Mrs. Jacobs -- all the marks, I apologize. All the
2 marks behind the ears, she had sores in her scalp as
3 well at that time. Mrs. Jacobs took care of all that,
4 and she used home remedies to take care of it.
- 5 Q. And that was my next question. No medical involvement
6 at that time?
- 7 A. She didn't go to a doctor. No, sir.
- 8 Q. Okay. Were you able to ascertain whether or not Mrs.
9 Jacobs was working at a doctor's office?
- 10 A. Yes, sir. She does work at a doctor's office.
- 11 Q. Okay. As far as you know, no visits --
- 12 A. No, sir.
- 13 Q. -- with a doctor?
- 14 A. When we --- when I spoke to Dr. Bell, the pediatrician
15 she went to, she --- I think the last time she had gone
16 to see him was March or April prior to her moving to
17 South Carolina in mid summer.
- 18 Q. Okay. I'll ask again, you've reviewed most of the
19 evidence, if not all of the evidence involved in this
20 case; is that correct?
- 21 A. Yes, sir.
- 22 Q. Let me ask you specifically about a couple of things
23 just for my help. Let me specifically show you State's
24 47 and State's 48, are you familiar with those two
25 picture?

KATHY BASS - CROSS EXAMINATION

347

1 A. Yes, sir.

2 Q. And you're familiar that they represent a hammer; do
3 they not?

4 A. Yes, sir.

5 Q. Okay. What's the significance of that evidence?

6 A. It was in Edna's and Shania's room laying next to their
7 bed.

8 Q. There's no allegations of anybody was hit with that
9 hammer; is there?

10 A. Yeah, but we didn't know if anybody had or hadn't been
11 with it. But when the crime scene went to the home,
12 they just thought it was odd that, excuse me, they
13 thought it was odd that there was a hammer in a six
14 year and three year old's bedroom. So, it was
15 collected and taken into evidence.

16 Q. Okay. And the same question, let me ask you about ---
17 about State's 54 and State's 55, are you familiar with
18 those two pictures?

19 A. Yes, sir. That's the lock on the outside of the door.

20 Q. Okay. And what if any significance do you place on
21 those two pictures or the fact they were latches on the
22 door?

23 A. Well, it wasn't -- it was the latch on the outside so
24 you could lock someone into a room.

25 Q. Was there ever any indication from anyone that anyone

1 had been locked in the room?

2 A. Yes, sir. Ms. Hunt alleged that Mr. Huckabee had
3 locked one of the children in the room, or minor to be
4 specific.

5 Q. And that was during her statement --- her video
6 statement?

7 A. Yes, sir.

8 Q. Okay. I think that I am about close to the end.
9 During any of your interviews with Mr. Huckabee,
10 whether or not they were --- they were reported or not,
11 did Mr. Huckabee admit to you harming minor

12 A. By not getting her medical care, but not physically
13 abusing her.

14 Q. All right. So, he admitted, I think as we heard
15 several times, I should have done something. I should
16 have done something.

17 A. Yes, sir.

18 Q. I should have done something. In your investigation,
19 when did both Ms. Hunt Defendant Mr. Huckabee indicate
20 that seizure activity first began?

21 A. Mr. Huckabee indicated it. That it is had started ---
22 had been going on since she was here in South Carolina.
23 And I don't know if Ms. Hunt didn't specify when, she
24 just specified the seizure activity happen when she was
25 with Mr. Huckabee.

KATHY BASS - CROSS EXAMINATION

349

1 Q. Is it a fair statement to say that most of the seizure
2 activity talked about by both Mr. Huckabee and Ms. Hunt
3 happened on Thursday, the date of death?

4 A. No, sir. There were two, three occasions where it
5 occurred. When she started coming --- when she came
6 back from the Jacobs' house.

7 Q. We determined to be about the middle of September?

8 A. Yes. I think it's September 17th, 16th.

9 Q. Was there any indication that the urinary tract
10 infection had begun by that time? Are you familiar
11 with any indication?

12 A. Other than her having accidents --- increased accidents
13 in her pants. In other words, she would urinate on
14 herself. That had increased.

15 Q. And I'm reminded of something else. When you said
16 earlier that the interviews with Ms. Hunt and Mr.
17 Huckabee, both kind of pointed fingers at each other?

18 A. Yes, sir.

19 Q. Did you find in your interviews with both of them, that
20 Ms. Hunt, excuse me, Miss minor was not very good
21 at communicating?

22 A. She had a speech impediment. So, she couldn't have it
23 --- she couldn't use complete sentences when she was
24 speaking.

25 Q. Okay. Was there ever any indication from either Mr.

KATHY BASS - CROSS EXAMINATION

350

1 Huckabee or Ms. Hunt that young minor indicated to them
2 that it burned when she went to the bathroom?

3 A. Not when she went to the bathroom. Now, she --8 Ms.
4 Hunt disclosed that one day when Mr. Huckabee had left
5 the house, that she told her ouch or owey, and pointed
6 to her private area. And she also said that the same
7 day that she confronted Mr. Huckabee about the burns on
8 the vagina. When she had an accident in her pants, she
9 said that when she got ready to get her in the tub,
10 that minor was very uneasy about setting down and said -
11 -- I think she said, owey, I think was the term --- the
12 word that she used.

13 Q. And did you take that to be a symptoms of the burns --

14 A. Yes, sir.

15 Q. -- rather than the urination?

16 A. Yes, sir.

17 Q. Okay. Was there ever any indication from anybody's
18 statement that young minor said anything about it burns
19 when she went to the bathroom?

20 A. No, sir. She wasn't capable.

21 Q. Okay.

22 MR. JONES: One second, Your Honor.

23 Q. Lieutenant, in your conversations --- interviews with
24 Mr. Huckabee and Ms. Hunt, what indications did you
25 receive from either or both of them, that any of the

KATHY BASS - CROSS EXAMINATION

351

1 symptoms concerning a urinary tract infection were
2 present just prior to Edna's death?

3 A. Neither one of them ever indicated --- ever said
4 anything to me about her having a urinary tract
5 infection.

6 Q. Did they indicate anything about the outward symptoms
7 other than the seizure activity?

8 A. Well, the seizure activity was because the infection
9 had gone to the brain. That would've not led them to
10 believe it was a urinary tract infection other --

11 Q. And I'm sorry --

12 A. Okay.

13 Q. -- forget about the words, urinary tract infection.

14 A. Okay.

15 Q. Let's talk about the symptoms leading up to her death.

16 A. They did not describe any of her telling them that she
17 ~~was burning or had the sensation to go to the bathroom.~~

18 Q. Okay.

19 A. But then I want to reiterate, minor couldn't tell you
20 that. She couldn't say, you know, it hurts when I got
21 to the bathroom. She could say yes and no, and
22 SpongeBob, or die.

23 Q. And she could sleep a lot during the last couple of
24 days?

25 A. She did sleep a lot, yes, sir.

KATHY BASS - CROSS EXAMINATION

352

1 Q. Okay. So, that's an outward symptom; is that correct?

2 A. Not of a urinary tract infection, no, sir. Of an
3 infection that led to her brain, yes. She had --- it
4 was causing --- literally her brain was dying.

5 Q. I understand. But we're talking about the effects of
6 the untreated urinary tract infection; correct?

7 A. Okay.

8 Q. No. Is that correct?

9 A. Okay.

10 Q. All right. We're not talking about bruises, burns, or
11 any marks on the young child's body, which at this
12 point in time, I think it's agreed, did not lead to her
13 death; correct?

14 A. Correct.

15 Q. All right. So, let's get back over here, where we're
16 talking about Mr. Huckabee not doing something, which
17 eventually lead to the child's death. What did you
18 gather from any conversations that you had with him,
19 that there was something that was life threatening
20 going on with this child during the last couple of days
21 of her life? That's what --- forget urinary tract
22 infection.

23 A. Okay.

24 Q. What was --- what was your findings?

25 A. That he knew that her skin was gray.

KATHY BASS - CROSS EXAMINATION

353

- 1 Q. Okay.
- 2 A. That she walking abnormally.
- 3 Q. Okay.
- 4 A. That she was lethargic and she slept.
- 5 Q. I gotcha you. And seizure activity?
- 6 A. And he said, seizure activity, yes, sir.
- 7 Q. Okay.
- 8 A. Or he called them episodes.
- 9 Q. Okay.
- 10 A. Chills and high fever.
- 11 Q. All right. Did he mentioned that?
- 12 A. Yes, sir. Whenever we discussed her being put in the
- 13 bathroom, he said that she got really hot, and he took
- 14 her clothes off of her and put her in front of the air
- 15 conditioner to cool her off at one point.
- 16 Q. Absolutely. Okay. Let me run those down again. Gray
- 17 ~~skin, walking abnormally, lethargic, sleeping, seizure~~
- 18 ~~activity, or episodes as he says, chills, and high~~
- 19 ~~fever?~~
- 20 A. Yes, sir.
- 21 Q. Leaving out anything?
- 22 A. Not to my knowledge.
- 23 Q. Okay. Did you get the same indication from Ms. Hunt as
- 24 to her knowledge of those symptoms?
- 25 A. She knew that there was bruising and marks on the

1 vagina. She knew that she was --- had been sleeping.
2 But she wasn't with her that day, the last day of her
3 life, because she was with Mrs. Huckabee, taking her to
4 the doctor. And then she was with Alex, taking him to
5 Cub Scouts. So, she was only in the home with minor
6 maybe an hour and half to two hours.

7 Q. Now, I understood that she was gone from the home ---
8 we're talking Thursday morning?

9 A. Yes, sir, the 6th.

10 Q. From after the two other children went to school until
11 about lunch time; is that not your understanding?

12 A. Well, they --- they originally --- that's what Mr.
13 Huckabee had told me. And then it changed, and he said
14 that she came home right before they went to the
15 school, I mean, the bus to drop them off. And she went
16 down there and picked them up, and brought them back
17 down to the house.

18 Q. And that was about what time?

19 A. Three.

20 Q. Okay. And then Cub Scouts?

21 A. 5:20.

22 Q. And now speaking of those two activities, is it a fair
23 statement to say that mama wasn't even home most of the
24 time on Thursday; is that correct?

25 A. Correct.

KATHY BASS - CROSS EXAMINATION

355

- 1 Q. All right. How about Wednesday?
- 2 A. That's the day they went to pick up food at Pizza Time.
- 3 Q. Okay.
- 4 A. And that's the day that --- that's the 5th, I think
- 5 that was Mr. Huckabee's birthday.
- 6 Q. Okay.
- 7 A. They had supper with the Malachis, next door that
- 8 evening.
- 9 Q. All right. Is it a fair statement, that mama was
- 10 present most of that day; is that correct?
- 11 A. That was --- she had to go to North Carolina for an
- 12 appointment, so she left that morning.
- 13 Q. So, that would have been Wednesday?
- 14 A. Yes, sir.
- 15 Q. All right. And what was your determination of her
- 16 presence around the home on Wednesday?
- 17 A. She came home around lunch time.
- 18 Q. Okay.
- 19 A. So, she was there a couple of hours before the kids
- 20 came home from school.
- 21 Q. All right. Lunch time forward until --
- 22 A. Yes, sir.
- 23 Q. -- bed time? Okay. And then Thursday, three to --
- 24 A. 5:20.
- 25 Q. 5:20. And your conversations with Ms. Hunt ---

KATHY BASS - CROSS EXAMINATION

356

1 conversations with Ms. Hunt, did she characterize
2 herself as someone who was being abused herself?

3 A. Yes, sir, she did.

4 Q. Okay. And did you sympathize with her about going into
5 one, or going out of one relationship that was not so
6 healthy, into another relationship?

7 A. Yes, sir.

8 Q. Okay. And did you ask her why she continued in that
9 relationship with Mr. Huckabee if she was as she said,
10 abused?

11 A. Yes, sir. And I --- she was afraid. She loved him.
12 She just wanted a normal family.

13 Q. It wasn't because she didn't know how to get out of a
14 relationship; was it?

15 A. I didn't ask that question.

16 Q. All right. Well, are you familiar with the appointment
17 she had in North Carolina on Wednesday?

18 A. Yes, sir. I am.

19 Q. And what was that for?

20 A. Um, she had a restraining order against her husband,
21 Willie Hunt, Jr., and he was in violation of the order
22 of protection.

23 Q. So, she was exercising rights to enforce the order that
24 was in effect in North Carolina?

25 A. Yes, sir.

KATHY BASS - CROSS EXAMINATION

357

1 Q. Okay. So, no question she knew about how to get out of
2 an abusive relationship?

3 A. Yes, sir.

4 Q. Okay. When you interviewed the Jacobs, and tell me
5 again who the Jacobs are?

6 A. We have two sets.

7 Q. Okay. And that's my point. Tell me who they both are.

8 A. We have James and Sarah Jacobs. That's Willie Hunt,
9 Jr.'s. mother and stepfather.

10 Q. And who is Willie Hunt, Jr.?

11 A. The father of minor and S

12 Q. Okay.

13 A. Then we have Eugene and Edwinna Jacobs, and that's the
14 mother of Atelia Hunt --- mother and father.

15 Q. All right. And where do both sets of Jacobs live?

16 A. Maxton, North Carolina.

17 ~~Q. How far is Maxton from Bennettsville, South Carolina?~~

18 A. Thirty minutes.

19 Q. Okay. And Maxton is where we're talking about minor
20 being for four or five weeks prior to the middle of
21 September?

22 A. Yes, sir.

23 Q. Okay. And let me go back. I think you mentioned
24 something about, or maybe I mentioned something about
25 minor being in the house when Ms. Hunt's father came

KATHY BASS - CROSS EXAMINATION

358

- 1 down --
- 2 A. Eugene Jacob.
- 3 Q. When was that? Do you remember when that was?
- 4 A. On October 4th. S the six year old daughter
- 5 had gotten sick at school, and the school had tried to
- 6 contact Ms. Hunt, and when they couldn't get her on the
- 7 telephone, the phone number was to Mr. Jacobs.
- 8 Q. All right. And if the child died on Thursday the 6th,
- 9 then that would have been Tuesday of the same week?
- 10 A. Yes, sir.
- 11 Q. All right. And Mr. Jacobs, who is the maternal
- 12 grandfather came to Bennettsville?
- 13 A. Yes, sir.
- 14 Q. Actually came to the house; did he not?
- 15 A. Yes, sir.
- 16 Q. Did he speak with both Mr. Huckabee and Ms. Hunt?
- 17 A. Yes, he did.
- 18 Q. And was minor present to your knowledge at the time ---
- 19 at the time that he came down?
- 20 A. To --- present to Mr. Jacobs?
- 21 Q. Yes.
- 22 A. No, she wasn't.
- 23 Q. Okay. And were both Ms. Hunt and Mr. Huckabee present
- 24 at the house when Mr. Jacobs came?
- 25 A. No, sir. Mr. Huckabee was there. Ms. Hunt had gone to

KATHY BASS - CROSS EXAMINATION

359

1 the school. She got her message late. Had gone to the
2 school to pick up S So, she came up after her
3 dad had already gotten there.

4 Q. But she spoke to her father?

5 A. Yes, sir. They both spoke --

6 Q. So that would've been Tuesday?

7 A. Yes, sir, the 4th.

8 Q. And did I ask how in your investigation was she home
9 most of the day Tuesday? Were there any events that
10 would've taken her away from the house on Tuesday?

11 A. I think everyday she would go over to Ms. Huckabee's
12 house, but I can't --- other than the events that I
13 knew that S had been picked up from school that
14 day. I'm assuming they were home all day.

15 Q. And at some point in time, when her father was in
16 Bennettsville at the house, she did have the
17 opportunity to talk to him?

18 A. Yes, sir.

19 Q. Okay.

20 MR. JONES: One second, please. I think I'm about
21 finished. I think that's all I have. Thank you very much.

22 MS. BASS: You're welcome.

23 THE COURT: Is there redirect?

24 MR. REDMOND: Briefly, Your Honor.

25 THE COURT: Go ahead.

KATHY BASS - REDIRECT EXAMINATION

360

1 MR. REDMOND: Just to clarify a couple of points.

2 REDIRECT EXAMINATION BY MR. REDMOND

3 Q. And I'm going to start where defense left off. You
4 were asked about --- Lieutenant Bass, you were just
5 asked about the day that Eugene Jacobs came to the
6 house. So, let's start there. In your interview with
7 the Defendant that we heard on tape, does the Defendant
8 say that he and Atelia Hunt were at the house when Mr.
9 Jacobs first arrive?

10 A. He does.

11 Q. Did you in your investigation subsequently find that
12 out --- find out that that was not true?

13 A. Okay. Let me back up.

14 Q. Yes, back --

15 A. He stated that when Mr. Jacobs got there --

16 Q. Uh'huh.

17 A. -- that Atelia, I mean, Atelia had left to go to the
18 school, and that she drove up whenever they were
19 already there. Because he was in the yard talking to
20 his preacher. His last name is unknown. I don't know
21 what his last name is. And that minor was in the house.

22 Q. Exactly.

23 A. Okay. But he said that Atelia Hunt came up, because he
24 described her as she drove up like somebody had been
25 chasing her, that she was frantic to get back to the

KATHY BASS - REDIRECT EXAMINATION

361

1 house. And that they both had a conversation with Mr.
2 Jacobs.

3 Q. Yes. But in --- specifically in the interview that you
4 had with the Defendant, does he indicate that Atelia
5 Hunt actually was in the house, I guess come in the
6 house and they had engaged in some discussion prior, as
7 Mr. Jacobs was coming up? In other words, does the
8 Defendant leave the impression that they were both
9 there was Mr. Jacobs drove up?

10 A. Not that I recall.

11 Q. Okay. And again, it's in the transcript --

12 A. Okay.

13 Q. -- if we need to refer to. But --

14 A. Okay.

15 Q. -- in the interview --- let me just ask you like this.
16 Was there reference to this particular discussion at
17 the house that day?

18 A. Oh, discussion about whether or not minor was there?

19 Q. Exactly.

20 A. Oh, yes, sir. There was.

21 Q. And in fact, did you have the opportunity to talk with
22 Mr. Jacobs?

23 A. I did.

24 Q. And without getting into any hearsay, did he address
25 the issues as to who was doing the talking that day as

1 it relates to minor being at neighbors house?

2 A. Yes, sir. He spoke to both of them.

3 Q. And based on that discussion, did you determine that
4 the Defendant was being untruthful?

5 A. Yes, sir.

6 Q. Thank you. A couple of other things real quick. You
7 were asked about, I guess the symptoms --- the outward
8 signs and it says, leading up to her death, the
9 difference between a UTI and when it became the fatal
10 infection. Does the Defendant in his interview
11 repeatedly say, I should have gotten her to the doctor?
12 He should have done something? He should have called
13 somebody? He should have gotten to the doctor? Should
14 had made Atelia take her to the doctor? Does he say
15 those things repeatedly?

16 A. Yes, sir. I quit counting after the fourth time he
17 said it.

18 Q. So, does that --- using your common sense and
19 experience as an investigator does --- what does that
20 tell you, the fact that he was repeatedly saying, I
21 should have gotten to the hospital? I should've done
22 something. Does that tell you that there was something
23 wrong with that child in the days before that Thursday?

24 A. Oh, he knew that there was something. He --- it was
25 evident by his explanation to me that something was

KATHY BASS - REDIRECT EXAMINATION

363

1 wrong but --

2 Q. And to go a step further, why did he repeatedly say
3 that he didn't, and I guess in his claim, force Atelia
4 Hunt to take the child to the doctor?

5 A. Because he said that he --- that wasn't his child.

6 Q. Okay. And does he mention a fear of DSS several times
7 as it relates to not giving the child medical
8 attention?

9 A. Yes. He feared that he would lose his child if DSS was
10 involved.

11 Q. All right. Last couple of things I want to cover with
12 you. You had mentioned it came out during cross about
13 Dr. Locklear and Dr. Bell up in North Carolina.

14 A. Yes, sir.

15 Q. Were those minor Hunt's pediatricians?

16 A. They were.

17 Q. And did you have the opportunity to get their reports?

18 A. Yes, sir.

19 Q. And let me just ask as it relates to the reports since
20 you were asked about outward signs and whatnot. Did
21 you have a chance to review certain aspects of the
22 report?

23 A. Yes, sir.

24 Q. And who would normally take minor to the hospital while
25 she was living in North Carolina? Who would normally

1 take minor to the doctor rather for a treatment?

2 A. Her mother.

3 Q. And again, who?

4 A. Atelia Hunt.

5 Q. And were there in those records things such as fever,
6 Aor cold, or ear problems where Atelia Hunt would take
7 the child to the doctor?

8 A. They were.

9 Q. So, based on your review, if the child, minor had fever,
10 cold, runny nose, things of that sort, Atelia Hunt
11 would take minor to the doctor?

12 A. Yes, sir.

13 Q. And in reviewing those records, and if I were to say
14 May of 2011, based on the records, was that the last
15 time that Atelia Hunt took minor to the doctor?

16 A. Yes, ma'am. Yes, sir.

17 Q. May of 2011. And tell the jury again, when did Atelia
18 Hunt, minor and S move to Bennettsville
19 with the Defendant?

20 A. The middle of July, June. During that --

21 Q. In June or July?

22 A. June or July. It goes back and forth.

23 Q. And were there any visits to the doctor for anything,
24 runny nose, fever, ear problem, regular check-up, any
25 of that after she moved in with the Defendant?

KATHY BASS - RE-CROSS EXAMINATION

365

1 A. To my knowledge minor never went to the doctor
2 while she lived in South Carolina.

3 MR. REDMOND: Thank you. I have no further
4 questions, Your Honor.

5 MR. JONES: Your Honor, may I have two follow-ups?

6 THE COURT: Yes, sir. You may follow on those
7 issues. Go ahead.

8 RE-CROSS EXAMINATION BY MR. JONES

9 Q. Number one, this, I mean, I don't know if I'm getting
10 the right Mrs. Jacobs. Mrs. Jacobs, Atelia's mother,
11 worked for a doctor?

12 A. Yes, sir.

13 Q. That child was --- minor was in North Carolina with that
14 grandmother who worked for that doctor for four or five
15 weeks, from August to the middle of September?

16 A. Yes, sir.

17 Q. And no doctors visit then either?

18 A. No, sir.

19 Q. All right. So, had no need for a doctor's visit; is
20 that what you believe?

21 A. Correct.

22 Q. All right. And DSS was already involved in their
23 lives; is that not a correct statement?

24 A. No, sir. DSS --

25 Q. Why not?

KATHY BASS - REPLY EXAMINATION

366

1 A. What do you mean when you say they were already
2 involved?

3 Q. You told me that there was --

4 A. Oh, on the --- I'm sorry I misunderstood. I thought
5 you meant, like previously, when minor went to North
6 Carolina. Yes, a report was made that there were marks
7 and bruises on minor

8 Q. So, DSS is in their lives?

9 A. There was an open investigation. Yes, sir.

10 MR. JONES: Thank you.

11 THE COURT: This is your witness. Do you want to
12 follow-up on those points?

13 MR. REDMOND: Just one question.

14 THE COURT: Go ahead.

15 REPLY EXAMINATION BY MR. REDMOND

16 Q. So, DSS was in their lives. So, do you gather that
17 the Defendant was aware that there was somebody he
18 could call if minor was treated, I mean, if Atelia
19 Hunt was treating minor so badly?

20 A. Yes, sir.

21 Q. And did he make that call to DSS since they were
22 involved, as Mr. Jones just indicated?

23 A. No, sir.

24 Q. But he could have?

25 A. Yes, sir.

ATELIA HUNT - DIRECT EXAMINATION

368

1 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

2 MS. HUNT: I do.

3 THE CLERK: Please be seated and state your full
4 name.

5 MS. HUNT: My name is Atelia Hunt.

6 MS. LEE: Atelia, would you sit a little closer to
7 the microphone so the Court reporter can get everything
8 please, ma'am.

9 DIRECT EXAMINATION BY MS. LEE

10 Q. What is your full name?

11 A. Atelia Dawn Jacobs Hunt.

12 Q. Atelia, where are you from?

13 A. I'm originally from North Carolina.

14 Q. Okay. What part of North Carolina?

15 A. Robinson County, out of Maxton.

16 Q. Now, are you married?

17 A. Yes.

18 Q. Who is your husband?

19 A. Willie Keith Hunt, Jr.

20 Q. Do you have children?

21 A. Yes.

22 Q. What are your children's name and dates of birth?

23 A. My oldest daughter is S Kaye Hunt. Her date of
24 birth is [REDACTED] [REDACTED]. My baby girl is minor

25 . Date of birth, minor /2007.

ATELIA HUNT - DIRECT EXAMINATION

369

- 1 Q. And minor is dead; is that correct?
- 2 A. Yes.
- 3 Q. She died October 6, 2011?
- 4 A. Yes.
- 5 Q. Now, did you and Willie live together with your girls
- 6 at some point in time?
- 7 A. Yes.
- 8 Q. Okay. Were you living together at the time minor was
- 9 born?
- 10 A. Yes.
- 11 Q. Okay. When did you and Willie separate?
- 12 A. We separated in March.
- 13 Q. Of 2011?
- 14 A. Of 2011, yes.
- 15 Q. Now, at the time you and Willie separated, where were
- 16 you living?
- 17 A. The time we separated I had moved back to my mother's
- 18 house.
- 19 Q. Now, did you pick up yourself and moved back to your
- 20 mother's house?
- 21 A. No, my husband had took me back.
- 22 Q. And Willie took you back?
- 23 A. Yes.
- 24 Q. Now, did the girls go with you?
- 25 A. Yes.

ATELIA HUNT - DIRECT EXAMINATION

370

- 1 Q. Was that in March, 2011?
- 2 A. Yes.
- 3 Q. Now, at some point, did you get a restraining order
- 4 against Willie for some reason?
- 5 A. Yes.
- 6 Q. When was that?
- 7 A. That was back in March, 2011, also.
- 8 Q. Did you go on your own to get a restraining order?
- 9 A. No, my mother had took me.
- 10 Q. Your mother took you to get one?
- 11 A. Yes.
- 12 Q. Now, did you know Mr. Huckabee, seated -- take that
- 13 back. Do you know Alex Carmichael Huckabee, III, who's
- 14 also known as Mikey Huckabee?
- 15 A. Yes.
- 16 Q. Okay. Do you see him in the courtroom?
- 17 A. Yes.
- 18 Q. I want you to tell the Court what he's wearing?
- 19 A. He's wearing a dress shirt.
- 20 Q. Okay. Can you point him out?
- 21 A. Right there.
- 22 Q. Let the record reflect she pointed at the Defendant.
- 23 Now, how did you come to know Mikey Huckabee?
- 24 A. We had met on line through a website called My
- 25 Yearbook.

ATELIA HUNT - DIRECT EXAMINATION

371

1 Q. Okay. And when was that?

2 A. That was in 2009.

3 Q. 2009. Did y'all correspond on My Yearbook?

4 A. Yes.

5 Q. How long did y'all correspond back and forth?

6 A. It was on and off for two years.

7 Q. And during that two year period you were still living
8 with Willie?

9 A. Yes.

10 Q. Now, when did you first meet Mikey in person?

11 A. Um, June, 2011.

12 Q. Okay. Approximately two months after Willie took you
13 back to your mom's?

14 A. Yes.

15 Q. Now, did Mikey come to North Carolina?

16 A. Yes.

17 Q. How many visits back and forth, with him going to North
18 Carolina and you coming to South Carolina, did y'all
19 have?

20 A. Once.

21 Q. Once?

22 A. Yes.

23 Q. Okay. When he came to North Carolina in June, did he
24 come by himself?

25 A. No.

ATELIA HUNT - DIRECT EXAMINATION

372

- 1 Q. Who came with him?
- 2 A. His friend had took him, Aaron Covington.
- 3 Q. Okay. Now, did he come back any other times to North
- 4 Carolina before you moved in with him?
- 5 A. The time that he came back is whenever me and my father
- 6 had came up here to Bennettsville to come and get him.
- 7 Q. What did y'all come and get him for?
- 8 A. Okay. We had came and got him and his son, took him
- 9 back to my mom's house to go to a party at Myrtle
- 10 Beach.
- 11 Q. Okay. And how long did he stay with y'all?
- 12 A. About a week, week and half.
- 13 Q. Where did y'all stay?
- 14 A. At my mom's house.
- 15 Q. So, he spent a week at your mom's house?
- 16 A. Yes.
- 17 Q. ~~And that was before you moved to South Carolina?~~
- 18 A. Yes.
- 19 Q. Okay. Was Alex there the entire week also?
- 20 A. Yes.
- 21 Q. And is Alex his son?
- 22 A. Yes.
- 23 Q. Okay. Were your parents also in the house for the full
- 24 week?
- 25 A. Yes.

ATELIA HUNT - DIRECT EXAMINATION

373

1 Q. Did you tell them that was your house, that you own it?

2 A. Yes.

3 Q. Okay. Why did you lie to him and say that you own that
4 house? Was it to impress him?

5 A. Yes, sir.

6 Q. Okay.

7 A. You can say that.

8 Q. Now, did you come to South Carolina to visit with him?

9 A. Yes.

10 Q. Okay. When did you come to South Carolina to visit
11 with him?

12 A. Um, beginning of June of 2011.

13 Q. Okay.

14 THE COURT: All right. Just a moment, ma'am. I'm
15 going to get you to move a little closer to that microphone,
16 so we can hear you better in the courtroom. Your voice is
17 trailing off. Please speak up. Thank you.

18 Q. How long did you stay with him at his house when you
19 came to visit?

20 A. The first time I came to visit, I stayed that night the
21 first time.

22 Q. Did the girls come with you the first time?

23 A. Yes.

24 Q. Okay. Did you come a second time?

25 A. The second was like, on the weekend with both me and

ATELIA HUNT - DIRECT EXAMINATION

374

1 the girls.

2 Q. Okay. When was that?

3 A. That was also in June.

4 Q. How long did you stay for that weekend? The whole
5 weekend?

6 A. The whole weekend.

7 Q. Now, at what point did y'all decide to move in
8 together?

9 A. The second trip when I had came back. He had ask me
10 and I told him I would think about it, and I'd let him
11 know.

12 Q. Okay. Well, tell the jury about how it came to be that
13 you moved in with him.

14 A. It came about whenever the second time, when I went to
15 visit him. He claimed he wanted me to come and stay
16 with him. And that he would take care of me and the
17 girls. I thought about it. And whenever I went home,
18 he kept on calling and text, wanting to know if I had
19 made up my mind whether I was coming to stay. I told
20 him I still haven't made up my mind. Whenever I find
21 out that, I'd let him know. And then the last time
22 that he had text and wanted to know if I had made up my
23 mind, I told I would move in with him, me and both my
24 girls with him.

25 Q. When did you actually move into his home in South

ATELIA HUNT - DIRECT EXAMINATION

375

1 Carolina?

2 A. It was June --- middle of June, late towards end of
3 June, early July.

4 Q. Okay. And you and both girls, minor and S moved to
5 South Carolina to live with Mikey Huckabee?

6 A. Yes.

7 Q. Okay. And who else lived in the house with you all?

8 A. His son Alex.

9 Q. So, in the house it's you, Mikey, and the three
10 children?

11 A. Yes.

12 Q. All right. How old were the three children at the
13 time?

14 A. At the time, Alex was seven. S was six. minor was
15 three.

16 Q. All right. minor is deceased. Now before we get into
17 that issue, let's go back to North Carolina. Did minor
18 have a pediatrician in North Carolina?

19 A. Yes.

20 Q. Where did she go?

21 A. To Pembroke Pediatrics. Her doctor's name was Joseph
22 Bell.

23 Q. Okay. And is there also a Dr. Locklear there?

24 A. Yes.

25 Q. Did he also see her?

ATELIA HUNT - DIRECT EXAMINATION

376

1 A. Yes.

2 Q. How often would you take minor to the doctor?

3 A. She went for her monthly check-ups. Other than her
4 monthly check-ups, she went for like, odds and ends,
5 like for stuffy nose, ear infection, or, um, the pink
6 eye.

7 Q. You say stuffy nose, was there a time when she had a
8 sniffle and you took her to the doctor?

9 A. Yes. That's whenever they had gave her some, um, cough
10 syrup was --- is a cough syrup but it was for
11 allergies.

12 Q. Whenever it appeared to you when minor was sick, did you
13 have her at that doctor's office?

14 A. Every time that she was sick I took her.

15 Q. Was May 30, 2011 her last visit to the pediatrician?

16 A. Yes.

17 ~~Q. Now, did minor have some issues with her speech?~~

18 A. Yes. Most of the words that would come out she'd try
19 to pronounce, it wouldn't come out. It came out in a
20 slur. There were some things she'll say, mommy, daddy,
21 different little things, cat, dog, other than, her
22 vocabulary wouldn't extend to her age level.

23 Q. Could she say SpongeBob?

24 A. Yes.

25 Q. Okay. Tell the jury about minor and SpongeBob?

1 A. SpongeBob was her favorite cartoon. It would come on,
2 she would stop whatever she was doing. The things off
3 of SpongeBob she could be in another room, she'll come.
4 She'll stop what she's doing. She'll run into wherever
5 the t.v.'s at, playing SpongeBob. She'll get there.
6 She'd get in front of it. She'll try her best and sing
7 the theme song, or sit there and dance to it while the
8 theme song is on. And she'll sit down and she'll watch
9 SpongeBob. It last for thirty minutes for the entire
10 talk show --- cartoon, she'd sit there. She enjoyed
11 it. She laugh. She'd sit there and play. Pick out a
12 favor character, point at them. Whenever SpongeBob
13 goes off, she runs to go back to her activity, to what
14 she was doing. SpongeBob was her mainly favorite
15 cartoon that she loved to watch.

16 Q. Did minor ever have any seizures before you moved to
17 South Carolina?

18 A. No.

19 Q. Did you ever see minor have a seizure after you moved to
20 South Carolina?

21 A. No.

22 Q. Now, in your first interview with Sergeant Hepburn and
23 Lieutenant Turner, did you tell them that you had seen
24 one seizure?

25 A. Yes.

ATELIA HUNT - DIRECT EXAMINATION

378

1 Q. Why did you lie to them about that?

2 A. That was based on what Mr. Huckabee had told me, that
3 minor had a seizure, and he had actually --- had called
4 me on his mother's phone, has ask me to my knowledge if
5 minor had ever had a seizure. And I told him, no.

6 Q. When was that?

7 A. That was in August, 2011.

8 Q. Okay. Now, in August of 2011, at some point she went
9 to stay with your parents in North Carolina; is that
10 right?

11 A. Yes.

12 Q. Okay. Now, did this allegation of minor having seizure
13 occur before or after she went to your parents home?

14 A. Before.

15 Q. Okay. Was that the only time before she went to your
16 parents home that he told you that she had a seizure?

17 A. Correct.

18 Q. Okay. Now, after you got to South Carolina, were there
19 times when you would start seeing any unusual markings
20 or abrasions on minor

21 A. The bruises on her back, or on her arms, or on her legs
22 were come up.

23 Q. Okay. Did you ever see any burns on her before August
24 15th?

25 A. No.

ATELIA HUNT - DIRECT EXAMINATION

379

1 Q. Now, did you seek any medical attention or take her to
2 a doctor to have them look at these bruises that you
3 saw on her before August 15th?

4 A. No.

5 Q. Now, were there some markings behind her ears before
6 August 15th?

7 A. Yes.

8 Q. Okay. Tell the jury about those.

9 A. Behind both left and right ear --- both of ears was raw
10 from where they had been rubbed, and her hair was
11 getting to a point where it was sticking to the back of
12 her ear.

13 Q. Now, you say behind her ears had been rubbed. Do you
14 see who rubbed them?

15 A. Where he had actually showed me of how he was rubbing
16 them. He would take his four fingers and his thumbs
17 and place it behind each ear, and rub continuously up
18 and down.

19 Q. Now, who is he?

20 A. Mr. Huckabee.

21 Q. Okay. Did he tell why he was rubbing her behind her
22 ears like that?

23 A. He said that she had claimed that minor had liked it.

24 Q. Claimed that she liked it?

25 A. Yes.

ATELIA HUNT - DIRECT EXAMINATION

380

1 Q. And it rubbed it raw?

2 A. Yes.

3 Q. Did you put any of those bruises on her before August
4 15th?

5 A. No.

6 Q. Did you ever question Mr. Huckabee about how those
7 bruises came to be on her before August 15th?

8 A. I question him about the bruises. And every time I
9 questioned him about the bruises, he always came up
10 with an excuse that she fell or she ran into a table.

11 Q. Now, why did minor go with your parents on or about
12 August 15th?

13 A. My oldest daughter had went and stayed with my parents
14 that weekend right before school had started. And
15 whenever I took her there, my parents had ask me where
16 minor was at. And I told them minor was back at home
17 with Mikey. And I told her --- told them that whenever
18 they bring S back if they feel capable, so they
19 could get minor Whenever my dad had brought S
20 back, my dad looked at minor and said, you going with
21 me. She got excited. I told him that was fine.
22 That's good. Mikey had left with the car --- with his
23 mother's car that had Edna's car seat. And whenever he
24 had left at that time, I had my cell phone, and I text
25 and told him that I need Edna's seat from out the car.

ATELIA HUNT - DIRECT EXAMINATION

381

1 And he wanted to know the reason why, and I told him
2 because the simple fact that minor was going to stay
3 with my dad and with my mom. He came back. Got the
4 car seat. I got the car seat out. Gave it to my dad.
5 Put it in the car. Put minor in the car. Gave her a
6 kiss. And I told her go have fun, that whenever she
7 gets back that I'd be here waiting for her. Before my
8 dad had left with minor I told my dad that she had a
9 bruise on the lower part of back from where she was
10 suppose to have had a seizure, where she had been
11 caught between the foot of the bed and the mattress.
12 And I told him that behind her ears was raw. And that
13 I didn't have nothing to put on it. To ask mom, wonder
14 if she can do something about it. And daddy said he
15 would take care of right time he got home. By the time
16 he had got home, I had felt like a relief, that maybe
17 my mama or my dad knows something to do about healing
18 her ears. And by that time that's whenever DSS had
19 gotten involved. That they had gotten a call from DSS.
20 They had came out and talked to me.

21 Q. Okay. Do you know who notified DSS?

22 A. My mother.

23 Q. Okay. So, when she --- so the bruises on minor to your
24 knowledge, she immediately contacted the Department of
25 Social Services?

ATELIA HUNT - DIRECT EXAMINATION

382

1 A. Yes.

2 Q. Okay. Now, before minor went to North Carolina, did you
3 have access to a telephone?

4 A. Yes.

5 Q. Did you have a cell phone with you when you came to
6 South Carolina?

7 A. Yes.

8 Q. But you didn't call DSS yourself?

9 A. No.

10 Q. Let's go back to the move to South Carolina. You said
11 Mikey promised to take care of you and your girls. Did
12 things change, other than the bruises, and the
13 markings, and whatnot getting on your child. In
14 addition to that, did anything else change in that home
15 after you got to South Carolina with Mikey?

16 A. What changed was that I felt while --- I became
17 ~~isolated from my family. It had got to a point of~~
18 where whenever I'd leave to go to a store, it was like
19 I was on my time limit. Or like, if I go to his
20 parents house, if I'm there for a certain amount of
21 time, he'll be calling, wanting to know where I'm at.
22 Or my phone had went out --- ran out of time, he took
23 control over my phone and placed his information with
24 my phone, and to a point where he had actually took my
25 laptop.

ATELIA HUNT - DIRECT EXAMINATION

383

1 Q. All right. Now, how did he change, if any, while minor
2 was in North Carolina?

3 A. His -- while minor was gone to North Carolina with my
4 parents house, his attitude, his demeanor towards me
5 was different. It's like, -- it came to a fact that he
6 didn't want to be around me. He didn't want to have
7 nothing to do with me. It's whenever I would leave
8 it's like, you want to go there, you go straight back.
9 If I see that amount of time, it's like he's calling,
10 wanting to know where I'm at, who am I talking to, or
11 how much longer I'm going to be. That were certain
12 things that he needed to get done. Or it came down to
13 the fact that we would be at the house, be watching
14 t.v. or something, it's like he didn't want me to leave
15 the house. He wanted me there. He wanted to know
16 exactly what I'm doing twenty four-seven. Where I'm
17 at. It had got to where a point that what had -- the
18 clothes --- what I have own is like, you're not wearing
19 that, go change something else. We go to the workshop.
20 He had got to a point where, where he would hold me
21 down on the couch. He'll grab me by my arm. Twist my
22 arm. It's like it's all the time, his demeanor
23 changed. Like, he wanted to rule over me. To have
24 that knowledge that he's more powerful.

25 Q. Now, during that month, and it's been established by

ATELIA HUNT - DIRECT EXAMINATION

384

1 the witnesses that minor was gone from about August 15th
2 to about September 16th; and would that be a correct
3 statement?

4 A. Yes.

5 Q. Okay. Now, during that month, and DSS was involved,
6 did they ever come to the home to talk to you and
7 Mikey?

8 A. Yes.

9 Q. Did they look at the other children?

10 A. Yes.

11 Q. And the other children were not removed from the home;
12 is that correct?

13 A. Correct.

14 Q. Okay. Did DSS ever tell you that you could go back and
15 pick your child up from your mother?

16 A. No.

17 Q. Why did you go get your child on September 16th?

18 A. I figured if I go and go get minor back, it show them
19 that --- that I could actually take care of her. Prove
20 to them that I can get medical attention that she had
21 needed.

22 Q. Now, from the time you moved to South Carolina until
23 August 15th, minor never went to a doctor?

24 A. No.

25 Q. Correct?

ATELIA HUNT - DIRECT EXAMINATION

385

1 A. Right.

2 Q. Now, when she was in North Carolina, didn't she see a
3 speech therapist?

4 A. Yes.

5 Q. How often did she see that speech therapist?

6 A. She suppose to have seen the speech therapist once a
7 week. It had got down to where never she had came.
8 She would call and let me know the set up, what day
9 would be available to my knowledge in order to take
10 minor in order to do her speak therapy.

11 Q. When was the last time in North Carolina you took the
12 child to a speech therapist?

13 A. I believe it was in late July, early August if I'm not
14 mistaken.

15 Q. So, you still took her once she was in South Carolina
16 to a speech pathologist?

17 A. Yes.

18 Q. Now, when the child came back on September 16th, did
19 you ever take the child back to the speech pathologist?

20 A. No.

21 Q. Did you ever take the child to a doctor after the child
22 came back to you in September 16th?

23 A. No.

24 Q. When minor came back to you on September 16th, did she
25 have any bruises, burns, or any markings on her body

ATELIA HUNT - DIRECT EXAMINATION

386

1 whatsoever?

2 A. No.

3 Q. Did she have a full head of hair?

4 A. Yes.

5 Q. How long was her hair?

6 A. It was right up to her neck.

7 Q. Did she have teeth in her mouth?

8 A. Yes.

9 Q. Had she lost any teeth?

10 A. No.

11 Q. Were any teeth loose when she came back to you on
12 September 16th?

13 A. No.

14 Q. When you got to your parents to get minor how did she
15 act when she first saw you?

16 A. She was excited to see me. When I came in the door,
17 she ran to me, she hugged me, said hey, and then she
18 went and ran to the bedroom got a ball out. We got in
19 the middle of the floor and played. We throw the ball,
20 bounced the ball back and forth to one another. We
21 watched cartoons. We played. And she was about
22 getting ready to eat, because my dad was cooking and
23 she was about to eat soup, so I stayed there until she
24 ate. She didn't eat, so we had to end up putting her
25 soup in a container. And we stayed -- I stayed there

1 until my mom had got there.

2 Q. Did minor act any differently once she realized you were
3 going to bring her back home to South Carolina?

4 A. She had acted different whenever I had went out the
5 door. She told me bye, and she waved bye to me. And I
6 told her that I wasn't leaving yet. Whenever I came in
7 that I was getting her stuff to put in the car to go,
8 it's like, she didn't want to go. She was fighting me
9 in order not to go. She did not want to leave.

10 Q. So, you had to force minor to get in the car?

11 A. Yes.

12 Q. To bring her back to Mikey Huckabee's home?

13 A. Yes.

14 Q. Once she was back in the home, did Mikey act any
15 different towards you?

16 A. Yes. Whenever, minor had came back, it's like whenever
17 she had came --- it's like he was relieved that she was
18 there. That it's, like his --- it's like whenever she
19 came, it's like his world had revolved around minor
20 Every ---

21 Q. Go ahead.

22 A. Every time --- that whenever we got there and minor had
23 seen S and Alex she was happy. But right time she
24 seen Mikey, it's like, she didn't want to go no
25 further.

ATELIA HUNT - DIRECT EXAMINATION

388

1 Q. How did she act when you said she didn't want to go no
2 further?

3 A. It's like she started backing away. But after awhile
4 she got there and she knew she wasn't going nowhere,
5 she started --- she went up to him and hugged him
6 around the neck.

7 Q. How long after she was back in the home with you and
8 Mickey Huckabee did any marks start appearing on her
9 body?

10 A. Probably about the week, right time we got her --- a
11 week after I got her back.

12 Q. What did you see?

13 A. That's when the bruising that was on her back, on her
14 chest, on her legs, and where he'll go and grab her by
15 the ankles and around her wrist.

16 Q. What was he doing when he grabbed by the ankles or
17 wrist?

18 A. Grabbing by the ankles. He was sitting in the floor in
19 the front room and minor was standing in front of him,
20 and he'll sit there and grab her by both the ankles,
21 and she'd be standing there. And he'd been separating
22 her legs, trying to make her do a split.

23 Q. How would minor act when he would do that?

24 A. It's like, she couldn't move. It's like, she couldn't
25 move. It's like, she was terrified of him, that if she

ATELIA HUNT - DIRECT EXAMINATION

389

1 tried to go, it's like he would try to stop her.

2 Q. Did you ever hear minor say the word, no or stop?

3 A. No.

4 Q. Could she say those words?

5 A. Yes.

6 Q. At what point were any of Edna's teeth pulled out?

7 A. The first tooth got pulled out exactly anywhere between

8 --- about a week and half after we got her back in

9 September.

10 Q. Who pull the tooth?

11 A. Mikey.

12 Q. Do you know why he pulled it?

13 A. He said that it was loose.

14 Q. You said that when she came back September 16th, that

15 you didn't notice any loose teeth?

16 A. No. She came back, none of her teeth were loose.

17 Q. Did he show you the tooth that he pulled?

18 A. Yes.

19 Q. What did it look like?

20 A. It was her whole entire tooth including the root still
21 connected to it.

22 Q. Now, what about the other tooth?

23 A. The second tooth was prior up to her death.

24 Q. Okay. Who pulled it?

25 A. Mikey.

ATELIA HUNT - DIRECT EXAMINATION

390

- 1 Q. Do you know why he pulled that one?
- 2 A. It was loose.
- 3 Q. Did you check that one?
- 4 A. Yes.
- 5 Q. Was it loose?
- 6 A. Yes.
- 7 Q. Do you know how it got loose?
- 8 A. No.
- 9 Q. Had it been loose before that point?
- 10 A. No.
- 11 Q. Did you see that tooth after he pulled it?
- 12 A. Yes.
- 13 Q. What did it look like?
- 14 A. It was her whole entire tooth including partial of the
- 15 root.
- 16 Q. Did you witness any seizures of minor after she returned
- 17 to South Carolina?
- 18 A. No.
- 19 Q. Did Mikey tell you about her having seizures after her
- 20 return to South Carolina?
- 21 A. No.
- 22 Q. Mikey didn't tell you about her having any seizures?
- 23 A. No.
- 24 Q. Did he describe episodes?
- 25 A. He described episodes where it's like, where she had

ATELIA HUNT - DIRECT EXAMINATION

391

1 went into a mold. It's like, where her fist would
2 clinch up, and that her feet would turn inward.

3 Q. Did you ever see any episodes?

4 A. The episode like that I seen where she would be sitting
5 on a toilet in the house, in the bathroom, and where
6 she'd be laying on the couch whenever she was laying on
7 the couch with me.

8 Q. When did you witness those episodes?

9 A. The one laying on the couch was with me was late
10 September, and the one with bathroom was like, right
11 after we had got her back, not even a week after I got
12 her back from my mom's house.

13 Q. And again, she came back September 16th and died
14 October 6th?

15 A. Yes.

16 Q. So, this is all within about a three week period?

17 A. Yes.

18 Q. Now, who bathed minor

19 A. Mikey did.

20 Q. And what was the reason for his giving your child a
21 bath?

22 A. I would be in the kitchen cooking supper, and S be
23 already done had her bath. Alex be done already had
24 his bath. And when minor --- I told Mikey if he doesn't
25 mind to go ahead and give minor a bath, so that by the

ATELIA HUNT - DIRECT EXAMINATION

392

1 time she gets done supper --- be already done and she
2 can go ahead and eat.

3 Q. What did minor usually wear in the house?

4 A. Usually she be fully clothed in a shorts or a tank top.
5 But whenever we had got her back from my mother's house
6 it had resorted down to pants, or long sleeve shirts,
7 or just in her panties.

8 Q. How often between September 16th and her date of death
9 would you see her just in her panties?

10 A. Majority of all the time.

11 Q. Was there ever be occasions during that time period
12 where she would be naked?

13 A. Yes.

14 Q. How often did that happened?

15 A. Probably about five times.

16 Q. What was going on when she was naked?

17 A. Where she'd be in the bathroom where she'd be staying
18 up against the wall, and Mikey be in the bathroom on
19 the toilet.

20 Q. And by being on the toilet, was he just sitting or was
21 his pants pulled down?

22 A. He'd be sitting on the toilet with his pants pulled
23 down.

24 Q. How far would minor be from him?

25 A. Standing right there directly in front of him.

ATELIA HUNT - DIRECT EXAMINATION

393

1 Q. Did you ever talk to Mikey about that?

2 A. I had ask him one time why he had done that. He was
3 like, cause the fact that he had to use the bathroom
4 and he could not hold it, and that he had made minor get
5 up off the toilet and stand in front of the toilet
6 while he uses the bathroom.

7 Q. On September 16th til her death date three weeks later,
8 how often was minor out of the home?

9 A. Not that much. Probably half of the times. Probably
10 about five times.

11 Q. Why was she not taken out of the house?

12 A. She had the bruises --- the bruises on her and the burn
13 marks on her, and as by the time her head had got
14 shaven.

15 Q. Who shaved her head?

16 A. Mikey did.

17 Q. When did he shave her head?

18 A. A week prior to her death, about a week, week and half
19 prior to her death.

20 Q. Do you know why he shaved her head, or did he tell you
21 why?

22 A. Whenever I had ask him he said that she had sores in
23 her head, and he wanted to see how deep the sores was
24 and the bruises.

25 Q. Did he tell you where the sores came from?

ATELIA HUNT - DIRECT EXAMINATION

394

- 1 A. He had showed me where he would take his knuckles,
2 where he'd be hitting her in the top of her head.
- 3 Q. How would he do that?
- 4 A. He'll take his knuckles, and he'll sit there and hit
5 her on top her head.
- 6 Q. Like this?
- 7 A. Yes.
- 8 Q. Demonstrate the force that you witnessed on the bar
9 right there? You can stand up.
- 10 A. Where he would take his knuckles, and he'll sit there
11 and do like that around her head on the top.
- 12 Q. Before he cut her hair to see those marks that he left,
13 did he ever try to look through her hair to see the
14 marks?
- 15 A. Yes. He had went, and he'll take his fingers and go
16 through her head through her scalp. It's like he knew
17 exactly where the bruises was at. And he'll got to
18 each one and part her hair over it to see the bruise.
- 19 Q. Where on her head did he show you bruises?
- 20 A. It was at the top.
- 21 Q. Did he ever show bruises or marks on the side of the
22 head?
- 23 A. No.
- 24 Q. After he shaved her head, did you see any other bruises
25 around her head?

ATELIA HUNT - DIRECT EXAMINATION

395

1 A. The bruises that was on the top circling around her
2 ears and at the lower part of her neck.

3 Q. Now, did any of the neighbors see minor to your
4 knowledge?

5 A. No.

6 Q. Now, let's discuss potty training. minor was three
7 years old. Was she potty trained?

8 A. She was potty trained. You can ask if she's got to go
9 to the bathroom, and she'll get up and she'll go to the
10 bathroom. She go in there and she'll pulled down her
11 pants and panties, and she climb up on the toilet and
12 use the bathroom.

13 Q. When you first moved to South Carolina, was she wearing
14 pull ups, or pampers, or any diapers?

15 A. No.

16 Q. Was she fully potty trained when you came to South
17 Carolina?

18 A. Yes.

19 Q. At any point after you came here, did she regress and
20 start urinating on herself?

21 A. Yes.

22 Q. At what point did that begin?

23 A. The first time she done that was right before I had
24 moved --- we had moved in where we were staying over
25 night. She'll wet herself at night when she goes to

ATELIA HUNT - DIRECT EXAMINATION

396

1 sleep. And then I'll get her up, clean her up, wipe
2 the area out the bestest I could in order to dry out.
3 Whenever we had moved she'll still wet herself at
4 nighttime.

5 Q. Now, you said right before you moved, did that start at
6 your parents house, or did that start when you brought
7 the children to Mikey's house for the overnight visits?

8 A. It has started at my parents house.

9 Q. Okay. Now, did she start before or after you came for
10 overnight visits with Mikey?

11 A. Before.

12 Q. Okay. Now, did that increase at all after you moved
13 into Mikey's house?

14 A. Yes.

15 Q. Who ran the errands in the household?

16 A. I did.

17 Q. Who went to the grocery store?

18 A. I did.

19 Q. Did you own a car?

20 A. No.

21 Q. Whose car did you use?

22 A. His mother's.

23 Q. Did that vehicle stay at your house?

24 A. Yes.

25 Q. And when I say your house, I'm referring to Mikey's

1 house?

2 A. Yes.

3 Q. And just for the record, was that house at [REDACTED]

4 [REDACTED] here in Bennettsville?

5 A. Yes.

6 Q. Now, his mom is Patricia Huckabee?

7 A. Yes.

8 Q. And does she have some health issues?

9 A. Yes.

10 Q. Did you assist his mom doing anything?

11 A. Yes.

12 Q. What kind of things?

13 A. I had took her to her doctor's appointment, her eye
14 doctor's appointment here in Bennettsville. And then I
15 took her to the one in Laurensburg, also for eye doctor
16 appointment for her cataracts, because she had
17 cataracts and they were in the process of having
18 cataracts surgery.

19 Q. And did you do anything for her inside her home?

20 A. Yes.

21 Q. What was that?

22 A. I'd go and make sure I help her change her sheets.

23 Help her clean up in her bedroom, or I'd go and change
24 the clothes from out the washing machine to the dryer.

25 Q. How often would you do these things at his mother's

ATELIA HUNT - DIRECT EXAMINATION

398

- 1 house?
- 2 A. Probably a daily basis when she needed me.
- 3 Q. Now, who kept baby minor while you were at his mom's
- 4 house doing these things?
- 5 A. Mikey did.
- 6 Q. And where did he keep her at?
- 7 A. There at the house, [REDACTED]
- 8 Q. Who kept minor when you went to the grocery store?
- 9 A. Mikey did.
- 10 Q. Who kept minor when you ran errands?
- 11 A. Mikey did.
- 12 Q. Now, at some point in time Alex began Cub Scouts; is
- 13 that correct?
- 14 A. Yes.
- 15 Q. Who signed Alex up for Cub Scouts?
- 16 A. I did.
- 17 Q. Did Mikey go with you to do that?
- 18 A. No.
- 19 Q. When did you sign him up for Cub Scouts?
- 20 A. It was in August.
- 21 Q. Where was that at?
- 22 A. At the school house --- the primary school here in
- 23 Bennettsville.
- 24 MR. REDMOND: Beg the Court's indulgence, Your Honor.
- 25 Q. I want to show you what's marked for identification at

ATELIA HUNT - DIRECT EXAMINATION

399

1 this time as State's Exhibit Number 100. Do you
2 recognize that document?

3 A. Yes.

4 Q. What is that?

5 A. It is the membership --- the youth membership for the
6 boy scouts.

7 Q. Is that where you signed Alex up for Cub Scouts?

8 A. Yes.

9 Q. Okay. And whose name did you list on there as the
10 contact person?

11 A. My name.

12 Q. And did you put your relationship to Alex on that
13 document?

14 A. Yes.

15 Q. What did you list as your relationship to Alex?

16 A. As other for a stepmother.

17 Q. Stepmother?

18 A. Yes.

19 Q. Okay. And did you actually write out stepmother?

20 A. Ma'am?

21 Q. Did you write out the word stepmother?

22 A. Yes.

23 Q. Okay. Now, how often were Alex's meetings with the Cub
24 Scouts?

25 A. Every week.

ATELIA HUNT - DIRECT EXAMINATION

400

- 1 Q. You can just sit that down. How often were his
2 meetings?
- 3 A. Every week.
- 4 Q. Okay. Once a week?
- 5 A. Yes.
- 6 Q. Okay. And did he go to those meetings?
- 7 A. Yes.
- 8 Q. Who took him to the Cub Scout meetings?
- 9 A. I did.
- 10 Q. Where were those at?
- 11 A. They was at Pedestrians Church, here off of Main
12 Street, here in Bennettsville.
- 13 Q. What time were scout meetings every week?
- 14 A. 5:30.
- 15 Q. 5:30?
- 16 A. Yes.
- 17 Q. How long would they last?
- 18 A. They usually last about an hour.
- 19 Q. And, what time would you usually leave to go to the
20 meetings?
- 21 A. I usually leave probably about 5:20 to go.
- 22 Q. And, what time would you usually arrive back home?
- 23 A. It usually -- I usually arrived back home about 6:30.
- 24 Q. Okay. Well, the meeting last until 6:30; is that
25 correct?

ATELIA HUNT - DIRECT EXAMINATION

401

1 A. Yes.

2 Q. Okay. Did you leave before the meeting ended?

3 A. Yes. Whenever we get done --- done with everything ---
4 majority of the time whenever it's over we'll leave.
5 We don't normally leave at 6:30.

6 Q. Now, who kept minor while you took Alex to the meetings?

7 A. Mikey did.

8 Q. Now, on one occasion did you take S with you?

9 A. Yes.

10 Q. And when you had both S and Alex at the scout
11 meeting, who had minor

12 A. Mikey.

13 Q. Now, when you go to the scout meetings, do you have to
14 sign in?

15 A. Yes.

16 Q. On October 6th, the day minor died, did you have Alex at
17 a Cub Scout meeting?

18 A. Yes.

19 Q. What time did you leave to go to that meeting?

20 A. I left at 5:30 to go.

21 Q. Okay. The meeting started at 5:30, were you there on
22 time?

23 A. Yes.

24 Q. Okay. And you signed in?

25 A. Yes.

ATELIA HUNT - DIRECT EXAMINATION

402

1 Q. I'm going to show you what's been marked for
2 identification as State's Exhibit 101. Do you
3 recognize that document?

4 A. Yes.

5 Q. What is that?

6 A. It is the sign in sheet for the Cub Scouts, where we
7 have to sign in with the child's name, with the parents
8 name with the address and the telephone number.

9 Q. Okay. Would you agree that's for the October 6th
10 meeting?

11 A. Yes.

12 Q. And Alex was about the fourth one signed in that day;
13 is that correct?

14 A. Correct.

15 Q. Now, did you stay late that particular night?

16 A. Yes.

17 Q. Okay. What was the reason for that?

18 A. We was in the processing of doing a camping trip for
19 that weekend, and we was going over about what to bring
20 right before the camp out trip.

21 Q. Um, so, the meeting was over at 6:30, what time did you
22 stay until?

23 A. Til about 7:30.

24 Q. What time did you get back home?

25 A. It was around --- right close to eight o'clock whenever

1 I got back about 7:45, eight o'clock.

2 Q. Was Mikey, along with minor and S both there at
3 that time?

4 A. Yes.

5 Q. Did Mikey ever go to any of the scout meetings with
6 you?

7 A. No.

8 Q. So, you took his son by yourself?

9 A. Yes.

10 Q. Now, did he have a drivers license?

11 A. No.

12 Q. Would he sometimes drive anyway?

13 A. Yes.

14 Q. Okay. How often would he drive?

15 A. Probably once every two weeks.

16 Q. Now, who did the cooking in the home usually?

17 A. I did.

18 Q. And who did the cleaning usually?

19 A. I did.

20 Q. Who signed Alex, Mr. Huckabee's son, up for Medicaid?

21 A. I did.

22 Q. Who obtained any medicine for Alex when he needed it?

23 A. I did.

24 Q. Who administrator medication whenever he needed it?

25 A. I did.

ATELIA HUNT - DIRECT EXAMINATION

404

1 Q. Who signed for food stamps for the home?

2 A. I did.

3 Q. When you signed up for food stamps, did you list Mr.
4 Huckabee and his son, in addition to you and your
5 children?

6 A. Yes.

7 Q. And at some point did Mikey have to provide written
8 documentation about any income he had in order for all
9 five of you to get food stamps in your name?

10 A. Yes.

11 Q. And were your food stamps used to purchase food for
12 everybody in the household?

13 A. Yes.

14 Q. Now, you've already listed yourself as stepmother for
15 Alex, did Mr. Huckabee have any preference for what
16 your girls called him?

17 A. No. They -- he wanted to have them to call him Daddy,
18 but my oldest daughter, S wouldn't do it. S
19 always called him Mikey. But with minor had
20 called him Daddy.

21 Q. Okay. Would she say Daddy, the whole word, or
22 something shorten?

23 A. Da.

24 Q. What was Shania's version of Daddy?

25 A. My husband, her biological dad.

ATELIA HUNT - DIRECT EXAMINATION

405

- 1 Q. What I'm asking is, how would S pronounce the word
2 daddy?
- 3 A. Daddy.
- 4 Q. Say again?
- 5 A. Daddy.
- 6 Q. Now, at some point in time when you were doing your
7 interviews, did you indicate that she said Da?
- 8 A. That was for minor
- 9 Q. That was for minor
- 10 A. Yes.
- 11 Q. Okay. Did minor say the whole word daddy, or did she
12 say the shorten version?
- 13 A. The short version.
- 14 Q. So, what would minor call Mr. Huckabee?
- 15 A. Da.
- 16 Q. Da. What did Alex call you?
- 17 A. Mama.
- 18 Q. Now, at this time let's go to Edna's last day on this
19 earth, October 6, 2011. Let's start with the morning.
20 Is that a school day?
- 21 A. Yes.
- 22 Q. It was a school day?
- 23 A. Yes.
- 24 Q. Were Alex and minor both at school?
- 25 A. Yes.

ATELIA HUNT - DIRECT EXAMINATION

406

1 Q. How did they get to school that day?

2 A. They had rode the bus.

3 Q. What time do they board the bus in the morning?

4 A. They been on the bus by ten after seven.

5 Q. Did anybody walked them to the bus stop?

6 A. I did.

7 Q. And did you do it that day?

8 A. Yes.

9 Q. All right. What did you do after walking them to the
10 bus stop?

11 A. After walking them to the bus stop, they got on the bus

12 Q. All right.

13 A. You know, they got on the bus. I had came back ---
14 came back into the house. I gave minor a kiss, and
15 Mikey a kiss, and told them I'd be back, that I was
16 going to his mom's house. I went to his mom's house.
17 Went and picked up his mom. Got her and went to
18 Laurenburg, because she had to go and do cataracts
19 surgery that day. We was running late. So, we had to
20 call the hospital for Laurenburg, in North Carolina to
21 let them know that we was running late. They said it
22 would be fine, just still check in whenever we got
23 there. We got to Laurenburg. She had her eye surgery.
24 We were gone all --- might as well say all day. By the
25 time I got back to Bennettsville, we had to stop there

1 at the drug store to get her eye drops filled --- his
2 mother's eye drops filled. We got them filled. We got
3 back to his mom's house. Mr. Huckabee had called
4 wanting to know by any chance if I had pick up some
5 vitamins. I told him no. So, went back out to his
6 mom's house. Went to the drug store beside Bi-Lo. I
7 went in, got him some vitamins.

8 Q. Stop right there. Vitamins for who?

9 A. minor

10 Q. What kind of vitamins?

11 A. It's multi-vitamins.

12 Q. All right. Go ahead.

13 A. Got the vitamins. Went back. I dropped his mom off.
14 Went back to the house. I gave him the vitamins. And
15 I kept on going. Went out the front door. By the time
16 I had got there it was time to go ahead and get S
17 and Alex off the bus. They got off the bus at three --
18 - little bit after three. By the time got them off the
19 bus and got back, I told Alex don't get undress, don't
20 change out. And he didn't change out. I had to ask
21 them if they had homework. I can't remember if they
22 said they did or they didn't. I'm not completely sure.
23 if they did or not. They sat in the front room. Mikey
24 and minor were still in the bedroom. I went checked on
25 them. They was --- I believe Mikey was sitting in the

ATELIA HUNT - DIRECT EXAMINATION

408

1 chair. minor was laying on the floor. And then I went
2 back out. I started cleaning up --- straighten up a
3 little bit. I believe I put on a load of clothes. And
4 I went and checked on Alex and S They were in
5 the front room watching t.v. By the time it was time
6 for Alex to go to Cub Scouts for that day, we left. We
7 went to Cub Scouts. I signed in. Was making the trip
8 plans for the trip for the camping. What to bring,
9 what not to bring. I stayed for about two hours. Came
10 back. He went into the house first. I went in right
11 behind them. S was sitting in the front room by
12 herself with the t.v. on. I had ask why she was in the
13 front room. She said that Mikey did not want her in
14 the bedroom with him and minor So, I went to the
15 bedroom. Mike and minor was in the bedroom. She was
16 laying -- minor was laying in the bed. Mikey was
17 sitting in the chair, if I'm not mistaken, and the t.v.
18 was on. She had the cover pulled up --- up to her
19 waist. The only thing she had on were a pair of
20 panties. I came in and looked, and had ask him how
21 come he hadn't fix nothing to eat and why come he
22 didn't try at least straighten up for me so that I
23 wouldn't have so much to do. He said that he didn't
24 think nothing about it, that it wasn't his job, that I
25 could take care of it whenever I had got back. So, I

ATELIA HUNT - DIRECT EXAMINATION

409

1 turned around and walked out. Ask S if she had
2 ate. She said, no. So, I told both her and Alex to
3 come follow me to the kitchen to figure out what they
4 want to eat. I had opened up the freezer, and I had
5 ask them if they wanted hot dogs. They said that was
6 fine. So, I took out the hot dogs. Got a pot.
7 Opened up the hotdogs. Put them in the pot. Ran water
8 on them. Put them on the stove. Turn them on where
9 they could cook. I told them while the hot dogs were
10 cooking --- I told S to go ahead and go wash. She
11 went and got in the shower. She washed. I told Alex
12 whenever she got done, when she got dresses, when the
13 bathroom was cleared out, he can go do the exact thing,
14 go wash. He went and washed. I went to the bathroom.
15 He was still washing. I went to the bedroom. minor was
16 still laying in the bed. Mikey was still in the chair.
17 I turned back out. Went back to the kitchen. Went and
18 checked on the hotdogs. S was in the kitchen. I
19 told her to sit there or go into the front room. By
20 the time I walked back from out the kitchen, I went
21 back to the bedroom, and she --- by that time, minor was
22 laying on the floor on the set of cushions in front of
23 the air conditioner. Mikey was in the bed laying down.
24 minor was laying on her side like she was watching t.v.
25 because SpongeBob was on. I assume very thing was

ATELIA HUNT - DIRECT EXAMINATION

410

1 fine, so I turned back around and went back out. Went
2 to the kitchen. At that time I had put on a load of
3 clothes --- whenever I got back to the kitchen, I put
4 on a load of clothes. At that point the hotdogs
5 started boiling. So, I let them boil some more --- let
6 them boil. I let them boil. I turned them off. I got
7 the plates from out the cabinet. Ask how many hotdogs
8 S wanted. She said two. I put her hotdogs on a
9 plate. I ask how many he wanted. He told me. I got
10 Edna's hotdogs out. Got them up cut and set it at the
11 table. Whenever I get it set at the table, I went back
12 to the bedroom. minor was still laying her side, but
13 the way that her head was facing --- her head wasn't
14 facing toward the t.v. And so, he head was straight
15 up, was looking at the ceiling with her eyes opened. I
16 had ask Mikey if he had moved her. He said, no. So, I
17 turned her head back. I told him whenever he get ready
18 if he wanted to, he could see if he could have minor to
19 eat. He said that would be fine, and he'll do it. I
20 left, went back to the kitchen. S and Alex was in
21 the kitchen. They was still eating. I had ask them if
22 they wanted another hotdog. They said no, that they
23 was good. I told them whenever they get done they
24 could watch a little bit of t.v. If not, they can go
25 on straight to bed. I left out the kitchen. Went back

ATELIA HUNT - DIRECT EXAMINATION

411

1 to the bedroom. Whenever I went back into the bedroom,
2 minor was still laying on her side, but her head was
3 back in the direction of laying on her back. But her
4 head was straight and she was still on her side. Her
5 eyes was still open like, looking up at the ceiling. I
6 had ask Mikey if he had moved her. He still said, no.
7 I was like, if he didn't move her, I didn't move her,
8 what's going on. At that time I had -- she was doing a
9 real deep breathing. It's like she was having trouble
10 catching her breath. I told Mikey something wasn't
11 right. I told him to get up. He got up. Right time
12 he got up, he went to her and knelt down. And right
13 time he touched her on her stomach, like a massage on
14 the stomach she grunted. And I told her something
15 wasn't right. I was going to take her to the hospital.
16 Go on, get her ready. Take her on to the hospital. By
17 that time I went out the back door. Went over to my
18 next door neighbors house. I knocked on the door, ask
19 my next door neighbor, Denea Malachi, if she could
20 watch the kids for me. She wanted to know what was
21 wrong. I told something wasn't right. I was going to
22 take minor to the hospital, that she wasn't acting
23 right. I had ask her if she'd watched the kids. She
24 was like, that's fine. I said, right now they're
25 eatin'. They already had a bath. Right time they get

ATELIA HUNT - DIRECT EXAMINATION

412

1 done eating, I'd send them over. I told her that would
2 be fine. I'd left. I told S and Alex, whenever I
3 got back to the house, go get your socks and shoes on,
4 and whatever stuff animal that y'all want, that I was
5 going to take you to Denea's house. I'm gonna take
6 minor to the doctor. That minor don't --- sissy don't
7 feel good. They got done eating. They went got their
8 shoes, socks, they got their animals --- the stuffed
9 animals. I walked them back to the house. And I told
10 them that whenever I was going to find out what was
11 wrong with sissy, I let them know. We'll go back
12 shortly, that everything was going to be all right. I
13 dropped them off over there. Came back. Mikey was
14 still in the bedroom. minor was still laying on the
15 floor on the covers on the cushions. And he had ask me
16 if there was any hot water. I told if there is, I
17 don't know. He told me to go run some hot water in the
18 tub. At that point, I told him that I wanted him to go
19 the hospital with me, but he said he wouldn't want to
20 go. He refused to go, that he was going to stay there
21 at the house with the kids to make sure they got to
22 bed, and make sure they had got up the next morning to
23 go to school. I'll tell him no, the kids are fine.
24 They're next door. They're good. I just want you to
25 come with me. He still said, no. He told me to go get

ATELIA HUNT - DIRECT EXAMINATION

413

1 the kids. I went and got the kids back from Mays. I
2 went got them, and we came in. I told --- I bent down
3 and I told S and Alex to go ahead and go on to
4 bed, that everything would be fine. Right time I got
5 through the kitchen to the front room, Mikey was
6 sitting on the loveseat with minor with a towel wrapped
7 around minor a burgundy towel. I went in to Shania's
8 room, went and got a pair of shorts and got her
9 panties. And by the time I came back out, I had put my
10 arm over his shoulder and told him go ahead and put
11 this on her, that her shirts in the bedroom that goes
12 with it. By the time I had --- he had grabbed it, minor
13 had stop breathing. She fell off the loveseat. The
14 way that she had hit was on her right side. Her head
15 didn't hit nothin, and she had laid there. I say
16 probably about five --- probably about five seconds.
17 Mikey had looked at me, and then he had turned around
18 and looked at minor and went and grabbed her by the
19 waist. Whenever he picked her up, he had laid her
20 across his lap, and laid his arms, hands on her back
21 and he looked up at me. At that time that's whenever
22 she had released -- that's when she had released
23 herself on herself, and down Mikey's leg.

24 Q. You referring to urine?

25 A. Yes. Mikey had took the burgundy towel wiped his leg

ATELIA HUNT - DIRECT EXAMINATION

414

1 and the chair, and said that she didn't make it to the
2 25th. He got her and went to the kitchen, and was
3 doing CPR. And I ran out the back door to the next
4 door neighbors house. I banged on the door and
5 hollered for the Denea to open up. She opened the
6 door. She wanted to know what was wrong. I couldn't
7 tell her. The only thing I said, I need your help. I
8 need you to come on. The only I kept hearing Denea
9 say, is she --- is she gone? Is she dead? I said, I
10 don't know, I don't know. I just need you to come on.
11 She came --- right time I turned around she was coming.
12 I was opening up the doors on the car. Got the keys.
13 Crunk up the car. Mikey was coming out the house with
14 minor He had put her in the back seat, in her car
15 seat. Put the seat belt across her, and had shut the
16 door, and he told me to drive. We drove --- I drove.
17 Got probably, probably half way, and it dawned on me
18 that my next door neighbor was sitting in the front
19 seat with me. I stopped in the middle of the road and
20 I climbed across the seat, and she took over driving.
21 I got minor started doing CPR on minor before we had got
22 to the hospital. She took --- it was like a breath had
23 went in her and she released it, and she said, uh. She
24 had ask me if she was breathing. I told her I didn't
25 know. I told her just get me there. I said, I don't

1 care if you don't stop at any lights. I don't care,
2 just get me to hospital. We got to the hospital. She
3 pulled up at the back where the emergency --- where the
4 ambulances go. I got out in the back seat with minor in
5 my arms. I stood there and I hit the door shut at the
6 door. I was crying. I was screaming, somebody help
7 me. Somebody help me. Somebody help. They wouldn't
8 never open up the door. By the time they had opened up
9 the door, a lady had said that they needed a room.
10 They didn't have no room. They was moving patients
11 from out the hospital, out the back in order to have a
12 room. She had came and got minor from me. Took her
13 into the room. They laid her on the table. She told
14 me to walk out, that --- that I --- to walk out the
15 room. I walked out and stood right there in front of
16 the nurses station. Were walking back and forth. And
17 then the nurse had came out. As far as what the doctor
18 had told me to go into a room. A family room. A quiet
19 room. I went into that room. That's whenever my next
20 door neighbor had came in. She had brought me my
21 pocketbook, and she sat down. Right time she sat down
22 not even --- not even two minutes, Mr. Huckabee's dad
23 had came in.

24 Q. When you say Mr. Huckabee, are you referring to the
25 Defendant or ---

ATELIA HUNT - DIRECT EXAMINATION

416

1 A. Mikey.

2 Q. Mikey came to the hospital?

3 A. Mikey's dad had came.

4 Q. Okay. His father came?

5 A. And he came. He was like, what did he do? I said,
6 she's gone. She's gone. And he wanted to know why
7 Mikey wasn't there and I told him. He had ask me if
8 there was anybody that I wanted to call. I told him,
9 yes. I told him I wanted to call my mom and my dad.
10 We went out to where the sliding doors is, there at the
11 nurses station. I told Mikey's dad my mom's phone
12 number. My dad had answered the phone and I had ask
13 dad where my mama was? He said that she's asleep, why?
14 I said, Daddy she's gone. Daddy said, what you talking
15 about? I said, Edna's gone.

16 Q. Now, had the doctor told you by this point that minor
17 had not survived?

18 A. Yes. They had pronounced her at 10:20, 10:21, 9:21,
19 somewhere around there.

20 Q. Now, you had borrowed Mikey's father's phone to call
21 your parents. Did you ever call Mikey from the
22 hospital?

23 A. No.

24 Q. Okay. Is there anybody else you talked to on the phone
25 that night from the hospital?

1 A. After I talked to my dad, right time I hung up with
2 dad, and right time I hand Mikey's dad his phone, his
3 phone was ringing. And Mikey's dad told me that it was
4 Mikey. He had called. He answered. He wanted to talk
5 to me. And he wanted to know what was going on. I
6 told Mikey that they had pronounced her dead. Then he
7 wanted to know what all was going on, if I had talked
8 to anybody. And I told him I had not talked to nobody
9 except for the doctor. I told him, the doctor --- what
10 had happened. And Mikey wanted to know if I had talked
11 to any law enforcement, or if DSS was going to get
12 involved. And I told him, no. I said, I haven't
13 talked to nobody except for the doctor.

14 Q. And is there anything else Mikey said to you on the
15 phone that night at the hospital?

16 A. The only thing he wanted to know was if DSS was going
17 to get involved, if I had talked to any law
18 enforcement, and that he'll take care of all of this,
19 that he'd let them know what had happened.

20 Q. All right. Now, you were taken --- how did you get to
21 the police department later that night. I believe you
22 were interviewed some time after midnight; is that
23 right?

24 A. Yes.

25 Q. How did you get from the hospital to the police

ATELIA HUNT - DIRECT EXAMINATION

418

1 station?

2 A. That one of the law enforcement was there at the
3 hospital and he had took me from the hospital to the
4 police station.

5 Q. And you've never --- you've never been back to the
6 house since you drove out of the drive way that night
7 with the baby in the back seat; is that correct?

8 A. Yes.

9 Q. Okay. Now, you said that Mikey said a comment about,
10 well, she didn't make it to the 25th. What's the
11 significance of October 25th?

12 A. October 25th was whenever she was going to go to the
13 doctor's office, to Ms. Frances Acaylar, so that she
14 can do her check-up.

15 Q. And who had made that appointment?

16 A. I did.

17 Q. And what was the reason for setting that appointment so
18 far off instead of taking her earlier when she had all
19 these obvious signs of abuse and illness?

20 A. Whenever I had got her back, I had called the doctor's
21 office to let them know that minor was back, that I had
22 minor And that nearer to the appointment that I had
23 for her scheduled, that she didn't make it, because she
24 was in North Carolina on the first schedule that she
25 supposed to had went. They had said the earliest

1 appointment that they had open was the 25th. I told
2 them that was fine, that I'd take it.

3 Q. Okay. Now, you mentioned the burgundy towel that was
4 wrapped around her on when he was on the couch with
5 her; is that correct?

6 A. Yes.

7 Q. Is there any other significance regarding that burgundy
8 towel being used on minor that week?

9 A. It's where -- that burgundy towel was used for minor to
10 --- whenever she was washing, he wrapped her up in it.
11 He had used the burgundy towel previously during that
12 week to wipe up blood that was in the kitchen, on the
13 kitchen floor.

14 Q. Do you know where the blood came from, or did he tell
15 you where it came from?

16 A. Where minor had climbed up the chair and where she had
17 hit the chair.

18 Q. Did he see her hit the chair that week?

19 A. No.

20 Q. This is what Mikey told you?

21 A. Yes.

22 Q. Okay. What part of her body did he say the blood came
23 from?

24 A. Where she had hit the chair. Facing the chair is where
25 her nusie had hit it.

ATELIA HUNT - DIRECT EXAMINATION

420

1 Q. Okay. What is a nusie?

2 A. Her vagina.

3 Q. Is that the word that you taught your children to call
4 their vaginas?

5 A. Yes.

6 Q. The nusie?

7 A. Yes.

8 Q. And Mikey told you that he wiped blood up that came
9 from Edna's nusie or vagina?

10 A. Yes.

11 MS. LEE: I beg the Court's indulgence. Your Honor,
12 at this time I would like to open up what's been marked for
13 identification as State's Exhibit 96.

14 THE COURT: Are you all right? You need to take a
15 break? All right. We're going to take a break at this
16 time, ladies and gentlemen. Let's let the jury return to
17 the jury room. And ma'am, you just remain right where you
18 are. And go ahead and we'll take a break.

19 (WHEREUPON, the jury exits the courtroom at
20 12:11 p.m.)

21 THE COURT: All right. Ladies and gentlemen, we're
22 going --- one of our jurors are not feeling well. We're
23 gonna take about a ten minute break while we resolve that
24 issue. So, court will be in recess for approximately ten
25 minutes.

ATELIA HUNT - DIRECT EXAMINATION

421

1 (WHEREUPON, a recess is taken.)

2 BAILIFF: All rise.

3 THE COURT: Please be seated, ladies and gentlemen.
4 All right. Counsel, how long --- Mrs. Lee, how long do you
5 believe your remainder of your direct will be.

6 MS. LEE: Thirty, forty five minutes, maybe.

7 THE COURT: All right. I believe the best thing we
8 should do is stop and go to lunch, but let's do this. We're
9 gonna -- I'm gonna release Mr. Repass. He is not feeling
10 well. Just to speak a moment about his dedication. He has
11 walked about five miles to get to the courthouse, and walked
12 back for each day of jury services.

13 MR. REDMOND: . . . Wow.

14 THE COURT: Of course, he got wet this morning doing
15 that. He's been up all night with a sick child. He doesn't
16 want to be released, but just based upon the fact that it
17 appears to me he is not feeling well at all, we're going to
18 release him and provide transportation for him home. What
19 we'll need to do is to draw a jury --- draw a juror from
20 among our two alternates. And my recollection of the rule
21 is that when you're in General Sessions Court, you put the
22 two names in a hat. You draw from the two rather than
23 choose them in the order from which they were drawn. So,
24 what says the State to that procedure?

25 MR. REDMOND: And, Your Honor, that's the procedure

ATELIA HUNT - DIRECT EXAMINATION

425

1 1:50 p.m.)

2 THE COURT: All right. Welcome back, ladies and
3 gentlemen. Which of you is Ms. McClaim? Ms. Debbie
4 McClaim? Ms. McClaim, I believe you took Mr. Repass home;
5 did you do that?

6 MS. McCLAIM: Yes, sir.

7 THE COURT: Well that's very gracious of you. Thank
8 you for that curiosity to all of us while we were waiting
9 for officers to come get him, we appreciate you taking part
10 of your lunch to do that, ma'am, that was very kind.

11 You will recall that when we broke for lunch we were
12 still in direct examination of the witness. And Ms. Lee,
13 you may proceed.

14 MS. LEE: Thank you, Your Honor.

15 Q. At the time we broke, I was about to show you what is
16 marked for identification purposes at this time,
17 State's Exhibit Number 96. And I'm going to take this
18 out. And it is sealed. I am going to ask you, do you
19 recognize this item?

20 A. Yes.

21 Q. Okay. Is this the red towel that you were speaking
22 about earlier?

23 A. Yes.

24 Q. Is this the red towel that was used to wipe up Shania's
25 blood?

ATELIA HUNT - DIRECT EXAMINATION

426

1 A. Edna's.

2 Q. Edna's blood. I apologize. Is this the towel that was
3 used to wipe up the urine when she --

4 A. Yes.

5 Q. That was on the sofa when she fell off and lost her
6 urine at the very end?

7 A. Yes.

8 Q. Before you went to the hospital?

9 MS. LEE: At this time I would like to move to have
10 this towel as Exhibit 96, as it's been identified by Ms.
11 Hunt, as the towel from the residents?

12 THE COURT: What says the defense? I missed that. I
13 lost that. Excuse me.

14 MR. JONES: We have no objection, Your Honor.

15 THE COURT: All right. Number 96 in evidence then
16 without objection.

17 WHEREUPON, STATE'S EXHIBIT

18 NUMBER 96 WAS ADMITTED INTO

19 EVIDENCE WITHOUT OBJECTION.

20 Q. Now, in evidence already is State's Number 84. I'm
21 going to show this to you. You recognize this item?

22 A. Yes.

23 Q. Okay. How do you recognize this item?

24 A. It was the black rod that was in the household.

25 Q. Okay. Was this used for any particular thing --- any

ATELIA HUNT - DIRECT EXAMINATION

427

1 particular purpose?

2 A. Yes. It's where Mikey had hit me, the kids, Alex,
3 S and minor with.

4 Q. And you say he hit S with that Rod; correct?

5 A. Yes.

6 Q. And you say he hit minor with that rod?

7 A. Yes.

8 Q. And he hit you with that rod?

9 A. Yes.

10 Q. When did you see him hit minor with that rod; do you
11 recall?

12 A. I don't officially recall when.

13 Q. Do your recall whether or not the hitting with that rod
14 was before or after she was brought back to South
15 Carolina?

16 A. It was after.

17 Q. Where on her body did he hit her with that rod?

18 A. It'd be on the shoulders. On her back and her legs.

19 Q. Next, I want to show you what's already been admitted
20 into evidence as State's Exhibit 95. Do you recognize
21 that item?

22 A. Yes.

23 Q. How do you recognize this item?

24 A. It's the leather strap that he had actually hit minor
25 Alex with, and S and myself.

ATELIA HUNT - DIRECT EXAMINATION

428

- 1 Q. Which end would he hold it with. It's in my right
2 hand, and then it's in my left hand?
- 3 A. The one in your right hand, he'll hold it.
- 4 Q. Hold it like this?
- 5 A. Yes.
- 6 Q. And did he hit S with this?
- 7 A. Yes.
- 8 Q. He hit Alex with this?
- 9 A. Yes.
- 10 Q. He hit you with this?
- 11 A. Yes.
- 12 Q. He hit minor with this?
- 13 A. Yes.
- 14 Q. Where on Edna's body did he hit her with this belt?
- 15 A. On the legs, and on her butt.
- 16 Q. And how often did you see him hit her with that strap?
- 17 A. About three times altogether.
- 18 Q. Were any of those times after she was returned to South
19 Carolina?
- 20 A. Yes.
- 21 Q. Now, on the day that she passed away, you testified
22 earlier that when you left to go take the kids to the
23 bus stop, I think she was in bed; is that correct?
- 24 A. Yes.
- 25 Q. Did you ever see her out of bed before you left that

ATELIA HUNT - DIRECT EXAMINATION

429

1 morning to go take his mother, Patricia Huckabee, to
2 the doctor?

3 A. No.

4 Q. Did you ever see her out of bed after you came back?

5 A. No.

6 Q. Okay. That night, did you ever see her out of bed
7 other than when he was holding her on the sofa in the
8 living room?

9 A. The only time she was up after that was whenever she
10 was on the bed, or whenever she was still laying down
11 on the floor.

12 Q. So, at all points in time she was basically laying
13 down?

14 A. Yes.

15 Q. Okay. What was her skin color?

16 A. It was --- it was like a grayish color.

17 Q. Do you know if she had any fever?

18 A. No.

19 Q. Was she able to talk any that day?

20 A. No.

21 Q. The day before, which would have been Wednesday the 5th
22 , how was she that day?

23 A. The 5th she was up watching t.v., and he'll walk to the
24 bathroom, other than that her skin color was still a
25 grayish color.

ATELIA HUNT - DIRECT EXAMINATION

430

- 1 Q. Okay. Who would walk her to the bathroom?
- 2 A. Mikey.
- 3 Q. And would he stay in the bathroom with her?
- 4 A. Yes.
- 5 Q. Would that be for her to go to the bathroom or him to
- 6 go to the bathroom?
- 7 A. For -- for her to go to the bathroom --- for minor to go
- 8 to the bathroom.
- 9 Q. Did you see him in the bathroom at all that day?
- 10 A. No.
- 11 Q. Okay. Was she able to walk well on the 5th?
- 12 A. She walked with a limp right up to her death. She was
- 13 walking with a limp where she was having trouble
- 14 putting pressure down on her right side when she'll go
- 15 be walking.
- 16 Q. Did you witness any time that day her having trouble
- 17 standing up?
- 18 A. Yes.
- 19 Q. Okay. And describe that to the jury?
- 20 A. Anytime when she go and try to stand up she'll lean to
- 21 the side, or she goes like she's going to fall down.
- 22 And the more that she leans to the side of falling down
- 23 Mikey would jerk her up where standing --- where she'd
- 24 be standing straight back up.
- 25 Q. Now, what about eating anything. Did you see her eat

ATELIA HUNT - DIRECT EXAMINATION

431

1 anything on the day she passed away?

2 A. No.

3 Q. Okay. The day before, what did she eat that day?

4 A. On the 5th, from what Mikey had told me that she had
5 ate some corn, and for around lunch time we had went to
6 Pizza Time and got her something to eat. I believe it
7 was spaghetti --- spaghetti with some garlic bread.
8 And Mikey said that she had ate it, but I haven't seen
9 her eat it.

10 Q. Did y'all eat there or bring it back to the house?

11 A. We had brought it back to the house.

12 Q. You didn't eat in the same room with them?

13 A. No.

14 Q. Where were they at?

15 A. Mikey and minor was in the kitchen and I was in the
16 front room.

17 Q. Did she have any trouble walking or standing up on
18 Wednesday?

19 A. Yes.

20 Q. Okay. And describe that?

21 A. It was where she'd be walking, she walk with a limp
22 still, but it got to a point where she was hurt ---
23 hurting her more, where she was pretty much wanting to
24 drag. And with her standing up it was like she was
25 having trouble standing up, that she still be leaning

1 to the side or like, she wants to sit down.

2 Q. Now, let's go back to Tuesday the 4th, what about that
3 day, any trouble standing or walking?

4 A. It's still the same.

5 Q. What was her skin color on Tuesday?

6 A. Still the grayish color.

7 Q. Did she appear to be in any pain on Tuesday?

8 A. No.

9 Q. Now, one day that week, your father I believe, actually
10 came and I got S from school, that's already been
11 testified to; is that correct?

12 A. Yes.

13 Q. Why did you father travel to South Carolina to pick up
14 S from school?

15 A. The phone -- they had called -- the school had called
16 the cell phone, and by the time -- they had left a
17 message on the cell phone, and whenever they had called
18 I picked up. They said that S was sick, that she
19 was throwing up and that they needed somebody to come
20 and pick her up. I told them that I'd be there in ten
21 minutes. By the time I had got there to the school
22 house, S had already done left with my dad.

23 Q. What did you do?

24 A. So, I left the school house, went back. And right time
25 I pulled up in the front yard, S was there with my

ATELIA HUNT - DIRECT EXAMINATION

433

1 dad and with my cousin was there also, and Mikey was on
2 the front porch.

3 Q. Was your father inside the house or outside the house?

4 A. Outside.

5 Q. Describe the conversation between you, Mikey, and your
6 father once you arrived?

7 A. Whenever I got there Mikey was standing on the porch.

8 Daddy was on the ground right where the car was at.

9 S was there, and my cousin, T.C. was there. They
10 were right in front of my mom's car, because he had
11 drove my mom's car. Daddy had ask where Mikey was at,
12 and before I could answer, Mikey had told him that minor
13 was at a friend's house, which is Denea. And I told
14 dad that minor was at Denea's house. And he had left it
15 at that. I had called the doctor's office to find out
16 when they had time to take the walk-in, so I could take
17 S to the doctor. They told me. I told S
18 whenever they do the walk-ins that I'd take her if she
19 still feeling not well. So, by the time I had hung up,
20 I believe daddy was satisfied with what I had told him,
21 because my dad was still there whenever I had called
22 the doctor's office. And he left -- my dad and my
23 cousin, T.C. had left. Whenever I had went next door
24 to go get minor that's when Mikey had told me that minor
25 was there, that minor was inside the house. And

1 whenever I ask what she was doing in the house by
2 herself, he told me that he didn't want my dad to go in
3 there and see the bruises on her, and to see that her
4 head had been shaven.

5 Q. Where was she at in the house?

6 A. minor was in Alex's room laying down on his bed with the
7 covers up on her.

8 Q. Had she ever been in his room before laying down like
9 that during the day?

10 A. No.

11 Q. So, it was unusual for her to be in his son's room as
12 opposed to any other room?

13 A. Correct.

14 Q. And it was Mikey's idea to lie to your father about
15 your child's whereabouts?

16 A. Yes.

17 MR. JONES: Objection, leading.

18 THE COURT: I'm going to sustain counsel. That was a
19 leading questions. I'll ask the jury to disregard that
20 please. Please move to your next area of questioning.

21 Q. Mikey, lied to your father?

22 THE COURT: That's leading, counsel.

23 MS. LEE: I'm sorry.

24 THE COURT: They've heard the testimony. Please move
25 to the next area.

ATELIA HUNT - DIRECT EXAMINATION

435

1 MS. LEE: Yes, sir.

2 Q. Did you tell your father anything about Edna's
3 condition when he was there that day?

4 A. No.

5 Q. Why didn't you tell your father about Edna's condition?

6 A. I don't know.

7 Q. You called the doctor to try to make an appointment for
8 S because she'd been sick and throwing up?

9 A. Uh'huh.

10 Q. Why didn't you make an appointment for your daughter
11 that day to see about walking her into the doctor's
12 office?

13 A. I couldn't tell you the reason why I didn't do it.

14 Q. On the night before minor passed away, was there a
15 cookout or an eating out with some of the neighbors?

16 A. That was on the 5th. That was for Mikey's birthday.

17 Q. Okay. Where did y'all eat?

18 A. With Denea --

19 Q. Is Denea --

20 A. -- at her house.

21 Q. Your next door neighbor?

22 A. Yes.

23 Q. Okay. Who all went over there?

24 A. S and Alex went over there. Mikey went over
25 there. And I went over there, but I didn't stay long.

ATELIA HUNT - DIRECT EXAMINATION

436

1 I came back to the house with minor because minor was
2 there at the house.

3 Q. Was minor taken out of the house that day?

4 A. No.

5 Q. Other than going to Pizza Time earlier?

6 A. Other than the Pizza Time, other than that, no.

7 Q. minor did not go to the Malachi's that night?

8 A. No.

9 Q. Did you explain to the Malachi's where she was at and
10 why she wasn't there?

11 A. I told the Malachi's that she was in the house, but I
12 wouldn't never tell her the reason why.

13 Q. Did the Malachi's ever meet minor

14 A. No.

15 Q. Did they meet S and Alex on other occasions
16 besides that night of the cookout?

17 A. Yes.

18 Q. Had S and Alex been to their home on other
19 occasions?

20 A. Yes.

21 Q. At this time I going to show you some photographs. I'm
22 going to show you State's Exhibit 5, which has been
23 admitted, 3 which has been admitted, let me show those
24 first. All of those bruises across Edna's body, you
25 have seen all those, that's how you took her to the

ATELIA HUNT - DIRECT EXAMINATION

437

1 hospital; is that correct?

2 A. Yes.

3 Q. Next I'm going to show you what's marked as State's
4 Exhibit 6, which has been admitted, and State's Exhibit
5 7, which has been admitted, and 9, which has been
6 admitted.

7 MS. LEE: I beg the Court's indulgence.

8 Q. In those photographs there are burns to your child's
9 buttocks. Did you see those marks?

10 A. Yes.

11 Q. It shows the teeth missing; is that correct? And
12 bruises to the head?

13 A. Yes.

14 Q. And were all of those conditions obvious before you
15 took minor to the hospital on October 6th?

16 A. Yes.

17 Q. Did Mikey, to your knowledge, see minor with all of
18 those same injuries that you're looking at now on those
19 pictures?

20 A. Yes.

21 Q. Did he ever attempt to take the child to a doctor, to
22 your knowledge?

23 A. No.

24 Q. Did he ever call a doctor, to your knowledge?

25 A. No.

ATELIA HUNT - DIRECT EXAMINATION

438

1 Q. Did he ever tell you to take the child to a doctor?

2 A. No.

3 Q. Did y'all ever discuss getting that child to the
4 emergency room or to a doctor walk-in prior to you
5 taking her to the hospital the night of October 6th?

6 A. No.

7 Q. Did you put any of those marks on your daughter?

8 A. No.

9 Q. Did you put any of the bruises on her?

10 A. No.

11 Q. Did you put any of the burns on her?

12 A. No.

13 Q. Did you pull the teeth from her head?

14 A. No.

15 Q. Did you shave her head?

16 A. No.

17 Q. Was anybody else in that home besides you, Mikey, a
18 seven year old child, six year old child, and minor

19 A. No.

20 Q. To your knowledge, did any other adult have access to
21 that child from September 16th to October 6th besides
22 you and Mikey?

23 A. No.

24 Q. Why didn't you tell the truth to Detective Hepburn and
25 Lieutenant Turner in the beginning when they first

ATELIA HUNT - DIRECT EXAMINATION

439

1 interviewed you, and to Agent Bass with SLED when she
2 first interviewed you?

3 A. Whenever I had was talking to them, Mikey told me to be
4 quiet and that he'll take care of everything, and that he'll
5 let them know what had happened.

6 Q. When did he tell you that?

7 A. Whenever I was on the phone with him. Whenever I was
8 still at the emergency room at the hospital that night
9 before I had left the hospital and went to the police
10 station.

11 Q. Do you love Mikey?

12 A. I did.

13 Q. And I believe you had an interview in March of this
14 year, 2013, with Agent Bass and Sergeant Hepburn; is
15 that correct?

16 A. Yes.

17 Q. And at that time did you tell them that you loved him
18 still, you just wasn't in love with him?

19 A. Yes.

20 Q. Do you own a computer?

21 A. Yes.

22 Q. What kind of computer?

23 A. It's a burgundy Acer.

24 Q. I'm going to show you what's been marked and which is
25 in evidence as State's Exhibit 85. Do you recognize

ATELIA HUNT - DIRECT EXAMINATION

440

- 1 this computer?
- 2 A. Yes.
- 3 Q. Is that your computer?
- 4 A. Yes.
- 5 Q. Was that the only computer in the home, to your
- 6 knowledge?
- 7 A. Yes.
- 8 Q. Who all used that computer?
- 9 A. Myself and Mikey, and occasionally Alex and S get
- 10 on and play games on it.
- 11 Q. Did you and Mikey ever have any discussion about usage
- 12 of the computer?
- 13 A. No.
- 14 Q. Did you and Mikey ever have any arguments about the
- 15 computer?
- 16 A. No.
- 17 Q. Did you ever search that computer for medical or home
- 18 remedies?
- 19 A. Yes.
- 20 Q. What type of medical home remedies were you searching?
- 21 A. Whenever for the burn marks. About what to put on the
- 22 burn marks.
- 23 Q. Why did you search for that?
- 24 A. That night when I had seen the burn marks, whenever I
- 25 had questioned Mikey about it, he had told me to look

ATELIA HUNT - DIRECT EXAMINATION

441

1 on the internet and search to see what exactly you can
2 put on it in order to heal the burn marks.

3 Q. On the day that minor died, October 6th, at any point in
4 time that day did you use that computer?

5 A. No.

6 Q. Where was the computer while you were at boy scouts
7 that night with Alex?

8 A. To my knowledge that was at home.

9 Q. Did you ever leave home at anytime, for example, to
10 take Alex to scouts or to run an errand for Mrs.
11 Huckabee and come home and find marks on minor that were
12 not there when you left?

13 A. The bruises.

14 Q. Did Mikey ever give a reason for the bruises?

15 A. Saying that they was playing too hard, that she ran up
16 against the table or she had fell.

17 Q. Your computer was actually, and this has testified to
18 already by Agent Bass, in the physical custody of Mr.
19 Huckabee's father, and that's where it was obtained
20 from. Did you give his father permission to remove
21 your computer from the home?

22 A. No.

23 Q. Did you give any permission to remove the computer from
24 the home after you were arrested?

25 A. No.

1 Q. Now, were there other items, to your knowledge, of
2 yours and the girls that were missing from the home
3 after you were arrested?

4 A. Yes.

5 Q. What were some of the girls items that were missing
6 after you were arrested?

7 A. Both of the girls blankets were gone, and a movie was
8 gone of Shania's, and a DVD player that I had brought
9 from North Carolina that belong to S was not
10 there.

11 Q. Did you give anybody permission to remove those
12 blankets and that DVD player from the home?

13 A. No.

14 Q. Now, on that computer, and you signed a consent form
15 allowing SLED Computer Crimes to search that computer;
16 is that correct?

17 A. Yes.

18 Q. Now, on that computer, I believe there some sort of
19 diary; is that correct?

20 A. Yes.

21 Q. Did you write entries in a diary on your computer?

22 A. Yes.

23 Q. I'm going to show you what's been marked for
24 identification purposes as State's Exhibit 90. Do you
25 recognize those two pages?

ATELIA HUNT - DIRECT EXAMINATION

443

1 A. Yes.

2 Q. What is that?

3 A. It's the dairy entries that I had --- was typing on my
4 lap top.

5 Q. You typed those; yourself?

6 A. Yes.

7 Q. Okay.

8 MS. LEE: I beg the Court's indulgence. Your Honor,
9 since the witness has identified this as her diary and that
10 she typed it, we would ask that it be moved into evidence at
11 this time?

12 THE COURT: Is there an objection?

13 MR. JONES: If I could see it and compare it to the
14 one that I have, Judge? Thank you.

15 THE COURT: Very good.

16 MR. JONES: No objections.

17 THE COURT: That's 90?

18 MS. LEE: 90.

19 THE COURT: Without objection, 90 is in evidence for
20 the State.

21 WHEREUPON, STATE'S EXHIBIT

22 NUMBER 90 WAS ADMITTED INTO

23 EVIDENCE WITHOUT OBJECTION.

24 Q. At this time I'm going to hand this back to you. Now,
25 on the first entry, it's not dated; is that correct?

1 A. Correct.

2 Q. Can you please read that entry to the jury?

3 A. "It is amazing that I finally found someone that loves
4 me for me and not going to try to change me into
5 something that I am not. The day and night that I talk
6 to Mikey on Yearbook were unbelievable. That night I
7 knew it was too good to be true. I thought to myself,
8 he is sweet and was willing to listen to me and my
9 problem --- to my problem, no matter how dumb they may
10 seem. That night we stayed on the phone talking,
11 laughing, carrying on a conversation. That is
12 remarkable, and I wouldn't change that night for
13 nothing. I know the way his voice sounds. The way he
14 laughs and especially the way he said my name was
15 something. There was and are still times when I smile
16 every time he calls the cell phone or even walk into
17 the room, because I know that I finally found someone
18 that I can call my baby, my boo, my love of my life.
19 We can laugh and joke about anything that I really love
20 to do. I love the way he sleeps. It's soothing to me
21 in many ways. I know that I love to fall asleep on
22 him. I don't care of stinks or not, I will still kiss
23 him until he tells me stop. The way he makes me feel -
24 -- makes me feel alive for a change. Something I
25 haven't felt in a long time until I --- until I met

ATELIA HUNT - DIRECT EXAMINATION

445

1 Mikey. To be honest, I'm afraid to lose him."

2 Q. And were you writing that about Mikey Huckabee?

3 A. Yes.

4 Q. That is undated. It sounds as though you were very
5 much in love at time. Do you know when you wrote that?

6 A. Yes, whenever I first had moved in with him.

7 Q. So, that would be approximately late June, early July,
8 2011?

9 A. Yes.

10 Q. Now, the next entry is it dated?

11 A. Yes.

12 Q. What is the date?

13 A. 8/26/11.

14 Q. Okay. Please read what you wrote on August 26, 2011?

15 A. "It's me again. Yeah, I know why did I put that. To
16 be honest, I have no idea. It seems like everything is
17 good I suppose. I am doing what I'm suppose to do, at
18 least I think I am. I cook, clean, take care of the
19 kids. Make sure that they go to school. But still
20 after all, I do I still feel depressed, why I don't
21 know. To me I feel like I am not wanted anymore. I
22 try so hard to do everything, and I still feel like
23 shit. Maybe it wasn't meant for me to be born, or
24 maybe it was meant for me to feel like shit everyday
25 while I'm alive. It's coming down to where my

1 boyfriend's son is treating me like shit. The only
2 thing I'm trying my hardest to do is, love him and give
3 him something more so that he can say I have a mother
4 and a father that loves me. I just don't know anymore.
5 It just feels like I'm not wanted. I hate that
6 feeling. I even tried to get my boyfriend in the mood,
7 and that doesn't work no more. I don't know what's
8 wrong with me. Am I just not attractive, or am I doing
9 something. Then I want to know. Trying to talk to him
10 is like trying to talk to the wall, and I don't want to
11 go down that road again. We use to talk about
12 everything and anything. Has anything changed that I
13 just don't see, or am I just stupid to see it for
14 myself. I know that I'm not the best looking thing
15 with a big breast and a big ass. I'm sorry that I
16 wasn't meant to be like that. This is me. Yes, I have
17 a small breast and a small ass, but that is me. I just
18 don't know anymore. The only thing I want to do is
19 going somewhere and disappear, and then everyone would
20 be better off without me. Then everyone would be happy
21 that they wouldn't have to worry about the little old
22 stupid girl that doesn't know anything about Jacobs. I
23 know that I'm not smart, but don't rub it in my face or
24 make jokes about it. I hate it when people does that,
25 because it feels like I'm back in school getting picked

ATELIA HUNT - DIRECT EXAMINATION

447

1 on, and that makes me self-conscious on who I am. It
2 is already bad that I do that now. Yes, I know I can
3 read and spell right, but at least I try, dammit. I'm
4 just tired and want to be happy for once, and someone
5 to love my kids and to help me provide --- help me
6 provide and take care of them, not just sit there and
7 make me feel worse about myself. I already went
8 through that and don't want to go through that feeling
9 again. I just want to be happy and loved, that is all
10 I ask for. Is that too much to ask? I want to have
11 another child and I can't even do that, which even
12 makes me feel worse, because I can't get pregnant. Why
13 do this always happen to me, am I bad mother or
14 something?"

15 Q. That entry on August 26th is about ten days into minor
16 visit in North Carolina where she stayed for a month;
17 is that correct?

18 A. Yes.

19 Q. All right. What is the next journal entry?

20 A. 9/17/11.

21 Q. And this entry was one day after you brought minor back
22 to South Carolina?

23 A. Yes.

24 Q. Okay. Please read what you wrote that day?

25 A. "It's been one of those weeks to where I am to the

ATELIA HUNT - DIRECT EXAMINATION

448

1 point of giving up and going back to the lifestyle that
2 I was living. By that, I mean by doing everything that
3 someone tells me to do. I hate to do it, but that is
4 how I been feeling. It is bad when a seven year old
5 will look at you and tell you I don't have to listen to
6 you. I do what I want to, and there's nothing you can
7 do about it. Now that is bad. I haven't done nothing
8 wrong, nothing wrong. But loved the boy and be there
9 for him and give him the discipline of what he needs so
10 that he knows right from wrong. But no, it doesn't
11 work like that in his eyes, which he is the adult and I
12 am the child. That right there shows me that he
13 doesn't really care about me at all. Maybe it's
14 because I'm too good hearted, and that I don't know
15 what it is anymore. I don't know what to do, that is
16 why I go to his mother's house by myself and sit there
17 with her. At least, she don't treat me like shit.
18 Yes, I do what she wants me to do, but at least she
19 tells me thank you, and that she appreciate what I do
20 for her. I think that it is. I am too fucking good
21 hearted for everyone, and they want to walk all over
22 me. Maybe I need to set some kind of limit or
23 something. I don't know. I don't have any ideas.
24 When I do have ideas, they're stupid to most people.
25 That is why I keep my mouth shut and do what I've got

ATELIA HUNT - DIRECT EXAMINATION

449

1 to do. It seem like that is the only thing I could do.
2 I just feel like I am helpless more than the least to
3 stay. I don't get appreciated for the things that I'm
4 doing at the house, so why bother with it. Beside
5 getting talked about and all, there is no telling and
6 it wouldn't be a surprise to me either. Maybe I need
7 to stick to myself and don't bother anyone, maybe then
8 I wouldn't get in the way of everyone. That is what I
9 feel like I'm doing, just getting in the way of
10 everyone these days. Let's see, there was my parents.
11 The girls so called want to be father, and his dumb ass
12 parents and their family. It's just seems like that is
13 what I do. I'm in the way. I'm in the way, well, I
14 will just sit back and let everyone figure out what the
15 hell they need to do without my help. I just sit back
16 and watch them fuck up everything and laugh when they
17 can't get it right. Just turn into a cold hearted
18 person with no heart which would be hard, but I can do
19 it, if I stick to it. And after what I found out, I
20 will stick to my word and see it out and go for the
21 ride. When I know it's too good to be true, when this
22 shit starts happening. Why can't I just be happy, that
23 is all I ask for is to be happy and have some help.
24 But no, it is to much to ask for any more these days.
25 I am just going to wipe my hands and do the best I can,

1 the best I know how to do."

2 Q. Are there other entries after that?

3 A. Yes.

4 Q. How many?

5 A. Two.

6 Q. What are the dates of those two?

7 A. 9/20/11 and 9/27/11.

8 Q. And on September 20th, what did you write?

9 A. "The last couple of nights it's been a blurry image
10 that comes clear every now and again. Last night it
11 came clear, and I remember what it was about as well.
12 When it starts I be outside minding my own business,
13 and then I go to the woods, and sit and think. Then a
14 guy comes and start touching me in ways that I don't
15 want to be touch, and I got away from him, and I start
16 to run away from him down the cliff. If I get close to
17 the end of the cliff and start to fall, I always manage
18 to --- manage to wake myself up. I'm afraid to find
19 out what is at the end of the cliff. I don't know if
20 it is soft ground that I could land on or endless fall
21 that would lead to nowhere. Only God knows, and I'm
22 not ready to find out. No one knows what happened to
23 me when I was little and growing up, except one person.
24 And which she found out last while I was at her house
25 while she was telling me what happened to her. When

ATELIA HUNT - DIRECT EXAMINATION

451

1 telling her was easy for me to do. The only way I got
2 that done was by pretending I was in my room with my
3 dog, because I told her how old I was and who one of
4 the guys was. If only it was that simple to tell
5 Mikey, then he would know what I went through. He
6 would have some type of idea of why I was the way I am.
7 When I was by myself and opened up to someone, it's
8 hard for me to do. My own parents or my own family
9 knows what happened, and I plan on keeping like that
10 for as long as live. I just don't understand why my
11 life is always been like this shit, and everybody is
12 all good. I guess I will never know until then. I
13 guess I'd be treated like shit just like my life."

14 Q. And the final entry of September 27th, which was about
15 a week before minor death, what was that entry?

16 A. "Well, minor been home for about two weeks, maybe a
17 little over, and yet no one pays me any attention like
18 I do not exist to them. Maybe it's been feeling like
19 that for quite sometime. I having flashing backs to
20 where I'm back in school on the playground ---
21 playground, in the classroom. Like I'm invisible to
22 the other children and they go about their business
23 playing or doing something in a group pass grade. I
24 hate that feeling. It makes me feel like I am shit and
25 not worth anything. The only time when they want

1 something is when they are too lazy to do anything. I
2 damn sure enough that is what it feels like now for
3 children and my boyfriend. Feels like I am back in
4 school and I don't want to go down that road again.
5 But of course, it is always the wrong road and always
6 going to feel like the outside in everything I do, that
7 there will not change and I can actually see that. The
8 invisible human being like in elementary school, and
9 high school kid again. We can tell her anything and
10 she will believe. She wouldn't think twice or ask why
11 she would do it. Just do it. Maybe I need to find
12 somewhere and stay there until I need something, or if
13 I needed to go anywhere would that change anything on
14 how it feels to be invisible."

15 Q. Thank you. Now, on that computer, was it ever used to
16 watch porn?

17 A. Mikey had it. And Mikey would be watching porn on my
18 computer.

19 Q. Did anybody else watch porn on the computer besides
20 Mikey?

21 A. No.

22 Q. Were the children --- any of the children ever present
23 when he was watching porn on the computer?

24 A. Yes.

25 Q. To your knowledge?

ATELIA HUNT - DIRECT EXAMINATION

453

1 A. Yes. It was in the house.

2 Q. Okay. Do you know who have seen him watching the porn
3 on the computer besides yourself?

4 A. His son, Alex.

5 Q. How do you know that?

6 A. I was in the kitchen one day, and Alex had came into
7 the kitchen and said mama, guess what? I was like
8 what, baby? Daddy is in there on the computer watching
9 nasty stuff on your computer. And I told him, he
10 better not be watching nothing like that on my
11 computer. And Alex said, well he is.

12 Q. Did any -- excuse me. Did S ever indicate to you
13 that she was aware of porn being watched on the
14 computer?

15 A. After Alex had told me that, S had came into the
16 kitchen where I was at and had ask me if she could
17 watch porn on the computer? And I told her, no.

18 Q. Who molested minor -- who molested minor sexually?

19 A. Sexually?

20 Q. Yeah.

21 A. Mikey.

22 Q. Did you ever participate in that?

23 A. No.

24 Q. Did you put any of the burns on her vagina?

25 A. No.

ATELIA HUNT - DIRECT EXAMINATION

454

- 1 Q. Did you ever insert anything in her vagina?
- 2 A. No.
- 3 Q. Now, you've actually plead guilty already; is that
- 4 correct?
- 5 A. Yes.
- 6 Q. And you plead guilty to homicide by child abuse, under
- 7 the aiding and abetting part of the statue?
- 8 A. Yes.
- 9 Q. And I believe you also plead guilty to unlawful neglect
- 10 or conduct towards a child; is that correct?
- 11 A. Yes.
- 12 Q. And that's why you're in the orange jump suit today?
- 13 A. Yes.
- 14 Q. Just a few more questions. In the house, there was a
- 15 cigarette butt found under your daughter's Shania's
- 16 bed. Do you know who put that there?
- 17 A. No.
- 18 Q. Do you know who put the cigarette butt that was found
- 19 in the bathroom sink on the night of October 6th?
- 20 A. No.
- 21 Q. Do you know who threw the cigarette butts all over the
- 22 floor in the master bedroom?
- 23 A. That's where Mikey be sitting at in a chair in the
- 24 bedroom, and he has an ashtray. If they don't go in
- 25 the ashtray, they'd be on the floor.

ATELIA HUNT - DIRECT EXAMINATION

455

- 1 Q. Where did minor sleep?
- 2 A. On the floor, in the bedroom with us.
- 3 Q. What would she sleep on, on the floor?
- 4 A. Two cushions.
- 5 Q. On whose side of the bed, yours or Mikey's?
- 6 A. Mikey's.
- 7 Q. And who put the cushions on that side of the bed?
- 8 A. Mikey.
- 9 Q. Mikey did?
- 10 A. Yes.
- 11 Q. Now, after you were arrested, you had written a letter,
- 12 I think to Mr. Huckabee's mother; is that correct?
- 13 A. Yes.
- 14 Q. I'm going to show you what's marked for identification,
- 15 State's Exhibit 89. This is a copy. Do you recognize
- 16 that?
- 17 A. Yes.
- 18 Q. Look through each page to be sure. Did you write that
- 19 letter in it's entirety?
- 20 A. Yes.
- 21 Q. And did you mail that letter to Patricia Huckabee?
- 22 A. Yes.
- 23 Q. When did you write the letter?
- 24 A. 11/9/11.
- 25 Q. And this was while you were in jail on these charges

1 that you plead to?

2 A. Yes.

3 MS. LEE: At this time I would move to have State's
4 Exhibit 89 put into evidence.

5 MR. JONES: If I could just look at it. No
6 objection. What number did you say?

7 MS. LEE: 89.

8 THE COURT: 89 in evidence for the State, without
9 objection.

10 WHEREUPON, STATE'S EXHIBIT
11 NUMBER 89 WAS ADMITTED INTO
12 EVIDENCE WITHOUT OBJECTION.

13 Q. I'm going to hand the --- hand it back. Do you recall
14 what you wrote in the letter?

15 A. Yes.

16 Q. Why did you write that letter to Patricia Huckabee?

17 A. Trying to let her know that I still loved her. And
18 trying to let her know that what had --- had happened
19 that night; that I was afraid. I didn't know what to
20 think. I panicked. Trying --- still trying to ---
21 still in good gracious with her, to let know that I'd
22 still be there for her.

23 Q. Did you basically in the letter, lead her to believe
24 that her son didn't have anything to do with Edna's
25 death?

ATELIA HUNT - DIRECT EXAMINATION

457

1 A. Yes.

2 Q. Why did you do that?

3 A. Whenever she had fell --- and the only thing I kept on
4 seeing that night, over and over again, was when she
5 had fell off the loveseat, and just the way he had
6 looked at me. But he didn't know what else to do.
7 There wasn't nothing else he could do.

8 Q. Did you still love Mikey Huckabee when you wrote that
9 letter to his mom?

10 A. I still loved him, but not to extent to be in love with
11 him.

12 Q. Now, you were also writing letters to someone else
13 around that same time period or shortly thereafter?

14 A. Yes.

15 Q. Who were those letters to?

16 A. To Tim McDuffie.

17 Q. Tim McDuffie?

18 A. Yes.

19 Q. And who was he?

20 A. He was a correctional officer there at Bennettsville.

21 Q. At the Marlboro County Detention Center?

22 A. Yes.

23 Q. Did you develop some sort of relationship with officer
24 McDuffie?

25 A. The relationship that we had is more where he told me

1 to keep my head up, 'that everything could work out,
2 just to leave it in God's hand, that everything could
3 work out the way that it's suppose to.

4 Q. Did y'all write love letters back and forth to each
5 other?

6 A. No. I wouldn't call them love letters. No.

7 MS. LEE: I beg the Court's indulgence.

8 Q. In those letters, did you tell him you loved him?

9 A. Yes.

10 Q. And in those letters, did you tell him you wanted to
11 have babies with him?

12 A. Yes.

13 THE COURT: All right. Counsel, again you're
14 leading. You're leading your witness. There's not been an
15 objection at this junction, but nevertheless, there was one
16 earlier. So please --- please don't lead your witness.

17 MS. LEE: Thank you, Your Honor.

18 Q. Think back to those letters that you wrote to Mr.
19 McDuffie, did you also receive letters from him?

20 A. Yes.

21 Q. What things did you say to Mr. McDuffie in his letters?

22 A. One letter that I had got from him and that I responded
23 back, he wanted to know what size rings that I wear.
24 And he wanted to propose to me, that he wanted to be
25 with me. And whenever I wrote him back, told him what

ATELIA HUNT - DIRECT EXAMINATION

459

1 size. And told him that what I was going through, it
2 wouldn't be the best to do that. But I still told him
3 what size. What wedding band I wear. What size. And
4 that I wanted to have more children, only if I take
5 precaution about trying to remove a cyst that's on my
6 kidney. And that if I had that removed, then
7 possibility I would think about having children.

8 MS. LEE: I beg the Court's indulgence. I beg the
9 Court's indulgence.

10 Q. I'm going to show you some documents and just ask if
11 you recognize those? After having looked at these
12 items, do you recall what you wrote to Mr. McDuffie?

13 A. Yes.

14 Q. What was the nature of the letters you were writing to
15 him?

16 A. That we had talked about whenever all this was over
17 we'd being together. Talking about getting married and
18 having children together.

19 Q. Now, did you have any sort of relationship, or did you
20 give --- know Mr. McDuffie before you were arrested for
21 Edna's death?

22 A. No.

23 Q. Did you have anything at all to do with Edna's death?

24 A. No.

25 Q. Would you even aware of his existence before Edna's

1 death?

2 A. No.

3 Q. Why didn't you take minor to the doctor the week of her
4 death when she was gray, stumbling, couldn't stand up
5 good? You said she was sleeping most of the time,
6 laying most of the time, why didn't you take her to the
7 doctor?

8 A. Every time I tried to go take her to the doctor, Mike
9 always told me to wait until the bruises healed up.
10 Whenever the bruises healed up, that's when I would be
11 able to take her. And every time I tried to take her,
12 fresh bruises would appear on her body. And then he'll
13 stop me more about trying to take her, that if I did
14 take her and the doctor will see the bruises, then DSS
15 would had gotten involved.

16 Q. And one final question. Did you do any of this? Did
17 you put any of these injuries to your child --- on that
18 baby's body?

19 A. No.

20 Q. Did you put any of those injuries on that baby's body?

21 A. No.

22 Q. And there was no one else in the home, no adults,
23 beside you and Mikey Huckabee?

24 A. Correct.

25 Q. Thank you.

ATELIA HUNT - DIRECT EXAMINATION

461

1 MS. LEE: Answer any questions that the defense has.

2 THE COURT: All right. Counsel, come up and let's
3 talk about scheduling before we begin cross examination.

4 (WHEREUPON, a bench conference was held in
5 the presence of the jury, but out of their hearing range.)

6 THE COURT: All right. Ladies and gentlemen, we're
7 going to take a break at this time, rather than go directly
8 into cross and maybe not be able to finish the questioning
9 part of cross examination. Counsel tells me they wish to
10 show some videos as well. And so let's just take a break
11 now. We'll be in recess for approximately fifteen minutes.
12 And we'll remain where we are while you return to the jury
13 room.

14 (WHEREUPON, the jury exits the courtroom at
15 2:43 p.m.)

16 THE COURT: All right. Ladies and gentlemen, we'll
17 be recess now for approximately fifteen minutes.

18 (WHEREUPON, a recess was taken.)

19 MS. LEE: Your Honor, we have one house keeping
20 matter.

21 THE COURT: All right. Go ahead, please.

22 MS. LEE: The witness authenticated two items,
23 State's Exhibit 100, which was the application for Cub
24 Scouts for Alexander Huckabee. Exhibit 101 for
25 identification, which was the sign in sheet from October

ATELIA HUNT - DIRECT EXAMINATION

462

1 6th, but we did not move these into evidence. And at this
2 time the State would request that these be moved into
3 evidence as 100 and 101 for the State.

4 MR. JONES: I have no objection to either one.

5 THE COURT: All right. Let's mark those as in
6 evidence 101 and 100 for the State. No objection.

7 WHEREUPON, STATE'S EXHIBIT
8 NUMBER 100 AND 101 WAS
9 ADMITTED INTO EVIDENCE WITHOUT
10 OBJECTION.

11 THE COURT: All right. Now, you're going to proceed
12 to question the witness first; am I correct?

13 MR. JONES: Yes, sir.

14 THE COURT: All right. And do you anticipate that
15 after you finish questioning the witness and show the video,
16 that you'll have more questions for the witness?

17 MR. JONES: I do not think so.

18 THE COURT: All right.

19 MR. JONES: But I am not sure, based on how much ---
20 we're actually talking about not showing all of the video.

21 THE COURT: All right. Well, are you going to go
22 back on cross with Ms. Hunt do you believe, Mrs. Lee? I
23 mean, excuse me, you intend to redirect, I assume, after
24 this?

25 MS. LEE: Only if something arises during the course

ATELIA HUNT - DIRECT EXAMINATION

463

1 of cross examination that I feel I need to address.

2 THE COURT: All right. Is Ms. Hunt being housed here
3 in Marlboro County during the duration of this child?

4 MR. REDMOND: Chesterfield.

5 MS. LEE: Chesterfield County.

6 THE COURT: Well excuse me, locally --

7 MS. LEE: Yes, Your Honor.

8 THE COURT: -- and not back to SCDC?

9 MS. LEE: She has been at Chesterfield for --- this
10 is the third week.

11 THE COURT: Okay. Very good. Now, it appears the
12 jury has completed their break by now. So, please bring in
13 the jury. Ms. Hunt, you don't need a break, ma'am, you're
14 fine? You're okay?

15 MS. HUNT: Uh'huh.

16 THE COURT: All right. Very good.

17 (WHEREUPON, the jury enters the courtroom at
18 3:02 p.m.)

19 THE COURT: All right. Now, you will recall at the
20 close of our first session for the afternoon, we completed
21 direct examination of Ms. Hunt. Now we move to cross
22 examination. Mr. Jones.

23 MR. JONES: Yes, sir. Thank you.

24 THE COURT: Yes, sir.

25 CROSS EXAMINATION BY MR. JONES

ATELIA HUNT - CROSS EXAMINATION

464

1 Q. Good afternoon, Ms. Hunt. I'm not sure where to start,
2 so let's start in reverse order. Let me show you what
3 you looked at before but now has been marked as
4 Defendant's Exhibit Number 1 and Number 2. I ask you
5 again if you can identify these? And can you identify
6 those for me?

7 A. Yes.

8 Q. All right. Take Number One first and tell me what that
9 is? What group of papers they are?

10 A. It's the letters that I had wrote to Tim McDuffie.

11 Q. Okay. And how about Number Two?

12 A. And Number Two is the letters where Tim McDuffie had
13 wrote to me.

14 Q. All right. So, you received group Number Two, and you
15 wrote Number One; is that correct?

16 A. Yes.

17 MR. JONES: Your Honor, I would move to introduce
18 both of those into evidence.

19 THE COURT: You said 1 and 2?

20 MR. JONES: Yes, sir.

21 THE COURT: All right. Defense Exhibit 1 and 2, is
22 there an objection, counsel?

23 MS. LEE: No objection.

24 THE COURT: All right. Without objection, 1 and 2 in
25 evidence for defense.

ATELIA HUNT - CROSS EXAMINATION

465

1 WHEREUPON, DEFENDANT'S EXHIBIT
2 NUMBER 1 AND 2 WAS ADMITTED
3 INTO EVIDENCE WITHOUT
4 OBJECTION.

5 Q. As you look at --- as you look at the Exhibits ---
6 Defense Exhibits 1 and 2, you recall writing group one;
7 is that correct?

8 A. Yes.

9 Q. Receiving group two?

10 A. Yes.

11 Q. And I believe on direct examination you characterized
12 those letters as not love letters; is that still your
13 opinion of that group of letters right now?

14 A. Yes.

15 Q. Okay. Now, what part of asking somebody to marry you
16 and part of asking somebody to have your babies that
17 you consider not associated with love?

18 A. That's not associated with love?

19 Q. Yes. If these are not love --- does the content of
20 these letters not include the thoughts of, let's get
21 married and let's have babies?

22 A. I wouldn't thinking of it as that as love.

23 Q. What exactly were you thinking of then?

24 A. We was just doing that just to pass time by. I
25 wouldn't really taking him seriously.

ATELIA HUNT - CROSS EXAMINATION

466

1 Q. You took him seriously enough to get him fired; did you
2 not?

3 A. I did not get him fired.

4 Q. Okay. All right. Then let's back up a minute. I'm
5 going to ask again in reverse order. You read ---
6 publish to the jury Exhibit Number 90, which are your
7 thoughts that were written; do you recall?

8 A. Yes.

9 Q. Your thoughts written by you on that Acer computer
10 here; is that correct?

11 A. Yes.

12 Q. Now, those are --- the first one is undated, and then
13 the next one is dated from end of August until the end
14 of September; is that correct?

15 A. Yes.

16 Q. Okay. Where in there does it say anything about Mikey
17 taking care minor

18 A. Nowhere.

19 Q. Okay. And where in there does it say anything about
20 Mikey being sexually aggressive to you?

21 A. Nowhere.

22 Q. In fact, it says the opposite; does it not?

23 A. Yes.

24 Q. Yes?

25 A. Yes.

ATELIA HUNT - CROSS EXAMINATION

467

1 Q. Okay. Now, do you recall the statements that you gave
2 to various officers from Marlboro Police Department and
3 to Lieutenant Bass after you were arrested?

4 A. Yes.

5 Q. Do you recall telling them in great detail how Mikey
6 was sexually abusive to you?

7 A. Yes.

8 Q. All right. That's not included in your thoughts there
9 at all; is it?

10 A. No.

11 Q. Okay. Let's go back. Tell me how many times you
12 talked to law enforcement after you were arrested?

13 A. I talked to them multiple times over --- over the
14 periodical time.

15 Q. Okay. And do you recall interviews lasting several
16 hours with officers from Marlboro County, excuse me,
17 Marlboro City and Lieutenant Bass?

18 A. Yes.

19 Q. Okay. Now, and do you recall also giving another
20 statement, I believe, this audio and video on March 1st
21 of this year?

22 A. Yes.

23 Q. Okay. And when, if ever, in any of those statements
24 did you say anything about Mikey Huckabee sexually
25 abusing or molesting minor

ATELIA HUNT - CROSS EXAMINATION

468

1 A. Nowhere.

2 Q. You didn't, did you? Not even on March 1st; did you?

3 A. No.

4 Q. All right. And March 1st was significant why?

5 A. That's whenever I went and pleaded out.

6 Q. You plead guilty that day to events associated with the
7 death of your child; did you not?

8 A. Yes.

9 Q. And as a result of that guilty plea, were you ask to
10 cooperate with law enforcement in the prosecution of
11 this case?

12 A. Yes.

13 Q. But nowhere, even on that day, did you say a word about
14 Mikey Huckabee sexually molesting minor

15 A. No.

16 Q. When did that revelation come to you?

17 A. When I found out about the third charge.

18 Q. But you were asked about it numerous times; were you
19 not?

20 A. Yes.

21 Q. Did it make any different whether he had a charge or
22 not, as far as your memory is concern?

23 A. No.

24 Q. How about the truth?

25 A. I am speaking the truth.

ATELIA HUNT - CROSS EXAMINATION

469

1 Q. Would that make a difference? Pardon me.

2 A. I am speaking the truth. Over the period of time there
3 were things that comes in and out that ain't clear
4 that's been coming over periodic over the times.

5 Q. And the sexually molestation of your daughter, did that
6 just leave your mind?

7 A. There's things that still comes in that ain't perfectly
8 clear.

9 Q. How about the question I just ask you as to the sexual
10 molestation of minor by Mr. Michael Huckabee? When
11 did that revelation come to you?

12 A. Over the periodical time.

13 Q. Since, in fact, since March 1st?

14 A. Since everything that be coming in. As already --

15 Q. Where did that come from?

16 A. As I already done said, over the period of times,
17 there's still be things that be coming in and out that
18 ain't even perfectly clear, that how in order to base
19 up unto the leading facts of what had --- had happened.

20 Q. Okay. All right. That's good. What is a urinary
21 tract infection?

22 A. It's like a kidney infection.

23 Q. Okay. Have you ever had one?

24 A. Yes.

25 Q. Have you ever known your daughter, minor to have

ATELIA HUNT - CROSS EXAMINATION

470

1 one?

2 A. No.

3 Q. All right. Are you aware that that's what she died of?

4 A. Yes.

5 Q. Okay. When you have had urinary tract infections, what
6 symptoms have you had that told you had one?

7 A. To where I'd be burning whenever I urinate.

8 Q. Okay. And if your daughter would have had that urinary
9 tract or a urinary tract infection, would you have been
10 aware that she was having either difficulty or burning
11 sensations when she urinated?

12 A. Yes.

13 Q. And were you?

14 A. No.

15 Q. That fact was never communicated by her to you?

16 A. No.

17 Q. Do you know if it was communicated to anyone?

18 A. No.

19 Q. Okay. Did she have any other symptoms of any kind?

20 A. No.

21 Q. Now, how -- how about the period of time that you
22 discussed earlier. And let's take it from Monday,
23 October 3rd --- Monday, October 3, 2011 until your
24 daughter's death on Thursday, October 6, 2011. Can we
25 concentrate on those four --- five days?

ATELIA HUNT - CROSS EXAMINATION

471

1 A. Uh'huh.

2 Q. Okay. And we can go backwards, because I believe
3 that's how you did on direct examination. On Thursday
4 the 6th, is it from my understanding from your
5 testimony, that you began the day just prior to seven
6 o'clock by getting --- you getting up and then getting
7 S and Alex up; is that correct?

8 A. Yes.

9 Q. And you got them ready for school?

10 A. Yes.

11 Q. And put them on the bus?

12 A. Yes.

13 Q. All right. How far away is the bus --- where they get
14 on the bus from the house you were living in at that
15 time?

16 A. Not even two tenths of a mile.

17 Q. How long did it take you to get there?

18 A. Probably about two minutes to walk.

19 Q. Two minutes there and two minutes back?

20 A. Yes.

21 Q. Okay. All right. Then you came back and got yourself
22 ready to go I believe, because you were going to North
23 Carolina to Mikey Huckabee's mother; is that correct?

24 A. Yes.

25 Q. Okay. From the period of time you got up until the

ATELIA HUNT - CROSS EXAMINATION

472

- 1 period of time when you left, tell me your observations
2 of Mikey Huckabee and minor
- 3 A. Whenever I had left to go put S and Alex on the
4 bus, both Mikey Huckabee and my daughter, minor was
5 still asleep inside the house.
- 6 Q. Had not awaken at all?
- 7 A. No.
- 8 Q. Okay. All right. Had Mikey worked the night before?
- 9 A. No.
- 10 Q. That would have been Wednesday night?
- 11 A. That was Wednesday night, but he wasn't at work.
- 12 Q. Okay. Did he work any evenings that week that you
13 recall?
- 14 A. Not that I recall, no.
- 15 Q. Okay. Where did he work?
- 16 A. He had a shop at his parents house. That's right down
17 the road, a mile from the house on Persian Street.
- 18 Q. And how often did he work there?
- 19 A. Every so often. Every once in a blue moon.
- 20 Q. Whenever had work?
- 21 A. Yes.
- 22 Q. Did he work there by himself or did anybody work with
23 him?
- 24 A. He'd be --- nobody there --- by himself.
- 25 Q. Okay. And I assume if he had work, he worked. But if

ATELIA HUNT - CROSS EXAMINATION

473

1 he didn't have work, he'd stay home?

2 A. Right.

3 Q. And that week, do you recall him working at all?

4 A. No.

5 Q. Do you recall him going to the shop at all, say from
6 Monday until Thursday?

7 A. No.

8 Q. All right. Now, your routine normally included getting
9 the older two children up, getting them off to school,
10 and then taking care of the household, I guess?

11 A. Yes.

12 Q. Did you do that -- you didn't do that on Thursday,
13 because you went to a doctor's appointment with Mrs.
14 Huckabee; correct?

15 A. Right.

16 Q. Did you do that on Wednesday?

17 A. No.

18 Q. What did you do differently on Wednesday?

19 A. Wednesday, I had to go to North Carolina for myself,
20 for a court date in Pembroke.

21 Q. All right. Now, tell me what that was about?

22 A. That was about where I had a Domestic Violence Court
23 Order for my husband.

24 Q. All right.

25 A. Where he had violated.

ATELIA HUNT - CROSS EXAMINATION

474

- 1 Q. And what was the violation?
- 2 A. Where he had violated -- I was -- during school from
- 3 work, and he was out there, and he violated.
- 4 Q. Okay. And as a result of his actions you took him
- 5 back to court in North Carolina?
- 6 A. Yes.
- 7 Q. And who went with you for that hearing?
- 8 A. Just myself.
- 9 Q. Okay. And where was that hearing?
- 10 A. That was in Pembroke, North Carolina.
- 11 Q. And how far is that from Bennettsville? How long did
- 12 it take you to get there?
- 13 A. Forty-five minutes.
- 14 Q. All right. And did you file the papers necessary to
- 15 get it back into court?
- 16 A. No.
- 17 Q. Who files those papers?
- 18 A. Whenever he had violated, the law officials were
- 19 alerted that had violated it, and they --- the law
- 20 officials had went to the Judge and let them know he
- 21 had violated.
- 22 Q. And who notified law enforcement?
- 23 A. I did.
- 24 Q. Okay. So, there was no question that you knew how to
- 25 report a situation for law enforcement which was either

ATELIA HUNT - CROSS EXAMINATION

475

1 abusive or something that was not suppose to be
2 happening; correct?

3 A. Right.

4 Q. All right. How long did that take?

5 A. For that day? For that court, whenever I had went?

6 Q. That Wednesday, how long were you gone from your house
7 in Bennettsville?

8 A. I was back about 11:15, 11:30.

9 Q. All right. And did you have occasion to leave the
10 house again the rest of that day?

11 A. Whenever we had went to Pizza Time.

12 Q. We being, everybody?

13 A. Me, Mikey, and minor

14 Q. Okay. And what was Edna's health like on Wednesday,
15 October 5th?

16 A. She was a little --- walking around, having a hard time
17 walking around. Her skin color was the grayish tint
18 color, and we still went to Pizza Time.

19 Q. You forgot about favoring the right side? You forgot
20 about favoring the right side. Did she favor her right
21 side?

22 A. I said that she was limping.

23 Q. On the right side?

24 A. Yeah.

25 Q. Do you know why?

ATELIA HUNT - CROSS EXAMINATION

476

- 1 A. Is was where she couldn't put her pressure on that
2 right side.
- 3 Q. Why?
- 4 A. Is where she had like a lump on the tail end of her
5 bone.
- 6 Q. On her foot?
- 7 A. On her bone of her spine.
- 8 Q. Was that something she always had, or did she just
9 developed it?
- 10 A. She never had that.
- 11 Q. When did it come about, and when did you notice it?
- 12 A. Up prior to her death.
- 13 Q. When?
- 14 A. Up prior to her death.
- 15 Q. How -- how -- how -- when did you first notice it?
- 16 A. I first noticed it when she was walking with a limp,
17 where she couldn't put pressure on that right side.
- 18 Q. Okay. And tell me, thinking about all your interviews
19 with law enforcement, including March 1st of this year,
20 when did you mention she had a lump on her bone?
- 21 A. That's whenever I was talking to Mrs. Kathy, saying
22 that she was walking with a limp.
- 23 Q. She said that or you said that?
- 24 A. I said that.
- 25 Q. Okay. When would that have been?

ATELIA HUNT - CROSS EXAMINATION

477

- 1 A. That was back in October, when I had talked to Mrs.
2 Kathy the first time.
- 3 Q. Okay. What did you do about that?
- 4 A. Nothing.
- 5 Q. And how did you discover there was a lump? Tell me
6 exactly where it was.
- 7 A. I had discovered it whenever she had got in the tub ---
8 where she had took off her clothes, and got in the tub,
9 and laid down.
- 10 Q. What day?
- 11 A. I don't know exactly what day.
- 12 Q. Was it from Monday to Thursday, or was it prior to that
13 time?
- 14 A. It was prior to that.
- 15 Q. So, she had been limping for some period of time?
- 16 A. Yes.
- 17 Q. Okay. And did you doctor on that all yourself?
- 18 A. No.
- 19 Q. And you were kinda of familiar with home remedies; were
20 you not?
- 21 A. Yes.
- 22 Q. And why were you familiar with home remedies?
- 23 A. I used home remedies with my oldest daughter.
- 24 Q. And that was kind of a family tradition?
- 25 A. Yes.

ATELIA HUNT - CROSS EXAMINATION

478

- 1 Q. All right. I believe that was in one of your
2 interviews; was it not?
- 3 A. Yes.
- 4 Q. Okay. What other home remedies did you use on minor
5 just prior to her death?
- 6 A. For a cold, or for the cold in her eye, or mainly how
7 to broke a fever, or teething.
- 8 Q. Did she have any of those symptoms from Monday to
9 Thursday?
- 10 A. No.
- 11 Q. Of the week she died?
- 12 A. No.
- 13 Q. You mentioned that on Thursday, excuse me, on Wednesday
14 she had a limp?
- 15 A. Uh'huh.
- 16 Q. Favored her right side?
- 17 A. Yes.
- 18 Q. And her color was grayish?
- 19 A. Yes.
- 20 Q. All right. Did she appear to have a fever?
- 21 A. No.
- 22 Q. Did you appear to be --- do you know what the word
23 lethargic means?
- 24 A. It's where --- it's like where she --- it's like she's
25 there but she really wouldn't there.

ATELIA HUNT - CROSS EXAMINATION

479

1 Q. Did you she act like that?

2 A. It's like she couldn't --

3 Q. Excuse me. Go ahead.

4 A. It's like she was --- it's like she wouldn't know where
5 her surroundings were or what really was going on.

6 Q. Did you notice that she was like that on Wednesday?

7 A. Yes.

8 Q. When?

9 A. It was around that evening time, late evening.

10 Q. And what would exhibit that behavior in her?

11 A. It's where she would be on the cushions, where she'd be
12 watching t.v. --- where she's suppose to be watching
13 t.v., where she like spaced out, like daydream. And
14 whenever you go in, it's like she wouldn't look at you.
15 It's like she was looking beyond you.

16 Q. Now, that was Wednesday evening?

17 A. Yes.

18 Q. And would she have been lying on the cushions that you
19 described, that were in the bedroom?

20 A. Yes.

21 Q. Why did --- why did she watch t.v. from that position?

22 A. She was to a point for that prior --- to that week,
23 that's mainly all she done was lay around.

24 Q. Okay. And was there a big t.v. in that room?

25 A. Yes.

- 1 Q. Was that the nicest t.v. in the house?
- 2 A. Not the nicest. It was a wide screen.
- 3 Q. Okay. And is that where Mikey generally watched t.v.?
- 4 A. Yes.
- 5 Q. And would minor frequently watch t.v. in there also?
- 6 A. Yes.
- 7 Q. How about you?
- 8 A. Every so often, but not frequently.
- 9 Q. Okay. All right. So, you noticed Wednesday night that
- 10 she's a little lethargic. What did you do about it?
- 11 A. Nothing.
- 12 Q. Why not?
- 13 A. I didn't think nothing of it. At that time I thought
- 14 maybe she was just daydreaming off.
- 15 Q. So, it wasn't a bad situation, it was just she wasn't
- 16 concentrating on the television?
- 17 A. Right.
- 18 Q. All right. What were you watching?
- 19 A. SpongeBob was on.
- 20 Q. Wednesday? We're talking about Wednesday night?
- 21 A. SpongeBob.
- 22 Q. That was pretty much her favorite television show?
- 23 A. Yes.
- 24 Q. Okay. So, she's a little gray on Wednesday. She had a
- 25 limp during the day. She went to Pizza Time with

ATELIA HUNT - CROSS EXAMINATION

481

1 y'all?

2 A. Yes.

3 Q. Did anybody get out of the car?

4 A. No.

5 Q. Just Mikey?

6 A. No.

7 Q. Who got out of the car?

8 A. I did.

9 Q. So, you went in and you got the order?

10 A. Yes.

11 Q. And how did you know what she wanted?

12 A. Spaghetti was also her favor meal, anywhere to eat the
13 noddles.

14 Q. Okay. All right. So, you got her Spaghetti. You got
15 you and Mikey something to eat?

16 A. I got minor spaghetti, and I got Mikey something to eat.
17 I didn't get nothing.

18 Q. Okay. All right. And you took it home and ate; is
19 that correct?

20 A. Yes.

21 Q. And they took it home and ate it?

22 A. Yes.

23 Q. Was there -- did I understand you to say that was his
24 birthday?

25 A. Yes.

- 1 Q. All right. And I also understand you to say that he
2 and minor ate in one room, but you were in another room?
- 3 A. Right.
- 4 Q. Okay. Where was Alex and S
- 5 A. They was at school.
- 6 Q. So, this was lunch time, and that was the lunch meal?
- 7 A. Yes.
- 8 Q. All right. And minor ate her spaghetti?
- 9 A. Yes.
- 10 Q. All right. And then the children got home at some
11 point in time?
- 12 A. Yes.
- 13 Q. The other children?
- 14 A. The kids --- Alex and S got home at five --- after
15 three.
- 16 Q. All right. And your routine was to do what?
- 17 A. I walked down there to meet them at the bus stop. Went
18 and got them. Came back home. See if they had any
19 homework. Ask the routine questions. How was school?
20 If they had homework. What they got to do.
- 21 Q. Okay. Now, during that -- during the time that you
22 were at home, Pizza Time, television watching, you went
23 to get the other kids, the other kids came home, did
24 minor exhibit any other symptoms to you that were out of
25 the ordinary?

ATELIA HUNT - CROSS EXAMINATION

483

- 1 A. No.
- 2 Q. All right. Did she scratch her genital area at all?
- 3 A. No.
- 4 Q. She did not act like she was having any difficulty at
- 5 all in that area?
- 6 A. No.
- 7 Q. Okay. She just got a little lethargic Wednesday night?
- 8 Yes?
- 9 A. Yes.
- 10 Q. All right. Back to Thursday, you were gone. You came
- 11 home, I think you said about threeish?
- 12 A. Right. Close to three. By the time I got home it was
- 13 time to get the kids off the bus.
- 14 Q. All right. From three to something around five, or a
- 15 little after, you were at home with everyone?
- 16 A. Yes.
- 17 Q. And then you and Alex took off to Cub Scouts?
- 18 A. Yes.
- 19 Q. During that couple of hours, did you notice anything
- 20 about minor that was out of the ordinary?
- 21 A. Still the same.
- 22 Q. Was she up and around?
- 23 A. No.
- 24 Q. She was where?
- 25 A. In the bedroom.

ATELIA HUNT - CROSS EXAMINATION

484

- 1 Q. Did that concern you?
- 2 A. It concerned me, because that up until --- her prior to
- 3 her death that's mainly where she was at.
- 4 Q. Say that again, please.
- 5 A. That's where she was at until the time of death, was
- 6 mainly confined to that bedroom.
- 7 Q. All right. And my questions was, did that not concern
- 8 you?
- 9 A. Yes.
- 10 Q. All right. What did you do about it?
- 11 A. I go in there and I check on minor and Mikey, and they
- 12 be watching SpongeBob. SpongeBob would be on the t.v.
- 13 Q. Was she laughing and watching television?
- 14 A. She wasn't laughing. She was watching t.v.
- 15 Q. Now, is that the same day that you told Agent --- I
- 16 believe it was Lieutenant Bass, earlier that she was up
- 17 coloring, sitting at her little desk?
- 18 A. A paint table. That's what Mikey had told me, that she
- 19 was up coloring.
- 20 Q. Did you see that?
- 21 A. No.
- 22 Q. But you told Lieutenant Bass that during one of your
- 23 interviews?
- 24 A. Yes.
- 25 Q. When did you --- she have her first seizure that day?

ATELIA HUNT - CROSS EXAMINATION

485

1 A. The first seizure, for what was told to me, was what
2 Mikey had told me, back in August.

3 Q. All right. Let's concentrate just on Thursday for a
4 few minutes. We'll get back to August in the minute.
5 That Thursday, when did she have her first seizure?

6 A. She didn't have no seizure Thursday.

7 Q. She didn't have any episodes at all on Thursday,
8 October 6th?

9 A. No.

10 Q. Why did you tell Lieutenant Bass in one or more of your
11 interviews, that she had four?

12 A. That's what was told to me.

13 Q. All right. So, now your saying you did not --- you
14 didn't see any seizure?

15 A. No.

16 Q. Episode of any kind at all that day?

17 A. No.

18 Q. Do you recall telling her on October 7th, that the
19 first seizure was when she grabbed Michael around the
20 head, and it was just a little quick one; you remember
21 saying that?

22 A. I don't recall that one.

23 Q. And the second one was a little longer one. And then
24 after that you went to take Alex to scouts; you don't
25 recall that?

ATELIA HUNT - CROSS EXAMINATION

486

1 A. No.

2 Q. Okay. And then the third one was a big one in the
3 bedroom; do you recall saying that?

4 A. No.

5 Q. Okay. When did that come to your attention?

6 A. I don't understand.

7 Q. When did you --- when did you become aware or did you
8 ever become aware that minor was having seizure like
9 activity on Thursday, October 6th?

10 A. I wasn't aware that she was having seizures, because on
11 October 6th, I was very much out of the house on
12 October 6th.

13 Q. Why would you tell Lieutenant Bass?

14 A. That's what was told to me.

15 Q. So, you became aware of it at some point?

16 A. From what was told to me.

17 Q. When was it told you?

18 A. From what Mikey had told me.

19 Q. When?

20 A. Throughout that day. That night.

21 Q. So, during the day, October 6th, you became aware, did
22 you not, that minor was having seizure like activities?

23 A. From what Mikey had told me that night.

24 Q. I don't care how you found out about it. Did you
25 become aware of it?

ATELIA HUNT - CROSS EXAMINATION

487

- 1 A. I did.
- 2 Q. Yes?
- 3 A. Yes.
- 4 Q. And you did what?
- 5 A. Nothing. I had -- that's when I was taking precautions
- 6 in order to getting the kids to the next door neighbors
- 7 house, in order to take her to the hospital.
- 8 Q. That's the first time you knew anything about a seizure
- 9 activity?
- 10 A. Yes.
- 11 Q. Is when the big one happened?
- 12 A. Yes.
- 13 Q. Okay. Let's talk about that a minute. How far away
- 14 does Ms. Denea Malachi, is that who we're talking
- 15 about?
- 16 A. Yes.
- 17 Q. The neighbor?
- 18 A. Yes.
- 19 Q. How far away from the house that you were staying at
- 20 did they live?
- 21 A. Right next door.
- 22 Q. Can you estimate from here to the back wall of the
- 23 courthouse?
- 24 A. It's a little bit closer from the end of the wall.
- 25 Q. Okay. All right. So, she's having, on direct

ATELIA HUNT - CROSS EXAMINATION

488

1 examination, it was described as a pretty good seizure
2 --- a pretty good episode; was it not?

3 A. Yes. Where she wouldn't --- it's like she was laying
4 on the cushions on her side with her head straight up,
5 looking like her eyes gazing at the ceiling.

6 Q. Okay. And did I understand that your actions at that
7 point in time were, I'm going to get all the children -
8 -- the children up --- I'm gonna get them dressed and
9 I'm gonna walk them across to the neighbor?

10 A. They was already dressed.

11 Q. They had gone to bed?

12 A. No.

13 Q. Okay. So, they were all dressed. So, you took them
14 across to Mrs --

15 A. Denea.

16 Q. Denea Malachi house; correct?

17 A. And I let Denea know that for her --- to ask her to
18 keep the kids. She said, yes. I took them over there.
19 And I was going to take minor to the hospital. And I
20 was going to have Mikey to go with me.

21 Q. Okay. Got back to the house, and you immediately took
22 minor and put her in the car; is that correct?

23 A. I did not take her --- put her in the car. Mikey took
24 her to the car.

25 Q. Well before that, didn't you go back over to Mrs.

ATELIA HUNT - CROSS EXAMINATION

489

1 Malachi's house and get the children back, and put them
2 back in your house?

3 A. Yeah. But Mikey told me that he wouldn't going to the
4 hospital, that he was going to stay there with the kids
5 to make sure they went to sleep, and make sure they got
6 up to go to school for the next morning.

7 Q. And so, you didn't say, Mikey go get the children, I'm
8 taking minor who's having a major seizure, to the
9 hospital? Did you say that?

10 A. No.

11 Q. Why not?

12 A. I was going to have Denea keep the kids, and I was
13 going to have Mikey go with me to the hospital.

14 Q. Okay.

15 A. So, that I wouldn't be up there by myself.

16 Q. So, you went back across to the neighbors house. Got
17 the children and brought them back to the house?

18 A. Yes.

19 Q. Okay. At that point in time, did you put minor into the
20 car? Mikey got minor in the car?

21 A. Mikey had her in the car. Whenever I came back with
22 the kids, S went into her room. Alex went to his
23 room. Mikey was seating on the loveseat. minor was
24 sitting on the loveseat with the burgundy towel wrapped
25 around her.

ATELIA HUNT - CROSS EXAMINATION

490

1 Q. Okay. And all this is taken minutes, I'm assuming?

2 A. Yes.

3 Q. All right. And in the meantime Edna's having a major
4 episode; is that correct?

5 A. At that time --- that's when she was sitting on the
6 loveseat with a burgundy towel wrapped around her. She
7 had stopped breathing. By the time she had stopped
8 breathing, she fell off the loveseat.

9 Q. Okay.

10 A. Head first, but her did not hit nothing.

11 Q. And then CPR was administered; is that correct?

12 A. Yes.

13 Q. Okay. And then finally, did y'all get minor into the
14 car?

15 A. That's whenever he was doing his CPR, I ran out the
16 house for Denea, telling Denea that I need her --- for
17 her to come with me, that something was wrong, that I
18 didn't know exactly what to expect. Because I at that
19 point, I was panicking, because I did not know what to
20 do.

21 Q. Did she tell you call 9-1-1?

22 A. No.

23 Q. Did you think about that?

24 A. No.

25 Q. Okay. So, you got in the drivers seat, and minor was

ATELIA HUNT - CROSS EXAMINATION

491

1 put in the back seat?

2 A. Yes.

3 Q. And did you I understand you to say that she was put in
4 the car seat with the seat belt buckle?

5 A. Yes.

6 Q. All right. Was she breathing?

7 A. No.

8 Q. All right. Where was Mrs. Malachi?

9 A. In the front seat.

10 Q. She'd already gotten in?

11 A. Yes.

12 Q. All right. And you took off?

13 A. Yes.

14 Q. And some point in time you realized, I guess I better
15 get in the back seat with my child; did you not?

16 A. That's when it had dawn on me that Denea was in the
17 front seat with me. I stopped in the middle of the
18 road and climbed from out of the front seat to the
19 back.

20 Q. And is that when minor revived and say Da?

21 A. Yes.

22 Q. All right. So, she began breathing again, when you go
23 to the back seat?

24 A. By the time I got in the back seat and got minor from
25 out the car seat from the seat belt, doing CPR, that's

1 when she had said Da, while we --- I doing the CPR for
2 the third rep for the CPR.

3 Q. And the episode that occurred when you got back from
4 Cub Scouts was the first indication of any seizure like
5 activity that minor was having?

6 A. Yes.

7 Q. All right. Now, you mentioned, excuse me, that day?
8 That day?

9 A. Yes.

10 Q. You mentioned earlier that there was an episode back in
11 August, tell me about that.

12 A. That's when I was at Mikey's mother's house, Mrs.
13 Patricia. And I was there cleaning up. Mikey had
14 called his mother's phone. Mrs. Patricia had picked up
15 the phone. He wanted to talk with me. Mrs. Patricia
16 handed me the phone. And I got on the phone and he had
17 ask me, he was like, has minor ever had a seizure? And
18 I told him, no. And I had ask him why? He was like,
19 that's all I needed to know. Then he hung up the
20 phone.

21 Q. And what did you do, keep on cleaning?

22 A. I told them that to my knowledge that she ain't never
23 had one. She ain't never experience one. In my care
24 she ain't never had one.

25 Q. And you jumped in the car and rush right home to find

ATELIA HUNT - CROSS EXAMINATION

493

1 out if she was having one?

2 A. Yes.

3 Q. Okay. And was she?

4 A. No.

5 Q. All right. So, nothing was done?

6 A. No.

7 Q. Why did you tell Mrs. --- Lieutenant Bass that you
8 called the doctor at some point in time and asked --

9 A. Whenever I had got back to the house, Mikey had left
10 and went to his mom's house. Mikey left the cell phone
11 with me. And I looked on the internet for the
12 hospital's number, and I called the hospital and I had
13 ask them. That's whenever I had called the hospital.
14 And they had told me what to look for.

15 Q. And nobody said, bring that child in right now?

16 A. No.

17 Q. Okay. So, nobody did?

18 A. No.

19 Q. All right. When was the next seizure like activity?

20 A. After that, that's whenever she had went to North
21 Carolina, to my parents house.

22 Q. All right. I'm sorry I missed that. The one you just
23 described was before she went to North Carolina?

24 A. Yes.

25 Q. Okay. I'm sorry. She went to North Carolina. And did

1 she have any other seizure activities to your knowledge?

2 A. Not while she was in North Carolina, no.

3 Q. All right. When she got back --

4 A. She --

5 Q. Up until the day of her death, were you aware of any
6 other seizure activities?

7 A. That's whenever Mikey would describe that she would go
8 into the modes where her fist would clinch, and that
9 her feet would turn inward and upward.

10 Q. And because the people at the emergency room had told
11 you earlier to bring her in; is that what you did?

12 A. Sir?

13 Q. Because in August, when she had that activity, and you
14 called the hospital and they told you to wait until it
15 happened again, and bring her in --

16 A. They told --

17 Q. -- the one that you're just -- go ahead.

18 A. They had told me what to look for, but they never told
19 me to look for that hand clinching, or the feet
20 clinching, or anything like that. What they told me to
21 look for was like, for shaking or like where her ---
22 where she was trying to swallow her tongue. I didn't
23 see none of that.

24 Q. So, you did nothing?

25 A. Right.

ATELIA HUNT - CROSS EXAMINATION

495

1 Q. Okay. Anymore seizure like activities up until the
2 time of her death?

3 A. Just those with her hand clinching and her feet turning
4 inward and upward.

5 Q. All right. And did I understand you to say that as you
6 left to go to Cub Scouts on that Thursday, that you
7 went in looked at minor and she was laying down watching
8 t.v., but her head was a different place?

9 A. Whenever I had left she was watching SpongeBob. Both
10 her and Mikey was in the bedroom watching SpongeBob.
11 S was in the front room. She was fine. She
12 wasn't doing none of that whenever I left.

13 Q. All right. Tell me when all the head in the funny
14 position --

15 A. That night.

16 Q. Okay.

17 A. That was happening that night. Whenever I got back.
18 Whenever I was doing the hotdogs. Whenever I was going
19 to check in on her, that's when all that was taking
20 place, is whenever I started taking --- went to go ask
21 Denea to keep the kids for me. Both S and Alex.
22 And I was going to take minor to the hospital. I was
23 going to have Mikey to go with me to the hospital.

24 Q. So, that's when you saw that happened?

25 A. Yes.

ATELIA HUNT - CROSS EXAMINATION

496

1 Q. Okay. And immediately, let's go to the hospital.

2 A. Yes.

3 Q. All right. Now, when he told you about those
4 activities, you didn't believe him?

5 A. No.

6 Q. All right. I'm going to show you State's 6 and State's
7 1. All right. Do those depict what have been
8 described as burn marks on minor

9 A. Yes.

10 Q. Had you ever seen either of the marks on Number 6 or
11 Number 20 prior to looking at those photos?

12 A. Whenever she had went and laid into the bathroom, that
13 whenever I had seen them.

14 Q. When was that?

15 A. This was prior up to her death, leading up to her
16 death.

17 Q. All right. Give me a date that it might be prior? Was
18 it four days, three days, ten days?

19 A. Probably about four days prior, maybe a little bit
20 longer. That's when I had seen them. And I had ---
21 that's whenever I was questioning Mikey about the
22 cigarette burns. And that's when he had claimed that
23 she had run into a cigarette. And that's when he was -
24 -- told me to look on the internet and see what he can
25 do about healing the burn marks.

ATELIA HUNT - CROSS EXAMINATION

497

1 Q. And your testimony is that you saw those conditions
2 depicted in 6 and 20, on your child up to ten days
3 prior to her death?

4 A. Yes.

5 Q. You did nothing about it? Is that your testimony?

6 A. Yes.

7 Q. Okay. All right. I'm going to show you State's 11,
8 15, 16, and 17, and ask you to look at those exhibits.
9 All right. Are you familiar with those?

10 A. Yes.

11 Q. Had you ever seen any of those marks on your daughter
12 prior to her death on October 6th?

13 A. That's whenever she was laying in the tub.

14 Q. And would that be about the same period of time?

15 A. Yes.

16 Q. About ten days prior to her death?

17 A. Yes.

18 Q. And you what about these marks?

19 A. Nothing.

20 Q. Absolutely nothing. I believe in your interviews you
21 had discussion --- you and Mr. Huckabee discussed some
22 of those marks?

23 A. Yes.

24 Q. And I believe your testimony then was, explained them
25 all away?

1 A. Yes.

2 Q. And what did you say, okay?

3 A. Pretty much, yes.

4 Q. Now, did I hear you to say also that on Tuesday, two
5 days prior to your daughter's death, that your father
6 was at your house?

7 A. Yes.

8 Q. Okay.. Now, you'd seen all those marks ten days prior
9 to then, but your father came to your house on Tuesday
10 and you said nothing about that to him?

11 A. No.

12 Q. All right. Now, your father and mother were the ones
13 that were in North Carolina that notified DSS that they
14 was something bad going on; is that correct?

15 A. Yes.

16 Q. All right. So, instead of telling your father that
17 Tuesday, Daddy help, I've got marks on my daughter, you
18 need to see them and help me; you did what?

19 A. Nothing.

20 Q. I suppose Mikey made you do that?

21 A. He had told me that minor was not there.

22 Q. All right. Did Mikey tell you not to tell your father
23 anything about that --- about those marks?

24 A. No.

25 Q. And you knew about them six days before you dad got

ATELIA HUNT - CROSS EXAMINATION

499

1 there; yes?

2 A. Yes.

3 Q. All right. And you did absolutely nothing?

4 A. Right.

5 Q. Okay. You mentioned that Mikey didn't want you to take
6 minor to the doctor any time after she got back from
7 North Carolina, because he was afraid DSS would get in
8 y'all's business?

9 A. Yes.

10 Q. All right. Truth of the matter is, you had a doctor's
11 appointment sometime, if I understood your testimony
12 right. You had a doctor's appointment sometime during
13 the month when minor was in North Carolina?

14 A. Yes.

15 Q. What was that appointment for?

16 A. That was for a well check-up for both S Alex, and
17 minor

18 Q. Getting established with a new doctor in the area?

19 A. Yes.

20 Q. All right. And she missed that appointment because
21 why?

22 A. She was in North Carolina.

23 Q. Okay. Was she bruised then?

24 A. Just a bruise on her back, and her ears was raw.

25 Q. Okay. But you still made that appointment?

ATELIA HUNT - CROSS EXAMINATION

500

- 1 A. Yes.
- 2 Q. Did Mikey not tell you to make that appointment?
- 3 A. No.
- 4 Q. Did he tell you, don't do it?
- 5 A. No.
- 6 Q. Okay. So, she missed that. Did S and Alex go to
- 7 that appointment?
- 8 A. Yes.
- 9 Q. All right. So, they went. Did you tell the doctor, oh
- 10 by the way, my youngest child is in North Carolina, but
- 11 she's got some marks on her that I really want you to
- 12 see?
- 13 A. I had let them know that minor was not be able to make
- 14 that appointment. And they told me that whenever she
- 15 was able to make that appointment, to call back and
- 16 reschedule that appointment.
- 17 Q. And is that when you got the appointment for October
- 18 the 25th?
- 19 A. Whenever she back in my care. Whenever I went and got
- 20 her, I let them know that I had minor and that I was
- 21 wanting to reschedule her appointment from what she had
- 22 missed in August and see if they can reschedule the
- 23 earliest appointment possible where that she can get
- 24 in.
- 25 Q. And that was October the 25th?

ATELIA HUNT - CROSS EXAMINATION

501

1 A. That was the 25th of October.

2 Q. Very good. So, she had an appointment scheduled about
3 three weeks before she died or after she died?

4 A. Yes.

5 Q. All right. Let me take you to the hospital that night,
6 about what time was it when you got there?

7 A. It was after nine o'clock when I got there.

8 Q. All right. I believe you went up to the door. I
9 believe you had a little trouble getting somebody to
10 the door?

11 A. Yes.

12 Q. When they final got to the door, code was called, all H
13 broke loose; is that right?

14 A. Yes.

15 Q. Okay. And you did what?

16 A. Whenever I had her --- whenever we went into the room,
17 that whenever they had grabbed her from me. And later
18 on like, little stool table that was in the room. They
19 made me go out the room while they work on her. And
20 then that's when one of the nurses had came in and told
21 me to go into the room, and they showed me what room to
22 go into and wait until somebody had came and talk to me
23 there.

24 Q. And you waited in the room?

25 A. Yes.

ATELIA HUNT - CROSS EXAMINATION

502

1 Q. All right. At some point in time Mikey's father shows
2 up?

3 A. Yes.

4 Q. But I believe you said that on direct that it was after
5 the doctor had already come in and said minor had died;
6 is that correct?

7 A. Yes.

8 Q. So, how long were you in there by yourself?

9 A. I was in there by myself for probably about --- about
10 two minutes before Denea Malachi had got there first,
11 and then she had came in and gave me my pocketbook.
12 She sat there for a little bit with me for probably
13 about five minutes, not even five minutes, and then
14 that's whenever Mikey's dad had came in there.

15 Q. The doctor had already come in?

16 A. Yes.

17 Q. And said minor had passed away?

18 A. Yes.

19 Q. Okay. And the first thing you did was call your mother
20 and father?

21 A. Yes.

22 Q. All right. And then the next thing you did was talk to
23 Mikey?

24 A. Yes.

25 Q. All right. And at that point in time I believe your

ATELIA HUNT - CROSS EXAMINATION

503

1 testimony was, he said don't worry about it, I got it
2 all covered?

3 A. Yes.

4 Q. All right. And he told you, don't talk to anybody?

5 A. Right.

6 Q. And you within the next three days, spent four or five
7 hours with law enforcement telling them all about this?

8 A. Right.

9 Q. Okay. So, you didn't do what he said; did you?

10 A. No. At first, no.

11 Q. When did you stop talking?

12 A. I never did stop talking.

13 Q. Never did; did you?

14 A. No.

15 Q. When did you finally begin to realize what the truth
16 was?

17 A. Whenever my bond was denied the first time, that's
18 whenever it had actually hit me that all of this was
19 real.

20 Q. And you were in big trouble?

21 A. Yes.

22 Q. What did you do about that?

23 A. That's whenever I pretty much had left it in God's
24 hands.

25 Q. All right. But you also began talking and saying he

1 made me do it; isn't that right?

2 A. Yes.

3 Q. All right. And as a result of all those conversations,
4 including the one on March 1st, you got a deal; didn't
5 you?

6 A. Yes.

7 Q. All right. And you were happy to get it; yes?

8 A. Yes.

9 Q. And I forgot. You didn't even mentioned anything about
10 the sexual molestation until a revelation came to you
11 sometime after your guilty plea; is that correct?

12 A. That's whenever they had told me that minor was
13 molested.

14 Q. Who told you that?

15 A. That's whenever they had actually told me after I had
16 pleaded guilty.

17 Q. Who told you that?

18 A. That's what the relation was to me, from what Mrs.
19 Kathy and them had told me.

20 Q. But prior to that you had spent hours talking to Mrs.
21 Kathy; had you not?

22 A. Right.

23 Q. And she said somebody had molested this child, because
24 there was a tear in her vagina; has she not?

25 A. Right.

ATELIA HUNT - CROSS EXAMINATION

505

1 Q. And what did you think that was all about?

2 A. From where she had hit the chair, that was on the
3 kitchen table.

4 Q. And tell me about that?

5 A. Where the chair is at in the kitchen table, one of the
6 chairs the leg --- part of the wood where you step up
7 was broke, and where she had went and go get up on it.
8 And she had missed it where her foot had went into the
9 part that was broke, and she had came down on the
10 chair. She had came down on the chair, and with her
11 vagina on it.

12 Q. And she actually did that a lot; did she not? Did she
13 not climb up on that chair?

14 A. Yes.

15 Q. A bunch. And what was she after?

16 A. That's the chair that she always sits at whenever she's
17 at the table whenever she eats in the kitchen.

18 Q. I'm going to show you State's 50 and 51. Do either one
19 of those depict what you're talking about, the table
20 and chairs?

21 A. The chairs are like them, but one of the chair legs in
22 the front of it was broke.

23 Q. Is that the set?

24 A. Yes.

25 Q. Dining set?

ATELIA HUNT - CROSS EXAMINATION

506

- 1 A. Yes.
- 2 Q. All right. So, one of the chairs that you're talking
3 about --
- 4 A. Yes.
- 5 Q. -- if it's not that one depicted in Number --
- 6 A. Yeah, that one --
- 7 Q. -- Number 50. It's one just like it?
- 8 A. Yes. Where the chairs at in the front, one of the leg
9 --- wood is broke.
- 10 Q. Okay. And did she get up and fall off of that table on
11 more than one occasion?
- 12 A. No.
- 13 Q. When did she do that?
- 14 A. She had -- was getting up where her foot had hit the
15 wood part, and that's when she had came down on the
16 chair.
- 17 Q. When was that?
- 18 A. That was prior of.
- 19 Q. Give me date?
- 20 A. I don't know.
- 21 Q. Five days? Ten days?
- 22 A. I don't know exactly what date.
- 23 Q. Was it during the week --
- 24 A. That was prior to her death.
- 25 Q. Was it during the week of her death or prior to that?

ATELIA HUNT - CROSS EXAMINATION

507

- 1 A. Prior to death.
- 2 Q. Okay. And is that what you were telling about, Mikey
- 3 wiping some blood off --
- 4 A. Yes.
- 5 Q. -- off the floor?
- 6 A. Yes.
- 7 Q. And that was wiped up with this towel that you're
- 8 talking about?
- 9 A. Yes.
- 10 Q. The same towel that she was wrapped in the night she
- 11 died?
- 12 A. Yes.
- 13 Q. Have you ever washed that towel prior to that time?
- 14 A. I had washed it, yes.
- 15 Q. Okay. So, you would not expect to see any blood on
- 16 this towel from the event that you're talking about?
- 17 A. No.
- 18 Q. Okay. And that's when she hurt nusie?
- 19 A. Yes.
- 20 Q. And did you talk with her about that?
- 21 A. Yes.
- 22 Q. Yes?
- 23 A. Yes.
- 24 Q. All right. And what did you she tell you?
- 25 A. Nothing.

ATELIA HUNT - CROSS EXAMINATION

508

- 1 Q. Did she tell you it hurt?
- 2 A. Mmm, uh. No, she ---
- 3 Q. You didn't have a conversation?
- 4 A. Whenever I had ask her about it, it's like she wouldn't
- 5 never give me an answer. She wouldn't never direct it.
- 6 Q. How did you know it was hurt?
- 7 A. Where she had fell on the chair.
- 8 Q. Did you see it?
- 9 A. No.
- 10 Q. Then how do you know she was hurt?
- 11 A. The way that she was walking away from it.
- 12 Q. And so, you laid her down in the bathtub and examined
- 13 her?
- 14 A. No.
- 15 Q. Well, then how did you know she was hurt down there?
- 16 A. The way that she was walking.
- 17 Q. I understand what you're saying, but there's a cut down
- 18 there; is there not?
- 19 A. Yes.
- 20 Q. There was blood wiped up on that towel; was there not?
- 21 A. Yes.
- 22 Q. How do you know that?
- 23 A. I'm assuming whenever she had hit the chair there,
- 24 that's where the blood had came from.
- 25 Q. Did she tell you that?

ATELIA HUNT - CROSS EXAMINATION

509

1 A. No.

2 Q. Did you personally observe her?

3 A. No.

4 Q. Then how do you know that? That's all I'm asking. How
5 do you know that? It's not hard. How do you know it?
6 Do you know?

7 A. From where she had hit the chair --- where she came off
8 the chair.

9 Q. Okay. And then along about March somebody says, "oh,
10 by the way, Mikey sexually molested your child." And
11 then you had a revelation and said, "oh my gosh, I know
12 that. I saw that." Is that what happened?

13 A. No.

14 Q. What happened? How did you get from one point A to
15 point B? When A means she hurt it on the chair to
16 point B, he molested me. How did you get there? Tell
17 me.

18 A. I can't tell you that.

19 Q. You made it; didn't you?

20 A. That was what brought it to my attention.

21 Q. Somebody told you to say that; didn't they?

22 A. No. They did not tell me to say that.

23 Q. But you figured, I'm getting a deal, I better say that;
24 shouldn't I?

25 A. No.

ATELIA HUNT - CROSS EXAMINATION

510

1 Q. Well, why did you say it then?

2 A. It was an assumption, where I had assumed that's what
3 had taken place.

4 Q. So, you got no knowledge of it whatsoever?

5 A. No.

6 Q. Okay. How far is it from Bennettsville to your home in
7 Maxton?

8 A. It takes thirty-five to forty minutes to get there.

9 Q. Okay. All right. And we've already discussed that
10 your dad and cousin came to your house in Bennettsville
11 on Tuesday?

12 A. Yes.

13 Q. So, if you needed rescuing, you could have gotten
14 rescued Tuesday; is that correct?

15 A. Yes.

16 Q. And minor could have too, if there was a need to be
17 rescued; could she not?

18 A. Yes.

19 Q. All right. And anytime prior to that ten days, eight
20 days, fifteen, days, however many days it was when you
21 discovered or you say you discovered injuries to her
22 vagina, to her buttocks, and all over her body that
23 were on your child's body, you could have gotten away,
24 if you wanted to at anytime; could you not?

25 A. Right.

ATELIA HUNT - CROSS EXAMINATION

511

1 Q. Okay. Now, you said during a lot of the interviews or
2 during the interviews that you were being controlled;
3 is that right?

4 A. Yes.

5 Q. And Mikey was controlling you; yes?

6 A. Yes.

7 Q. All right. But I also heard you say during your direct
8 examination that --- that you had the car; yes?

9 A. Yes.

10 Q. That you had the computer --- computer?

11 A. Uh'huh.

12 Q. That you had telephones; yes?

13 A. Yes.

14 Q. That during the time that you were going to Cub Scouts
15 with his son, Alex, that you were applying for
16 Medicare, Medicaid, or whatever it was to help Alex; is
17 that correct?

18 A. Yes.

19 Q. And to help the family get food stamps; yes?

20 A. Yes.

21 Q. All right. None of that had been done before?

22 A. Right.

23 Q. All right. It sounds like to me, you're in control;
24 correct?

25 A. No.

ATELIA HUNT - CROSS EXAMINATION

512

1 Q. He's controlling? He's telling you to do all this?

2 A. That was after that was taking place, of where he was
3 taking the computer, and where he took control over the
4 phone and traded all his information into this cell
5 phone that I had.

6 Q. All right. And I just missed all that. Tell me that
7 again.

8 A. The controlling started, where he took control over the
9 laptop, my cell phone, whenever my time had went out on
10 my cell phone, where he switched all his information
11 over to my cell phone.

12 Q. And so, what you're saying is, he took control of that
13 computer?

14 A. Yes.

15 Q. Why did you tell Lieutenant Bass during your interviews
16 that you shut him out of the computer because he was
17 watching porn on that computer?

18 A. That's whenever I had sent and put a block on the porn
19 website, where I had put a password for the porn
20 website. Anytime the website he go to, it would mark
21 it.

22 Q. But he's controlling the computer. How you doing all
23 that?

24 A. That's whenever he was taking the computer.

25 Q. When was that?

ATELIA HUNT - CROSS EXAMINATION

513

1 A. This was back in September.

2 Q. All right. Let's me take to the week before your
3 daughter died. Who had control of the car, the
4 computer, the telephone? Who was doing the cooking,
5 and cleaning, and applying for Medicaid, giving
6 medicine, and applying for food stamps? Who did all
7 that?

8 A. I did all of that before October.

9 Q. Okay. But you still had the car; yes?

10 A. Yes. That was his mother's car.

11 Q. Okay. And it was at your house?

12 A. Yes.

13 Q. And you were the only one with a driver's license?
14 Yes?

15 A. Yes.

16 Q. Okay. But he still drove occasionally?

17 A. Yes.

18 Q. All right. When -- where did this -- when did this
19 control happen?

20 A. Is where --- whenever minor had came back from my mom's.

21 Q. Okay. And was he controlling you the day that your dad
22 and cousin were at the house? Was he controlling you
23 and saying, don't talk to them whatever you do?

24 A. It's whenever I had went and was going to tell them
25 where minor was whenever I had left. Because when I had

ATELIA HUNT - CROSS EXAMINATION

514

1 left to go to the school house, minor was there inside
2 the house with Mikey.

3 Q. All right.

4 A. And I got there, S my dad, and my cousin was in
5 the front yard. Mikey was on the porch. And whenever
6 my dad had ask where minor was at, that's whenever I had
7 looked at Mikey, and Mikey had looked at me.

8 Q. And just with that look it made you say, I don't know
9 where she is. Wherever he said, that's where she is?

10 A. Yes.

11 Q. And you didn't say, Dad, I don't care where she is, you
12 should see what she looks like? Did you say that?

13 A. No.

14 Q. You didn't think that; did you?

15 A. No.

16 Q. And was your husband also there?

17 A. No.

18 Q. I'm sorry. I thought I heard you say husband.

19 A. My cousin.

20 Q. Cousin, okay. But you never thought to say, oh my
21 gosh, help me?

22 A. No.

23 Q. Why?

24 A. I can't give you no answer for that.

25 Q. There is no answer to that; is there?

ATELIA HUNT - CROSS EXAMINATION

515

1 MR. JONES: Excuse me one second.

2 Q. Let me take you back to Thursday the 6th. You've done
3 all the boy --- Cub Scouts, whatever it is. You're
4 back at the house. You had done all the hotdog
5 cooking. And all of a sudden you say, "oh my gosh,
6 something's wrong with minor Why did you put her in
7 the bathtub?

8 A. I didn't put her in the bathtub.

9 Q. Who did that?

10 A. Mikey did.

11 Q. Why?

12 A. I don't know.

13 Q. You just did --- instead of saying, I got to go get my
14 neighbor. I got to take the children over there, as
15 you were telling me earlier. You just said, do
16 whatever you want to. Put her in the bathroom. I
17 don't care, put her on the loveseat, I don't care?

18 A. He had ask me to run the water in the tub. I ran the
19 water. I told him the water wasn't warm enough. And I
20 went out the door to go get S and Alex. Whenever
21 I came back, that's whenever both Mikey and minor was
22 sitting on the loveseat. Mikey on one corner, minor was
23 in the other corner with a burgundy towel wrapped
24 around her.

25 Q. And right after, that is when she stopped breathing and

ATELIA HUNT - CROSS EXAMINATION

516

1 fell out?

2 A. Yes.

3 Q. And do understand you to say that the reason that you
4 did not do anything to call law enforcement, medical
5 personnel, or anybody, was because Mikey said, "oh no,
6 I don't want DSS in our business"?

7 A. Every time --- whenever go to take her to the doctor
8 about the bruises or the burn marks, he kept on
9 throwing up that he didn't want DSS involved.

10 Q. When did you try to do that?

11 A. Whenever I first had seen the bruises on her.

12 Q. All right. I am going to ask you again. When did you
13 try to take her to the doctor; give me a date?

14 A. I don't know exactly what day.

15 Q. Was it at the time --- is that when you made the well,
16 baby appointment for minor and S and Alex?

17 A. No.

18 Q. Or some other time?

19 A. That was some other time.

20 Q. Was it prior to or after she came back from North
21 Carolina?

22 A. After she had came back from North Carolina.

23 Q. And what --- and what steps did you take to make the
24 appointment?

25 A. Whenever she had came back, that's whenever I had

ATELIA HUNT - CROSS EXAMINATION

517

1 called the doctor's office that I was taking her, which
2 is Frances Acaylar. I let her know that minor was back
3 in South Carolina, and that I had her in my care, and
4 that I needed to make a check-up where she can go.

5 Q. Okay. We talked about that. But my question was, at
6 other times -- at any other time did you attempt to get
7 law enforcement help, Department of Social Services,
8 medical help, or any help for your daughter, minor
9 as a result of you seeing any or all of these injuries
10 to her body?

11 A. No.

12 Q. Did you ever?

13 A. No. And like I say before, every time that I tried to
14 go, he'd said, no, DSS would get involved.

15 Q. Okay. But they were already involved; weren't they?

16 A. Yes.

17 Q. So, that doesn't make any sense; does it?

18 A. Right.

19 Q. But you did it anyway?

20 A. Right.

21 Q. All right. And you didn't tell your dad?

22 A. No.

23 Q. Now, there's no question you knew how to get help; is
24 that right, because you'd been doing with your ex-
25 husband?

ATELIA HUNT - CROSS EXAMINATION

518

1 A. Right.

2 Q. Actually you done it twice; did you not, 2005, and then
3 again in 2011?

4 A. Right.

5 Q. What happened in 2005?

6 A. 2005 is where the domestic violence had taken place,
7 where he had actually beat me.

8 Q. All right. And you knew how to get out of the
9 situation like that, no question?

10 A. Right.

11 Q. All right. But when you were telling Lieutenant Bass
12 all about this terrible control, and Mikey was just an
13 awful person, all over you and wouldn't let you do
14 anything. You knew exactly how to get out of that;
15 didn't you?

16 A. Right.

17 Q. You took no steps to do it?

18 A. No.

19 Q. All right. There was a statement during one of your
20 interviews, where you were telling Lieutenant Bass that
21 your ex-husband tried to drown minor when she was one
22 years old. Do you remember that?

23 A. I remember it, but I wouldn't say that she was
24 drowning. He was washing her hair. And where she went
25 underneath the water, and he went underneath it with

ATELIA HUNT - CROSS EXAMINATION

519

1 her.

2 Q. Do you remember having that discussion with Lieutenant
3 Bass during one of your interviews?

4 A. Yes.

5 Q. And either he did or did not try to harm her in the
6 water?

7 A. He didn't.

8 Q. He did or did not?

9 A. Didn't.

10 Q. Did not. Then what was the significance of telling
11 Lieutenant Bass that?

12 A. Is where whenever he had went underneath the water in
13 order to wash her hair is where she had went and gulped
14 in some of the water in the tub.

15 Q. And what significance does that have to do with --

16 A. Nothing.

17 Q. -- the death of minor nothing?

18 A. Nothing.

19 Q. Okay. All right. There was a long discussions during
20 one of your interviews with Lieutenant Bass concerning. and
21 I think also Bennettsville PD about your sex life. Do you
22 remember that discussion?

23 A. Yes.

24 Q. Okay. And what was the --- what was the content of
25 that discussion?

ATELIA HUNT - CROSS EXAMINATION

520

- 1 A. Wanting to know how our sex lives was.
- 2 Q. And what did you tell them?
- 3 A. That in the beginning that it was good, that everything
- 4 was pretty much on base. And then after two weeks,
- 5 that's whenever it started --- went down hill.
- 6 Q. And he didn't want to have anything to do with you?
- 7 A. Right.
- 8 Q. But you went into a long discussion about how he did
- 9 want to have something to do with you, and you took it
- 10 whenever he wanted. Do you remember that?
- 11 A. Yes.
- 12 Q. Now, is that true or not?
- 13 A. It's true.
- 14 Q. All right. And in your diary that you started talking
- 15 about earlier, where in that diary did you discuss
- 16 anything about him being mean to you or having forcible
- 17 sex with you?
- 18 A. Nowhere. That was in the period of where he was taking
- 19 the computer.
- 20 Q. In fact, in that statement, says he won't have anything
- 21 to do with me; isn't that right?
- 22 A. Right.
- 23 Q. Okay. So, he either did or he didn't?
- 24 A. He took --- he took it.
- 25 Q. When?

ATELIA HUNT - CROSS EXAMINATION

521

1 A. On several occasions.

2 Q. All right. And as a result of your experience in 2005
3 and then again in 2011, you knew exactly what to do if
4 that was happening; did you not?

5 A. Right.

6 Q. And what did you do?

7 A. Nothing.

8 Q. And I keep coming back to your dad and your cousin
9 there on Tuesday, perfect doubt, get me out of here.
10 Help me. Help minor If you don't help me, help minor
11 Did you take any of those steps?

12 A. No.

13 Q. Because he looked at you, and you knew what that look
14 meant; right?

15 A. Right.

16 Q. But your daddy could have put you in the car, and put
17 minor in the car, and S in the car, and you'd been
18 back in Maxton before anything could have happened;
19 correct?

20 A. Right.

21 Q. Didn't happen?

22 A. No.

23 Q. Didn't even think about it?

24 A. No.

25 Q. Just a few minutes and I will be done. Your child died

ATELIA HUNT - CROSS EXAMINATION

522

1 as a result of an untreated urinary tract infection
2 that blossomed into a raging infection. Are you aware
3 of that?

4 A. Yes.

5 Q. All right. What symptoms did she experience at any
6 time prior to her death that would indicate to you that
7 something like that was happening inside of her?

8 A. None, that I'm aware of.

9 Q. All right. And except for a half of day, well a better
10 part of day on the day she died, and a half a day the
11 day before, you were around her most of the time?

12 A. Right.

13 Q. No symptoms whatsoever?

14 A. No.

15 Q. In fact, she appeared to be normal except for the limp
16 and the gray in color?

17 A. Right.

18 MR. JONES: Excuse me, Your Honor, one second.

19 Q. When you went to get minor from your mother and father's
20 house around the middle of September, you told us
21 earlier today that minor was real happy to see you?

22 A. Yes.

23 Q. And she didn't want to leave?

24 A. Right.

25 Q. All right. But you made her leave?

ATELIA HUNT - CROSS EXAMINATION

523

1 A. Yes.

2 Q. With her grandparents she was having a good time, but
3 you said it's time to come home?

4 A. Right.

5 Q. How did know it was time for her to come home?

6 A. It had been over thirty days. It was probably about --
7 - probably about the thirty-fifth day that she had been
8 there at my mother's house.

9 Q. And is there a significance to thirty days?

10 A. And whenever DSS had gotten involved, I done the child
11 safety plan. They said it normally takes up between
12 thirty to forty-five days to close out.

13 Q. So, on the thirtieth day you said. I'm gone, and went
14 and got her?

15 A. Yes. It was about the thirtieth, thirty-fifth day that
16 I had went up there and go her.

17 Q. Any objection from your mother and father?

18 A. No.

19 Q. There was some indication, I think, either your
20 interview or Mr. Huckabee's interview that, in fact,
21 they were going on a vacation, and you needed to go get
22 her; is that correct

23 A. No, they wouldn't go on no vacation.

24 Q. So, they could have continued to keep her?

25 A. Yes.

1 Q. But you made the decision to go get her, because the
2 thirty days was up?

3 A. Yes.

4 Q. Your interviews also indicated in great detail how
5 Mikey controlled minor all the time; is that correct?

6 A. Yes.

7 Q. And that you pretty much took care of S and Alex;
8 is that correct?

9 A. Yes.

10 Q. All right. Where does it say that in your journal
11 entries?

12 A. It doesn't say in my journal entries.

13 Q. In fact, it says that you took care of the children;
14 did it not?

15 A. Taking care of the kids, cooking, cleaning.

16 Q. Like everything you're suppose to do as a good mama?

17 A. Yes.

18 Q. Okay. And that's what you wrote to yourself in your
19 journal?

20 A. Yes.

21 Q. You didn't write down that Mikey was controlling me,
22 he's controlling minor he was doing everything?

23 A. No.

24 Q. I can't do anything?

25 A. No.

ATELIA HUNT - CROSS EXAMINATION

525

1 Q. You never said?

2 A. No.

3 Q. Until you talk with Lieutenant Bass and the people from
4 the Bennettsville Police Department?

5 A. Right.

6 Q. An awful lot of discussion about Edna's hair being cut.
7 Remember all that discussion?

8 A. Yes.

9 Q. Okay. Your testimony this morning was that he just cut
10 it --- cut the hair because he wanted to see what the
11 head looked like?

12 A. Yes.

13 Q. Okay. You in no way participated in that?

14 A. No.

15 Q. You didn't tell him, don't do that?

16 A. No.

17 Q. When was that?

18 A. This was prior --- the week prior to her death.

19 Q. Okay. Did that not make you mad?

20 A. Whenever I found out that he was in the bathroom
21 cutting her hair, that's whenever his son had came in
22 there --- in the bedroom where I was at to let me know
23 that Mikey was in there cutting her hair --- about to
24 cut her hair.

25 Q. I understand all that. My question was, did it make

1 you mad?

2 A. It made me mad.

3 Q. Or you just didn't care; yes?

4 A. I did care. It made me mad.

5 Q. What did you do about it?

6 A. Nothing.

7 Q. Why? You know what to do. Law enforcement, Department
8 of Social Services, daddy, mama, somebody, help. You
9 didn't do a thing?

10 A. No.

11 Q. Just like everything else, you didn't do a thing? None
12 of that bother you enough to get help? Yes? No?

13 MR. JONES: That's all I have. Thank you.

14 MR. REDMOND: I beg the Court's indulgence.

15 THE COURT: Counsel, any further presentation from
16 your cross?

17 MR. JONES: Your Honor, we would move at this time to
18 publish the interviews of October 7th, October 11th, 10th or
19 11th. And I'm going to make a Motion to publish the one,
20 March 1st, although I may withdraw it.

21 THE COURT: All right. First of all, those are in
22 evidence, I believe, as One and Two?

23 MR. JONES: No, sir. Well, I think they've been
24 marked.

25 MR. REDMOND: I think they've been marked. I don't

PAUL LAROSA - PROFFERED TESTIMONY

533

1 application of this evidence in other cases and things of
2 that nature. What's your preference?

3 MR. REDMOND: In all honesty, because I'm yielding to
4 Agent LaRosa, I think it would be appropriate for me to go
5 through the witness, because he obviously would be able to
6 outline those issues a lot better, since he is the
7 practitioner.

8 THE COURT: Very good. Sir, please come take the
9 oath of a witness, if you would.

10 WHEREUPON, PAUL LaROSA

11 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

12 MR. LaROSA: I do.

13 CLERK: Thank you.

14 THE COURT: All right. Sir, please come and be
15 seated. And counsel, step up a moment if you will.

16 MR. REDMOND: Yes, sir.

17 THE COURT: While we waiting for our witness, come
18 around. And while we're doing this, if you would kindly
19 spell your name for our court reporter, then we'll be ready
20 to start in just a moment.

21 (WHEREUPON, a bench conference was held.)

22 THE COURT: All right. Let me start first of all,
23 Agent LaRosa. I know you have other responsibilities other
24 than this case, and today you have sat here the entire day,
25 and then finally to leave and only to be summoned back. I

PAUL LAROSA - PROFFERED TESTIMONY

534

1 know this is frustrating. We've all been in a little bit at
2 the end of a bit saw here, but thank you for your courtesy
3 and understanding.

4 MR. LaROSA: Yes, sir.

5 THE COURT: And you may proceed, counsel.

6 MR. REDMOND: Thank you. Your Honor, May it please
7 the Court.

8 PROFFERED EXAMINATION BY MR. REDMOND

9 Q. I think given the nature of the hearing and your
10 testimony, I'm going to need to get in more detail with
11 your background than I would normally in a proffer.

12 A. Yes, sir.

13 Q. So, if the Court would indulge me. Let me just start
14 from the beginning. Agent LaRosa, are you employed ---
15 are you employed with SLED?

16 A. Yes, sir. I'm employed with SLED, and have been since
17 as an agent since 1994. September of 1994.

18 Q. And I believe you went to SLED almost immediately after
19 graduating?

20 A. Yep.

21 Q. Almost from the Citadel?

22 A. Yes, sir. I was pretty fortunate to go straight out of
23 college.

24 Q. Okay. And with that background of eighteen years,
25 could you take us through your roles with SLED,

PAUL LAROSA - PROFFERED TESTIMONY

535

1 especially to those focusing on crime analysis, crime
2 screen analysis, and the like?

3 A. Yes, sir. In 1994, when I got hired by SLED, I got
4 hired in the what is known as the Latent Print Crime
5 Scene Unit, which is the major response unit for crime
6 scenes throughout the State of South Carolina. I
7 worked there from 1994 to 2000. I became certified in
8 Crime Scene Reconstruction. I testified in General
9 Sessions Court as an expert in the area of crime scene
10 and crime scene reconstruction, photography, all of the
11 stuff associated with crime scene. I was a training
12 officer for a number of years in Crime Scene. I, in
13 2000 --- I then went to the Blood Hound Tracking Team
14 for five years. And from there I was --- I received a
15 promotion to a Team Leader on the Swap Team over the
16 Containment Team. And in 2005, I was transferred to
17 the Midland Section, where I was the general
18 investigator, became a training officer and also a team
19 leader. And in 2010, I was accepted into what is known
20 as the Under Study Program. And the Under Study
21 Program is a National Fellowship Program offer to
22 individuals who have applied to become what is known as
23 a Criminal Profiler or a Crime Analyst. And the
24 analysis that we would do is offender behavior
25 specifically awoken to violent crime, to include

1 criminal sexual conduct, homicide, threat assessment,
2 dangerousness of individuals. And to be accepted into
3 that program you have to train from anywhere from 3 to
4 five years underneath a qualified --- another qualified
5 criminal profiler. SLED is fortunate that we have a
6 more seasoned individual name Captain Mike Proden, who
7 is my mentor, was my fellow, and he is one of the
8 original criminal profiler's who trained at the very
9 beginning of the FBI's Behavioral Analysis Unit
10 founding. And he was a --- came from the California
11 State Police out there for a year, and trained. I had
12 to meet certain bench marks during the two year
13 process. I was fortunate that I was able to skip one
14 complete year, because I'd already received that
15 training in my crime scene --- crime scene
16 reconstruction. Had to go to many autopsies. Have to
17 be able to teach and lecture at the level of an expert
18 in crime scene and crime scene reconstruction.
19 Actually, last year at this time I was at the FBI's
20 headquarters where I completed an eight week fellowship
21 underneath two supervisor special agents in the areas
22 of Criminal Profiling Crime Analysis. And after
23 completion of that I received a --- I guess, it would
24 be considered like a check ride for a helicopter pilot
25 to ascertain as to what it equated to --- and they sent

PAUL LAROSA - PROFFERED TESTIMONY

537

1 letters to my headquarters announcing I was considered
2 a criminal profiler in the FBI's Behavior Analysis
3 Unit. And I worked cases while I was up there on FBI
4 letterhead with my name, and sent that information out
5 to agencies throughout the United States.

6 Q. And I think you also teach?

7 A. Yes, sir, as part of completing that program. The
8 responsibilities as a criminal profiler with SLED is,
9 it is our responsibilities to train law enforcement
10 officers throughout South Carolina, North Carolina, and
11 Georgia in the area of a offender behavior to what
12 would be what kind of evidence, what kind of behavioral
13 would you expect an offender to commit, and a rape.
14 Different --- several different kinds, what kind of
15 offender would create, or commit a homicide. What kind
16 of offender would commit a criminal sexual conduct with
17 a minor. We would have to go through all the training.
18 I did not mention this before, I was assigned to an
19 internship with the Department of Mental Health
20 Forensic Behavioral Forensic Services Unit, where I
21 trained for one month with a forensic psychiatrist in
22 the areas of sexual pedophiles, criminal behavior,
23 everything from mental issues to the basic non-violent
24 type. To the violent criminal behavior of the mentally
25 ill. From personality disorders to the biological

1 issues that peoples mind go through.

2 Q. And I didn't mentioned this, but as a side you
3 graduated from the Citadel. Was your degree --- was it
4 a bachelor's art and political science?

5 A. Yes, sir, it was.

6 Q. Okay. And when it come to the scientific aspects, and
7 I remember in our discussions, they were --- I know
8 that they're some psychology things like that, that
9 come into play. Could you enlighten the Court as to
10 the scientific bases that is involved in what it is
11 that you do?

12 A. In what we do when we're looking at offender behavioral
13 in a crime scene, there are --- there is research done
14 within the FBI that we assist on, and we help train,
15 and what is --- what evidence is left behind, what sort
16 of criminals would commit certain --- certain types of
17 crime. And when we deal within this particular case
18 with a sexual related crime, because of the damage done
19 to the --- to the young child's vaginal area, it is --
20 we take that as a sexually related crime. Then we look
21 at what type of offender would commit that crime. This
22 case came to us a little backwards. We do a lot of
23 work on unknown offenders. But in cases that become
24 outside of the box due to the violent nature of them,
25 we get requested for assistance a lot to help explain

PAUL LAROSA - PROFFERED TESTIMONY

539

1 and to help lead the investigators into how to question
2 a suspect. What type of evidence. What type of
3 appropriate charges are there. All in combination with
4 the solicitors office and the medical examiner. We
5 review all available material that would help us come
6 to that determination.

7 Q. And into that end, that's a perfect way to say, are
8 there materials that you can access and have access to,
9 to help in this analysis to ensure --- to ensure as
10 much accuracy as possible?

11 A. Absolutely. I wanted --- when we first met, and I'll
12 need to check my notes, Your Honor, I've got the
13 letter. We received a letter in 2011, requesting our
14 assistance with the solicitor's office, and with
15 Lieutenant Bass, who is Special Agent Bass, at that
16 time to assist in the investigation. We were told the
17 bases of the case. We agreed that our services would
18 be, you know, perfect for a case like this. We went
19 down. Got briefed. At that time the autopsy report
20 had not been --- a final autopsy report had not been
21 completed. But we knew that there was some intentional
22 damage to the vaginal area. We felt that, that was
23 significant to us to say that this was committed by a
24 male perpetrator, because of the sexual arousal that
25 comes of that with him. The statistic qualities in all

1 the research that we've --- we've done in combination
2 with the FBI, when you have the intentionally
3 infliction of pain, to say this of an individual, a
4 female or a male, that the perpetrator to be a male
5 with specific sexual arousal to the genitals.

6 Q. And let's --- and to that end. You and I had discussed
7 the different, especially with children, the different
8 categories of a offenders.

9 A. Yes, sir.

10 Q. Could you enlighten the Court on that and the context
11 of getting to what we have in this case?

12 A. Yes, sir. This process that we go through in the
13 predecessors before me --- it was a painstaking
14 different journey to go down by interviewing numerous -
15 -- thousands upon thousands of violent offenders. So,
16 the training that I had been through --- and in
17 consultation I consulted on this specific case with
18 others in my profession to include a forensic
19 psychiatrist, to make sure I was tracking the right
20 way. They're two types of child molesters. There is
21 The Preferential Child Molester, who gets specific
22 arousal from children. This is the same way that a man
23 may --- may say that I like an age appropriate woman
24 with blonde hair and blue eyes. It's a preference.
25 Now, some men may decide, you know, that's what I like.

PAUL LAROSA - PROFFERED TESTIMONY

541

1 But I may choose to date a brunette because she's
2 available. Well, a preferential offender would just
3 stick with the blonde hair, blue eyes. Preferential
4 Child Molesters are specific in what --- what they
5 like. Boys, ages nine to eleven. Females, thirteen
6 years old. The other type are what is known as a
7 Situational Child Molester. And due to a circumstance
8 within the house or stress in their life, they will
9 offend or could offend with an individual that they
10 have access. To take that person out of the situation,
11 you take either the child out of the situation or the
12 adult, or improve his stress where the stress levels
13 lessen. He may never offend again. But it is known as
14 a Situational Child Molester. And then there are
15 different categories. If I can go into all the ---

16 Q. Yes.

17 A. --- subcategories within the Situational Child
18 Molester. There's something known as a Regress
19 Situational Child molester, which I believe in this
20 case kind of --- kind of points to, in that due to a
21 stressful event in the life, that because the victim is
22 available, they will offend that victim. Then there
23 something called Morally Indiscriminate, which I don't
24 think in this case that it meets. But there's
25 something else called Sexually Indiscriminate, where

1 the enjoyment may --- may come from other things
2 sexually, which would include maybe inflicting pain.
3 It may --- it may involve sticking something up the
4 vagina of a 3 year old. And the sexual gratification,
5 it could be instant with masturbation right there, or
6 it could be saved later in the memory and then done
7 later on. And then there's something known as
8 Inadequate Offender, which a situational offender,
9 which in this case I don't see where it applies. But
10 it would be somebody maybe with --- because of their
11 age, senile type of the situation or a special needs
12 sixteen year old boy --- male, who due to his --- his
13 ability and his cognitive function, may have a
14 difficulty understanding what is appropriate and what
15 is not. So, given all the facts in the case, and given
16 that information to me, and looking at the autopsy
17 report, and looking at the background provided to me on
18 both the female suspect and the male suspect, I look at
19 and say who is --- who is likely to do this. Well, we
20 know that in my training that the sex abuser is going
21 to be a male, and that he is going to target the area
22 that he gets gratification from. There is no need to -
23 -- to go to the area of the vagina of a 3 year old
24 child unless you were getting some sort of sexual
25 gratification. And the difficult part to understand

PAUL LAROSA - PROFFERED TESTIMONY

543

1 for someone who is --- who is not seen a lot of this
2 stuff, the sexual gratification is not necessarily an
3 achievement of an orgasm right there at the scene or,
4 you know, penis to vagina contact, this, due to the
5 warped mind, the inability, the complex dealings of the
6 mind, it's --- it can become difficult to understand.
7 But he got some sort of sexual gratification from that.

8 THE COURT: Thank you.

9 A. Yes, sir.

10 Q. And to that end, let me back up for just a moment,
11 because in looking at your particular profile and
12 background, and I think you've testified to crime scene
13 reconstruction.

14 A. Yes, sir.

15 Q. As well, that you have actually --- and I didn't ask
16 you this earlier, but let me back track a little bit.
17 How many times, as best as you can estimate, have you
18 been qualified as an expert to testify in State or
19 Federal Court?

20 A. I've testified as expert approximately thirty to forty
21 times in the area of crime scene and crime scene
22 reconstruction. I've testified in General Sessions
23 Court on crime analysis or criminal profiling. And
24 I've testified in Federal Court, US District Court in
25 Columbia on the dangerousness of an individual, as an

1 expert of threat assessment and recognition of
2 management.

3 Q. Now, --

4 THE COURT: Excuse me, let me as --- let me follow.
5 And how many times on profiling in State Court have you
6 testified?

7 A. One time. And that was most recent, about six months
8 ago, in a murder trial on offender behavior.

9 THE COURT: Okay. Thank you.

10 Q. And let me, excuse me, and to follow up with that. In
11 looking at this particular case, did you have the
12 opportunity, I think you've touched on it, to draw into
13 resources both published and other peers in order to be
14 able to come to an assessment?

15 A. Yes, sir. We have a peer review system within in the
16 behavior analysis in the criminal profiling. We need
17 to make sure that there is nothing new out there that
18 we have not seen which is in a case like this. When I
19 look at it and say I've got a 3 year old child with
20 cigarette burns to her vagina, my training as of last
21 year, indicates that there was no documented cases
22 where there was sexual gratification from a female who
23 is burning the vagina of a 3 year old. But just to
24 make sure, because with new cases documentation, I've
25 consulted with a forensic psychiatrist at Department of

PAUL LAROSA - PROFFERED TESTIMONY

545

1 Mental Health and also with both of the individuals in
2 my office, the other two trained criminal profilers, we
3 could not uncover an incident where there is a female
4 on her own that would go in and burn cigarette burns
5 for the sexual gratification that we see at this scene.

6 Q. And let me ask you, and if I could approach the witness
7 with what's already in evidence, State's Exhibit 20.
8 Now, this is a picture from the hospital, not from the
9 autopsy, but is that consistent --- the wounds
10 consistent with --- well, let me back up. What items
11 did you have to review regarding this case in the
12 assessments that you're making for today?

13 A. I received a basic, what I would call, an investigative
14 packet from the local agency. Incident report,
15 autopsy, photographs. I received autopsy --- an
16 incomplete autopsy report, and then later a completed
17 final autopsy report. There was some background on the
18 individual. Some school records on Mr. Huckabee, in
19 the packet that I reviewed. We also reviewed the known
20 data on, and recent data on criminal sexual conduct
21 with a minor.

22 Q. Okay. And to the end, did you have the opportunity to
23 view, I think you've said, the photos?

24 A. Yes, sir.

25 Q. The police report and photos? And in looking at those,

1 could you tell The Court your assessment --- well let
2 me --- can you tell this Court who was the perpetrator?

3 A. I can not physically tell you who was present when
4 those cigarette burns were placed on the victim's
5 vagina. However, I can tell you from my research and
6 from my training, that the male --- a male individual
7 who had private access to that victim would be the
8 perpetrator of this crime. This is not an individual
9 who --- who picks up children and brings them back to
10 the house to abuses them, and then let's them go. This
11 is a crime committed by what we would term a
12 Situational Child Molester with sadistic overtones, who
13 has a great amount of access to the victim and freedom
14 to do what he wants, when he wants to do it.

15 Q. And what can you tell us about the, and you may have
16 already touched on it, about the age? Are we talking
17 about another child doing this, or based on what you've
18 reviewed; is it an adult?

19 A. The --- that questioned was posed early --- early on in
20 the investigation. And we looked at it and I actually
21 went back to my crime scene training when I was doing
22 it. We had burn training on trauma committed to
23 victims. And what we have, and my training has showed
24 me, and from my first hand experience, that when a
25 child comes in contact with an object that is hot,

PAUL LAROSA - PROFFERED TESTIMONY

547

1 there is movement of that child. And other children do
2 burn their brothers or sisters, their neighbors. But
3 looking at the burn marks, what we typically see,
4 because that individual that child can move and is not
5 held and restrained, we will see almost a flashing of a
6 burn, where you will see in an area that is very hot.
7 And then because the child moves, will see a lessen of
8 the burn. Reviewing these photographs, in my opinion,
9 and I'm seeing these burns were direct and specific,
10 that someone of a great amount of weight and accuracy
11 was able to hold that child down and put those burns,
12 specifically on her vagina, where the child could not
13 move, and get away from the perpetrator. And in my
14 opinion, it would have to be someone older or someone
15 stronger than a 3 year old. And we sit there and we
16 say, and I will teach this, that, oh well, a 3 year
17 old's not hard to hold down. Well, a 3 year old who is
18 getting burned is difficult to hold down, because they
19 will worm. They will weasel. They will slide. They
20 will do anything in their power to get away from the
21 pain that is being afflicted upon them. So, it takes
22 someone who is strong, who is capable of holding them
23 down, because they are holding them down with one hand.
24 Because they're holding that child down while they are
25 using in this case, what appears to be a cigarette,

1 specifically on body parts that are very tender, and
2 that child was unable to move and get away. So,
3 there's no flashing. No carry over of heat on those
4 wounds.

5 Q. And just to be clear, as it relates to sourcing for the
6 information that you pull upon to make the
7 determination. If I remember --- recall your earlier
8 testimony, is a large part of how you compile data, is
9 it based on offenders in the case study?

10 A. Yes.

11 Q. The case study?

12 A. Yes, sir. It --- at the beginning of criminal
13 profiling of behavior, analysis was on all offenders
14 based on a known offender base. And thank goodness
15 that over time we realized in this profession that we
16 are --- we can't diagnosis somebody with a mental
17 illness. I mean, it's obvious that we're police
18 officers first, and our mental health background is
19 limited, unless you have an extra degree. But what
20 they found was that The Bureau --- the FBI said if we
21 take a handful of psychologist and psychiatrist, or a
22 handful of good seasoned police officers, how long
23 would it take us to train a handful of psychologist to
24 become good homicide investigators. Or how long would
25 it take us to take a good group of homicide

PAUL LAROSA - PROFFERED TESTIMONY

549

1 investigators and train them in a little bit of
2 psychiatry. And they found that a good homicide police
3 officer in consultation, and in training with known
4 psychiatrist and psychologist, that we can share that
5 information. And that's what we do now is, all of our
6 stuff is peer reviewed and bounced off of psychiatrist,
7 psychologist, and their part of our groups and stuff.

8 Q. And as it relates to quality control, and I think that
9 seagway into that, can you address those issues for the
10 Court as it relates to --

11 A. Yes, sir. Because of the uniqueness of what we do and
12 what we train. We're fortunate in South Carolina that
13 we have, myself, and two others that are --- that are
14 considered qualified behavioral, or analysts, or
15 criminal profilers. I don't particular like the term
16 criminal profiler, because it brings up maybe targeted
17 arrest on the street because of race, religion, or
18 whatever. But the behaviorist within --- within our
19 field, because we have the access of others that we
20 bounce things off of. We talk. We have case reviews
21 and that kind of stuff. We do have some fellow
22 behavioral investigators with the FBI. There are
23 several in Virginia that we will share with each other
24 this information, and make sure that we're tracking
25 correctly. But this case was peer reviewed in the ---

1 in the testimony that I was going to testify to, about
2 it being a Situational Child Molester with sadist
3 overtones. And we know that a Situational Child
4 Molester is going to be a male, and that he gets sexual
5 gratification from inflicting pain on others. And in
6 this case it was a 3 year old child. And that was peer
7 reviewed. Yes, sir.

8 Q. And I think I'm almost --- I'm almost done. But is
9 there any --- is there anyway that you --- well, I'm
10 sure there's a way --- can you explain to the Court ---
11 we talked about case studies and the other approaches,
12 and based upon your training, and I guess kind of
13 sense, are those --- are those procedures that are used
14 in general? In other words, in other areas outside of,
15 and I hate to say profiling, but offender --

16 A. Uh'hum.

17 Q. -- behavior. Are case studies used? Is that something
18 you've used frequently?

19 A. Yes, sir. The training program that I went through to
20 become a Criminal Profiler is the same that any other
21 Criminal Profiler --- it is a standard procedure that
22 is approved and accepted by the FBI.

23 Q. Okay.

24 A. Yes, sir. And in case studies, is a large volume of --
25 - the best way to indicate future behavior is to study

PAUL LAROSA - PROFFERED TESTIMONY

551

1 the pass behavior. And in this case we've
2 unfortunately seen --- this is not a unique case that
3 would come through our office, and through my peers
4 offices, you know, nationwide.

5 Q. And to move on, and thank you so much for that. And to
6 move on. Did you have the opportunity to view, since
7 we're here, and there was a discussion about the diary
8 or the journal that Atelia Hunt did?

9 A. Yes, sir. They were some entries that were given to me
10 to review to get my personal opinion as a profiler.
11 And it was sent to me, and it was reviewed. And with
12 the assumption by me that these dates are correct, and
13 they wind up when the female subject in this case
14 would've entered them in the computer. I was asked by
15 the solicitor's office to give my opinion and anything
16 that stood out to me. And the thing is part of my
17 training. We would have to go through something called
18 statement analysis, where we kind of do an autopsy so
19 to speak, on --- on whether it was a statement or an
20 opened-ended flowing document, which in our business is
21 an unedited diary that is free of any outside
22 influence, is about as pure of a document as you can
23 get. They are not influenced by anyone but their inner
24 --- inner thoughts. They could write down any flow of
25 sentences, any words. Their happiness. Their sadness.

1 Their concerns. Their future goals. And taking this
2 as a document that is free of any outside influence,
3 that this was Atelia's thoughts on those days. I
4 looked at it, and several of the things that I found is
5 that there are eighty one lines written in this --- in
6 these diary entries. It wasn't until the seventy-first
7 line that she mentioned minor And every --- well, this
8 is one of the most, knowing the background of Atelia,
9 it is very self-absorbing. Very, whoa is me. Pity
10 party on her that no one else in her life, at this
11 time, matters to herself but her. There's a mention
12 occasionally of Mikey, but nothing about the welfare of
13 minor caring either way. And what my report to the
14 solicitor, my verbal report, was this individual who
15 wrote this doesn't care enough about anyone to even
16 like or dislike, or to have a feeling one way or
17 another about another person except for themselves.
18 And the question posed was, do you see anywhere in
19 there that any --- that Atelia was angry or voicing a
20 desire to harm this child? And my answer to them was,
21 she doesn't care enough about anybody but herself to
22 even put Atelia on the radar, that she wants to harm.

23 Q. And that assessment is that, and I think we --- did we
24 specifically discussed within your ram of expertise,
25 what you would and would not able to discuss regarding

PAUL LAROSA - PROFFERED TESTIMONY

553

1 the diary?

2 A. That the language, the flow in here the assessment of
3 there is no. No dangerousness that I see. If I would
4 have gotten this the day before Atelia passed away, and
5 they handed it to me and said is there anyone in --

6 Q. You mean, minor passes away?

7 A. I mean, minor --- before minor passed away. And it was
8 handed to me and said, what is the dangerousness of
9 anybody in what she mentions. There is, I would say,
10 absolutely no one is danger because of what this person
11 has written in an opened-ended, free-flowing diary
12 statement. There is no argument directed towards
13 anyone. So, the dangerous level is zero. There is no
14 dangerous --- dangerousness.

15 Q. And when we talk about dangerousness, to be clear, are
16 we talking about in the context of actually infliction
17 not negligence?

18 A. That --- that is correct. It's obvious to me that
19 she's negligent, because she doesn't care enough about
20 anyone. But I didn't know the lifestyle at the house.
21 I didn't know. To me, if I would've read this, other
22 than her mentioned in line seventy-one, that minor has
23 been home for two weeks, that's the only discussion she
24 has in a diary to herself about anyone other than
25 herself and Mikey, in two lines.

1 THE COURT: All right. Mr. Redmond, let's go to
2 cross unless you have something that you feel --

3 MR. REDMOND: Well, there's one other issue, because
4 of the standards between Dauber and Jones that I need to
5 cover.

6 THE COURT: Go ahead.

7 Q. One last issue, then I'll be able to sit down. One of
8 the things we have to consider is obviously rate of
9 error. And we've talked about peer review, and I guess
10 evaluation. Is there an evaluation round within your
11 area of expertise to ensure that --- to ensure
12 accuracy? I think I ask you that before. If you could
13 touch on that subject.

14 A. The accuracy rate. We have learned from our past
15 mistakes as Criminal Profilers and Behaviorists, in a
16 case like this we're not specifically saying that Mikey
17 is the one who inflicted those --- those scars and the
18 sexual abuse on this victim. I can not say that he did
19 it. I can just say that it would've been somebody, a
20 male, who would have had direct influence over this
21 child. We have the ability to be alone over a period
22 of time, to inflict over a period of time, these ---
23 these burns and this abuse to this three year old's
24 vagina. And with that, that's kind of where we've
25 gotten away from the evaluation process. Because in

PAUL LaROSA - CROSS EXAMINATION

555

1 the past we would say that it would be a white male,
2 twenty-four years old, driving a red truck, and he was
3 twenty six years old driving a green truck, so we've
4 pattern this a little different.

5 Q. And last thing I'll say is it -- - well, then by
6 patterning, i.e., limiting it, does that inherently
7 increase the accuracy?

8 A. Absolutely.

9 MR. REDMOND: Thank you. I have nothing further at
10 time, Your Honor.

11 THE COURT: Cross examination?

12 MR. STEEN: Thank you, Your Honor.

13 PROFFERED EXAMINATION BY MR. STEEN

14 Q. Are we determining the admissibility of the letters
15 too?

16 MR. REDMOND: We didn't go to --

17 MR. STEEN: Oh, sorry.

18 MR. REDMOND: I was going to tell you that.

19 MR. STEEN: Um.

20 THE COURT: All right. Just a moment. The letters
21 are in evidence.

22 MR. STEEN: Yes, sir.

23 THE COURT: You talking about his testimony about
24 them?

25 MR. STEEN: Yes, sir. The solicitor didn't go

1 through any of the elements from Counselor Dauber through
2 the letters -- to his testimony regarding the letters. I
3 wasn't sure if I needed to cross him on all those.

4 MR. REDMOND: Just to be clear for the record, the
5 questions --- the foundation of questions I would submit
6 apply to both, as it relates to the science behind it, and
7 each other issue from a fact stand point stands on their
8 own. So, we would submit that we covered that generally
9 with the factors scientifically, and then he got specific on
10 each round that we had covered factually.

11 THE COURT: There's your answer. Go ahead.

12 MR. STEEN: Thank you.

13 Q. Agent, what exactly is your attempted proffer testimony
14 going to be concerning the vagina injuries? What
15 exactly --- I'm sorry.

16 A. I'm not quite sure of your question, sir.

17 Q. Yes, sir. What is the conclusion that you made from
18 your analysis of the evidence, along with our training
19 and experience?

20 A. I guess if I understand your question, my opinion is
21 that the cigarette burns on the 3 year old's vagina was
22 inflicted by a male who had responsibility of a child -
23 -- this child, and was able to have access to her over
24 a period of time to inflict the burns to the vagina,
25 which in my experience and training, is sexually

PAUL LaROSA - CROSS EXAMINATION

557

1 related.

2 Q. Thank you. You mentioned you had worked on one case
3 about six months ago. Will you cite how that relates
4 to this case? How the facts relates to this case, from
5 that case?

6 A. I've testified six months ago to a case in Lexington
7 County involving criminal behavior at a crime scene.
8 And that would be the question that was asked to me
9 about. Have you ever testified as a Criminal Profiler,
10 or a Crime Analyst, or a Offender Behaviorist. My
11 answer is yes, I did that. But as one case six months
12 ago, I wish it only --- I only had one case six months
13 ago. We've got hundreds in the chute ready to go.

14 Q. And that case had nothing to do with criminal sexual
15 conduct?

16 A. Not that one. No, sir.

17 Q. How many known sexual offender cases have you worked
18 on?

19 A. I couldn't even give you a number, because of the
20 consulting work we do. Some of them are formal as ---
21 more formal than this. Some of them are phone calls.
22 But the number of times that I've talked criminal
23 sexual conduct with a minor offender behavior --- we
24 teach it quarterly to probably twenty to thirty police
25 officers throughout the State at a time. I teach it

1 out of state, at the American Academy of Forensic
2 Sciences in Charlotte. We get case consults up there.
3 I wouldn't even -- I would hate to give you a number,
4 because I'd probably be off, but it would be well in
5 the two, to three, to four hundred range.

6 Q. Thank you.

7 A. Yes, sir.

8 Q. How many cases have you been qualified as an expert at
9 trial in a criminal sexual conduct case?

10 A. With offender behavior?

11 Q. Testifying.

12 A. Testifying as an expert as a crime reconstruction?

13 Q. As a Crime Profiler?

14 A. As a offender behavior, it would be none. I have yet -
15 -- this is the first subpoena I've received on it.
16 Yes, sir.

17 Q. And you stated that this is indicated on an adult,
18 based on the fact that someone would have had to hold
19 the child down while --

20 A. Yeah. And by adult. I'll clarify. Someone over the
21 age of sixteen, just because of the sexual nature of it
22 and people. My training has indicated that sexual
23 maturity and sexual pleasures start around the age of
24 sixteen, where we start specifically knowing, yes, I
25 like this. This feels good me. That type of behavior.

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 559

1 We start realizing we like girls, we like boys,
2 whatever, around the age of sixteen. And to have the
3 ability to specifically put a cigarette in a perfectly
4 round circle on a three year old, it would be somebody
5 about that age, with the specifics of the vagina. Yes.
6 Those are the ones that I was looking at, not all of
7 the other wounds to the victim, on the back, and then
8 stomach, and whatever else came up. I was just looking
9 at the burn to the vagina.

10 Q. So, it's your testimony that only an adult could have -
11 -- only an adult --- only an adult over sixteen could
12 have --

13 A. I'm saying that it would be somebody who would have the
14 strength of an adult of sixteen years old or older,
15 yes.

16 Q. Okay. So, say a situation where there was more than
17 one offender involved, your --

18 A. Could you give me a little bit of background of the
19 hypothetically, and then I could probably tell you.

20 Q. I'll withdraw.

21 A. Okay.

22 THE COURT: Counsel, is there anything further? If
23 you're ready. The Court's ready to take arguments if you
24 don't have any further questions.

25 MR. STEEN: No more questions, Your Honor.

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 560

1 THE COURT: All right. Very good. Then, let me hear
2 from the Defense. The State offers the witness. You
3 object. Let me hear from you why you believe that it
4 doesn't meet the scientific reliability standards.

5 MR. STEEN: First of all, Your Honor. I objected,
6 based on the fact that I don't think it's reliable
7 testimony. It's based on looking at the incident report,
8 and looking at a few pictures. I based this -- I object on
9 his testimony concerning the complete roundness of the
10 cigarette burn, because that testimony has already been
11 offered by the autopsy --- Dr. Schandl, in her autopsy
12 testimony, that these clear round --- indicate cigarette
13 burns had to be held there for a little while. I think the
14 jury can draw their own conclusions from that without expert
15 testimony. And it's unfairly prejudicial, based on the fact
16 that the evidence is already in evidence. Because it's
17 already in evidence, and he stating that it's a male who has
18 private attention with the child. Mr. Huckabee is the only
19 person in that situation on trial here like that. I think
20 that would unfairly prejudicial the jury in that way also.

21 THE COURT: All right. Do you want to be heard
22 briefly in reply on that, Mr. Redmond?

23 MR. REDMOND: Briefly, Your Honor. And one thing
24 that I would add that I didn't ask him. But I think the
25 Court can take notice of the fact that one of the things

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 561

1 that he also testified to is being a crime scene
2 reconstructionist. And of course, the crime scene is not
3 necessarily the location in the room. It can actually be
4 part of the file. And so to that end, I would actually
5 somewhat segway with that, because obviously crime scene
6 reconstruction has been allowed in South Carolina for years,
7 if not decades. And so this is in essence. I would submit
8 an off shoot of that. It's up to the jury to determine
9 whether or not that's something they accept. The defense
10 will have an opportunity to make arguments. We're here on
11 the admissibility. And I think with what has been testified
12 and we would submit, that we've met the Dauber and the Jones
13 standards as it relates to admissibility of this particular
14 evidence. It has been allowed before. It is an accepted
15 area of law enforcement. And I think that Agent LaRosa has
16 more than adequately testified. And interestingly what Mr.
17 Steen had said, he testified in ways --- on things that are
18 already in the record. I think that's important, because
19 Dr. Schandl was talking about the wound. I ask her
20 specifically about the wound being held. So, there is
21 testimony. There is evidence that's already in. This isn't
22 me pulling something out of thin air. And I appreciate that
23 point being made, because it is actually based on things
24 that are in evidence. And so with that, Your Honor, we
25 would submit that it should be --- it should be allowed for

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 562
1 the jury to make the determination as to whether or not they
2 accept or not accept Agent LaRosa's testimony.

3 THE COURT: Very Good. The Court's going to take
4 this matter under advisement. It's an issue --- first
5 impression for me. And we will be prepared to rule first
6 thing in the morning, after reviewing it further this
7 evening. And we will adjourn these proceeding until --- we
8 should be prepared to convene around 9:15 to make sure --

9 MR. REDMOND: Yes, Your Honor.

10 THE COURT: Excuse me, that defense has their film
11 presentation ready to go forward or elected not to do. So,
12 we'll be in recess until 9:15.

13 (WHEREUPON, day three of this hearing
14 concludes at 5:30 p.m. on Wednesday, June 19, 2013.)

15 -- END OF DAY FOUR --

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 564

1 been interrupted by a telephone, and I can't understand why
2 people won't follow the rules that are clearly posted on the
3 door for your phones to be off. Is anyone else's phone on?
4 Please, make sure you phone is off.

5 All right. Again, and the Court makes the following
6 findings with the behavioral science or the profiling, if
7 you wish to use that term, that Mr. LaRosa would bring to
8 the case.

9 First of all, I find that, you know, there are numerous
10 publications. There is peer review of this technic which he
11 testified to yesterday. He also testified that he has
12 previously been admitted as an expert in crime scene
13 analysis, and also other behavior issues. He's never --- he
14 candidly admitted he has not been admitted as an expert in a
15 CSC case allegedly with this type of evidence. But the
16 Court does not find that the fact that this would be first
17 impression on this specific set of facts would disqualify
18 him to testify today.

19 I do find that because there is, he has an opportunity
20 to work with the colleagues. He has worked with the
21 behavioral group with the FBI, that thus there is --- there
22 are quality control procedures, and there also are
23 consistency --- are consistency in the methods that he
24 applies.

25 Basically, looking at this from some sort of Dauber

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 565

1 Analysis as well, that I find that this area of law is a
2 cross roads of psychology, and human behavior, and crime
3 scene analysis. As I said earlier, it is peer reviewed.

4 The Court finds that there is general acceptance now
5 for this type of testimony, not only in the public domain,
6 who may have even come to expect from television shows such
7 as Criminal Minds and other media that involve this type of
8 science that has a definite impact on jury expectations.
9 Although we're not here necessarily to play to jury
10 expectations, it just tells me that this is a generally
11 accepted area of science. And I was impressed yesterday
12 that Agent LaRosa testified that, because he will not
13 identify the Defendant as the perpetrator, he has at least
14 his position was, he would have a zero rate of error. But
15 the Court has some comfort that he's not here today to
16 necessarily target by name a specific Defendant, he is
17 simply is going to give some annualizes of the crime scene,
18 which actually is the body of the child.

19 For all these reasons the Court believes that this is
20 admissible testimony.

21 Now let's look at it from a Rule 403 analysis, which is
22 prejudice versus probative value. And in doing so, the
23 Court is going to define prejudice as an opinion or leading
24 against a fact or concept that would lead to a premature
25 judgement or an unwarranted opinion.

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 566

1 I'm going to define probative as tending to prove or
2 disprove a relevant fact that is a relevant fact in the
3 case.

4 Of course, all evidence that is put in --- that's
5 permitted should be probative. And all evidence that's put
6 in by one side or the other, generally has some element of
7 prejudice to it, otherwise it would be offered as testimony.

8 But the Court finds that the jury here is confronted
9 with basic questions. How could anyone do this to a child?
10 Clearly if these wounds are not self-inflicted, these are
11 cigarette burns, and that is the, I guess, the real evidence
12 here, is the State's attempt to prove that the Defendant did
13 it. That's what brings us here. But the jury has to be
14 wondering how could such a thing occur.

15 And the Court finds that this is a core concern. It's
16 really something we haven't discussed yet. I'm sure it will
17 come out in closing about how anyone could do this. How
18 could this type of crime be committed? Clearly the crime
19 was committed here. I'm not saying that the Defendant did
20 it, but someone did, because again these wounds cannot self-
21 inflicted.

22 And so, the Court finds that this type of behavioral
23 analysis to assist the jury in bringing an understanding to
24 what really is a core issue, so I find it highly probative.

25 I also find that it is not unfairly prejudicial for the

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 567

1 State to put up evidence that would show that the Defendant
2 would have attempted to have committed the crime. That's
3 what would be expected by the defense that the State would
4 be putting in that type of evidence.

5 And thus, his comments that this would be done by a
6 male and that has a sexual component to it, the Court does
7 not find that overly prejudicial.

8 The Court finds that the probative value of that, again
9 in explaining how this could happen is greater than the
10 prejudicial value. But when the witness goes beyond that
11 and attempts to exclude the other adult in the house, which
12 of course, is the mother, Ms. Hunt, based on the injuries in
13 her diary that has a synergistic effect. And when he
14 attempts to exculpate her, the Court believes that goes
15 beyond what would be expected in the case by defense
16 counsel, and is highly prejudicial, and more prejudicial
17 than probative. Ms Hunt is not on trial here. She's plead
18 guilty to various crimes, and thus the Court does not find
19 that, that testimony should be permitted. That is the
20 exculpation of Ms. Atelia Hunt.

21 And further, the Court does not find it appropriate for
22 the witness to go further and say that the only male that
23 had access to this child is the Defendant. This witness ---
24 that's for the jury to determine. That's a factual
25 consideration. This witness can testify about his analysis

THE STATE VERSUS ALEXANDER CARMICHAEL HUCKABEE, III 568

1 of that child's body and the infliction of the wounds, but
2 to go beyond that I think it gets into the facts of the
3 case, and really beyond his area of expertise, and also
4 unfairly prejudice as to the Defendant. We'll leave counsel
5 to make whatever argument they may derive from that
6 testimony. But it would not be appropriate for the witness
7 to quote, "finger the Defendant as the culprit", simply
8 because he came in and testified to it yesterday. He is not
9 going to indicate who did this. But yet to do that would be
10 so exclusively pointed at the Defendant that it would, I
11 believe, violate his own principals that which he testified
12 to yesterday.

13 Now, any questions from either side about what the
14 Court has ruled in allowing the testimony, but limiting it?

15 MR. REDMOND: No. Nothing from the State, Your
16 Honor.

17 THE COURT: And now from the defense?

18 MR. JONES: No, sir.

19 THE COURT: All right. Very good. Now, we have a
20 little bit beyond our 9:30 start point. So, I would bring
21 the jury in at this point, if there's nothing further before
22 we bring the jury. What says the defense?

23 MR. JONES: I have just one other thing, Your Honor.
24 After consultation with Mr. Steen, and myself, and along
25 with Mr. Huckabee, we would like to withdraw the request to

ATELIA HUNT - REDIRECT EXAMINATION

575

1 Ma'am, do you remember that you remained under oath from
2 yesterday?

3 MS. HUNT: Yes.

4 THE COURT: All right. And at the end of the day
5 yesterday, the defense completed their questions of you.
6 And they were going to show a video. But they've determined
7 not to do that. So, we're going to move directly into
8 redirect, which is where the State's counsel will ask
9 questions of you again. All right?

10 MS. HUNT: All right.

11 THE COURT: Please proceed.

12 MS. LEE: Thank you, Your Honor.

13 REDIRECT EXAMINATION BY MS. LEE

14 Q. There were some questioning about the diary that you
15 wrote on the computer, did you ever mentioned DSS in
16 that diary?

17 A. No.

18 Q. Did you mentioned anything in the diary regarding Mr.
19 Huckabee ever telling you to leave the house?

20 A. No.

21 Q. Did he ever tell you to leave the house?

22 A. No.

23 Q. Was it your house you were living in?

24 A. Yes.

25 Q. Are there are a lot of specific details that were not

ATELIA HUNT - RE-CROSS EXAMINATION

576

1 included in that diary?

2 A. There was a lot that I didn't put in the diary, because
3 in that time frame, that's whenever the computer was in
4 his possession, whenever he had taken the computer.

5 Q. Was that diary your general feelings at the time?

6 A. Yes.

7 Q. Okay. Now there was some questions about whether
8 yesterday may have been the first time you brought up
9 the blood on the towel coming from the vagina ---
10 Edna's vagina. Did you tell Kathy Bass in the
11 interview on March 1st, that the blood on the red towel
12 came from Edna's vagina?

13 A. I believe so.

14 Q. Okay. And lastly, there was some question about you
15 getting a good deal. What kind of sentence did you
16 receive?

17 A. I received twenty years sentence, ran concurrent.

18 Q. Thank you, ma'am.

19 MS. LEE: No further questions.

20 THE COURT: Anything brought up you want to re-cross
21 on?

22 MR. JONES: Yes, sir.

23 RE-CROSS EXAMINATION BY MR. JONES

24 Q. You avoided life; didn't you?

25 A Sir?

1 Q. You avoided getting life; didn't you?

2 A. From where everything that was going on, nobody didn't
3 make no pled. I made the pled on my own. That was my
4 own decision to make the plea.

5 Q. The question is, you could have gotten life; is that
6 right?

7 A. I could have got life.

8 MR. JONES: Thank you.

9 THE COURT: Do you want to follow up on that point?
10 It's your witness.

11 REPLY EXAMINATION BY MS. LEE

12 Q. You're under a no parole sentence; is that correct?

13 A. Correct.

14 Q. And you pled under the aiding and abetting portion of
15 the statute?

16 A. Yes.

17 Q. Thank you.

18 MS. LEE: No further questions.

19 THE COURT: All right. Ma'am, then please watch your
20 step as you exit. Any objection to the relief of this
21 witness. From the State?

22 MS. LEE: No, Your Honor.

23 THE COURT: From defense?

24 MR. JONES: No, sir.

25 THE COURT: All right. Then you are free to return

PAUL LaROSA - VOIR DIRE EXAMINATION

578

1 Ms. Hunt to the Department of Corrections. Ma'am, good luck
2 to you. Please watch your step there as you leave.

3 MR. REDMOND: Beg the Court's indulgence.

4 THE COURT: Please call your next witness.

5 MR. REDMOND: Thank you, Your Honor. May it please
6 the Court? The State would next call Paul LaRosa. Agent
7 Paul LaRosa.

8 THE COURT: All right. Please come forward and take
9 the oath of a witness.

10 WHEREUPON, PAUL LaROSA

11 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

12 MR. LaROSA: I do.

13 CLERK: Please seated and state your full name for
14 the record.

15 MR. LaROSA: My name is Paul Charles LaRosa. Last
16 name is spelled L-A-R-O-S-A.

17 VOIR DIRE EXAMINATION BY MR. REDMOND

18 Q. And Agent LaRosa, let's go through --- let's go through
19 a little bit of background information with you. Could
20 give the ladies and gentlemen of the jury, your
21 educational background.

22 A. Yes, sir. I am 1994 graduate of Citadel in Charleston,
23 South Carolina. After graduating from the Citadel, I
24 was --- I applied and got accepted as a special agent
25 with State Law Enforcement Division, better known as

1 SLED, in the Latent Print Crime Scene Section. I worked
2 that job from 1994 until 2000. And in that job, we
3 were the --- we were and still are the Major Crime
4 Scene Response Unit for the State of South Carolina.
5 Violent crime from murders, sexual assaults, down to
6 high property crime. And we would response state wide
7 at the request of local agencies. From 2000 to 2005, I
8 was assigned to the Blood Hound Tracker Team Swat Team.
9 I was a team leader over the containment team. I did
10 that for five years. And then got transferred to the
11 Midland Investigative Unit, which is the area that most
12 people think of SLED, as the field agent --- the
13 investigator. And there I worked all manner of cases
14 from homicide to public corruption. And in 2010, I was
15 approached and ask to become what is known as an
16 understudy in The Criminal Behavior --- Behavioral
17 Science Unit. I first jumped at the chance. I went
18 through an extensive two-year training program. The
19 program is actually three to five years. But because
20 of my crime scene experience, I was able to just skip t
21 one year on the crime scene part, because I'd already
22 obtained more than enough with that training. I was
23 sent through the southeast to train with different
24 agencies. With the US Marshall's Service. The Naval
25 Criminal Investigator Services of Threat Management and

PAUL LaROSA - VOIR DIRE EXAMINATION

580

1 Assessment. Dangerousness of Individuals. I did
2 internships with the Department of Mental Health in the
3 area of Forensic Psychiatry. I attended numerous Blood
4 Spatter courses. Deviate Sexual Behavior. Child
5 Sexual Crimes. Rape classes. And last year at this
6 time, I completed my training by attending a special
7 fellowship at the FBI's Behavior Analysis Unit right
8 outside of Washington, D.C. where it was for a lack of
9 a better term --- it was almost like a check ride that
10 maybe a helicopter pilot would have to go through,
11 where I was assigned an office and a mentor with the
12 FBI. And I went through the program. Filled out
13 completed case work on the FBI letterheads. Sent those
14 to the agencies requesting assistance. And during my
15 whole training period, I was training underneath an
16 already qualified Certified Criminal Profiler, who was
17 one of the original Profilers that had gone through the
18 program back in the mid '80's. And after I completed
19 my eight weeks fellowship at the FBI, I got the e-mail
20 that said, congratulations. And so then, I became a
21 full fledge Criminal Profiler within the FBI's eyes,
22 And, of course, since then, I've been working cases as
23 a Profiler for the State Law Enforcement Division.

24 Q. Okay. Now, with that wealth of experience, let me
25 break it down just a little bit. And based on your

1 testimony and reviewing your credentials, did you work
2 with crime scene reconstruction?

3 A. Yes, sir, I have. When I was in Crime Scene from '94
4 to 2000, and a brief little stay in 2009, I had worked
5 major violent crimes. I processed major violent
6 crimes. And I have testified in General Session Court
7 in South Carolina and in Georgia as an expert in the
8 area of Crime Scene Reconstruction.

9 Q. And have you also in addition to the times that you've
10 testified, have you also testified as an expert in
11 other areas, and could you share that with the jury?

12 A. Yes. I have testified in Federal District Court on the
13 dangerousness of individuals. Do the individuals pose
14 a threat to society. Do they pose a threat to specific
15 targets. I've testified in General Sessions Court in
16 South Carolina on Crime Analysis, which is what the FBI
17 likes to call Criminal Profiling. They're not a huge
18 fan of the term Criminal Profiling, although we see
19 them use them in t.v. shows all the time. It's more of
20 a Crime Analysis or a behavioral approach to
21 reconstruct the crime scene.

22 Q. Okay. So, with that, does your experience entail
23 actually Crime Scene Reconstruction, absent from the
24 Crime Analysis portion and Crime Scene Reconstruction
25 with people?

PAUL LaROSA - VOIR DIRE EXAMINATION

582

1 A. Yes, sir, absolutely. You can be a Crime Scene
2 Reconstructionist and not be a Criminal Profiler, or a
3 Crime Analyst, or Crime Analytic, but you can't be a
4 Profiler without being a Reconstructionist. I was just
5 fortunate that I've gotten the bulk of that work in the
6 training back when we ran a lot of crime scenes in the
7 90s.

8 MR. REDMOND: At this time, Your Honor, the State
9 would move to qualify Agent LaRosa as a expert in the fields
10 of Crime Analysis and Crime Scene Reconstruction.

11 THE COURT: Crime Scene Reconstruction?

12 MR. REDMOND: Yes.

13 THE COURT: And you said Crime Analysis?

14 MR. REDMOND: Crime Analysis. Yes, sir.

15 THE COURT: All right. Now, we're going to stop at
16 this point and give the defense an opportunity to weigh in
17 on this. Do you want to question the witness? Do you want
18 to respond to the Motion made by counsel?

19 MR. JONES: We would renew our objections to his
20 qualifications as a Profiler. And I assume that the second
21 the part of what the State is --

22 MR. REDMOND: Yes.

23 MR. JONES: -- asking to introduce him as.

24 THE COURT: All right.

25 MR. JONES: Based on the standards that are contained

1 in the Jones, Dodson, Counsel cases, as well as --

2 THE COURT: All right.

3 MR. REDMOND: And, Your Honor, if I could, just to
4 make sure the record is clear. When I say Crime Analysis,
5 that would be slash Profiler.

6 THE COURT: I'll be back to you on that. Do you have
7 questions for this witness in spite of objection?

8 MR. JONES: I would like to ask maybe one or two
9 questions.

10 THE COURT: Come around. Without waiving your
11 objection, of course, I'm going to give you an opportunity
12 to question the witness.

13 VOIR DIRE CROSS EXAMINATION BY MR. JONES

14 Q. Agent, I think you said that you have been qualified as
15 an expert in various courts in this state as well as
16 Federal Court?

17 A. Yes, sir. US District Court in Columbia.

18 Q. And how many times have you been qualified as a
19 Profiler?

20 A. As a Criminal Profiler. One time.

21 Q. How many --- did that case involve allegations of
22 criminal sexual conduct?

23 A. There was an element to it, but I did not testify to
24 that part of it.

25 MR. JONES: That's the only questions I'm going to

1 have.

2 THE COURT: Do you want to respond with questions
3 based on his.

4 MR. REDMOND: Just one that I had actually mentioned
5 --- I forgot to mentioned.

6 THE COURT: Go ahead.

7 DIRECT EXAMINATION BY MR. REDMOND

8 Q. In your work in your vast experience that you've
9 described, and I want recount, did you have the
10 opportunity to work on criminal sexual conduct cases?

11 A. Yes, sir. There's a good block of the understudy
12 program, where we train in criminal sexual conduct,
13 both with adults and children. And we because of some
14 of the way that SLED is set up, we're an assisting
15 agency. Part of my responsibility now that I am a full
16 fledge Criminal Profiler is, we travel the State and
17 right outside the State upon request of local agencies,
18 to teach in the areas of Criminal Profiling. Not that
19 the investigator will become Criminal Profilers, but to
20 give them an understanding of a offender behavior, that
21 when they encounter criminal sexual conduct, or a
22 murder, an unknown offender murder, these are the kinds
23 of guys that would do it. This would be kind of
24 individual you would look for based upon the facts, and
25 then when you --- when you catch the guy, here's how to

1 interview them. And this is what we see, and what we
2 watched, and trained, and studied on, is the best way
3 to question these offender, to get the best evidence
4 for court.

5 Q. And just to follow up based on the questions of the
6 defense, could you give a little bit more detail as it
7 relates to the training and the sources that you
8 utilize, both practical, by going to a scene, and if
9 you don't have the opportunity to go to a scene. But
10 just explain the general process, the tools that you
11 utilize to do what it is that you do?

12 A. As a --

13 MR. JONES: I might objection. I think he's already
14 offered him as an expert. I think we going -- we're playing
15 on the same ground.

16 THE COURT: I'm going to sustain that objection.

17 MR. REDMOND: Yes, sir.

18 THE COURT: Counsel, The Court has sufficient
19 information to make a decision.

20 MR. REDMOND: Yes, sir.

21 THE COURT: Thank you. Just one moment please. All
22 right. Let me just talk to the jury about this for a
23 moment. What we have here is the offer of an expert. And
24 you will recall that we discussed the other day, that the
25 difference between a lay witness and an expert witnesses is,

PAUL LaROSA - DIRECT EXAMINATION

586

1 that the expert witness can offer an opinion about what they
2 saw, or heard, or did. A lay witness can only offer what
3 they saw, or heard, or did. And that's the difference.
4 When someone has training, experience, education in a
5 particular scientific area, then they may be qualified as an
6 expert to offer an opinion. Now, one of the issues here is
7 whether or not there is sufficient scientific bases to what
8 the witness does, or is it something that this is just not
9 of a scientific bases and methodology. And so, it's the
10 Court's responsibility to be the gatekeeper, to make
11 decision on who can testify and who cannot testify as an
12 expert. And so, that's completely different from the
13 decision that you make as a factor as to what weight or
14 credibility you give to a testimony. And so, while the
15 Court in this incidences has made the decision as the
16 gatekeeper, that the evidence is admissible, that in no way
17 controls the weight or the degree of weight that you give to
18 the testimony. I'm not saying that to either build up or
19 demean it. I'm simply saying, that is completely your
20 decision. You should look to the basis of what the witness
21 testifies, as to his beliefs or opinion. What is the basis
22 of this. What is the, you know, the educational knowledge
23 and understanding that he brings to that. And based on
24 that, you give the witness the testimonial weight you
25 believe he is entitled to. I say to you again as I said

1 when we had our first expert witness, an expert's opinion is
2 never given for the purpose of controlling your judgement.
3 It's not the purpose. The purpose is to assist you in
4 finding matters of fact that are before you, that may be
5 within the review of the expert. But again, that's for your
6 determination as to whether it would be assistive or not.
7 Again, that's your decision as to how much weight you give
8 it. Now, there's also a little bit of dispute about what
9 area we're going to qualify the witness in. And based upon
10 the testimony, I'm going to admit the witness in the area of
11 Criminal Behavioral Analysis and Crime Scene Reconstruction.
12 And let's talk about that for a moment. Typically when you
13 have what you call a crime scene, if there was a bank
14 robbery, the crime scene would be the bank, and everyone
15 would go to the crime scene to see what had happened there.
16 In this case, the Court finds that in effect, the body of
17 minor is the crime scene, because of the allegations of
18 how this crime occurred. And thus, when I say Crime Scene
19 Reconstruction, I'm actually referring to his analysis of
20 the injuries to the body, as opposed to some physical
21 location or a building that the witness may have gone to.
22 With that understanding, the Court permits the witness to
23 offer an opinion in those two areas. You may proceed, Mr.
24 Redmond.

25 MR. REDMOND: Thank you, Your Honor. May it please

1 the Court?

2 REDIRECT EXAMINATION BY MR. REDMOND

3 Q. And I guess now a safe way to ask the question, I'd ask
4 you previously for the jury edification, what tools do
5 you use as a Crime, I guess, Behavior Analyst, what
6 tools do you use to perform your duties?

7 A. The job of a Profiler is, there are a lot of different
8 things that we can do to assist a local agency with a
9 violent crime. The most traditional role that people
10 assume a Criminal Profiler does, and it's what the
11 television show, shows the majority of the time, is you
12 have a victim, and we don't know who did it. And they
13 come to us and say, we need help finding out who did
14 this. What kind of a guy would've done this. And so,
15 we get into all kinds of victimology. Who was the
16 victim. What was she like. What did she do for a
17 living. Was she employed, non employed. Was she
18 having an affair, not having an affair. All of that
19 stuff. And then we use that combined with statistical
20 research, and come up with a general idea of who we're
21 looking for. The bulk of the work that we do when it
22 comes to violent crimes or cases like this, where we
23 get the agency who comes to us and says, we have had a
24 crime, and the crime is. We know who the potential
25 suspects are. And we need some help because of the

1 nature of the crime, the violence of the crime, and the
2 bazaar behavior in the crime. We need help. We need
3 help from interview stand point. Evidence collection.
4 How to prosecute this case. What to charge them with.
5 And that we would require a number of things from the
6 local agency. We want an incident report, obviously to
7 start the case. We want to know who the potential
8 suspects are. What is their history. Criminal,
9 school, any potential records that we can get. Medical
10 records. Mental health records, any of that stuff.
11 Then we look at crime scene. We want the crime scene
12 photography. I personally love to go to the crime
13 scene myself. But in cases where, like this, where the
14 victim --- the crime scene was her in the hospital
15 emergency room. We worked off the crime scene photos
16 that were taken, both at the hospital and then during
17 the autopsy. We need a complete autopsy report. In
18 this case we got a preliminary autopsy report, that
19 assisted us in some general findings. But we needed a
20 final autopsy report for us to be able to base all
21 conclusion off of. We go to our partners. And in the
22 mental health community. And we consult with Forensic
23 Psychiatrist. I would've consulted with other Criminal
24 Profilers and make sure that everything that I'm seeing
25 in a peer review system, that yes, you are correct.

PAUL LaROSA - DIRECT EXAMINATION

590

1 You are tracking right. I've seen cases like this, and
2 we share information. We take all of that stuff in
3 combination with anything else that the local agency
4 wants to give us. We want as much information as
5 possible. And then we formulate an opinion, and we
6 give it to them, and sometimes they listen to us.
7 Sometimes they don't. It just depends on what they do.
8 But we just give the best opinion that we can, based
9 upon our training and experience, to help solve the
10 case and make sure the prosecution is appropriate.

11 Q. And to make sure everyone is clear, in your role, do
12 you identify a particular person or Defendant as being
13 a perpetrator, or is it as you say, a profile that you
14 do?

15 A. We have been asked before in other cases, to where they
16 might have a suspect pool of ten people, twenty people,
17 and they say, help us identify the most likely
18 suspects. And we can help narrow it down based upon
19 what we have as an idea of who the offender would be,
20 based upon traits --- trait characteristics. In this
21 particular case, we were not asked to say who was the
22 individual that harmed this child, we were asked what
23 is it, first of all. Because it was bazaar and very
24 violent. And we were asked why would somebody do this.
25 What are the most likely characteristic of a person

1 that would do this and harm this child this way. And
2 based upon our, you know, training, and experience, and
3 the research, and other cases that we worked, it was, I
4 mean, it's a difficult case. But there's cases we see
5 quite often. So, it was a progression as to where we
6 are today.

7 Q. And as a segway into this particular case, I think
8 you've touched on it, but just to make sure we're
9 clear, did you have the opportunity to view the autopsy
10 photos of unfortunately, young minor

11 A. Yes, sir. I reviewed the autopsy photos of minor and I
12 also reviewed the autopsy report, which is just as
13 valuable to us on what the pathologist is saying, and
14 also the photographs of minor at the hospital. Yes,
15 sir.

16 Q. And in reviewing that, what was, I guess, what was
17 particularly useful in helping you to come to the
18 conclusion that we'll discuss in the little while?

19 A. It was the --- the part that was brought to us, it was
20 an obvious abuse case. The bruising, and then the
21 teeth removal, the hair cutting. There's a lot of
22 neglect and physical abuse with this child. But what I
23 keyed in on was the intentional cigarette burns to
24 Edna's vagina, and butt, buttocks area.

25 Q. And with that, if I may approach the witness. I beg

PAUL LaROSA - DIRECT EXAMINATION

592

1 the Court's indulgence. With State's Exhibit Number
2 20, if I may approach the witness, Your Honor?

3 THE COURT: You may.

4 Q. I will show you what's been marked as State's Exhibit
5 Number 20, did you have a chance to the view photos of
6 the vagina area of minor

7 A. Yes, sir, I did.

8 Q. And now I'm going to segway into them, since you've had
9 a chance to review information regarding this case.
10 What findings first, did you make as it relates to the
11 age of the perpetrator? Could you explain that to the
12 jury, your analysis?

13 A. That the age of the offender that would do this kind of
14 act can --- can vary because --

15 Q. Can I stop you and rephrase that questions. When I say
16 age, I don't mean specific age.

17 A. Yeah.

18 Q. As it relates to whether we're dealing with a child or
19 an adult.

20 A. Oh.

21 Q. That might be a better way to ask the question.

22 A. I apologize.

23 Q. No, that's my fault.

24 A. Yes, sir. What I did, and this is going back to more
25 of my crime reconstruction days. And based upon an

1 offender's behavior that would do this, looking at the
2 photographs and reading the final autopsy report, the
3 cigarette burns that were on her vagina were specific
4 and direct. And what I mean by that is, if you have a
5 cigarette and you put a cigarette out it is --- it is
6 pretty specific to the area. However, if you give
7 somebody who is about the same age and size, we have
8 seen that the victim will move, because she will wiggle
9 free or attempt to get out of the way. So, we have a
10 flashing of the burn. The burn will be thick in one
11 area, and then you'll see wider burns as the individual
12 turns. So, if you can imagine this is the a body and
13 you throw a cigarette out, the victim's going to try to
14 turn because it is hot. It is not a good feeling. So,
15 we would see some turning at the moment of the burn.
16 In this case the burns did not move. They were
17 specific and direct to the vagina area. So, for that
18 reason, I'm looking at somebody who would have been
19 older, who has power and control, complete control over
20 the victim. During these burns, she did not move.
21 Which, I mean, it's not a Profiler thing. But a three
22 year old that runs into a hot object is going to move,
23 and they're going to wiggle free. There was no
24 wiggling. So, the person who was doing this would have
25 control over her where she could not move as the burns

1 were being inflicted to her vagina.

2 Q. And now let's talk about the gender of the perpetrator.
3 Were you able through, I guess, your analysis or
4 research, were you able to --- are you able to make an
5 analysis as it relates to the gender of an adult
6 perpetrator?

7 A. The overwhelming percentage of the gender of a sexual
8 assault on a child is going to be male. By definition
9 we are more aggressive and we get sexual arousal out of
10 things that are not --- what could not be normal. I
11 was told earlier on that male humans are the only
12 species on earth that can sexualize anything. And so,
13 taking that into account, that in my training and the
14 research that I've done through the US Department of
15 Justice, looking at the number of a offenders,
16 overwhelmingly in some places say ninety-nine percent
17 of all --- of all the offenders who commit sexual
18 assaults, violent sexual assaults on children are men.
19 Some say ninety. But it is right there in my research,
20 and the research was done as late as this past week,
21 and it was doubled checked last night. There were no
22 cases that I could find from the Forensic Psychiatrist
23 that I consulted with and also the other Profiler's in
24 our unit, where we have ran into a case where a sole
25 offender would be a female. All of them were male.

1 Sexually gratifying themselves as they are burning the
2 vagina of a minor child.

3 Q. And so with that, and based on everything that you've
4 said, as a --- looking back at your time as both a
5 Crime Scene Field Agent and now Crime Behavioral
6 Analysis, would you be looking for an adult male as the
7 perpetrator based on the pictures and evidence that
8 were presented to you?

9 A. If this case came to us as a traditional profile and we
10 had this victim on the side, say on the side of the
11 road, we didn't know who she belonged to or what the
12 history was. I would be telling the local authorities
13 that you would be looking for an adult male,
14 approximately the age of twenty five to forty, who
15 would have --- who would --- once we would identify her
16 and know who she is, that this individual would have
17 direct access over this child where they were able to
18 have complete control over a period of time. The
19 cigarette burns that are on her vagina were over a very
20 long period of time. There were some in the healing
21 process. Some there were fresh. So, it's not a one
22 time encounter where the offender would have been able
23 to have access to this child per say, a spend the night
24 party, because the wounds were healing. This is a
25 repeated assault upon this child over a period of time,

PAUL LaROSA - CROSS EXAMINATION

596

1 where we're looking at burns that are in the healing
2 process. It is directed specifically at the genital
3 area of this child. And it gets into all kinds of
4 offender behavior that is not pleasant to talk about or
5 get into. But the categories that we would look at
6 would be that this is a preferential or a situational,
7 and then we would get into a subcategories and paint a
8 picture for the authorities of what kind of guy we
9 would be looking for.

10 MR. REDMOND: With that, Your Honor, I yield to the
11 defense. Please answer any questions that the defense may
12 have.

13 THE COURT: Cross examination?

14 MR. JONES: Just a couple, Your Honor.

15 CROSS EXAMINATION BY MR. JONES

16 Q. And you are not a doctor of psychiatry?

17 A. That is a correct.

18 Q. You're not a doctor of psychology?

19 A. No, sir.

20 Q. You've never been qualified in a case as a Profiler
21 where the primary charge is criminal sexual conduct
22 with a minor, first degree?

23 A. This is the first time I've been asked. Yes, sir,
24 that's correct.

25 Q. And you've got no direct evidence that Mikie Huckabee

1 did this?

2 A. No, sir. I have no evidence of anybody, except to meet
3 that profile that I just explained to you.

4 MR. JONES: Thank you.

5 THE COURT: All right. Counsel, do you have
6 redirect?

7 MR. REDMOND: Just one or two really.

8 THE COURT: Go ahead.

9 MR. REDMOND: Just to verify something.

10 REDIRECT EXAMINATION BY MR. REDMOND

11 Q. You were ask about the times as it relates to
12 testifying. Have you consulted on criminal sexual
13 conduct cases prior?

14 A. We --- we --

15 MR. JONES: Asked and answered, Your Honor. I object
16 to that.

17 MR. REDMOND: I didn't ask him that.

18 THE COURT: I'm going to overrule your objection, Mr.
19 Jones. You ask the question about his prior experience.

20 MR. JONES: Yes, sir.

21 THE COURT: Of criminal sexual conduct cases. You
22 may. Go ahead.

23 MR. REDMOND: Thank you.

24 Q. Please answer that question.

25 A. As part of our duties we consult on hundreds and

PAUL LaROSA - REDIRECT EXAMINATION

598

1 hundreds of child sex crimes specifically, maybe not to
2 the degree of cigarette burns on a vagina, but to
3 criminal sexual conduct with a minor, both of a
4 preferential child sex abuser and also an situational,
5 which this case is a situational abuser. But yes, from
6 sex statistic qualities like this all the way to gentle
7 family affair. We do all the time.

8 Q. And last question. Do all of the cases that you
9 consult on result in the need for you to come to court
10 to testify?

11 A. No, sir. As I stated before, it's pretty rare that the
12 cases that we work on make it to court. Sometimes we
13 will be just at the very preliminary phase and we'll
14 give them suggestions, and we never hear back from
15 them. Some of the them we follow through from the
16 crime scene all the way to court, and then don't make
17 it through the court process for whatever reason. But
18 yeah, it depends. This is just a first, that I've
19 gotten the opportunity to follow a case all the way
20 through to the jury.

21 MR. REDMOND: Thank you. Nothing further.

22 THE COURT: No need for counsel to approach, sir.
23 You are free to step down. And any objection to the release
24 of the witness?

25 MR. JONES: No, sir.

LAURA MILLS - DIRECT EXAMINATION

612

1 excluded from this item. Their DNA was not present.

2 Q. Okay. Let's move on to Exhibit 13.2. I believe that
3 was a sample related to the rod. Could you explain the
4 findings of the significance thereof?

5 A. The DNA profile developed from 13.2, which was a swab
6 from the black fishing rod, is a mixture of at least
7 three individuals. minor Alexander Huckabee, and
8 Atelia Hunt cannot be excluded as possible contributors
9 to this mixture. The probability of randomly selected
10 and unrelated individual who could have contributed to
11 this mixture is approximately 1 in 5.

12 Q. Okay. And let me back up for just a minute and get to
13 the top of the report, because in your report does it
14 indicate Alexander Huckabee, Atelia Hunt, and minor
15

16 A. On item 13.2?

17 Q. Oh no, I'm sorry. In the first page as it relates to
18 the parties, who items have been submitted, does it
19 indicate Alexander Huckabee, Atelia Hunt and minor

20 A. On the very first report from November 3, 2011?

21 Q. Oh, no. I'm sorry. When you go under the DNA
22 analysis, and I apologize if I'm confusing you, but
23 there's reason to getting to it. Right where it
24 indicates the incident date of 10/7/11, and you've got
25 three names listed.

LAURA MILLS - DIRECT EXAMINATION

613

1 A. Yes.

2 Q. Alexander Huckabee, Atelia Hunt and minor

3 A. Yes.

4 Q. And just so we can clarify, Alexander Huckabee and
5 Atelia Hunt, are they listed as suspects?

6 A. Yes, they are.

7 Q. Okay. And the main reason for clarification is that
8 we're dealing with a person that has been submitted to
9 you as the suspect in this case?

10 A. Correct.

11 Q. Alexander Huckabee?

12 A. Correct.

13 Q. Okay. Just wanted to clear that up, from the name
14 stand point. Now, let me go back to item 13.2, just to
15 make sure that we're clear as it relates to the ratio.
16 What was the ratio as it relates to item 13.2, that
17 being from the rod?

18 A. The probability of randomly selecting unrelated
19 individual who could have contributed to this mixture
20 is approximately 1 in 5.

21 Q. Okay. Now, let's go to item 5.1, and that would be a
22 swab from the belt.

23 A. Okay. Item 5.1, which was a swab from the belt, is a
24 mixture of at least three individuals. minor and
25 Alexander Huckabee cannot be excluded as possible

1 contributors to this mixture. The probability of
2 randomly selecting an unrelated individual who could
3 have contributed to this mixture is approximately 1 in
4 1,700. No conclusive statement can be made regarding
5 the inclusion or exclusion of Atelia Hunt as a possible
6 contributor to this mixture.

7 Q. Now, could you explain that sentence? What does that
8 mean, that Atelia Hunt can not excluded? What does
9 that mean?

10 A. When we looked at the profile, we look at the profile
11 in it's entirety. There was some places along with
12 that DNA where it looks like Atelia Hunt's DNA could
13 possibly be there, and other places where it could
14 possibly not be there. So, we were not able to make a
15 definitive conclusion as to whether or not her DNA is
16 present on this item.

17 Q. Okay. Now let's move on to item 5.2, that being
18 another sample from the belt.

19 A. Okay. The DNA profile developed from item 5.2 is a
20 mixture of at least two individuals. minor cannot
21 be excluded as a possible contributor to this mixture.
22 The probability of randomly selecting an unrelated
23 individual who could have contributed to this mixture
24 is approximately 1 in 410,000. No conclusive statement
25 can made regarding the inclusion or exclusion of

LAURA MILLS - DIRECT EXAMINATION

615

1 Alexander Huckabee and Atelia Hunt as possible
2 contributors to this mixture.

3 Q. Okay. Could you tell the ladies in the jury, and the
4 gentlemen on the jury, the difference between the ratio
5 being 1 in 5 and 1 in 410,000? That seems to be
6 significant. Can you explain that?

7 A. Well, when we look a DNA profile, we're looking at
8 sixteen locations along the DNA that differ from
9 individual to individual. At each one of these
10 locations you're going to get a number. You get half
11 your DNA from your mom and half from your dad. So, at
12 each one of the locations we look at you get to a
13 number. If you inherit the exact same thing from your
14 mom and dad, you'll get the same number. In cases of
15 mixtures, a lot of times there a lot of DNA from one
16 person and very little DNA from another person. And a
17 lot of times in that DNA profile, the minor contributor
18 is what's called stochastic. And when it's in a
19 stochastic region, it means that it's a very, very low
20 level sample. There's a lot of possibilities of who's
21 DNA it could be. And in the laboratory, based on our
22 validation guidelines from the test that we do, we were
23 just not able to make a conclusive statement at those
24 locations of whose DNA that could potentially be. So,
25 when we doing statistics, if you get a high

1 Q. And it's already been testified that young Alex
2 Huckabee was in Cub Scouts. Were they in the same Cub
3 Scout den?

4 A. They were in the same den. Yes, ma'am.

5 Q. Okay. Does that mean that your children attended the
6 same Cub Scout meetings as Alex Huckabee?

7 A. We did. Yes, ma'am.

8 Q. Do you recall if you were at a Cub Scout meeting on the
9 evening of October 6, 2011?

10 A. Yes, ma'am. We had a meeting that Thursday night.

11 Q. What time were the meetings?

12 A. 5:30. They be there at 5:30 p.m.

13 Q. And what time did they end?

14 A. Usually at seven o'clock. That particular night it was
15 around seven o'clock.

16 Q. Now, do you recall seeing Atelia Hunt and Alex Huckabee
17 at the meeting on October 6, 2011?

18 A. Yes, ma'am. They both were there.

19 Q. Now, when someone goes to Cub Scouts, do they have to
20 sign in or does the parent have to sign in for the
21 child?

22 A. The parent or guardian signs in for the child.

23 Q. Now, did you sign in on October 6, 2011?

24 A. I did. Yes, ma'am.

25 Q. Now, do you recall what time Ms. Atelia Hunt arrived

RHONDA FRAZIER - DIRECT EXAMINATION

625

1 with Alex Huckabee?

2 A. I arrived with my boys at the meeting around 5:30; a
3 few minutes after. Ms. Hunt was already there with
4 Alex outside.

5 Q. Already there?

6 A. Yes, ma'am.

7 Q. And what time did you leave the meeting that night?

8 A. I left the meeting approximately seven o'clock.

9 Q. Do you recall what time Ms. Atelia Hunt left with Alex
10 Huckabee?

11 A. She was outside at that same time period. So, around
12 seven o'clock as well.

13 Q. Okay. Did you see anybody else at that meeting with
14 her and Alex?

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

16 Q. Do you recall whether or not Alex attended all the
17 meetings?

18 A. I know of a few meetings, and we'd only had a few.
19 We've had a couple of actual dens meetings and one pack
20 meeting. And they were at the meetings together.

21 Q. Now, what's the difference between the pack meeting and
22 den meeting?

23 A. A den meeting is just our particular group. Pack
24 meeting is all the Cub Scouts. Every individual group.

25 Q. How often are the meetings? Are they once a week,

1 altogether?

2 A. They are once a week for each den, monthly for pack.

3 Q. Okay. Did you ever see Defendant, Alexander Carmichael
4 Huckabee, come to any of the meetings?

5 A. No, ma'am, I have not.

6 Q. Okay. Do you recall whether or not Atelia Hunt had a
7 computer with her on the night of October 6th?

8 A. No, ma'am. She didn't have a computer.

9 Q. What was she doing that night at the meeting, if you
10 recall?

11 A. We had discussed an upcoming camping trip, because she
12 was with our group discussing that.

13 MS. LEE: I beg the Court's indulgence. That's all
14 the questions I have. Answer any questions the defense has.
15 Thank you.

16 THE COURT: Cross examination?

17 CROSS EXAMINATION BY MR. STEEN

18 Q. Thank you, Ms. Frazier.

19 A. Yes, sir.

20 Q. You stated that Ms. Hunt and Alex were there when you
21 arrived for the den meeting?

22 A. Yes, sir, they were.

23 Q. And they left around the same time that you left, also?

24 A. Yes, sir, that's correct.

25 Q. Okay. On that particular night, did you notice

ERIC HOOPER - DIRECT EXAMINATION

628

1 a witness.

2 WHEREUPON, ERIC HOOPER

3 AFTER BEING DULY SWORN TESTIFIES AS FOLLOW

4 MR. HOOPER: I do.

5 CLERK: Please be seated and state your name for the
6 record.

7 MR. HOOPER: My name is Eric Shane Hooper.

8 DIRECT EXAMINATION BY MR. REDMOND

9 Q. And Mr. Hooper, by whom are you employed?

10 A. South Carolina Department of Corrections.

11 Q. And do you also work with the, I guess, volunteer work
12 with the scouts?

13 A. Yes, sir.

14 Q. All right. And do you have any children?

15 A. Yes, I do.

16 Q. Okay. How many children? Boy or girl?

17 A. I have one child, eleven years old.

18 Q. Okay. Now, you also --- are you also the son of nurse
19 Linda?

20 A. Yes, I am.

21 Q. Okay. Now, regarding the scouts, could you tell us, do
22 you --- do you know Atelia Hunt and Alex Huckabee?

23 A. Yes, I do.

24 Q. Okay. And by Alex Huckabee, I mean, the younger ---
25 the child, Alex Huckabee?

1 A. Yes, I do.

2 Q. And how did you come to know him?

3 A. In 2011, in our recruitment at the local school
4 district. She signed him up for Tiger Cubs, first
5 grade scouts.

6 Q. And let me show you what's been mark as State's Exhibit
7 100, with permission to approach the witness?

8 THE COURT: You may.

9 Q. It's already in evidence. Do you recognize that
10 particular form?

11 A. Yes, I do.

12 Q. And could you tell the ladies and gentlemen of the
13 jury, what the form is?

14 A. This is the youth membership sign-up that a parent
15 would fill out when you sign the child up at the school
16 recruitment.

17 Q. Okay. And does it indicate who is the contact person
18 on behalf of Alex Huckabee --- young Alex Huckabee?

19 A. Atelia Dawn Hunt.

20 Q. Okay. And does she list herself as stepmother?

21 A. She does.

22 Q. Now, did --- and so, Atelia signs him up. Did they
23 attend your meetings? The scout meetings?

24 A. Yes, they did.

25 Q. Okay. And do you recall, as best as you can estimate,

ERIC HOOPER - DIRECT EXAMINATION

630

1 how many meetings had taken place prior to October 6th
2 --- well prior to and including October 6th of 2011?

3 A. I believe it was four meetings total. Three den
4 meetings and one pack meeting. And the pack meeting is
5 when everybody gets together at the church.

6 Q. Okay. And on the 6th of October, 2011, was that a
7 regular meeting or a pack meeting?

8 A. That was a regular den meeting.

9 Q. And is there a roster that's signed for people who show
10 up at the meetings?

11 A. Yes. We have a large number of kids sign up in 2011,
12 about a hundred and twenty. So, we had a roster to
13 keep up with who was coming.

14 Q. And let me approach the witness again, with the Court's
15 permission.

16 THE COURT: You may.

17 Q. With what's been marked as State's Exhibit 101. Do you
18 recognize that document?

19 A. I do.

20 Q. And could you tell the ladies and gentlemen of the
21 jury, what that document is?

22 A. This was the Tiger Cubs sign up sheet for the night of
23 October 6th.

24 Q. Okay. And does it reflect Atelia Hunt and Alex
25 Huckabee being present at that meeting?

1 A. Yes, it does.

2 Q. Now, about what time does the meeting start?

3 A. We try to start --- there were two meetings being held
4 at that time. The Tiger Cubs were being shadowed ---
5 shadowing the older boys in second grade. So, the
6 Tiger Cubs and Will Cubs were meeting downstairs. And
7 we try to start at 5:50, but not everybody gets there
8 at 5:30. So, we try to start. And once you get enough
9 people, you get going. So, it's later for 5:30 p.m.

10 Q. And was Atelia Hunt present at that meeting?

11 A. Yes.

12 Q. And do recall an approximate time the meeting ended?

13 A. The meeting would run between 6:30 and seven o'clock.

14 Q. Now, did Atelia Hunt stay through the entire meeting?

15 A. Yes, she did.

16 Q. And in fact, did Atelia Hunt stay late that evening?

17 A. She did.

18 Q. Okay. And was there a camping, I think, excursion
19 planned for the following weekend?

20 A. Yes, sir. We had planned a camp-out to get the kids
21 out and kind of camp-out. Before you camp-out, you
22 need to find out what you need to get going for the big
23 camp-out at the end of October. And all the parents
24 get together what they were going to do or bring.

25 Q. And was Atelia Hunt involved in that particular --- in

ERIC HOOPER - DIRECT EXAMINATION

632

1 those preparations?

2 A. Yes. Rhonda Frazier, which is Frankie Frazier's wife,
3 Frank was a den leader. She and all the parents had
4 gotten together to find out what they were going to be
5 doing, what they needed to bring, where they needed to
6 be, and stuff to that effect.

7 Q. Okay. And was that excursion --- that planned
8 excursion the reason that Ms. Hunt stayed late after
9 the regular meeting was over?

10 A. It was one of the reasons. Some parents initially
11 would stay late. She stayed to be the last parent.
12 And she went with Frank to talk. And he called me over
13 there and was asking me to help answer questions that
14 she had.

15 Q. And were those questions related to Alex and the
16 scouts?

17 A. Yes, it was.

18 Q. And I think it related to supplies and things like
19 that, to try to help get things for Alex for the
20 scouts?

21 A. She had --- the parents were asking for assistance to
22 get these shirts, one of the most expensive items we
23 have. We try to have all the kids in uniform to go to
24 camp-out. And she had asked Frankie about getting a
25 shirt. And Frankie had volunteered and I was trying to

1 help. He called me over there. And I said, we can't
2 buy the kid a shirt, but we can get shirts to donate or
3 sponsor a child. And we stayed and talked about that,
4 and we were the last one to leave from downstairs.

5 Q. Okay. And when you say we were the last ones to leave,
6 are you referring to Atelia Hunt?

7 A. Yes, I am. Atelia.

8 MR. REDMOND: This is all the questions that I have.
9 Answer any questions the defense may have.

10 THE COURT: Cross examination?

11 CROSS EXAMINATION BY MR. STEEN

12 Q. Thank you, Mr. Hooper. So, you stated that Ms. Hunt
13 stayed later than everyone else?

14 A. Yes.

15 Q. So, she was the last non-helping parent left at the
16 meeting?

17 A. No. Everybody kind of rushes to be first, and she was
18 toward the end of the pack.

19 Q. What --- do you recall exactly what Ms. Hunt's
20 contributions to the camping trip or what was going to
21 be her contribution to the camping trip?

22 A. I think she was going to bring s'mores, which we hadn't
23 done. And I think they were going to get some Graham
24 crackers and marshmallows.

25 Q. And, --- so with regard to the conversation at the end

MAURICE MALACHI - DIRECT EXAMINATION

637

1 neighbors, live close together?

2 A. Yes.

3 Q. Okay. Now, tell me, do you recall --- when did you
4 move into the area? Was the Defendant already living
5 at Persian Street when you moved in?

6 A. When I moved into the house, he was already staying
7 there.

8 Q. Okay.

9 A. [REDACTED]

10 Q. I'm sorry.

11 A. He was already staying at Persian Street.

12 Q. All right. And when did you move into that
13 neighborhood?

14 A. In February.

15 Q. Okay. Of 2011?

16 A. Of 2011.

17 Q. All right. Now, do you remember about the time that
18 Atelia Hunt came to live in that particular house?

19 A. In the summer months.

20 Q. Okay.

21 A. I don't know when, but it was in the summer months.

22 Q. Okay. Now, did you ever --- well let me back up.

23 Prior to August of 2011, did you ---- had you ever seen
24 minor the youngest child, prior to August/
25 September month?

- 1 A. No.
- 2 Q. Okay. Had you seen the other two children, Alex and
- 3 S
- 4 A. Yes.
- 5 Q. Okay. And would they play with your kids sometimes?
- 6 A. Correct.
- 7 Q. Okay. After --- during or after August --- rather,
- 8 after August or September --- after August of 2011, did
- 9 you ever see minor
- 10 A. I seen her --- Denea and the mother was sitting in the
- 11 swing. I was sitting on the back porch. And I seen
- 12 when she came out the house, and she was naked.
- 13 Q. Let me stop you there, and slow down and take it a
- 14 little slower. So, when you came, where were you
- 15 coming back from when you saw her?
- 16 A. Say that again?
- 17 Q. Were you coming back from somewhere when you saw her
- 18 out?
- 19 A. No, I seen her on my back steps.
- 20 Q. Okay. And then you were sitting on your back steps.
- 21 Where were they located?
- 22 A. You mean Denea?
- 23 Q. And Atelia Hunt?
- 24 A. They was sitting in the swing in my backyard.
- 25 Q. Okay. So, Atelia and Denea were sitting in your swing

Xerox D95 Copier-Printer
Banner Sheet

jjennison

Date & Time 05/30/2017 1:56 PM

User Name :

jjennison

Job Name

Microsoft Word - 01361335 DOCX

Start Page

May 30, 2017

The Honorable Chastity Knight Copeland
528 Monument St Room 114
Greenwood, SC 29646

Re: Charles Ray Belcher, # 348826 v. State of South Carolina
2016-CP-24-1948

Dear Ms. Copeland:

Enclosed please find the original **Order of Dismissal** signed by the Honorable Frank R. Addy Jr., in the above-captioned case, for filing in your office.

Pursuant to Rule 71.1(f), of the South Carolina Rules of Civil Procedure, please “provide notice of entry of judgment and serve a copy of the order or judgment to the parties as provided in Rule 77(d), SCRPC.”

In addition, please forward **proof of service** and a **time stamped copy** back to our office for our file.

Should you have any questions, please call me at (803) 734-3737.

Sincerely,

Justin J. Hunter
Assistant Attorney General

JJH/jaj
Enclosure