

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Larry B. Hyman, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BOBBY MCCONNELL,

APPELLANT

APPELLATE CASE NO. 2013-000683

RECORD ON APPEAL

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SC Court of Appeals

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STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN)	2012-GS-22-00740, 00741, 00742
The State,	)
	)
Plaintiff,	) Transcript of Record
	)
vs.	) Guilty Plea
	)
Bobby McConnell,	) March 18, 2013
	)
Defendant.	)

B E F O R E :

Honorable Larry B. Hyman, Jr.
Georgetown County Courthouse
Georgetown, South Carolina

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

Richard D. Todd, Esquire
Attorney for Plaintiff

Ronald William Hazzard, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

1 (There were no exhibits marked during the hearing.)
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1 (On the record, March 18, 2013.)

2 MR. TODD: Your Honor, the first matter before the
3 Court today is State versus Bobby McConnell.

4 THE COURT: All right, where is Mr. McConnell?

5 MR. TODD: Your Honor, we're on the record with State
6 versus Bobby McConnell. This is regarding indictments number
7 2012-GS-22-00740, 741 and 742. Your Honor, it's our
8 understanding he is here today to plead guilty to these - to
9 two of the charges, both of them for ill treatment to animals.
10 The State is going to dismiss the third charge and I'll
11 explain the reason for that. He has signed the sentencing
12 sheet. I'll pass it forward.

13 THE COURT: Very well.

14 (Defendant is sworn by clerk.)

15 THE COURT: Mr. McConnell, you are represented by
16 counsel I see; is that correct?

17 MR. MCCONNELL: Yes, sir.

18 THE COURT: And how long has Mr. Hazzard been your
19 attorney?

20 MR. MCCONNELL: Since I went to Georgetown County
21 Jail about eight or nine months.

22 THE COURT: All right, and how long have you been
23 incarcerated for this offense?

24 MR. MCCONNELL: Almost nine months.

25 THE COURT: Mr. McConnell, has Mr. Hazzard had an

1 opportunity to discuss with you the nature of these offenses,
2 that is has he described for you what makes up the offense?

3 MR. MCCONNELL: Yes, sir.

4 THE COURT: Okay, and has he explained to you that for
5 each of these offenses you could receive up to five years?

6 MR. MCCONNELL: Yes, sir.

7 THE COURT: And is that correct, Solicitor, it is a
8 five-year offense I believe; isn't it?

9 MR. TODD: Yes, Your Honor.

10 THE COURT: Okay, and Mr. McConnell, you understand
11 that I could give you the maximum sentence on these, in fact,
12 I could fun them consecutively. Do you understand that?

13 MR. MCCONNELL: Yes, sir.

14 THE COURT: All right, sir, Mr. McConnell, during your
15 conversations with Mr. Hazzard did he go over the evidence in
16 the case with you?

17 MR. MCCONNELL: Yes, sir.

18 THE COURT: And did he explain to you how that
19 evidence might be used against you in a jury trial?

20 MR. MCCONNELL: Yes, sir.

21 THE COURT: Then, Mr. McConnell, there is no doubt
22 that Mr. Hazzard has discussed with you the fact that you are
23 entitled to a jury trial?

24 MR. MCCONNELL: Yes, sir.

25 THE COURT: And do you, sir, understand that this is

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1 an absolute right that you have, no one can waive it, no one
2 can take it from you. Do you understand that?

3 MR. MCCONNELL: Yes, sir.

4 THE COURT: Okay, do you also understand, Mr.
5 McConnell, that if you enter a plea of guilty to these two
6 charges you are waiving or giving up your right to a jury
7 trial. Do you understand that?

8 MR. MCCONNELL: Yes, sir.

9 THE COURT: And is that what you wish to do?

10 MR. MCCONNELL: Yes, sir.

11 THE COURT: Mr. McConnell, when you give up your right
12 to a jury trial you give up many, many other rights as well,
13 rights that go along with the jury trial. There are so many
14 of those rights that if we took the rest of this week we could
15 not discuss them all. However, I'd like to point out some of
16 those rights to you by way of illustration and that would be
17 things like your right to remain silent. If you had a jury
18 trial you would not have to testify. You could certainly
19 testify on your own behalf, if you chose to, but if you
20 decided to exercise your right to remain silent in that trial
21 I would advise the jury that they could not use your silence
22 against you in any form or fashion. Do you understand that?

23 MR. MCCONNELL: Yes, sir.

24 THE COURT: And you would, of course, have the right
25 to be represented by counsel in a jury trial. You'd have Mr.

1 Hazzard there. Mr. Hazzard's a very experienced trial lawyer.
2 He would be with you every step of the way throughout your
3 trial. Do you understand that?

4 MR. MCCONNELL: Yes, sir.

5 THE COURT: And do you understand or realize that at
6 the end of the day I would tell the jury that they must be
7 firmly convinced beyond a reasonable doubt that you were
8 guilty before they could return a verdict of guilty. Do you
9 understand that?

10 MR. MCCONNELL: Yes, sir.

11 THE COURT: Okay, again, these are just some of the
12 rights that you have that are associated with a jury trial but
13 I want you to understand that if you waive your right to a
14 jury trial you're giving up these rights and many others as
15 well. Do you understand that?

16 MR. MCCONNELL: Yes, sir.

17 THE COURT: In fact, Mr. McConnell, that just makes
18 sense; doesn't it?

19 MR. MCCONNELL: Yes, sir.

20 THE COURT: All right, now, this plea of guilty is
21 that something that you and Mr. Hazzard agreed upon mutually
22 or is he placing any pressure on you to get you to do it?

23 MR. MCCONNELL: No, sir, he hadn't put no pressure on
24 me. I, I say I was guilty from day one.

25 THE COURT: All right, sir, now, Mr. McConnell, tell

1 me about Mr. Hazzard. Are you satisfied with his
2 representation?

3 MR. MCCONNELL: Yes, sir.

4 THE COURT: Has he done everything that you think that
5 he could do to help you?

6 MR. MCCONNELL: Yes, sir.

7 THE COURT: Has he met all your expectations?

8 MR. MCCONNELL: Yes, sir.

9 THE COURT: Mr. Hazzard, having reviewed the evidence
10 in this case do you believe that there is sufficient evidence
11 to convince a jury of your client's guilt beyond a reasonable
12 doubt?

13 MR. HAZZARD: Yes, sir.

14 THE COURT: Do you agree with that, Mr. McConnell?

15 MR. MCCONNELL: Yes, sir.

16 THE COURT: Okay, now, Mr. McConnell, I see here that
17 you're 48 years of age. Is that right?

18 MR. MCCONNELL: Yes, sir.

19 THE COURT: And Mr. McConnell, are you married?

20 MR. MCCONNELL: Divorced at the time, yes, sir.

21 THE COURT: Do you have any children under the age of
22 18?

23 MR. MCCONNELL: Yes, sir.

24 THE COURT: And where are those children?

25 MR. MCCONNELL: They live in my house,

1 t.

2 THE COURT: Do they live with you or they live with
3 their mother? Who do they live with?

4 MR. MCCONNELL: They live with, with mother.

5 THE COURT: With your mother?

6 MR. MCCONNELL: With their mother.

7 THE COURT: Their mother, all right, but you and their
8 mother are divorced now?

9 MR. MCCONNELL: Yes, sir, but we living together.

10 THE COURT: You're divorced but living together again?

11 MR. MCCONNELL: Yes, sir.

12 THE COURT: All right, Mr. McConnell, how far did you
13 go in school?

14 MR. MCCONNELL: Ninth grade.

15 THE COURT: And have you been employed, Mr. McConnell?

16 MR. MCCONNELL: Yes, I been working for myself.

17 THE COURT: What kind of work do you do, Mr.
18 McConnell?

19 MR. MCCONNELL: Construction, I build houses.

20 THE COURT: And how long have you been doing that, Mr.
21 McConnell?

22 MR. MCCONNELL: Since I'm about 17.

23 THE COURT: Mr. McConnell, have you ever had any
24 mental health issues or addiction issues?

25 MR. MCCONNELL: No, sir.

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1 THE COURT: Have you taken any drugs or alcohol within
2 the last 24 hours?

3 MR. MCCONNELL: No, sir.

4 THE COURT: The reason I ask you this - these
5 questions, Mr. McConnell, is I want to make sure that you
6 understand what we're doing here today. Is there anything
7 going on in your life that might conceivably prevent you from
8 understanding what we're doing here today?

9 MR. MCCONNELL: No, sir.

10 THE COURT: Do you understand?

11 MR. MCCONNELL: Yes, sir.

12 THE COURT: All right, I want you to listen very
13 carefully, Mr. McConnell, to Mr. Todd as he describes for me
14 the events that give rise to these two charges. Now, I
15 understand, Mr. Solicitor, that he is pleading under
16 indictment 2012-GS-22-741 and 740; is that correct?

17 MR. TODD: That is correct, Your Honor.

18 THE COURT: And it's my understanding that 742 will be
19 dismissed; is that correct?

20 MR. TODD: That's correct, Your Honor.

21 THE COURT: Essentially this will clean up this
22 matter?

23 MR. TODD: Yes, Your Honor.

24 THE COURT: All right, is that your understanding as
25 well, Mr. Hazzard?

1 MR. HAZZARD: Yes, sir, Your Honor.

2 THE COURT: All right, Mr. Todd, if you would.

3 MR. TODD: Thank you, Your Honor.

4 On July 2nd, 2012, officers with the Georgetown County
5 Sheriff's Department responded to the IP Canal off Brick
6 Chimney Road and that's here in Georgetown County. They
7 responded to a caller that stated that while he was fishing he
8 heard a dog splashing and noticed his muzzle and feet seemed
9 to be covered with tape. When officers arrived on the scene
10 along with the fire department they found the dog. Through
11 their efforts they were able to save the first dog. His feet
12 and muzzle were both bound with duct tape in a fashion that it
13 was surprising the dog survived. However, the dog did live.
14 He was then taken to or she was then taken to the humane
15 society.

16 Three days later officers responded again to the IP
17 Canal, a little bit further down, but still off Brick Chimney
18 Road. At this time it was in response to two dogs floating
19 believed to be dead in the canal. Those two dogs were pulled
20 from the canal. One of them was bound in the same fashion
21 with duct tape around the muzzle and around the legs. Through
22 an investigation it was found that the dogs did belong to Mr.
23 McConnell. They had lived in the backyard of his house. He
24 had also gone that - earlier that day, picked up a truck as
25 well as some duct tape that he borrowed and took those dogs to

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1 the canal. Through that investigation, a lot of help from the
2 community and then ultimately through his confession it was
3 established that the two dogs that were bound were his dogs.
4 The third dog did not have the same markings and it wasn't
5 established how that dog was connected in any way other than
6 the fact it was at the same scene. He did state, however, the
7 dogs were alive when he dropped them off, dumped them into the
8 water. That's how we got here today, Your Honor, and that's
9 why I'm dismissing that third charge.

10 THE COURT: Whose dogs were they?

11 MR. TODD: They were - they belonged to his daughter
12 and I believe it was him from what I understand.

13 THE COURT: Were they big dogs or little dogs?

14 MR. TODD: Lab, the large dog was lab, black dog,
15 black lab, and the second one was a middle-sized yellow dog.
16 I couldn't tell what it was from the pictures.

17 THE COURT: All right, Mr. McConnell, is that what
18 occurred?

19 MR. MCCONNELL: Yes, sir.

20 THE COURT: And is that why you are pleading guilty?

21 MR. MCCONNELL: Yes, sir.

22 THE COURT: And are you guilty of those acts?

23 MR. MCCONNELL: Yes, sir.

24 THE COURT: Mr. McConnell, has anyone promised you
25 anything in order to get you to plead guilty other than what I

1 have heard in this courtroom and I believe the only thing that
2 I have heard is that one indictment will be dismissed.

3 Anybody promised you anything other than that?

4 MR. MCCONNELL: No, sir.

5 THE COURT: Mr. Hazzard, is that correct?

6 MR. HAZZARD: That's correct, Your Honor.

7 THE COURT: Has anything been promised to you?

8 MR. HAZZARD: No, sir, Your Honor.

9 THE COURT: Okay, all right, Mr. McConnell, has anyone
10 threatened you or intimidated you or has anyone tried to force
11 or coerce you into pleading guilty?

12 MR. MCCONNELL: No, sir.

13 THE COURT: I ask you these questions, Mr. McConnell,
14 because it's incumbent upon me to make a determination as to
15 whether or not you are pleading freely and voluntarily. Are
16 you pleading freely and voluntarily?

17 MR. MCCONNELL: Yes, sir.

18 THE COURT: And Mr. McConnell, have you had all the
19 time that you need to think about this?

20 MR. MCCONNELL: Yes, sir.

21 THE COURT: Do you believe that this plea is in your
22 best interest?

23 MR. MCCONNELL: Yes, sir.

24 THE COURT: Mr. McConnell, do you need any more time
25 to discuss this with Mr. Hazzard, your family, your friends,

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1 anyone else that you need to discuss this with prior to my
2 acceptance of your plea?

3 MR. MCCONNELL: No, sir.

4 THE COURT: Okay, Mr. McConnell, is there anything
5 that you need to ask me about these proceedings? I cannot
6 give you legal advice. However, I'd be happy to explain
7 anything procedurally or answer any questions you might have
8 about procedural matters.

9 MR. MCCONNELL: No.

10 THE COURT: Is there - you have any questions for me?

11 MR. MCCONNELL: No, sir.

12 THE COURT: All right, sir, have you been truthful
13 with me, Mr. McConnell?

14 MR. MCCONNELL: Yes, sir.

15 THE COURT: All right, sir, I find that there is a
16 substantial factual basis for the plea and that the plea is
17 made freely, voluntarily, knowingly and intelligently after
18 the advice of a very competent attorney with whom Mr.
19 McConnell says he is satisfied and I will accept his plea.

20 Mr. McConnell, I want to advise you that you have the
21 right to appeal this plea so long as you file a notice of
22 intent to appeal within the next ten days. If you fail to
23 file a notice of intent to appeal within the next ten days you
24 will have waived any rights of appeal that you might have had.
25 Do you understand?

1 MR. MCCONNELL: Yes, sir.

2 THE COURT: All right, now, Mr. McConnell, I know that
3 you don't know how to do that or where to do it, but Mr.
4 Hazzard does know and Mr. Hazzard is available to help you get
5 that started. Should you appeal there would be an attorney,
6 if you could not afford one an attorney appointed to handle
7 your appeal without cost to you. Do you understand that?

8 MR. MCCONNELL: Yes, sir.

9 THE COURT: All right, sir.

10 All right, as I said I find that the plea is made freely,
11 voluntarily, knowingly and intelligently and I do accept his
12 plea.

13 Now, anything further from the State?

14 MR. TODD: Your Honor, Mr. Brad Floyd, as well as
15 some people from Saint Frances Animal Shelter are here. They
16 are here on behalf of the dog that did survive. Mr. Floyd
17 would like to say a word if Your Honor would allow.

18 THE COURT: I'll be happy to hear from him and I'll
19 hear from him at this time.

20 MR. FLOYD: Thank you, Your Honor. May it please the
21 Court? Not only am I member of the bar, I'm also the current
22 chairman of the Board of Directors for Saint Frances Animal
23 Center. I'm here on behalf of Saint Frances who has been
24 housing Dara [spelled phonetically] since she was found in the
25 IP Canal.

1 THE COURT: Tell me about Saint Frances.

2 MR. FLOYD: Okay, Your Honor, Saint Frances was
3 initially the humane society, but it at some point in its
4 history prior to my joining of the board it changed names and
5 became the Saint Frances Animal Center and it's named after
6 Frances Bunnelle who was a benefactor of the Georgetown County
7 Community and has a foundation actually set up to assist other
8 non-profits. We are a 501(C)(3). Our mission is to provide
9 or take in - we do have contracts with the city and the county
10 to assist them with their animal control, but we also take in
11 any kind of animals of the feline and canine manner, house
12 them and then we foster and try to connect these dogs with
13 households for adoption, ultimately for permanent adoption.

14 At this point Dara has been at the center and has become
15 a part of the community, so to speak, at, at the center. I
16 visited with her yesterday or last night prior to this, to
17 this hearing.

18 Your Honor, there are a couple of things I wanted to
19 point out from the legal aspect and I'm going to direct your
20 attention to some of the statutes. As Your Honor correctly
21 noted, this particular charge has a minimum mandatory of 180
22 days and a maximum of five years.

23 THE COURT: Five years.

24 MR. FLOYD: Your Honor, it also requires a fine of
25 \$5,000. That's not an or, that's an and, and in addition,

1 Your Honor, the law provides that if the trial court makes a
2 finding that a non-profit assisted or aided in the prosecution
3 of this matter that one-half of that fine shall be distributed
4 to the, the non-profit that assisted in that and I'm
5 respectfully requesting that you make that finding. I'm also
6 respectfully requesting that Saint Frances be ---

7 THE COURT: That finding is made.

8 MR. FLOYD: Thank you, Your Honor. I'm also
9 respectfully requesting that St. Frances be reimbursed for the
10 reasonable expenses associated with housing Dara. I've been
11 informed by - I have two members of the staff here, the
12 executive director and the medical director here or medical
13 manager and we have reasonable expenses in the amount of
14 \$1,872.40 and I'm asking that that be ordered as restitution
15 to the center.

16 THE COURT: Again?

17 MR. FLOYD: \$1,872.40.

18 THE COURT: All right.

19 MR. FLOYD: That's for boarding fee, medical fee,
20 microchip fee, as well as additional fees incurred by the, the
21 - by Saint Frances with outside medical services that we can't
22 provide in-house.

23 THE COURT: Do you have those documented that you
24 could hand over to Mr. Hazzard?

25 MR. FLOYD: I can, Your Honor.

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1 THE COURT: Okay.

2 MR. HAZZARD: Your Honor, on behalf of the Defendant I'm
3 happy to review the documents. However, I do not doubt the
4 validity of the amount.

5 THE COURT: Okay.

6 MR. HAZZARD: We'll stipulate to that amount.

7 THE COURT: And you'll stipulate and that was 1800,
8 how much?

9 MR. FLOYD: \$1,872.40, Your Honor.

10 THE COURT: All right.

11 MR. FLOYD: Most importantly, Your Honor, I'm here
12 today because I'm going to ask that Your Honor order that this
13 dog not be released back to the care and custody of ---

14 THE COURT: I would not do that.

15 MR. FLOYD: --- Bobby.

16 THE COURT: I wouldn't.

17 MR. FLOYD: Okay, I'm asking that Your Honor order
18 that Saint Frances become the owner of Dara and that Dara and,
19 and ---

20 THE COURT: Do you, do you oppose that, Mr. Hazzard?

21 MR. HAZZARD: Without opposition, Your Honor.

22 THE COURT: All right.

23 MR. FLOYD: And lastly, Your Honor, you do have ---

24 THE COURT: He - the dog is, is hereby transferred -
25 the ownership of the animal is now in Saint Frances.

1 MR. FLOYD: Very good. Thank you, Your Honor, and
2 lastly I would - I haven't - I'm not on the frontline, so to
3 speak, with regard to Dara and, and, and how this dog has come
4 along since this terrible, terrible incident, and I would
5 like, Your Honor, if it's - if it so pleases to just hear from
6 the staff, just a few things from the staff if you don't mind.

7 THE COURT: Certainly.

8 MR. FLOYD: Thank you. Wendy, you want to come up?
9 Wendy Goude is the executive director of Saint Frances.

10 MS. GOUDE: How are you? I just wanted to say that
11 Dara's been with us at Saint Frances since July 2nd, and we
12 were there when she was brought in and we actually were the
13 ones who took the duct tape from off of her mouth and off of
14 her feet and it was very heartbreaking and the dog did not
15 deserve this. She is one of the kindest, sweetest dogs you'll
16 ever meet, and I just want you to keep that in mind that we
17 have taken care of her and brought her into our family and our
18 hearts and, and we also need to remember the dog that's not
19 with us that I also saw pulled from the canal who was also in
20 the same manner. So I just want to say please keep that in
21 mind and thank you very much for allowing us to keep her.

22 THE COURT: Thank you.

23 MR. FLOYD: Your Honor, we are - would like to see you
24 set an example here that this type of behavior is completely
25 unacceptable in civilized society and Bobby may be remorseful

1 now and may, you know, indicate that he freely admitted his
2 guilt from the beginning, but that doesn't negate the fact
3 that you've got to be punished for this kind of behavior; and
4 so, I'm asking on behalf of Saint Frances that you impose the
5 maximum penalty and, and, and stack those so that this man can
6 be punished for such an unbelievable act against an innocent,
7 an innocent being. So thank you for the opportunity, Your
8 Honor.

9 THE COURT: I believe there was - was there someone
10 else?

11 MR. FLOYD: That's okay, Kim ---

12 THE COURT: Thank you.

13 MR. FLOYD: --- Kim's all right, thank you, Your
14 Honor.

15 THE COURT: All right, let me hear from Mr. Hazzard
16 now. Is there anything else from the State?

17 MR. TODD: No, Your Honor. That's it from the State.

18 THE COURT: Okay, let me hear from Mr. Hazzard,
19 please.

20 MR. HAZZARD: Thank you, Your Honor. As you asked
21 Bobby, he is 48 years old. He's lived in Georgetown all of
22 his life, attended Howard High School. He left at the age of
23 - in the ninth grade to go to work and help support his
24 family. As he told you he has worked all of his life, all of
25 his life in construction. For the last 15 years he and his

1 brother Thomas have run McConnell Construction together.
2 During that time and even before that time he has raised two
3 wonderful children, sons, Bobby Joe, who is 22, and William,
4 who is 18, and his daughter Minor is 12, and he's been
5 separated from them now due to his actions since July 18th of
6 last year, Your Honor. It's a period of a little over eight
7 months, 244 days to be exact, 244 days that he has been out of
8 work, 244 days that he's been away from his family. The thing
9 that struck me about Bobby when I first talked with him at the
10 detention center is that the contrite man that stands before
11 you now is the same contrite man who was in that detention
12 center, and this Court knows me very well and this Court knows
13 that the first thing I try to do for any client who is
14 incarcerated is get them out of jail while they're awaiting
15 their day in court, and Bobby said, "No, I did what I did. I
16 will sit here and I will wait. I deserve this punishment. I
17 deserve this time. You know, luckily, got a little something
18 set aside so that my children are taken care of while I'm
19 away, but I did what I did," and he is, even though I've
20 repeatedly over the last eight months discussed the issue with
21 him, he has never once wanted to get out on bond or chosen to
22 get out on bond, instead waiting for this day of punishment.
23 Your Honor, as I said his situation is one that he is a,
24 obviously a good man. When you're talking about someone who
25 is divorced from the mother of their children, but, in order to

1 make sure that the family unit stays together and that she is
2 taken care of they live together even in that state of
3 divorce.

4 Back in 2005 Bobby was diagnosed as bipolar and at that
5 time he was placed on a series of medications, including Xanax
6 and Percocet. He was on these medications in July of 2012, as
7 well as having drank a quantity of alcohol when these events
8 occurred. The dogs belong to his mother-in-law and his
9 daughter, and the issue with the dogs came up because there's
10 a gentleman by the name of Mr. Baker who takes care of their
11 yard. He is actually a neighbor of theirs, lives right behind
12 them, and every time he would come over and do the yard, the
13 lawnmower and the weed-eater would scare the dogs, the dogs
14 would get out of the pen and they would attack Mr. Baker. Mr.
15 Baker had a talk with Bobby Joe and said, "Look, this happens
16 again I'm going to take matters into my own hands," and Bobby
17 Joe had ingested some painkillers, he had taken some alcohol
18 and he was just done with the entire situation and did the
19 ghastly act that brings us before this Court today.

20 There is no justification for what he did. It is a
21 horrific crime with regard to being committed upon an animal,
22 but the law is oftentimes an unusual thing, Your Honor, as you
23 know. In your years on this bench you have sat in judgment
24 and watched individuals act in a reckless manner resulting in
25 the lives being lost of other individuals and them receiving

1 no more than say a three-year sentence. In light of that what
2 we ask is the Court to seriously consider the fact that this
3 man who has otherwise been a good member of the community from
4 all that I have heard and seen and the people I have talked
5 to, that this act not be one where he is sanctioned to the
6 ultimate extent of the law.

7 We would welcome the opportunity for a sentence that
8 gives him credit for that time that he has served, but also
9 gives him the opportunity to pay the restitution that Saint
10 Frances so richly deserves. We would, therefore, ask for a
11 sentence of probation, taking into consideration that he has
12 already served 244 days on these charges and being mindful of
13 the fact that there is also a \$5,000 fine attached to that
14 which Bobby knows that he owes, has absolutely no problem with
15 getting back out working and paying, and if the Court were to
16 give him a probationary sentence that would also allow him to
17 receive whatever treatment would be deemed necessary and allow
18 the Court to say, "You know what, you can't have any animals
19 at your home anymore, you know, no matter who lives in your
20 home and lives with you there can be no pets there," thus
21 protecting the community as well as serving the ends of
22 justice, Your Honor.

23 THE COURT: / Anything further?

24 MR. HAZZARD: No, sir, Your Honor.

25 THE COURT: Prior record?

1 MR. TODD: Your Honor, over the last ten years he has
2 a driving under suspension and that looks like that's it for
3 the last ten years, Your Honor.

4 THE COURT: Anything that you want to tell me, Mr.
5 McConnell?

6 MR. MCCONNELL: Your Honor, I'm just, I'm just sorry
7 for what I've done to the community and my family.

8 THE COURT: All right, sir.

9 First let me begin by saying that I make a finding that
10 Saint Frances should be entitled to one-half of the fines that
11 I sentence you to pay and that I am going to award to Saint
12 Frances \$1,872.40 that's been expended for the care of this
13 animal.

14 Let me begin by saying, Mr. McConnell, that I have been
15 doing this a long time. Before I came on the bench I was 32
16 years in your attorney Mr. Hazzard's position and your
17 attorney has argued eloquently for you. I think he's done
18 everything that he could possibly do. However, I have a
19 question about one thing that he told me and I'm sure that Mr.
20 Hazzard was being sincere when he told me that you were a good
21 man. I don't know. I have seen many callous matters come
22 before me. I have seen people mistreated and animals
23 mistreated but I don't think I have ever seen a more callous
24 act, a more brutal act. I can imagine these animals flopping
25 around in this water trying to swim, drowning while they were

1 bound. I don't know why you would have done this. I don't
2 know what these animals could have done to you to make you
3 think that this was appropriate. Your acts are callous.
4 They're brutal and I believe there are - they are the products
5 of an evil heart. I wonder what you would do to another
6 person who offended you, Mr. McConnell. We can't undo what
7 you've done and I think you know that the brutality of your
8 act has shocked this whole community, much more so than
9 anything else I've ever seen. It has offended all senses of
10 morality and I believe that a substantial sentence is required
11 here. Which indictment involves the, the animal that
12 survived?

13 MR. TODD: Your Honor, I believe that's the first
14 indictment, the one that ends in 40.

15 THE COURT: 40?

16 MR. TODD: That was - yes, Your Honor, that was the
17 first one found.

18 THE COURT: All right, on indictment 2012-GS-22-740
19 it's the sentence of the Court that you be confined in the
20 state penitentiary for a period of five years and that you pay
21 a fine in the amount of \$5,000 and that you pay restitution to
22 Saint Frances in the amount of \$1,872.40. As to indictment
23 number 2012-GS-22-741 the sentence of the Court that you be
24 confined to the state penitentiary for a period of five years
25 and pay a fine in the amount of \$5,000. That fine also shall

State v. McConnell

25

1 be shared with Saint Frances. These sentences are to run
2 consecutively. He's to be given credit for the time he has
3 served. Thank you.

4 MR. TODD: Thank you, Your Honor.

5 (Adjourned.)

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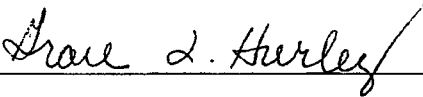
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25

C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the Guilty Plea held in the case of The State versus Bobby McConnell, held in the Court of General Sessions for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on March 18, 2013.

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


Grace L. Hurley, CVR-CM-M
Official Reporter

May 30, 2013.

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2012GS2200740 ✓

The State of South Carolina

County of Georgetown

Scott R. Hixson

12G00529

COURT OF GENERAL SESSIONS

SEPTEMBER, 2012 TERM

CERTIFIED COPY

2013 MAY -2 PM 2: 26

Anna P. [Signature]
**CLERK OF COURT
GEORGETOWN COUNTY**

ARREST WARRANT NUMBER

2012A2210500052

CDR: 2804 §47-01-0040(B)

DOI: 6/30/2012

ACTION OF GRAND JURY

TRUE BILL

C. Anderson

Foreperson of Grand Jury

Date: 9/12/12

VERDICT

Foreperson of Petit Jury

Date:

THE STATE

VS.

BOBBY JOE MCCONNELL

GEORGETOWN, SC 29440

DOB.

SSN:

W / M

ATTORNEY: Hazzard, Ronald W.

Indictment for

ILL TREATMENT OF ANIMALS

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GEORGETOWN)

INDICTMENT

At a Court of General Sessions, convened on September 12, 2012, the Grand Jurors of Georgetown County present upon their oath:

ILL TREATMENT OF ANIMALS

CDR 2804 47-01-0040(B)

That Bobby Joe McConnell did in Georgetown on or about June 30, 2012, torture, torment, needlessly mutilate, cruelly kill, or inflict excessive or repeated unnecessary pain and suffering on an animal, or by omission or commission caused these acts to be done, such being a violation of Section 47-01-0040(B), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 J. GREGORY PEMBREE

FIFTEENTH CIRCUIT SOLICITOR

SCANNED

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2012GS2200741^x✓

The State of South Carolina

County of Georgetown

Scott R. Hixson

12G00529

COURT OF GENERAL SESSIONS

SEPTEMBER, 2012 TERM

CERTIFIED COPY

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John P. Wicks
**CLERK OF COURT
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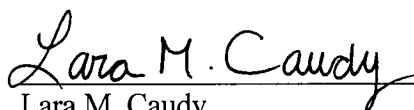

J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

SCANNED

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

August 28, 2013


Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Georgetown County

Larry B. Hyman, Jr., Circuit Court Judge

RECEIVED
AUG 28 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BOBBY MCCONNELL,

APPELLANT

APPELLATE CASE NO. 2013-000683

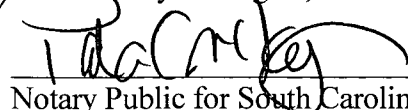
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 28th day of August, 2013.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 28th day of August, 2013.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.