

92457

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2019-001603
C.A. No.: 2019-CP-40-01615

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SC Court of Appeals

T.D., by and through his guardians, A.D. and J.D..... Appellants

v.

Richland County School District Two.....Respondent.

RESPONDENT'S MOTION TO SUPPLEMENT RECORD ON APPEAL

Pursuant to Rule 212(b) of the South Carolina Appellate Court Rules, Respondent hereby moves to supplement the Record on Appeal to include additional records, specifically, the following:

- A certified transcript of audio recordings from the December 12, 2018 disciplinary proceeding for Student T.D., which was prepared by Creel Court Reporting Service subsequent to the filing of this appeal. (**Exhibit A.**)
- A certified transcript of audio recording from the February 12, 2019 appeal proceeding for Student T.D., which was prepared by Creel Court Reporting Service subsequent to the filing of this appeal. (**Exhibit B.**)

Redacted copies of these documents are attached for the Court's reference.

Factual Background

This appeal follows the Circuit Court's decision to affirm Richland School District Two ("District") Board of Trustees' ("Board") decision to expel Student T.D. for the remainder of the 2018-19 school year for using social media to threaten to shoot other students. As background, a hearing was held before the District's Hearing Officer, Lottie Chishom, on December 12, 2018. Following the hearing, the Hearing Officer upheld the school administration's recommendation for expulsion, finding T.D. did commit the alleged infractions of illegal use of technology (i.e., communicating a threat of a destructive device, weapon, or event with the intent of intimidation, threatening, or interfering with school activities) which was in violation of Level III, Item 11 of the School District's Code of Conduct, JICDA and Administrative Rule JICDA-R.

Appellants appealed to the Board, and then through legal counsel, supplemented their written appeal and requested an appeal hearing before the Board. Under Policy JKE/JKE-R, *Expulsions of Students*, the Board generally will not grant a personal appearance to either party in an appeal, unless there are extenuating circumstances, and the Board, in its discretion, determines to grant such an appearance. In this case, the Board did not grant Appellants the right to a new evidentiary hearing, but afforded Appellants the opportunity to make a personal appearance before the Board on February 12, 2019, in connection with the appeal.

Student discipline hearings before the Hearing Officer are recorded, and "minutes" are taken in connection with the hearing which are only a condensed version of the proceedings and not verbatim. As such, "minutes" of T.D.'s December 12, 2018 hearing was prepared and provided to the Appellants prior to T.D.'s appeal to the Board. When Appellants, through legal counsel, raised concerns regarding the contents of the "minutes," the office of legal counsel for Respondent, in a good faith effort and courtesy to Appellants,

attempted to supplement portions of the recording from the actual hearing that were not included in the “minutes,” highlighting information added. At that time, Appellants also were extended an opportunity to advise of any particular additional portions of the recordings or minutes that were not cited in their written appeal that needed to be called to the Board’s attention. Appellants made a recording of the appeal proceeding before the Board on February 12, 2019, which was subsequently designated to be included in the record before the Circuit Court.

Argument

As part of their Initial Brief, Appellants cite or refer to portions of the audio recordings from the December 12, 2018 and February 12, 2019 proceedings as well as the “minutes” from the December 12, 2018 hearing and updated “minutes” regarding the same. Respondent anticipates the need to refer to the recordings and “minutes” in its Initial Response Brief as well. As previously stated, the “minutes” are not verbatim recitations of the proceedings and were never represented as complete or certified transcripts of the same. As it relates to the recordings from T.D.’s December 12, 2018 hearing, applicable Board policy provides that an appeal will normally be limited to the established record which will consist of the tape of the hearing, including any documentary evidence presented by either party. As part of their appeal, Appellants have raised issues regarding the “minutes,” and requested this Court to review the actual record instead of relying on the minutes or “transcripts” from the lower proceedings.

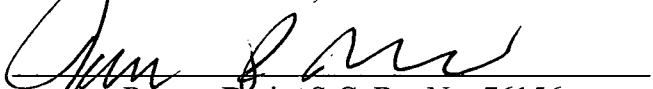
While Respondent does not dispute that the minutes do not contain everything in the recordings, it maintains the position that failing to have verbatim “minutes” of student discipline hearing does not serve as a basis for revisable error. However, Respondent believes this Court should have the ability to review and consider any information from the record in the most efficient manner. Therefore, subsequent to the filing of this appeal,

Respondent, though its legal counsel, obtained certified transcripts of the audio recordings from a third party, Creel Court Reporting Services, Inc.

Respondent believes that the Court has an interest in having the lower proceedings available in written format for the sake of efficiency and reference, and even if provided after the Circuit Court's ruling, may affect the analysis as to whether or not any alleged error was substantial. The written transcripts do not add any additional information to the record; but rather, present existing information in the record in a more efficient format. For these reasons, Respondent respectfully requests that the Court allow it to supplement the Record on Appeal with certified transcripts of the audio recordings identified herein.

In addition, if the Court grants this motion, Respondent would ask the Court to grant the parties appropriate leave, if applicable, to amend their Initial Briefs to modify references or citations related to the supplemented transcripts, if necessary. Counsel for Respondent has consulted with counsel for Appellants regarding this motion, and Appellants intend to oppose the motion.

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March 17, 2020

Columbia, South Carolina

EXHIBIT A

APPEARANCES

Lottie Chishom, Hearing Officer
 T.D., Student
 A.D., Student's Grandmother
 J.D., Student's Grandfather
 Student's Brother
 Ms. Karis Mazyck, Principal, Blythewood Middle School
 Ms. Greta Carter, Assistant Principal, Blythewood
 Middle School

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1 OPENING REMARKS BY THE HEARING OFFICER:

2 **HEARING OFFICER:** And again, good morning to
3 everyone.

4 **MULTIPLE VOICES:** Good morning.

5 **HEARING OFFICER:** I am Ms. Chishom, just for the
6 record. I was appointed by the School Board as
7 the Hearing Officer to hear this case today.
8 And the case is all about you, T [REDACTED]. You
9 have been suspended and recommended for
10 expulsion; okay?

11 **MR. T.D.:** Okay.

12 **HEARING OFFICER:** Parents, we are going to proceed.
13 Again, I have to hear from the school first;
14 okay?

15 **MS. A.D.:** That's fine.

16 **HEARING OFFICER:** So, they are going to present and
17 tell me exactly why T [REDACTED] is seated before me
18 and not at the school. When they complete
19 that, then I'm going into the due process
20 hearing. Everybody is aware of why T [REDACTED] is
21 here; am I right? Or did you all ---

22 **MS. A.D.:** Yeah.

23 **HEARING OFFICER:** --- need to speak before me? Have
24 you all ...

25 **MS. CARTER:** We did speak with Mr. D [REDACTED].



1 **HEARING OFFICER:** So, Mr. D [REDACTED], you understand why
2 you all are here?

3 **MR. J.D.:** Well ...

4 **HEARING OFFICER:** Was he out ---

5 **MR. J.D.:** In a sense -- in a sense I am, but -- and
6 I don't know why we are here because he hasn't
7 even been found guilty yet. But I -- we're
8 here.

9 **MS. A.D.:** It's right there by his (inaudible).

10 **MR. J.D.:** We're here. We're here.

11 **HEARING OFFICER:** Okay. But you -- okay. But the
12 administrator did talk to T [REDACTED] or talk to you
13 all about why he's being referred to the
14 Hearing Officer at this point?

15 **MS. CARTER:** I think you called, Mr. D [REDACTED], didn't
16 you?

17 **MS. MAZYCK:** Correct; Ms. Carter and I did speak
18 with Mr. D [REDACTED] and asked about T [REDACTED] making a
19 statement. Mr. D [REDACTED] said that he was asleep
20 and he did not wish for T [REDACTED] to make a
21 statement and T [REDACTED] did not make one with the
22 police either. And that T [REDACTED] did not do it.
23 He stated that he did not do it to the police
24 officer and I asked did he want to make a
25 statement to that effect. He said that he did



1 not. Mr. D [REDACTED] did not wish him to make a
2 statement at that time.

3 **MR. J.D.:** I still don't.

4 **MS. MAZYCK:** Correct.

5 **HEARING OFFICER:** T [REDACTED], did you -- you wanna talk
6 to the administrator? Y'all wanna talk with
7 him or do I need to carry on?

8 **MS. A.D.:** T [REDACTED], why don't you talk to them?
9 You'd talk to them more at school, didn't you?

10 **MR. T.D.:** I don't know really what to say, to be
11 honest with you.

12 **HEARING OFFICER:** Okay. They're gonna -- it would
13 be just as if you never did go back to the
14 school to have your due diligence, did you?
15 Where the administrator would say, we
16 understand that something happened and we're
17 going -- and this is what we know that
18 happened, you tell your side of the story.
19 Were you able to tell your side of the story at
20 the school?

21 **MR. T.D.:** No.

22 **HEARING OFFICER:** All right. So, at this time, I
23 can leave and allow you -- now that you're
24 here, I can leave because I'm not a part of
25 that meeting, and allow the administrators to



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1 tell you why you're here. And you can tell
2 them your side, if you want to, before I come
3 in for the ---

4 **MS. A.D.:** I would like that, too. I would really
5 like that, wouldn't you Pawpaw?

6 **MR. J.D.:** Yeah.

7 **MS. A.D.:** Talk to the -- because, I mean, they've
8 always been honest with us. They've already
9 ...

10 (Recording Exhibit 34, December 12, 2018, Hearing
11 Part I ended at this time.)

12 DISCUSSION BETWEEN SCHOOL OFFICIALS, STUDENT, AND
13 STUDENT'S FAMILY:

14 **MR. J.D.:** ... start with because he ain't been
15 fighting or nothing.

16 **HEARING OFFICER:** Okay. That ---

17 **MS. A.D.:** Okay.

18 **HEARING OFFICER:** All right. Now, let me -- let me
19 just say this now. If -- the administrator is
20 going to do just what they would do if there
21 was a problem at the school level where you
22 were involved. They would bring you in and
23 they would say, T [REDACTED], look, this is what we
24 have received in the office. And they will
25 tell you what they have received, give you the



1 information. And then you would just respond
2 to that information. Yes, that did happen.
3 No, it didn't happen. And we're going to move
4 on to the bigger hearing ---

5 **MS. A.D.:** Okay.

6 **HEARING OFFICER:** --- which will include me.

7 **MS. A.D.:** Uh-huh.

8 **HEARING OFFICER:** Okay? Is that understandable?

9 **MS. A.D.:** You understand, Pops?

10 **MR. J.D.:** Yes.

11 **MS. A.D.:** Okay.

12 **HEARING OFFICER:** Okay. Now this -- now, parents, I
13 want you to understand now; let me set this up.
14 At this point, they're just going to tell --
15 it's just between T [REDACTED] and the
16 administration.

17 **MS. A.D.:** Okay.

18 **HEARING OFFICER:** Okay? Are we good?

19 **MS. A.D.:** Yeah, we're good.

20 **HEARING OFFICER:** Okay. And then -- this shouldn't
21 take very long.

22 **MS. A.D.:** Okay.

23 **HEARING OFFICER:** And then, I want one of you to
24 come and get me; okay?

25 **MS. A.D.:** Okay.



1 **HEARING OFFICER:** And we're gonna carry on with the
2 hearing.

3 **MS. A.D.:** Okay.

4 **MS. CARTER:** Okay.

5 **HEARING OFFICER:** Okay. You're okay?

6 **MS. CARTER:** Do you wish for him to write a
7 statement like he would at school?

8 **MS. A.D.:** Do you not (inaudible).

9 **HEARING OFFICER:** If he doesn't, he can just tell
10 you.

11 **MS. MAZYCK:** He can just tell us?

12 **HEARING OFFICER:** Yeah. He can just tell you.

13 **MS. A.D.:** Okay.

14 **HEARING OFFICER:** He doesn't have to write it. He
15 can just tell you. Is that all right, T [REDACTED] ?

16 **MR. T.D.:** That's all right.

17 **HEARING OFFICER:** Okay. Are we good?

18 **MS. A.D.:** Yeah, we're good.

19 **HEARING OFFICER:** All right. Can't take long, I
20 gotta come back in; okay.

21 **MS. A.D.:** Go get you some coffee.

22 **HEARING OFFICER:** Oh. Okay. Thank y'all so much
23 and I'll step out.

24 (The Hearing Officer has left the room.)

25 **MS. A.D.:** Okay.



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1 **MS. MAZYCK:** So, T [REDACTED], as Ms. Carter and I stated
2 you are aware that on December 1st -- Sunday,
3 December 1st, I received a phone call from I
4 believe it was Officer Truluck. I think he may
5 be an investigator (inaudible) came to you
6 all's house. I was unaware of any of this. I
7 received a phone call on Sunday, December 1st,
8 stating that they had got a complaint that
9 there have been some threatening messages sent
10 and it was alleged that you had sent them. And
11 so at that point they began investigating that
12 situation. And so they had to let me know, as
13 the principal, because based on what they had
14 heard or had seen from some of the text
15 messages or Snapchats that had been sent, in
16 addition to the threats being made against some
17 of the students, there was potentially a
18 concern that there was a threat against the
19 school that if there was not a Juul given back,
20 that you were also gonna shoot some students,
21 as well as potentially shooting at the school.
22 And so that's why they made me aware. And so
23 as a result, they began investigating that
24 situation along with the students who allegedly
25 those threats were made against; okay? And so



1 that's how all of it came into play. So do you
2 have anything that you want to share with
3 myself and Ms. Carter at that point -- at this
4 point?

5 **MR. T.D.:** No. Not really, but I'm not the one who
6 sent the text messages.

7 **MS. MAZYCK:** Okay. Do you know of anyone who would
8 have sent the text messages, or how it would
9 have come under your name? Or what's going on
10 with that?

11 **MR. T.D.:** No.

12 **MR. J.D.:** Son, tell the truth.

13 **MS. A.D.:** Tell the truth. The cops ---

14 **MR. J.D.:** Tell the truth.

15 **MS. A.D.:** --- the cops did come to the house.

16 **MR. T.D.:** Because you can -- you can change some- -
17 --

18 **MR. J.D.:** Who you think done it -- tell who you
19 think done it. They're telling on you so you
20 tell back on them.

21 **MR. T.D.:** I mean a couple people ---

22 **MR. J.D.:** Now, they can talk to them.

23 **MR. T.D.:** --- know my login password, but I don't -
24 - I can't find out who did it because more than
25 one person has it.



1 **MS. MAZYCK:** And remember, we talked about that
2 too. About you sha- -- you have to be really
3 careful sharing your passwords. Remember when
4 we met with grandma?

5 **MS. A.D.:** Yeah, because he told us he was sharing
6 his passwords and stuff and that day we left
7 out of there I told T [REDACTED] -- I said, T [REDACTED],
8 you need to change all your passwords and
9 everything. I said, and I mean today. And I
10 don't think he done it because he didn't do it.
11 But we -- we wasn't even aware of this until
12 the -- actually the deputies came to our house
13 and they were talking to us. And the -- I
14 think it was what, that gentleman, daddy, or
15 that lady that told us?

16 **MS. A.D.:** Gentleman.

17 **MS. A.D.:** The gentleman said -- had some phone or
18 something and was showing it to T [REDACTED] and
19 asking him, reading 'em and was asking T [REDACTED]
20 about this, this, that and the other. And I
21 was -- I was really surprised when they pulled
22 up in my yard. Because we was sittin' -- Mr.
23 D [REDACTED] was sitting in his chair, I was in there
24 sitting on the couch and you was in there
25 where?



1 **MR. T.D.:** I was in there with the baby.

2 **MS. A.D.:** Yeah, he was in with the baby and then he
3 was in there in his room laying on the bed. I
4 mean, me and him been home all afternoon
5 working on Christmas stuff and they pulled up.
6 I was surprised. Then all they told us is that
7 T [REDACTED] couldn't go back to school tomorrow.
8 And then they -- we signed a piece of paper for
9 them to search the house. I did. I said,
10 you're not gonna find no 9mm in my house. And
11 I tol- -- and I mean, they searched the house,
12 didn't they, daddy?

13 **MR. J.D.:** And they didn't find no evidence.

14 **MS. A.D.:** And we let 'em do it. I mean, I signed
15 the piece of paper for them and everything.
16 And we hadn't heard back from them or anything.
17 So I don't know what went on with it. I hadn't
18 heard back from them or anything else.

19 **MR. J.D.:** They said the school would get back in
20 touch with us T- -- Tuesday ---

21 **MS. A.D.:** Yeah.

22 **MR. J.D.:** --- and nobody didn't get back in touch
23 with us.

24 **MS. MAZYCK:** Well, that was when we called you all
25 to let you know.



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1 MR. J.D.: Well, he -- the -- the officer told me,
2 he said, you can't go to school Monday ---

3 MS. A.D.: Monday.

4 MR. J.D.: --- but you can go back to school
5 Tuesday.

6 MS. MAZYCK: Okay. That's not what they told us.
7 They told us that ---

8 MR. J.D.: Well, that's what they told us now. But
9 we kept him out Tuesday, too.

10 MS. MAZYCK: Uh-huh.

11 MR. J.D.: Because we wanted to be sure before we
12 sent him back to school. Because we didn't
13 want to have -- well, the lawsuit against the
14 Sheriff's Department and the school.

15 MS. MAZYCK: Uh-huh.

16 MS. A.D.: I mean, he -- they just come up and told
17 us he couldn't go back to school Monday. And
18 I said, well, when can he go back to school.
19 And they said, well, the principal will let you
20 know that. And I said -- I said, y'all ain't
21 got no charges. They don't have any charges
22 against T [REDACTED].

23 MR. J.D.: They hadn't been back to our house. They
24 hadn't called ---

25 MS. A.D.: Called or nothing.



1 **MR. J.D.:** --- us or nothing.

2 **MS. MAZYCK:** Okay.

3 **MR. J.D.:** They didn't put no charges against him
4 that night. They said they were gonna keep on
5 investigating. And they said that we were --
6 we would be receiving from Family Court. And
7 we haven't received nothing yet.

8 **MS. A.D.:** Because we've been lookin'.

9 **MR. J.D.:** So I don't know why we're sitting here.
10 Because somebody -- you gotta be -- you gotta
11 be guilty of something or somebody got to have
12 some proof on you before you'll be charged for
13 something. That's just like one of your
14 grandkids or one of your kids, you would want
15 to know what's going on.

16 **MS. MAZYCK:** Uh-huh.

17 **MR. J.D.:** I mean, just like everybody at school,
18 the ones he hangs around with, got his little
19 thing they can text from.

20 **MS. MAZYCK:** Well, at this point, all I can say is
21 that, you know, because of the alleged threat
22 that was made against students and against the
23 school, we did go ahead and make the
24 recommendation for expulsion ---

25 **MR. J.D.:** Yeah.



1 **MS. MAZYCK:** --- based off of what was shared with
2 us and the incident report that we received.
3 And so based on that, it's up to Ms. Chishom to
4 make her determination. So everything else
5 would be up to the police department at this
6 time as far as the paperwork.

7 **MS. A.D.:** Did they send y'all an incident report on
8 that?

9 **MS. MAZYCK:** I have an incident report. But they
10 would have to be the ones to give you all any
11 additional ...

12 **MS. A.D.:** Yeah, but what I'm just saying they sent
13 the school an incident report.

14 **MS. MAZYCK:** Uh-huh.

15 **MS. A.D.:** Okay.

16 **MR. J.D.:** And they -- did they press charges
17 against ...

18 **MS. MAZYCK:** No. Not to my knowledge.

19 **MS. A.D.:** That's what we're saying. We didn't even
20 know ---

21 **MR. J.D.:** That's what I said.

22 **MS. A.D.:** We don't even have the incident report,
23 that's why I'm asking you.

24 **MS. MAZYCK:** Uh-huh. Okay.

25 **MS. A.D.:** Because I mean, I was like -- I mean, I



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1 was like shocked.

2 **MS. MAZYCK:** Okay.

3 **MS. A.D.:** But I know you're not supposed to talk
4 about other students, but I know all three of
5 them. Not just one. There's a whole crowd of
6 'em right there and all of 'em has those
7 papers. And I don't know where in the world
8 they get these things from.

9 **MS. MAZYCK:** Okay. Well, let me let Ms. Chishom
10 come back in; okay?

11 **MS. A.D.:** Okay.

12 **MALE SPEAKER:** Ms. Carter, I do have a question.
13 What if -- what if they find that it wasn't
14 T [REDACTED]'s fault; what would be done then?

15 **MS. CARTER:** We will have to ask Ms. Chishom.
16 You'll have to ask her that.

17 **MALE SPEAKER:** All right.

18 **MS. MAZYCK:** Ms. Carter might.

19 **MS. A.D.:** I mean, I don't know what's going on. I
20 don't know what they're doing. I mean, I was
21 in shock when they pulled up in that yard.
22 Wasn't you, Daddy?

23 **MR. J.D.:** Yep. Because I went to the back door --
24 I went to my sliding back door and the first
25 thing that come out of my mouth, I said, what



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1 the hell you doin' in my yard?

2 **MS. A.D.:** That's what he told -- he asked 'em.

3 **MR. J.D.:** I asked 'em 'cause I didn't -- they
4 didn't have no reason to be in my yard.

5 **MS. A.D.:** And all they said is where is T [REDACTED] ?

6 **MR. J.D.:** And I ---

7 **MS. A.D.:** We said, T [REDACTED] come here.

8 **MR. J.D.:** Yep. We told 'em come on around come on
9 in the house. We ain't got nothin' to hide.
10 And they searched -- searched his room. They
11 didn't find no pistol. Didn't find no phone.
12 I mean ...

13 **MS. A.D.:** He had sold his phone prior to
14 Thanksgiving weekend. Because the service was
15 turned off. And he sold his phone. And we
16 told the deputies that, said, T [REDACTED] don't --
17 he sold the phone. I mean, I don't know.
18 We'll just have to see. But maybe I should
19 give her a call today. Did -- couldn't T [REDACTED]
20 still do his school work?

21 **MS. MAZYCK:** Absolutely. Yeah, he should be able to
22 do his school work on Google Classroom.

23 **MS. A.D.:** Could he have done it when he's been out
24 of school this ---

25 **MS. MAZYCK:** Yeah. It's -- everything's on Google



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1 Classroom. He knows. Do you have your
2 Chromebook?

3 **MR. T.D.:** Yeah.

4 **MS. A.D.:** Yes.

5 **MS. MAZYCK:** He just has to go on Google Classroom.

6 **MS. A.D.:** And then the teachers are grading it and
7 everything?

8 **MS. MAZYCK:** Uh-huh. As long as he submits it.

9 **MS. A.D.:** Submits it?

10 **MS. MAZYCK:** Uh-huh.

11 **MS. A.D.:** So you need to do that, too.

12 **MR. T.D.:** Yeah. I know.

13 (Ms. Chishom returns to the room.)

14 **HEARING OFFICER:** Okay. Again, we are going to
15 proceed. I must hear from the school first.
16 After I hear from the school, I'm going over to
17 you, T [REDACTED], and you're going to tell me your
18 side of the story; okay? Parents -- and I'm
19 going to try and make a decision, if I can,
20 today. If not, the Board gives me days to
21 deliberate. The decision that I make -- listen
22 up -- you cannot live with, you certainly can
23 appeal my decision before the School Board, but
24 it must be done in writing; okay?

25 **MS. A.D.:** Okay.



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1 **HEARING OFFICER:** And at a later point in this
2 hearing you all know I will give you an
3 opportunity for your comments; okay? Are we
4 good? Any questions?

5 **MS. A.D.:** Huh-uh.

6 **HEARING OFFICER:** Okay. So now let's hear why my
7 student is seated before me.

8 **POSITION STATEMENT - SCHOOL:**

9 **MS. CARTER:** Okay. We'll start with T [REDACTED]'s
10 grades.

11 **HEARING OFFICER:** Well, we can kind of speak up so I
12 can get --

13 **MS. CARTER:** Okay. T [REDACTED]'s grades for quarter two
14 ---

15 **HEARING OFFICER:** Okay.

16 **MS. CARTER:** --- English is a 27. Math is a 6.
17 Science is a 55. Social Studies is a 23.
18 Computer learning is a 7. And P.E. is a 48.
19 T [REDACTED] has a total of 7 tardies to school. And
20 due to various reasons he has 38 absences. The
21 first incident is from 11/27, which is an out
22 of school suspension. T [REDACTED] sent
23 inappropriate Instagram messages to a teacher.
24 The messages contained vulgar language and
25 profanity.



1 HEARING OFFICER: Okay.

2 MS. CARTER: And then this incident. Okay. And
3 this one is T [REDACTED] allegedly sent threatening
4 social media posts to students at the school
5 stating that my -- and I'm quoting -- my pistol
6 is coming to school with me. I'm shooting both
7 of y'all and a ton of other people. The
8 principal was made aware of this on Sunday
9 12/2/18. The investigators were made aware by
10 a parent and began investigating. Per the
11 investigator, the student confessed and was
12 told that he could not come back on campus or
13 he would be arrested for trespassing. The
14 students and guardians were told to wait to
15 hear from the school administrator. Please see
16 copy of incident report.

17 MS. MAZYCK: And per the incident report that we
18 received -- and I'm reading into the record at
19 this time -- on 12/1/18, I responded to a call
20 in reference to threatening messages. Upon my
21 arrival, I made contact with the complainant
22 about a message the suspect, T [REDACTED] D [REDACTED], sent
23 over Snapchat. I was advised that T [REDACTED] sent
24 another student -- and I'm leaving out that
25 student's name -- a message on Snapchat telling



1 him that if he didn't return his Juul to him,
2 that he was coming to Blythewood Middle School
3 Monday morning with his gun and shoot several
4 people at the school. Once the student
5 received the message he sent it to the
6 complainant. Per the responding officer, I did
7 see the message was dated, and I'm quoting
8 again, I want my shit Monday or all I know is
9 you and him is getting shot in school. I don't
10 give a fuck. I want my shit Monday. My pistol
11 is coming to school with me. And if I don't
12 get my Juul, I'm shooting both of y'all and a
13 ton of other people. The complainant did e-
14 mail me the screenshot of the message. That is
15 the incident statement.

16 **MS. CARTER:** And then the incident statements from
17 the students. T [REDACTED] sent me a message saying
18 that he wants the Juul back. T [REDACTED] said that
19 he was going to find where I lived and shoot up
20 my house. T [REDACTED] said that if he doesn't get
21 the Juul back by Monday, he was going to come
22 to school with a gun and shoot me. T [REDACTED]
23 threatened me multiple times and was asking
24 what's my address. T [REDACTED] said he was going to
25 try and find me and shoot me. We were sitting



1 on my bed and we get these texts and they say,
2 yo. Bring me my Juul or something is coming
3 out of my boot. And we say that we don't have
4 it. Then T [REDACTED] say that he knows we do. Then
5 we sent T [REDACTED] a picture of it and he says,
6 yes, and I better get it. Then the other
7 student says, or what? And T [REDACTED] says, or
8 you're going -- or you're getting shot. Simple
9 enough. At that point, me and the other
10 student didn't believe T [REDACTED] and started
11 messaging with him and said, go ahead, shoot
12 me. And we'll go tell before you can. Then
13 T [REDACTED] said that we can tell them and if they
14 search him, he'll shoot up the school. And if
15 he doesn't get his Juul, he'll shoot up the
16 school. Then we say, okay, and T [REDACTED]
17 responds, like, an hour later and says, I'm not
18 scared of school or cops, I'll shoot anyone.
19 After T [REDACTED] was saying threatening things to
20 us, he came to me and the other student. He
21 was texting my phone. The first thing he
22 texted me was where is my Juul? I didn't
23 respond to him. A few minutes later, the text
24 -- he text me said, if I don't have my Juul
25 before Monday, someone is going to get shot at



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1 school. The third message was, if you think
2 I'm joking, I'm not. And if you all report me
3 to the school, I'm going to pull the gun out of
4 my boot and shoot everybody. While he was
5 texting me this, I got the other friend to take
6 a picture of the message on my phone. He took
7 the photos of all of the things that T [REDACTED]
8 said.

9 **HEARING OFFICER:** Thank you so much for that
10 detailed track. Of course, I sit here everyday
11 and I emphasize how important school is. How
12 important education is. But our utmost concern
13 is safety at our schools. When you entrust
14 your children or your child to us, we want to
15 make sure we get them home as safely as
16 possible. And being parents and grandparents
17 you know that's tough. We will never tell you
18 that we can do it 100 percent. Because we
19 can't even do that at home. By the time you
20 hear them yell, you better run to see what's
21 going on; am I right? But because safety is
22 our utmost concern, the first thing we do when
23 we see our babies come back in, our students
24 from the summer, we go over the rules and
25 regulations with our students. By this time of



1 the year, the students pretty much know the
2 rules as well as we do. And they know they can
3 always visit them; am I right?

4 **MR. T.D.:** Right.

5 **HEARING OFFICER:** So they know that if they are
6 stressed or somebody is stressing them out or
7 frustrated, aggravated, intimidated, harassed.
8 Somebody threatening you, or just bullying you,
9 whatever it is, T [REDACTED], we got your back. All
10 you have to do is tell us. Because we have you
11 all more time actually than your parents during
12 the day. We have you -- I like to say prime
13 time. When your mind is all fresh and you just
14 got all the energy rolling. By the time we
15 dismiss you students in the afternoon, it's
16 time to go home, relax, eat, homework and right
17 back to us. It's just a repeating cycle.
18 That's life.

19 **MR. T.D.:** Uh-huh.

20 **HEARING OFFICER:** So we want you to get up everyday
21 and think of the good things that will happen
22 at your school. We want you to come to school
23 focused. And ready to learn. And we are so
24 ready to fill your brain cells with life-long
25 learning. Once we do that, nobody can take it



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1 away from you. It will always be there; am I
2 right?

3 **MR. J.D.:** Uh-huh.

4 **HEARING OFFICER:** You're granddaddy right now, you
5 wake him up 2 o'clock in the morning and tell
6 him, I bet you don't know your ABC's. He'll
7 turn 'em out just like that; am I right
8 granddaddy? Because somebody taught him.

9 **MALE SPEAKER:** Exactly.

10 **HEARING OFFICER:** And that is right. So that's
11 what we want you to do. When you leave
12 Blythewood Middle School, we want you to be
13 able to go on to high school and turn on what
14 we have taught you; isn't that wonderful? So
15 anyway, we want you students to come to school.
16 We want you to respect each other; respect
17 school property; and just obey those rules; and
18 let's have nine months of learning fun. So,
19 T [REDACTED], they got you coming before me today for
20 a threat. Can you talk to me a little bit?
21 You -- this is your day and Ms. Chishom wants
22 you ---

23 **MR. T.D.:** About the threat?

24 **MR. T.D. - EXAMINATION BY THE HEARING OFFICER:**

25 **Q:** Yeah. But before we do that, let me see the



1 first thing was -- let's see T [REDACTED]. I think
2 I sent you back on probation. And here it says
3 T [REDACTED] sent inappropriate messages via
4 Instagram to a teacher? The message contained
5 vulgar; tell me about that? What happened
6 there?

7 A: Someone got into my account ---

8 Q: Huh?

9 A: Someone got into my account and sent text
10 messages because I didn't have a phone at that
11 time.

12 Q: Uh-huh.

13 A: So, I'm not the one who did that.

14 Q: Oh. Okay. It looks like here you were
15 suspended out of school; was that right?

16 A: Yes, ma'am, I was. Three days.

17 Q: Okay. And now we're going to move on to,
18 T [REDACTED] allegedly sent threatening social media
19 posts to a student; talk to me.

20 A: Well, I didn't do that, but -- I don't know
21 what else ...

22 Q: What do you know about it?

23 A: All I know is that the cops come to the house
24 ---

25 Q: You have to speak up; I have to ---



- 1 A: All I know is that the cops come to the house
2 and started talking to me. I really didn't
3 know what was going on.
- 4 Q: Okay. Did you know the students?
- 5 A: Yeah. I know who wrote the statements.
- 6 Q: Okay. Did -- what is it about this? Did they
7 have something belonging to you?
- 8 A: No.
- 9 Q: All right. What is it that they said you had?
- 10 A: Say that I had?
- 11 Q: What is it that they said that you were lookin'
12 for that you said that they had of yours?
- 13 A: A Juul.
- 14 Q: All right. And then just tell me what a Juul
15 is?
- 16 A: An e-cig.
- 17 Q: A what?
- 18 A: E-cig.
- 19 Q: Okay. All right. So, where is yours now?
- 20 A: I don't have one.
- 21 Q: You don't have one?
- 22 A: No, I quit doing that.
- 23 Q: You quit -- okay. But you did have one at one
24 time?
- 25 A: Yeah. Like three -- it it was while ago.



1 Q: All right. All right. All right. So, you
2 said something about they had it and if they
3 don't bring it to school, what was gonna
4 happen?

5 A: I didn't say that.

6 Q: What did you say?

7 A: I didn't say nothing to them.

8 Q: Let me read on here. And it said here, that my
9 pistol is coming to school with me.

10 A: I don't own a hand gun.

11 Q: Huh?

12 A: I don't own a hand gun and plus, I'd never say
13 nothing like that.

14 Q: Then we read on, it says, the shooting both
15 y'all and a ton of other people.

16 A: I wouldn't do nothing like that or say nothing
17 like that.

18 Q: The principal was made aware of this on Sunday.
19 The investigators were made aware by a parent
20 and began investigating. This came across his
21 -- did y'all ...

22 **MS. MAZYCK:** We had a chat. Ms. Woodley (ph) made
23 us aware that it was a Snapchat message that
24 was sent to a few students and a parent
25 intercepted it and called the police



1 department.

2 **HEARING OFFICER:** Supposedly that ...

3 **MS. MAZYCK:** That allegedly T [REDACTED] sent them.

4 **HEARING OFFICER:** Okay.

5 Q: And did you hear the comments of those
6 students? Did you hear what they wrote?

7 A: Yeah. When she read the statements out.

8 Q: Uh-huh. And what do you say about that?

9 A: Must have been somebody else on my account,
10 because I sold my phone and I haven't had a
11 phone ever since. It's been about a month. I
12 sold my phone up on Broad River. And I didn't
13 have my phone. Somebody got into my Instagram.
14 My Instagram and my Snapchat password are the
15 same thing and I couldn't change them. Because
16 I didn't have access to nothing to change them.

17 Q: T [REDACTED], why would these students say you did
18 that?

19 A: I don't know.

20 Q: You even told me that you didn't even send the
21 inappropriate message on Instagram to that
22 teacher.

23 A: I didn't.

24 Q: You served out of school suspension.

25 A: I did.



1 Q: Why is it, T [REDACTED], that you're so involved in
2 all this stuff?

3 A: I honestly don't know.

4 Q: You were told not to come back on the campus?

5 A: Yeah. The deputies told me that.

6 Q: I wonder why.

7 A: Because of ---

8 Q: Speak up.

9 A: --- the text messages. Because of the text
10 messages. They showed me the text messages.

11 Q: What did you think about those text messages?

12 A: It was wrong. Nothing nobody should ever say.

13 **HEARING OFFICER:** Read that part you read before.

14 **MS. MAZYCK:** You want me to read the entire thing or
15 just this ---

16 **HEARING OFFICER:** Just start reading and I'll tell
17 you where to stop.

18 **MS. MAZYCK:** On 12/1/18, I responded to a call in
19 reference to threatening messages. Upon my
20 arrival, I made contact with the complainant in
21 regards to a message the suspect, T [REDACTED] D [REDACTED],
22 sent over Snapchat. Sorry. That T [REDACTED] sent
23 another student -- a message on Snapchat
24 telling him that if he didn't return his Juul
25 to him, that he was going to come to Blythewood



1 Middle School Monday morning with his gun and
2 shoot several people at the school. Once the
3 student received the message, he sent it to the
4 complainant. Per the responding officer, I did
5 see the message which stated, and I quote, I
6 want my shit Monday or all I know is you and
7 him is getting shot in school. I don't give a
8 fuck. I want my shit Monday. My pistol is
9 coming to school with me. And if I don't get
10 my Juul, I'm shooting both of y'all and a ton
11 of other people. The complainant did e-mail me
12 the screenshot of the message.

13 **HEARING OFFICER:** Give me those statements again.

14 **MS. CARTER:** T [REDACTED] sent me a message saying he
15 wants the Juul back. T [REDACTED] said he was going
16 to find where I live and shoot up my house.
17 T [REDACTED] said if he doesn't get the Juul back on
18 Monday, he was going to come to school with a
19 gun and shoot me. T [REDACTED] threatened me
20 multiple times and was asking what's my
21 address. T [REDACTED] said he was going to try and
22 find me and shoot me.

23 **HEARING OFFICER:** Hold that.

24 Q: Do you want to respond to that?

25 A: No.



1 HEARING OFFICER: Go to the next one.

2 MS. CARTER: We were sitting on my bed and we get
3 these texts and they say, yo, bring me my Juul
4 or something is coming out of my boot. And we
5 say that we don't have it. And then T [REDACTED]
6 says that he knows we do. Then we sent T [REDACTED]
7 a picture of it and he said, yes, and I better
8 get it. Then the other student says, or what?
9 And T [REDACTED] says, or you're going -- or you're
10 getting shot. Simple enough. At that point me
11 and the other student didn't believe T [REDACTED] and
12 started messing with him and saying, go ahead,
13 shoot me. We'll go and tell before you can.
14 And then T [REDACTED] said we can tell them and if
15 they search him, he'll shoot up the school and
16 if he doesn't get his Juul, he'll shoot up --
17 he'll shoot up the school. Then we say, okay,
18 and T [REDACTED] responds like an hour later and
19 says, I'm not scared of school or cops, I'll
20 shoot anyone.

21 Q: You want to respond to that?

22 A: I have nothing to say about it.

23 Q: T [REDACTED] that's a conversation between you and
24 those students. That's a conversation there
25 between you all.



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1 A: Not something I sent.

2 Q: I can't hear.

3 A: Not something I sent.

4 Q: Your name is involved. That's a conversation.
5 You and those students and they are afraid.

6 A: I don't know what they're afraid of. But I'm
7 not the one who sent the messages.

8 Q: T [REDACTED] ...

9 A: I haven't been on any of my accounts in like a
10 month almost.

11 **HEARING OFFICER:** Is there a -- T [REDACTED] -- does he
12 have access to guns?

13 **MS. A.D.:** No.

14 **MR. J.D.:** Ma'am, I don't even have no pistols in my
15 house. I got -- T [REDACTED] got a .22 rifle. He's
16 got a 30/30 and he's got a shotgun. But they
17 are in my bedroom and they got locks on them.

18 **MS. A.D.:** Lock box.

19 **HEARING OFFICER:** Where did he get the guns from?

20 **MR. J.D.:** We bought them for him for Christmas.

21 **MS. A.D.:** Each Christmas.

22 **MR. J.D.:** Each Christmas.

23 **HEARING OFFICER:** They get something (inaudible) ---

24 **MS. A.D.:** Because he was really ---

25 **MR. J.D.:** I haven't got no pistols in my house.



1 That's the reason I let the law search my
2 house.

3 **HEARING OFFICER:** Uh-huh.

4 **MR. J.D.:** I don't carry no pistols. I don't need
5 no pistol. The only way those guns is in there
6 is for him to go up there and hunt for deers
7 and rabbits. And he don't allowed to take a
8 gun out unless one, his brother or I am with
9 him.

10 **HEARING OFFICER:** Uh-huh.

11 **MR. J.D.:** So to -- I don't know what's going on
12 about this threatening -- these boys threaten
13 back and forth, but if the school would check,
14 these same boys took another boy's daddy's
15 truck ---

16 **MS. A.D.:** But that has nothing to do with the
17 school.

18 **MR. J.D.:** Well, I mean, it's still -- these boys
19 what they're mentioning is trouble makers to
20 start with.

21 **MS. A.D.:** I think all three of them ---

22 **HEARING OFFICER:** So -- so you know those boys?

23 **MR. J.D.:** Yes. We do know them.

24 Q: And you know those boys?

25 A: I know all three of them.



1 MS. A.D.: They've been to our house ---

2 HEARING OFFICER: Uh-huh.

3 MR. J.D.: They've been to our house.

4 A: I hung out with them this summer.

5 MS. A.D.: --- with T [REDACTED]. They've been friends
6 with T [REDACTED] for a long time.

7 Q: Uh-huh. Which mean that, T [REDACTED], you is more
8 likely, you did have conversation with them.

9 A: No. I did not.

10 Q: You do know them?

11 A: Yeah. I do know them, but no, I did not have
12 any conversation with them, because I don't
13 have a phone to contact them.

14 HEARING OFFICER: Pass that down to me.

15 MR. J.D.: The only thing I'm concerned about is if
16 he would have made the comments before he sold
17 his phone, I would have said, yes, T [REDACTED] did
18 it. But T [REDACTED] didn't have no phone at this
19 time. So I'm puzzled.

20 MS. A.D.: We even told the deputies that.

21 MR. J.D.: How did he do it?

22 MS. A.D.: We only have a house phone. We have a
23 house phone.

24 MR. J.D.: We got a house phone and I got this
25 phone. And if y'all wanna check this phone.



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1 MS. A.D.: We told the deputies that T [REDACTED] doesn't
2 even get on his phone. He can't even text from
3 his phone.

4 MR. J.D.: That's right. So I don't know what's
5 going on.

6 MS. A.D.: But to me when you read that, I think all
7 of them intimidating. You know what I'm
8 saying? Imitating the other ones. You know
9 what I'm saying? If you read it and understand
10 it like I did. I think they're all being
11 intimidating there. You know, like, when they
12 said, or what will you do? That's what they
13 were asking. What will you do? That's what
14 they was asking T [REDACTED], what will you do? .

15 HEARING OFFICER: Uh-huh.

16 MS. A.D.: So, see, I think all ---

17 HEARING OFFICER: And what was his response, did you
18 hear that?

19 MS. A.D.: Yeah, I heard that.

20 HEARING OFFICER: Well, what did he say?

21 MS. A.D.: Something about bring my gun to school.

22 HEARING OFFICER: Uh-huh. That's what I'm telling
23 T [REDACTED], this is the conversation. Whether he
24 meant to say it or he meant to ---

25 A: Do you have the screenshots of the messages?



1 Q: Huh?

2 A: Do you have the screenshots of the messages?

3 Q: No. I have -- I went -- I want my -- I got one
4 that say I want my shit on Monday. The same
5 stuff that she said.

6 A: Does it have my name on it?

7 Q: Huh?

8 A: Does it have my name on it.

9 Q: You know, you all so savvy now, whether it did
10 or not. I'm asking you whether or not you were
11 involved in that conversation. And like your
12 grandmama said, she believe truly y'all have
13 been talking and that you did respond to these
14 students. Now, how you did it is a whole
15 different story. You ...

16 A: I couldn't of because I don't have a phone.

17 Q: I can't hear you.

18 A: I couldn't of because I don't have a phone.

19 **MS. A.D.:** I know he didn't have a phone ---

20 Q: Oh, well, I don't know when you got rid of your
21 phone or whether you had a phone or what.

22 **MR. J.D.:** He sold the phone before all this
23 happened.

24 **HEARING OFFICER:** Uh-huh.

25 **MR. J.D.:** That's what I'm concerned about, Ms.



1 Chishom.

2 **MS. A.D.:** He sold his phone on Friday -- what was -
3 - okay Thanksgiving and then that Friday ---

4 **MR. T.D.:** I sold it the day after Thanksgiving.

5 **MS. A.D.:** Yeah. He sold his phone. Because we
6 told him where he could go up there and sell
7 his phone. And that's what he did. I mean, we
8 done told the deputy that T [REDACTED] couldn't have
9 a phone. I don't even have a phone now.

10 **MR. J.D.:** We told (inaudible) ---

11 **MS. A.D.:** I ain't even have a phone in over a year.

12 **MR. J.D.:** We told them where he sold the phone at.
13 But what puzzled me, how can my grandson do
14 something and he didn't have a phone to do it.
15 The only phone in my house is right here on my
16 side.

17 **MS. A.D.:** But they did.

18 **MR. J.D.:** And this old phone don't do that stuff.

19 **MS. A.D.:** They searched the house. I give them
20 consent to search the whole house. And they
21 did, didn't they?

22 **MR. J.D.:** I just -- I just think my grandson -- now
23 he ---

24 Q: T [REDACTED], I don't know how you sent the message,
25 but a message was sent. T [REDACTED] sent me a



1 message saying he wants that Juul back. T [REDACTED]
2 said, he was going to find where I live and
3 shoot up my house. T [REDACTED] said, if he doesn't
4 get that Juul back by Monday, he was going to
5 come to school with with a gun and shoot me.
6 T [REDACTED] threatened me multiple times and was
7 asking what's -- what is my address. T [REDACTED]
8 said he was going to try and find me and shoot
9 me.

10 **MS. A.D.:** Now, that wasn't ---

11 **HEARING OFFICER:** And that wasn't -- was there a
12 witness or another student who saw this
13 message?

14 **MS. MAZYCK:** When we got their statements, they were
15 all sitting individually, so none of them knew
16 what the other one said when they wrote their
17 statements.

18 **HEARING OFFICER:** Okay.

19 **MS. MAZYCK:** But their statements were pretty
20 similar.

21 **HEARING OFFICER:** When T [REDACTED] was saying
22 threatening things, the first thing he text me
23 was where is my Juul.

24 **MS. CARTER:** Did you exchange a Juul with another
25 student?



1 **MS. MAZYCK:** Yeah. that was one of the things that
2 they shared with Ms. Carter and I.

3 **MR. T.D.:** No.

4 **MS. MAZYCK:** That a Juul was exchanged at the
5 school, between you and another student.

6 **MR. T.D.:** No, it wasn't.

7 **MS. A.D.:** About two months ago, T [REDACTED] did have
8 some.

9 **HEARING OFFICER:** A Juul?

10 **MS. A.D.:** But, you can ask his brother what
11 happened to them.

12 **HEARING OFFICER:** (inaudible) ---

13 **MALE SPEAKER:** Yeah. I actually found it in his
14 room after (Inaudible)

15 **MS. A.D.:** Yeah. They got everything out of there
16 and threw them away.

17 **MALE SPEAKER:** I mean since this -- since like
18 they're saying this happened on Snapchat, like,
19 I mean, everybody knows, like, you can make up
20 a Snapchat and it doesn't have to be that
21 actual person. And it's just a name.

22 **MR. T.D.:** And you can edit names on Snapchat. Like
23 you can't change your user name but you can
24 change your name that pops up.

25 **MALE SPEAKER:** And I actually went one Snapchat



1 myself and there's a bunch of different T [REDACTED]
2 D's, T [REDACTED] D [REDACTED] on Snapchat.

3 **HEARING OFFICER:** They -- these kids attend school
4 together. There's not several T [REDACTED]'s or
5 anything. They are referring to or it sounds
6 -- they are people who knows him.

7 **MALE SPEAKER:** Yes, ma'am. I understand that.

8 **HEARING OFFICER:** And that they are saying that
9 T [REDACTED] even talked back to them -- and it's not
10 like the information they were talking about,
11 that it was foreign to T [REDACTED].

12 **MALE SPEAKER:** Yes, ma'am.

13 **HEARING OFFICER:** It was more like T [REDACTED] knew that
14 these kids may have had something belonging to
15 him and he wanted to get it back.

16 **MALE SPEAKER:** Yes, ma'am.

17 **HEARING OFFICER:** Now, why? I'm getting that I know
18 nothing about this. I'm just sitting here
19 today and I don't know why I'm here. He didn't
20 do the first one; the harassment here.

21 **MS. MAZYCK:** He did apologize to the teacher.

22 **HEARING OFFICER:** He did apologize for doing this
23 one?

24 **MS. MAZYCK:** Yeah, he said that some students had -

25 --



1 **HEARING OFFICER:** But you were still put out. But
2 you told me you didn't do it.

3 **MR. T.D.:** I apologized because it was done on my
4 account.

5 **MS. A.D.:** I made him apologize to the teacher.

6 **MS. MAZYCK:** He had already sent an apology letter
7 prior to.

8 **MS. A.D.:** Okay. Yeah. But see, when I was at
9 school that day, I asked y'all to ask the
10 teacher to come in, 'cause I wanted to see if
11 -- well, actually, he didn't even really know
12 T[REDACTED]. That's what I was concerned about.

13 **MS. MAZYCK:** He sent an apology Snap- -- Instagram
14 message to the teacher, prior to you getting
15 there, Ms. D[REDACTED].

16 **MS. A.D.:** Yeah. And then when I was in there
17 talking to T[REDACTED] I was mad and I asked T[REDACTED]
18 and I said ---

19 **HEARING OFFICER:** T[REDACTED], why are you sending an
20 Instagram to a teacher? What has she done to
21 you?

22 **MS. MAZYCK:** He.

23 **HEARING OFFICER:** He. Yeah.

24 **Q:** What happened?

25 **A:** What are you talking about? The mes- -- the



1 vulgar ---

2 **MS. MAZYCK:** To Mr. Bell.

3 Q: Yeah.

4 A: I didn't send those.

5 Q: Then why did you apologize?

6 A: Because it was done on my account.

7 Q: Because what?

8 A: Because it was done on my account. If
9 something's done on my account, I'm gonna
10 apologize.

11 Q: Now, T [REDACTED], that ain't like you to apologize
12 to nobody if you hadn't done anything. That is
13 not your make up.

14 A: No, because then it would make you look -- it
15 would look bad on me if I just didn't apologize
16 to the teacher.

17 Q: No. I heard your mama said she made you.
18 T [REDACTED], somewhere along the line between these
19 two infractions and you are telling me you done
20 none of it, doesn't make sense to me.

21 **MALE SPEAKER:** I mean, I don't think T [REDACTED]'s
22 innocent, but I honestly don't believe the
23 Snapchat for bringing the gun to school.

24 **HEARING OFFICER:** Hold your point there for a
25 minute. Let me see if I can get T [REDACTED].



1 Q: Did you send messages at all in the month of
2 December.

3 A: No.

4 Q: How you -- how you answer so quickly?

5 A: Because I know I didn't.

6 Q: The end of November?

7 A: No.

8 Q: Why?

9 A: Because I didn't have a phone at that time.

10 Q: Where was it?

11 A: Huh?

12 Q: Where was it?

13 A: Where was my phone? I sold my phone the day
14 after Thanksgiving. It was on a Friday. I can
15 even tell you where I sold it.

16 **MS. A.D.:** He did sell that phone. Because we took
17 him up there to sell it, didn't we?

18 **MR. J.D.:** Yep. We took him up there and I had to
19 get (inaudible) ---

20 **MS. A.D.:** We even told deputies that he didn't have
21 a phone, we sold it.

22 **MR. J.D.:** That's what I'm saying. He's being
23 accused of something and I know he didn't have
24 a phone at the time to do it. I'm not saying
25 my grandson's an angel. You know he's not no



1 angel.

2 **MS. A.D.:** He's no angel but ...

3 **MR. J.D.:** But he didn't have no phone.

4 **Q:** Do you use your mama's phone?

5 **A:** No.

6 **MS. A.D.:** I don't have a phone. I had one of those
7 Obama phones and that don't even work, does it,
8 Daddy.

9 **MR. J.D.:** No.

10 **MS. A.D.:** They're (inaudible)

11 **MS. A.D.:** [REDACTED] [REDACTED] got one too and it don't work,
12 does it?

13 **MR. T.D.:** (inaudible).

14 **HEARING OFFICER:** All right. Let's see here. All
15 right. T [REDACTED] stated that he sold his cell
16 phone and did not have a cell phone. Then he
17 stated that when he was at the emergency room
18 last night that he was using his biological
19 mother's phone. He was pissed off because a
20 student and the other boys took his Juul. And
21 he did not know which one of them had it. But
22 he wanted it back.

23 **MR. T.D.:** Can you read that again?

24 **HEARING OFFICER:** This is what -- this is yours.
25 This is your statement.



1 MR. T.D.: I didn't write a statement.

2 HEARING OFFICER: Well, you said it. You didn't
3 write it.

4 MR. T.D.: Oh.

5 HEARING OFFICER: But you -- this is what you said.

6 MR. T.D.: All right.

7 HEARING OFFICER: Huh?

8 MR. T.D.: I said all right.

9 HEARING OFFICER: Okay. So there it is. He was
10 pissed off because blank and the other boys
11 took his Juul and he did not know which one of
12 them had it but that he wanted it back. Due to
13 the fact that he was mad he sent the message to
14 the student -- I'm not going to call his name
15 -- sent a message to, also to another student.
16 So, therefore, D [REDACTED] was charged with unlawful
17 communication.

18 MALE SPEAKER: I thought there was another charge on
19 this?

20 HEARING OFFICER: Oh. You talk to the cops on that.
21 We don't -- I'm just reading what I see here.
22 But your par- -- the parents can deal with
23 that.

24 MS. A.D.: I know when he took the picture. He took
25 the picture because [REDACTED] -- his mom and [REDACTED]



1 are sitting -- T [REDACTED]'s sitting here, mom is
2 sitting here and they were sitting there takin'
3 pictures. But T [REDACTED] never got hands on her
4 phone.

5 **MALE SPEAKER:** I don't know. I didn't know about
6 that.

7 **MS. A.D.:** Well, I know he took pictures of his hand
8 because he had tried to play dumb with a bullet
9 and hit it and a piece of fragment went into
10 his finger and they had to take it out. I'm
11 saying the dumbest thing you've done and he
12 said yeah, it hurt. And then she left and she
13 took her phone with her. They both were
14 sitting there taking pictures. She was. And
15 then they were sitting there looking at some of
16 the pictures of some people up the road or
17 something. Their kinfolks up the road. T [REDACTED]
18 never got a chance on her phone.

19 **HEARING OFFICER:** Well, I can just tell you what he
20 ---

21 **MS. A.D.:** Yeah.

22 **HEARING OFFICER:** --- what he said. And he agreed
23 that he was pissed off because these boys had
24 his Juul and he didn't know which one. And
25 that he wanted it back. And you sent a message



1 to another one of the boys.

2 **MR. J.D.:** Well, we know the reason he's pissed off
3 because he had that thing in his hand and his
4 grandma said he had to go to the emergency
5 room.

6 **HEARING OFFICER:** Uh-huh. Right. But -- okay.

7 **Q:** Anything else you want to tell me?

8 **A:** Nope.

9 **CONCLUSION:**

10 **HEARING OFFICER:** Okay. All right. I'm going to
11 take all this under submission, which is a lot.
12 And I will ---

13 **MR. J.D.:** You're going to have a long weekend
14 behind you.

15 **HEARING OFFICER:** That's right. A long one. So,
16 I'm going to take it under submission and I'm
17 going to deliberate on it. And 609-4430?

18 **MS. A.D.:** Uh-huh.

19 **HEARING OFFICER:** I'll give you a call. I
20 appreciate you all coming in and I'll let you
21 know of my decision.

22 **MR. J.D.:** Do I need -- what kind of liquor do you
23 drink? Do you need a quart or a half a gallon.

24 **HEARING OFFICER:** Huh?

25 **MS. A.D.:** She might wanna bring me some.



1 **MR. J.D.:** I said what kind of liquor do you drink,
2 I'll bring you a quart or a half a gallon.

3 **HEARING OFFICER:** You must speak school language.

4 (Laughter.)

5 **(The recording ended at this time.)**

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CERTIFICATE

This is to certify the transcript of the hearing consists of forty nine (49) pages. This transcript was prepared by me without the benefit of my being present during the hearing. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this March 11, 2020.


Amanda J. Creel Godfrey
Court Reporter

Notary Public for South Carolina
My Commission Expires: August 17, 2021



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EXHIBIT B

SCHOOL DISCIPLINARY HEARING

In the Matter of:)
)
Student, T.D.)
-----)

DISCIPLINARY APPEAL HEARING

Tuesday, February 12, 2019



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APPEARANCES

Lottie Chishom, Hearing Officer
T.D., Student
A.D., Student's Grandmother
J.D., Student's Grandfather
Ms. Karis Mazyck, Principal, Blythewood Middle School
Ms. Greta Carter, Assistant Principal, Blythewood Middle School
Vernie Williams, Esquire, Attorney for School District
Michael Mathison, Attorney for Student

BOARD MEMBERS:

Amelia McKie
Dr. Teresa Holmes
Cheryl Cauton-parker
Lindsay Agonstini
James Manning
Dr. Monica Elkins-Johnson
James Shadd
Baron Davis, Superintendent

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1 **MR. MATHISON:** This is Mike Mathison. We are at the
2 appeal hearing of T [REDACTED] D [REDACTED], it is February
3 12th, 2019.

4 **OPENING REMARKS BY THE HEARING OFFICER:**

5 **MS. CHISHOM:** Good evening, Board. Seated before
6 you will be the D [REDACTED] family, student T [REDACTED]
7 D [REDACTED] and administrators from Blythewood Middle
8 school. Principal Mazyck and Greta Carter,
9 Assistant Principal and our attorney, Attorney
10 Williams, and their attorney, Mathison. At
11 this time, I guess the Board will introduce
12 yourself to them.

13 **INTRODUCTIONS:**

14 **MR. DAVIS:** We'll start -- whichever way we go
15 around and I'll finish up.

16 **MS. CHISHOM:** Okay.

17 **MS. MCKIE:** Amelia McKie, Board member.

18 **DR. HOLMES:** Dr. Teresa Holmes, Board member.

19 **MS. CAUTION-PARKER:** Cheryl Caution-Parker, Board
20 member.

21 **MS. AGONSTINI:** Lindsay Agonstini, Board member.

22 **MR. MANNING:** James Manning, Board member.

23 **DR. ELKINS-JOHNSON:** Dr. Monica Elkins-Johnson, vice
24 chair.

25 **MR. SHADD:** James Shadd, Board member.



1 **MR. DAVIS:** And I'm Baron Davis, Superintendent.

2 **HEARING OFFICER:** Okay. (inaudible) ---

3 **MS. MAZYCK:** Good evening everyone, I'll provide a
4 brief statement.

5 (Inaudible background noise.)

6 **OPENING STATEMENT - BLYTHEWOOD MIDDLE SCHOOL:**

7 **MS. MAZYCK:** On Sunday December 2nd, 2018, I
8 received a call from our school resource
9 officer, Deputy Idonia (ph) Brooks, regarding
10 concerns regarding alleged threats to
11 Blythewood Middle School. I was informed by my
12 SRO that an investigator would be contacting me
13 to provide additional information. Later that
14 day I spoke with Sergeant Truluck who informed
15 me that there have been threats of shooting at
16 the school. These threats were allegedly made
17 by T [REDACTED] D [REDACTED]. Per Sergeant Truluck, they
18 were looking into these allegations further and
19 would be visiting homes of a few students.
20 Sergeant Truluck asked for the names,
21 addresses, phone numbers and parent/guardian
22 names of the students that were allegedly
23 involved. The investigation and home visits
24 took place until about 5 o'clock that Sunday
25 afternoon. Around 6 o'clock that evening, I



1 was notified via phone by Sergeant Truluck that
2 they had just left the home of T [REDACTED] D [REDACTED].
3 Sergeant Truluck informed me that they searched
4 the home, and the student did not appear to
5 have any pistols, but that he had admitted to
6 sending the threats in question. Sergeant
7 Truluck informed me that the student was told
8 not to return to school until he heard from me,
9 the school principal. Failure to follow this
10 order would result in him trespassing and being
11 taken into custody. Upon returning to school
12 on the next day, Monday, December 3rd, 2018,
13 the administrative team immediately began
14 speaking to the students that allegedly
15 received threats. The students wrote their
16 statements on a school incident report. On
17 Tuesday morning, December 4th, 2018, I along
18 with the assistant principal, Mrs. Carter,
19 attempted to call T [REDACTED] D [REDACTED] to get a
20 statement. We spoke with Mr. -- with his
21 grandfather, Mr. D [REDACTED]. Mr. D [REDACTED] shared with us
22 that T [REDACTED] was still asleep. We let him know
23 that we wanted to allow him due process and
24 have the opportunity to get his statement. Mr.
25 D [REDACTED] shared that T [REDACTED] would not be making a



1 statement because he had already told the
2 police officers that he didn't do anything. I
3 shared with Mr. D [REDACTED] we were told by the
4 officers that T [REDACTED] had admitted to the
5 incident in question. Mr. D [REDACTED] shared that
6 T [REDACTED] did not make a statement to police and
7 that he would not be making one to the school
8 and that the boys were trying to frame him up.
9 Based on the statements received from the other
10 students, as well as the information we
11 received from the officer, Mr. D [REDACTED] was
12 notified that T [REDACTED] was being recommended for
13 expulsion. Thank you.

14 **PRELIMINARY MATTERS:**

15 **MR. MATHISON:** I have a preliminary matter that I
16 need to be addressed. I had submitted a
17 request that we open up the evidence. And I
18 don't know if that request had been decided
19 upon. I also submitted a request that we have
20 witnesses present. And it appears that we have
21 two members of the administration. Are all of
22 the other witnesses going to be present or
23 available?

24 **MR. WILLIAMS:** If I could be heard on that. My
25 response to Attorney Mathison, there are



1 certain things -- the one issue we could agree
2 to in advance was a personal audience. And
3 because he was specifically asking questions
4 about opening the record, the only way that
5 could be done is if you as the Board consider
6 that request and had voted to do it. Because
7 typically, based on your policy, your decisions
8 at this level are made only on the record.
9 Another discussion I had with Mr. Mathison is
10 he raised a number of what we refer to as sort
11 of due process issues that I'm sure when he
12 gets to his case, he's going to object to some
13 of the things that were at least in the record
14 that was presented to Ms. Chishom. And so one
15 thing I had mentioned to him, and obviously
16 it's gonna be up to the Board, was the
17 possibility of what lawyers call a remand. But
18 in lay terms it would be basically sending it
19 back for an additional evidentiary hearing to
20 be heard by another hearing officer to address
21 some of the due process concerns that he
22 raised. But, in short, he asked about
23 witnesses being present. Our response from an
24 administrative standpoint is that you don't
25 have the ability in these kind of hearings to



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1 compel witnesses to be present. If we were
2 talking about a future employment dismissal
3 case, the statute specifically says, Board you
4 can issue subpoenas and have witnesses appear.
5 There is no such legal language in the statute
6 that deals with student discipline in our
7 records -- or student discipline hearings. And
8 some of the witnesses he's asking to appear
9 would be students. And it's y'all's practice,
10 as well as the practice of every school
11 district I know in the state, not to have
12 student witnesses in discipline hearings. So
13 to the extent he's asking for witness to be
14 present, certainly if it's an adult, we can
15 approach them and say a request has been made
16 and it's up to the adult as to whether they
17 appear at the hearing. I'm not aware of
18 anybody that compels or that tries to compel
19 students to come and testify in hearings of
20 this nature. So the administration would say,
21 you know, to the extent he wants an adult
22 witness, we can reach out to an adult witness
23 like Officer Truluck and see if he's available
24 and agreeable to come. But we could not do
25 that for student witnesses.



1 **MR. MATHISON:** Okay. We requested that all
2 witnesses be available. The statute says at
3 the hearing all witnesses shall be available.
4 We asked in an effort to cure the due process
5 failures at the lower lever that all witnesses
6 be available here. We did not get a response.
7 I guess today we're learning that no, not all
8 witnesses will be available. My second request
9 is whether or not the record would be opened.
10 Would we have the opportunity to present
11 evidence that was not presented below; will we
12 have an opportunity to cross-examine those
13 witnesses who are here? I still haven't gotten
14 a response as to that. Can we get a response
15 as to that?

16 **MR. WILLIAMS:** I object.

17 **FEMALE SPEAKER:** You're saying that you want --
18 you're saying that you want all the witnesses
19 here, and to open evidence, do you mean the
20 images that we've gotten? Or tell me
21 specifically what you're asking for.

22 **MR. MATHISON:** We'd like to present evidence that he
23 did not have an opportunity to present at the
24 lower level because they were not informed of
25 the allegations against him until the day of



1 the hearing and were not provided access to the
2 records that were used to prosecute him at that
3 hearing. And even was not -- witnesses were
4 not identified in that hearing. Ms. Mazyck,
5 for example, has just told us that she learned
6 all of this information from Sergeant Truluck.
7 However, in the appeal summary, we have all
8 that information coming from S. Boyd according
9 to Ms. Chishom's summary of the evidence. In
10 fact, a lot of these documents are unsigned and
11 undated and this information was not presented
12 in the hearing. Additionally, the records that
13 were in possession of the District contradicted
14 many of the records that were actually
15 submitted. Statements, for example, that she
16 just referenced from students were actually
17 collected and signed on December 5th, not on
18 December 3rd. These are factual inaccuracies
19 that make a difference and we would like to
20 have cleared up. Especially because the
21 grandfather was called on December the 4th
22 before 9:30 a.m. After that, Ms. Mazyck
23 started requesting records from Sergeant
24 Truluck, and then after getting those records
25 on the night of February 4th (sic) a referral



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1 was written, and then student statements were
2 obtained the next day. So from the notice
3 standpoint, the evidence was apparently not in
4 existence or in the possession of the District
5 until after the conversation with the
6 grandfather. That creates a *Goss v. Lopez*
7 issue, which y'all are probably familiar with
8 from another case that you're handling.

9 **FEMALE SPEAKER:** Let me just share this with you,
10 what we typically do is we have the student
11 explain what happened. We allow statements
12 from people that he has with him. However,
13 there are two attorneys present, so I have to
14 defer to the advice of our attorney as to how
15 to proceed. This is what we do without
16 attorneys. So what you're asking for, I would
17 have to defer to legal advice. That's why we
18 have an attorney here.

19 **MR. WILLIAMS:** And again, we're representing the
20 administration and that's why we're opposed
21 because the -- you have heard what the issues
22 are and they aren't typically the kinds of
23 issues that y'all would consider as part of an
24 appeal. Typically, those kind of issues would
25 be addressed at the evidentiary hearing. Mr.



1 Mathison I think was not involved until the
2 appeals state. I don't think he was involved
3 at the initial hearing that T [REDACTED] had. So,
4 once we became aware of those issues, again, we
5 were clear. To the extent we didn't respond is
6 was because he was asking a question that we
7 could not address. If he says is -- is the
8 Board going to open up the hearing and have
9 additional witnesses, we can say what we're
10 gonna recommend but ultimately that's up to the
11 Board. Again, I've told you what our position
12 is as far as student witnesses. We don't think
13 it's appropriate to involve student witnesses
14 in these matters. Adult witnesses, we can
15 certainly inquire about. But that would
16 require another hearing and not this hearing
17 before the Board. That would be basically
18 another evidentiary hearing, which is what --
19 what we would propose.

20 **FEMALE SPEAKER:** So I've shared with you the way
21 that we conduct our hearings here. What we
22 anticipate tonight is that's not -- is that
23 something that's not satisfactory for you to
24 proceed, or do you not want him to be able to
25 share what happened? And for people who are



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1 with him be able to share their statement, is
2 that not what you want to happen?

3 **MR. MATHISON:** His -- his statement is clear and
4 unequivocal in the record and consistent.
5 There's no need for him to speak. What we'd
6 like to be able to do is actually talk to the
7 administration since we've obtained access to
8 the documents that they were prohibited from
9 having at the hearing and thereafter for nearly
10 a month. Some of the students statements we
11 didn't get paper copies of until February 1st.
12 Those are the statements that are dated
13 December 5th, that you were just told were
14 dated December 3rd. And it matters because law
15 enforcement records were obtained. They were
16 reviewed. A massive amount of law enforcement
17 records that never should have been sent to Ms.
18 Mazyck. And, in her defense, she did not ask
19 for all of these records. It was a breach by
20 the Sheriff's Department. But how the breached
21 records was used was inappropriate. And that
22 is part of our appeal, as well, which I'll wait
23 on.

24 **MALE SPEAKER:** I think -- and if I may -- if I may
25 speak, I think what would be beneficial for the



1 Board is for you to state what your appeal is
2 based on right now if you don't mind. What are
3 you appealing, the decision of the
4 administration for the recommendation of
5 expulsion. I imagine that would be the first
6 level. There's also an appeal of the decision
7 of the Hearing Officer, which you are
8 appealing, and you're basing that appeal on the
9 fact that there was information that was
10 received by Mazyck, a breach by the Sheriff's
11 Department that Ms. Mazyck should have never
12 used and, therefore, had she not received that
13 information, there wouldn't have been a
14 recommendation for expulsion.

15 **MR. MATHISON:** That is one part of it. So, when it
16 comes to use of law enforcement records, we
17 have very clear state statutes that require
18 school districts to have policies instructing
19 their principals on how they're supposed to
20 maintain confidential law enforcement
21 information. South Carolina Code Section 63-
22 19-810 says that school principal will be
23 notified when a student is taken into custody
24 for certain crimes. Now the principal is
25 supposed to maintain that information in a



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1 confidential place and only use it for
2 supervisory and monitoring purposes. There's
3 another statute that relates to law enforcement
4 records, 63-19-2030(e), which states that
5 students' law enforcement records should not be
6 used for any purposes, except to serve the
7 educational needs of the child. Now, obviously
8 this doesn't preclude you from taking emergency
9 actions where you see necessary. But what it
10 does preclude you from doing is using these
11 records to conduct independent investigations
12 and prosecute kids who have not had their due
13 process rights satisfied elsewhere. There are
14 different statutes that relate to convictions
15 and adjudications for kids who have been found
16 guilty or who have plead guilty, but these are
17 very different from the statutes that relate to
18 accusations. And that's what we have here.
19 Bare accusations. And your policy, JRA, does
20 not provide for any confidentiality that is
21 required by state law. There are other school
22 districts that do have these policies. York
23 County School District 1, Lexington-Richland 5,
24 they have policies that comply with state law.
25 This is not a new law. It's over 25 years old.



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1 And this is not the first time that this issue
2 has arisen in this district in particular in
3 Richland County. Second of all, we have major
4 due process issues with how the hearing itself
5 was conducted. And that relates to not sharing
6 these law enforcement records once obtained.
7 Now, Ms. Mazyck had a pre-hearing conference.
8 It's recorded. It doesn't appear in Ms.
9 Chishom's notes or in the minutes of the
10 meeting. But it is on the audio recording,
11 which she says the basis for this expulsion is
12 an incident report. That incident report was
13 not given to them. They were not given an
14 opportunity to review that incident report.
15 Nobody in the D [REDACTED] family got a copy of that
16 until after I requested it on January 10th. In
17 addition to that incident report, there were
18 other things that were not incident reports.
19 And those things are things that no school
20 administrator has a right to obtain. Law
21 enforcement records that are not incident
22 reports are not discloseable under the state
23 law. But yet they ended up being used. And
24 they ended up being used sua sponte, that is --
25 sorry -- they ended up being used in a way that



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1 was not through the administration's
2 presentation, but through some independent
3 investigatory act of the Hearing Officer. And
4 that's the second level of due process
5 violation that we have going on here. It's Ms.
6 Chishom's conduct of hearings in a way that
7 shows that she is actually an advocate for
8 expulsion rather than an impartial finder of
9 fact. Now, the state constitution, federal
10 constitution, when it comes to due process, an
11 impartial finder of fact is the guarantee.
12 When you have your due process hearing officer
13 going and hunting down information to persecute
14 the student, that is not impartiality.

15 **MR. WILLIAMS:** Persecute -- I'm gonna ---

16 **MALE SPEAKER:** Did you say persecute?

17 **MR. WILLIAMS:** Yeah, I'm gonna object.

18 **MALE SPEAKER:** I know we're not in a ---

19 **MR. MATHISON:** I'm sorry, to prosecute, that is a --

20 -

21 **MR. WILLIAMS:** Which ever word you choose, I'm still
22 gonna object to the tone of it. I think you
23 can make the point without taking personal
24 shots at the Hearing Officer. So I'm going to
25 object to that.



1 **MS. CHISHOM:** Thank you.

2 **MR. MATHISON:** This is not the first time this
3 issue's been raised and appealed to you. It's
4 not the first time it's been to the circuit
5 court.

6 **MR. WILLIAMS:** Well, how that's relevant to your
7 tone, I'm not sure, but I would still state the
8 same objection.

9 **MR. MATHISON:** In addition to acting as both
10 prosecutor and fact finder, which is a direct
11 violation of Article 1 Section 22 of the South
12 Carolina Constitution, Ms. Chishom also
13 prevented people from speaking on T█████'s
14 behalf by cutting them off when they tried to
15 educate her on how Snapchat works. We did
16 submit a little tutorial so you can see how one
17 person can create a fictitious account or even
18 just change the name that appears on the
19 messages they send. It's three minutes long.
20 We also objected to her presumptive treatment
21 of T█████'s statements as false, even though
22 there was significant evidence in the
23 District's possession to show that he has
24 consistently maintained that he denied making
25 statements to law enforcement. There's



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1 literally a statement that says, refused
2 statement in the District's possession. And
3 yet, he was treated as having already admitted
4 to everything. And there's a problem with not
5 giving him the records that accuse him of these
6 things, because they're internally inconsistent
7 and depriving the opportunity to meet the
8 evidence against him. Specifically, this so
9 called confession that took place, the officer
10 wrote in an unsigned, undated document that
11 this student confessed to doing this while at
12 the emergency room on the night of Saturday,
13 December 1st. The District had other records
14 saying that all these statements were sent the
15 night of Friday November 30th into December
16 1st.

17 **FEMALE SPEAKER:** Let me stop you for just a moment,
18 and Board members feel free to interrupt me if
19 you need to, it sounds like the Hearing Officer
20 is on trial. That's not what we're here for.
21 You've indicated -- and stop me if I'm
22 misunderstanding what you're saying, you have
23 objection because student witnesses aren't
24 here, so you don't want him to speak. And what
25 we -- what we do is -- let me finish. What we



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1 do is we have him speak. We have witnesses
2 speak and we go from there. If you're saying
3 that you don't want him to speak, that his
4 statement is quite clear, we don't need to hear
5 anything from him. So I'm not sure, are you
6 saying that this is not a feasible time for you
7 to conduct this hearing or what? Because what
8 I hear you talking about is the hearing
9 officer, but we're here to glean information
10 and it sounds to me like you're not willing to
11 go forward because there are not witnesses
12 here; can you help me understand that?

13 **MR. MATHISON:** Actually I ---

14 **MR. MANNING:** I'm sorry. If I could just I ask a
15 question?

16 **FEMALE SPEAKER:** Go ahead, Mr. Manning.

17 **MR. MANNING:** I need a little bit of clarity. I
18 think I'm still -- I think Dr. Davis' question
19 was kinda more on line with where I am. I need
20 to understand the decisions that I need to make
21 tonight as a Board member. So, I think I hear
22 you saying you're appealing the decision based
23 off due process issues, is kinda if I sum it
24 up, is that one of your asks is to overturn the
25 Hearing Officer's decision based off the fact



1 that you feel like due process was not
2 followed, is that one of the things you're
3 asking for?

4 **MR. MATHISON:** That's one basis.

5 **MR. MANNING:** Okay. That's one. And then the other
6 is the opening of the record was another
7 request of the Board, is that correct?

8 **MR. MATHISON:** It was communicated to me earlier
9 today that the Board would have to decide.

10 **MR. MANNING:** Right. I understand but I'm asking
11 you what you're asking for. You're asking me
12 to open -- you're asking me as a Board member
13 to vote whether we open the record, is that
14 correct?

15 **FEMALE SPEAKER:** And you want witnesses here, right?

16 **MALE SPEAKER:** This is -- this is an appeal of a
17 decision ---

18 **FEMALE SPEAKER:** Right.

19 **MALE SPEAKER:** --- of the Hearing Officer. So in an
20 appeal of a decision what the Board has to
21 decide is either to deny the appeal ---

22 **FEMALE SPEAKER:** Right.

23 **MALE SPEAKER:** --- or uphold the appeal.

24 **FEMALE SPEAKER:** Right.

25 **MALE SPEAKER:** If we deny the appeal, the decision



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1 of the Hearing Officer would stand. If we
2 uphold the appeal, then we would -- then the
3 student would return back to his home school.

4 **MR. MANNING:** But I thought I heard (inaudible) ---

5 **MALE SPEAKER:** And so he's -- but that's what this
6 is. This is -- in executive session, we do --
7 this is not a hearing. This is an appeal that
8 is being made by the attorney and the attorney
9 is basing the appeal on facts. Our job is --
10 your job is to listen to the reasoning for the
11 appeal, as we've always done in the past, and
12 then make a decision on whether or not we're
13 gonna deny the appeal. You're going to deny
14 the appeal or ...

15 **MALE SPEAKER:** Which can't include due process
16 issues. (inaudible) ---

17 **MR. WILLIAMS:** Which can include -- yes, it could.
18 Yes. It could be based on due process.

19 **MR. MANNING:** But I thought I heard our legal
20 counsel say that it was an appropriate request
21 to open the record, that the Board would have
22 to make that decision. If that's the case,
23 then I'm kinda confused about the precedent of
24 order of -- is -- should we open the -- should
25 the decision be to open the record before we



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1 even get to the due dil- -- I'm just a little
2 confused as the, well I'll kinda stop at
3 confused.

4 **FEMALE SPEAKER:** Yeah, and let me get Dr. Caution-
5 Parker because it may be related to (inaudible)

6 **FEMALE SPEAKER:** I think there's a misunderstanding
7 as to how we handle appeals.

8 **FEMALE SPEAKER:** Right.

9 **FEMALE SPEAKER:** We hear the student speak. The
10 child needs to speak on his behalf and share
11 his story and what he feels happened to him and
12 how he was involved and how he was supported or
13 not supported. That's what we pretty much base
14 our decision on. Not all this other esoterical
15 stuff. But basically on the child, himself.
16 And his grandparents here to support him.

17 **FEMALE SPEAKER:** And we ask questions.

18 **FEMALE SPEAKER:** And we ask questions.

19 **FEMALE SPEAKER:** Yeah.

20 **FEMALE SPEAKER:** Not ugly mean questions, but just
21 questions. So, basically what we like -- I'd
22 like for us to do is continue on like we always
23 do, without all this other stuff. I have no
24 idea if it just doesn't matter. But we want to
25 hear from the child who was involved in this



1 issue. (inaudible) ---

2 **FEMALE SPEAKER:** Mr. Williams?

3 **MR. WILLIAMS:** And basically, based on the reasons
4 or the basis that Attorney Mathison was stating
5 for his appeal -- that's why, you know, I've
6 been doing this for a while. I've never
7 suggested a remand before to another Hearing
8 Officer. But y'all heard the nature of his
9 concerns and so I guess my concern was to the
10 extent he's going to appeal it to the Board in
11 a traditional way and potentially appeal from
12 that to circuit court, I just wanted to make
13 sure that the record was clear in terms of what
14 information was considered by the Hearing
15 Officer to make sure that the information that
16 was considered by the Hearing Officer is
17 appropriate information that the Hearing
18 Officer is entitled to have in front of him or
19 her. And in this situation, we're not arguing
20 that law enforcement provided us some
21 information that in the typical way of things
22 would not be provided. And I don't know if
23 that information contributed Ms. Chishom's
24 decision at all. But just the fact that it's
25 in the record at least allows the argument that



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1 improper information was considered. And so
2 the only way I know to clean that up is to
3 begin the process with another Hearing Officer
4 to -- again, I know that's not what y'all would
5 normally do, but I think given the issues he's
6 raising ---

7 **FEMALE SPEAKER:** So are we wasting our time here?
8 Are we not going to be able to talk to him?
9 What's the bottom line?

10 **MR. WILLIAMS:** Again, it's up to the board. I
11 mean, he clearly has said that his client is
12 gonna stand on his prior denial. Again, it's
13 up to the attorney, the client, and the family
14 as to whether or not they want him to testify
15 in -- so that y'all can question him as you
16 ordinarily would.

17 **FEMALE SPEAKER:** Mr. Chairman?

18 **MALE SPEAKER:** Mr. Mathison, are you saying that
19 your client is not going to speak?

20 **MR. MATHISON:** No. He is not going to speak. He is
21 currently charged.

22 **MALE SPEAKER:** Are his grandparents going to speak?

23 (Inaudible)

24 (No response.)

25 **MALE SPEAKER:** Are his grandparents going to speak?



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1 **MR. MATHISON:** Mr. and Ms. D■■■■, they may speak.

2 **FEMALE SPEAKER:** But not the child.

3 **MR. MATHISON:** No. He is not gonna speak under
4 advice of counsel.

5 **MALE SPEAKER:** But -- but we -- it's been explained
6 what we do as a Board, uphold or deny. You all
7 appealed because I assume he wants to go back
8 to school.

9 **MR. MATHISON:** Yes.

10 **MALE SPEAKER:** He wants to go back to school and
11 under advice of counsel, I understand, he's
12 still resting on what was before our Hearing
13 Officer who we delegate that authority to. You
14 all have appealed her decision and so we are
15 left -- if he's not going to testify -- we are
16 left with, I guess the grandparents speaking
17 and that's it; right?

18 **MR. MATHISON:** Well, not if you open the record. If
19 you open the record and you permit me to ask
20 question and introduce the testimony and
21 evidence that would help him meet the
22 accusations against him ---

23 **MALE SPEAKER:** That would be a hearing though.

24 **(Inaudible background comments)**

25 **MALE SPEAKER:** I just wanna -- one thing our legal



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1 counsel keeps bringing up is this remanding.
2 When I hear Mr. Shadd saying typically we get
3 we deny or uphold the appeal, but it sounds
4 like we might have another thing that we've
5 never done it before but it is an option to
6 remand it. Which means that it would begin the
7 process over again; am I hearing that correct?

8 **MALE SPEAKER:** That's correct.

9 **MALE SPEAKER:** That that's a third option.

10 **MALE SPEAKER:** And one thing I'd add -- I'm glad you
11 said that because number one, yes. That answer
12 to that question would begin the process over.
13 Part of our position would be -- I understand
14 the young man is being served now in some
15 capacity and so from a standpoint of him being
16 prejudiced by the process lingering, I don't
17 know that that would be the case. And I'm not
18 trying to offer this in a -- in an embarrassing
19 way, but I mean part of the records that's in
20 here, it includes his grades that were -- as
21 they were at the time of the hearing. And so
22 I don't think there would be any prejudice by
23 him continuing to receive services in the
24 capacity he's receiving services now if you
25 deem it appropriate to send it back to another



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1 hearing officer to again address some of these
2 he has raised as far improper documents being
3 in the record.

4 **MALE SPEAKER:** So again, I have three options
5 (inaudible) -- remand.

6 **MALE SPEAKER:** We would ask for the third option?

7 **MALE SPEAKER:** Yes.

8 **MR. MATHISON:** We are essentially proposing a third
9 option of remand in addition to the traditional
10 deny or uphold.

11 **MALE SPEAKER:** Okay. I just wanted to make sure I
12 understood what my options were ---

13 **MALE SPEAKER:** Yes.

14 **MALE SPEAKER:** --- so I knew what decision I needed
15 to make.

16 **MALE SPEAKER:** I could have said yes, but ...

17 **MR. MATHISON:** If I may respond?

18 **FEMALE SPEAKER:** I'm sorry.

19 **MALE SPEAKER:** Your actual policy on appeals says
20 that normally the record is reserved only to
21 what has come before and normally a personal
22 appearance is not granted. Now, under
23 extenuating circumstances you certainly have
24 the authority to conduct any hearings that you
25 see fit. And any hearing that you have



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1 delegated to a Hearing Officer, you have the
2 opportunity to hear de novo as a full board.
3 That means you have an opportunity to hear it
4 in the first instance as the finders of fact.

5 **MALE SPEAKER:** But even if we do -- even if we've
6 done a hearing, we would not be done in this
7 type of manner, where would have attorneys
8 cross-examining or questioning student
9 witnesses in a ses- -- in general. I mean, in
10 executive session. We would not allow students
11 to sit and be cross-examined by a witness.
12 This is not a court -- a court of law. So, I
13 understand -- and I may be mis- -- I may be
14 ignorant to some of that, but I think there's
15 some -- some differences there between what
16 could be allowed in a student hearing versus
17 what is allowed in court of law. So to bring
18 students in and allow attorneys to ask them
19 questions, and Vernie to present a side and
20 then for that student to be cross-examined by
21 an attorney, that's -- that's something that we
22 have never done. And I don't know of any
23 school district that has ever allowed that to
24 happen. Now, whether there's evidence that
25 could be resubmitted to the Board for



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1 consideration that wasn't given to -- that
2 didn't allow Ms. Chishom to make a decision,
3 that's -- opening the records up that way is a
4 different -- is a different story or a
5 different ask. Which I think it would be
6 something that could easily be, you know, be
7 well received and considered. But the fact of
8 bringing students in here who may have written
9 statements and to allow those students to be
10 cr- -- examined or interviewed by an opposing
11 attorney, I wouldn't do that to that young man.
12 If he wrote a statement about something that
13 happened, I would not allow an attorney to
14 cross-examine him in a hearing at the District
15 Office or in executive session with the Board.

16 **FEMALE SPEAKER:** Mr. Manning?

17 **MR. MANNING:** Again, I want to understand the full
18 scope of decisions that are in front of us to
19 make -- potentially make. So, I'm hearing open
20 the record. We talked about remand. And so,
21 first off, I'm not quite sure what open the
22 record means. And I don't mean to sound
23 ignorant, but I just need to understand exactly
24 what that means. The other thing is if we
25 remand, does that somehow automatically open



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1 the record? Is that a separate decision?
2 Whether we bring students in is that another
3 decision? I need to understand all of this.

4 **MALE SPEAKER:** The remand issue I will say would
5 automatically open the record, because, again,
6 you would be starting again as if the
7 recommendation had just been made just with a
8 new Hearing Officer, yes, sir, so that would
9 open the record.

10 **MALE SPEAKER:** That would take care of that.

11 **MALE SPEAKER:** And I would understand that then also
12 in the remand, the information that was shared
13 with Ms. Mazyck by law enforcement, that
14 probably should -- according to the attorney
15 should not have been shared and, therefore,
16 shared with the Hearing Officer, would be
17 removed from consideration today?

18 **MALE SPEAKER:** Correct. Although there might be
19 some information we have a disagreement about.
20 But I think there's some information we would
21 agree with him that should not have been a part
22 of the hearing.

23 **MALE SPEAKER:** Should not have been a part of the
24 case?

25 **MALE SPEAKER:** Yes.



1 **MALE SPEAKER:** So a remand -- would deal with
2 basically all the issues in front of us. It
3 would open the record, allow it to be redone in
4 a different way, which get -- which potentially
5 deals -- I say potentially deals with the due
6 process issues and ...

7 **MALE SPEAKER:** Correct. But just so we're clear,
8 we're not going to agree on the student. His
9 position is is that any students that gave
10 witness statements should be brought into the
11 hearing to testify.

12 **FEMALE SPEAKER:** No.

13 **MALE SPEAKER:** From the administration's perspective,
14 we are not going to agree with that position.

15 **FEMALE SPEAKER:** No.

16 **MALE SPEAKER:** Okay.

17 **MALE SPEAKER:** I don't want to be misunderstood.

18 **MALE SPEAKER:** No. That's okay. So that student
19 issue, again, not saying what I will do, but
20 I'm saying that's a potentially separate
21 question.

22 **MALE SPEAKER:** Correct.

23 **MALE SPEAKER:** That the Board would have to say yes,
24 we want to allow the other students or not
25 allow the other students. Or we would have to



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1 say we want the other students if that's what
2 we wanted is what ...

3 **FEMALE SPEAKER:** No.

4 **MALE SPEAKER:** You can say that. I guess -- let me
5 just put it this way ---

6 **MALE SPEAKER:** I'm not saying I will ---

7 **MALE SPEAKER:** Okay.

8 **MALE SPEAKER:** --- I'm asking whether or not -- I'm
9 just trying to understand the process.

10 **MALE SPEAKER:** Okay. I'll say it this way. On it's
11 on initiative, I think I'm speaking for the
12 administration, they are not going to approach
13 students about coming and testifying at a
14 hearing.

15 **MALE SPEAKER:** Correct.

16 **MALE SPEAKER:** You as a Board somehow direct the
17 administration to do that, at most we could
18 approach the parents of the students and say
19 this request has been made, are you agreeable
20 to it? But we couldn't -- again we can't say
21 to them there's a hearing at the District
22 Office and you have -- your child has to show
23 up and testify. That's not something we have
24 the legal authority to do.

25 **MALE SPEAKER:** Okay. And again, I'm just trying ---



1 **MALE SPEAKER:** I understand.

2 **MALE SPEAKER:** --- to understand all of the things
3 in front of me that I have to make a decision
4 about that's all.

5 **MALE SPEAKER:** I understand.

6 **FEMALE SPEAKER:** So in the meantime, with all of
7 this stuff going on, this young man is still
8 not in school?

9 **MALE SPEAKER:** He's not at Blythewood ---

10 **FEMALE SPEAKER:** I know he's being served ---

11 **MALE SPEAKER:** --- he's not at Blythewood middle, he
12 is being served.

13 **FEMALE SPEAKER:** --- I know he's being served, but
14 he's not in school where he can take full
15 advantage of the learning process and
16 instruction. He is still out of school because
17 of all this. He's still sitting at home.

18 **MALE SPEAKER:** Well, not -- again, the short answer
19 is yes. But again he's getting served but not
20 at Blythe- -- not in a traditional school
21 setting.

22 **FEMALE SPEAKER:** But not in the way he should be
23 served?

24 **MALE SPEAKER:** Right.

25 (Inaudible background discussion)



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1 **MALE SPEAKER:** But that's -- we vote on that in
2 public, right?

3 **FEMALE SPEAKER:** Yeah. Can it be done?

4 **FEMALE SPEAKER:** But we can't -- I mean if he's not
5 going to say anything, then I think this
6 hearing's done.

7 **(Inaudible background discussion)**

8 **MR. MATHISON:** I have a question. You keep
9 mentioning that the student needs to speak on
10 his own behalf. We submitted a 10 page appeal,
11 has anybody on the Board familiarized
12 themselves with that document?

13 **FEMALE SPEAKER:** Was it -- I've read the hearing.
14 I've seen the pictures ---

15 **FEMALE SPEAKER:** The 98 pages, yes. We got that.

16 **FEMALE SPEAKER:** I've seen a lot of information.

17 **MR. MATHISON:** The 10 page appeal, signed by me,
18 submitted by our office.

19 **FEMALE SPEAKER:** We've gotten that. We got -- my
20 point is that when we are here we typically
21 hear from the student. We can't conduct
22 another hearing so, at this point we're at an
23 impasse and we have to discuss what the Board
24 wants to do at this point.

25 **MALE SPEAKER:** Mr. Williams, have you all discussed



1 or discussed option three that you shared?

2 **MR. WILLIAMS:** I did. I think the attorney -- we
3 had a conversation yesterday and then we had a
4 conversation today and I mentioned someone I
5 thought might be an appropriate candidate. I
6 think because we're -- I'm not putting words in
7 Attorney Mathison's mouth, but I think because
8 of the issue about the student witnesses, that
9 was one of the sticking points that we were
10 unable to agree on. So, as a result of that we
11 decided to come forward because my proposal was
12 to agree to the remand in light of coming
13 before the Board this evening, but we were
14 unable to reach that agreement. I mean, you
15 can state your position.

16 **MR. MATHISON:** Well, it's not just the student
17 witnesses but also the law enforcement
18 witnesses. And any witness who is a fact
19 witness.

20 **FEMALE SPEAKER:** That's not what we're here for.

21 **MR. MATHISON:** We have no fact witnesses. Ms.
22 Mazyck and Ms. Carter can present what they've
23 been told, but they have no knowledge of any
24 facts in this case.

25 **MR. WILLIAMS:** And I can assure you from the



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1 administrative standpoint, we are going to
2 reach out to the officer who provided the
3 incident report and ask if -- you know,
4 sometimes there are issues on what their
5 department will allow them to do as far as
6 testifying in juvenile cases, outside of family
7 court. So I don't know what the answer is
8 going be, but we are going to approach law
9 enforcement about coming to the -- if the
10 decision is remand, we would approach law
11 enforcement about coming to that hearing.

12 **MALE SPEAKER:** Okay.

13 **FEMALE SPEAKER:** Okay.

14 **MALE SPEAKER:** Mr. Williams, madam chair ---

15 **FEMALE SPEAKER:** Go right ahead.

16 **MALE SPEAKER:** Let me see if I can -- if I can
17 understand this. This was a law enforcement
18 issue, as well as an administrative issue,
19 correct?

20 **MR. WILLIAMS:** Correct.

21 **MALE SPEAKER:** The conduct or misconduct (inaudible)
22 can do one thing, law enforcement can handle it
23 on their end and the school has to address it
24 on their end, correct?

25 **MR. WILLIAMS:** Correct.



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1 **MALE SPEAKER:** And law enforcement who feels that
2 there could be a threat to the school or other
3 students at the school, wouldn't we expect them
4 to bring that to the principal's attention?

5 **MR. WILLIAMS:** Absolutely. Absolutely.

6 **MALE SPEAKER:** Should we expect as a board and
7 administration for the principal to ignore it?

8 **MR. WILLIAMS:** No. Not if he or she wants to remain
9 employed, I wouldn't think you would want that.

10 **FEMALE SPEAKER:** Absolutely.

11 **MALE SPEAKER:** The information that came from the
12 incident reports and what have you, that the
13 principal and her staff then take to then
14 identify those students and then have a
15 separate statement done by those students, that
16 is in line with what our schools do, correct?

17 **MR. WILLIAMS:** Correct. From my perspective yes,
18 that is consistent with how your schools
19 operate.

20 **MR. MATHISON:** And my position ---

21 **MALE SPEAKER:** And this information was presented to
22 Ms. Chishom during this young man's hearing,
23 correct?

24 **MR. WILLIAMS:** Yes.

25 **MALE SPEAKER:** Law enforcement wasn't there. This



1 was information that was independently obtained
2 once it came to the principal's attention -- I
3 think maybe from a parent actually.

4 **FEMALE SPEAKER:** Yes.

5 **MALE SPEAKER:** If I remember correctly, it was
6 parent that -- it was a parent that brought it
7 to the school's attention initially, is that
8 right Ms. Mazyck?

9 **MS. MAZYCK:** The parent initially brought it to the
10 officer's attention who ---

11 **MALE SPEAKER:** Okay.

12 **MS. MAZYCK:** --- got in touch with the school
13 resource officer ---

14 **MALE SPEAKER:** (inaudible)

15 **MS. MAZYCK:** --- and then they got in touch with
16 me. So, initially, it was brought to a
17 parent's attention.

18 **MALE SPEAKER:** Okay. But then it came to a school
19 resource officer who is employed in Richland --

20 -

21 **MS. MAZYCK:** County.

22 **MALE SPEAKER:** --- Richland County Sheriff's
23 Department, but also obviously works under our
24 agreement at our schools to keep our students
25 safe and then the school resource officer



1 brought it to your attention, Ms. Mazyck?

2 **MS. MAZYCK:** Correct.

3 **MALE SPEAKER:** And then you reported. Thank you.

4 That's all I have, madam chair.

5 **FEMALE SPEAKER:** Okay. Is there anyone else who
6 has questions or needs clarification? Looks
7 like our business here is done.

8 **CLOSING STATEMENT - BY MR. MATHISON:**

9 **MR. MATHISON:** I'd like to make a closing statement
10 on that point. We requested as of February
11 14th whether or not the evidence would be open
12 for the presentation of additional evidence.
13 We tried to get that clarified earlier today.
14 That wasn't clarified, obviously. And he still
15 has not received a due process hearing and on
16 remand he cannot obtain a due process hearing
17 that will meet fundamental due process. He's
18 been out of school for -- since December 12th
19 without having received the adequate procedural
20 due process he's due under South Carolina
21 statutes, under South Carolina Constitution and
22 the Federal Constitution. And that's going to
23 be our position.

24 **MALE SPEAKER:** Is your position today for him to go
25 back to school if we approve his request?



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1 Today, rather than delay it any so- -- any
2 longer, is that y'all's position, for him to go
3 back to school if we so choose?

4 **MR. MATHISON:** If he would go back -- he would go
5 back to school if given that opportunity, yes.
6 That would be what he wanted.

7 **MALE SPEAKER:** And you ---

8 **MR. MATHISON:** There are concerns about returning to
9 this school in particular and that would be
10 based on what is pending and going on related
11 to this matter. He doesn't want to be in a
12 position where he is confronted with these
13 students in the school setting.

14 **MALE SPEAKER:** What is he asking for then?

15 **MR. MATHISON:** To be given a regular middle school
16 education opportunity. Be put back ---

17 **MALE SPEAKER:** At that same school or a different
18 school?

19 **FEMALE SPEAKER:** At another school?

20 **MR. MATHISON:** At another school.

21 **FEMALE SPEAKER:** I'm sorry.

22 **MR. MATHISON:** At another school.

23 **MALE SPEAKER:** Okay. I wasn't sure if that was part
24 of the request, but I just wanted to be -- from
25 the administration's perspective, we certainly



1 -- again, y'all know what our number one
2 request would be. But number two, we would not
3 want any situation where he's in the same
4 environment with the students who are the
5 subjects of the threatening communication for
6 obvious reasons.

7 **FEMALE SPEAKER:** Yeah. You're right.

8 **MR. J.D.:** Can I speak, just on one point? A couple
9 words?

10 **FEMALE SPEAKER:** Does anybody object?

11 (No objection.)

12 **MALE SPEAKER:** Yes, sir. Please.

13 **MR. J.D.:** I'm sitting here and y'all -- everybody's
14 accusing my grandson of doing something -- all
15 of the other witnesses, these kids, told the
16 principals and these teachers that my grandson
17 did it. But there's no proof. There's no
18 proof whatsoever. Everyone of them lied --
19 lied on the statements that (inaudible). But
20 y'all still sit here believing that my grandson
21 ought to be kicked out of school ---

22 **FEMALE SPEAKER:** Nope.

23 **MR. J.D.:** --- and that he's guilty of the charge
24 that he hasn't been convicted of. I mean, it's
25 not right. It's not right at all.



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1 **MALE SPEAKER:** Mr. D [REDACTED] ---

2 **MR. J.D.:** I don't care if you're white, black,
3 Chinese or Puerto Rican or what, everybody is
4 -- got the same business. There should be
5 equal rights.

6 **MALE SPEAKER:** Mr. D [REDACTED] ---

7 **MR. J.D.:** Just because these other kids -- these
8 other kids got plenty of money and their
9 parents got plenty of money, all these hateful
10 things being said about my grandson.

11 **FEMALE SPEAKER:** Well, I appreciate you're
12 advocating for your grandson -- you should.
13 That's your grandbaby, but we haven't made any
14 decisions. We haven't rendered a decision at
15 all. We're just here to obtain information.

16 **FEMALE SPEAKER:** And I'm going to say -- I need to
17 say this to you, Mr. D [REDACTED], you know, I don't
18 think anybody in here -- and I will only speak
19 for myself -- it doesn't matter to me whether
20 somebody is white, black, poor or whatever. I
21 -- that's not what we're about and I'm not
22 about that. And I'm sure everybody else in
23 this room is not about that. So, please don't
24 have the misconception that because these other
25 people -- and I don't know who they are -- have



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1 money that that's gonna -- that has any
2 influence over any decision that we would make
3 in here because I can assure you 100 percent
4 that it does not.

5 **MALE SPEAKER:** Madam Chair, we did this for a while.
6 Talking legalese, due process and all that. It
7 took 'till the very end to find out if as a
8 group you all want him back in school.

9 **MALE SPEAKER:** I asked that question earlier.

10 **MALE SPEAKER:** And then after more talking, it was
11 like, yes, back in school just not back in that
12 school. Had we ended five minutes earlier, we
13 would have been left with what we have and not
14 actually hearing that you all don't want any
15 further delay regardless of going to court and
16 I would imagine if we denied -- if we upheld
17 the appeal, that there wouldn't be a need for
18 any more court intervention.

19 **FEMALE SPEAKER:** No.

20 **MALE SPEAKER:** But I had to wait until the very end
21 to hear Mr. Mathison, on behalf of your client
22 say, yes, he wants to go back to school, just
23 not that particular school. And I do
24 appreciate the passion of Mr. D■■■■, but please
25 to not interpret that the questions that we're



1 asking in this unusual hearing means that we
2 have made a decision. You don't know what
3 decision we've made.

4 **FEMALE SPEAKER:** We actually like to hear from the
5 child. And the reason that we like to hear
6 from the child is is because they have a story
7 to tell. Y'all are saying this but we can't --
8 we don't know his story. We are just seeing
9 what we read. So that's why we actually like
10 to hear from the child. I know the attorney
11 probably doesn't want him to speak, but I'm
12 just going to say that that does play a big
13 part in helping us make a decision about facts
14 that we're presented on paper.

15 **MALE SPEAKER:** And I'll say this, too, because I'm
16 an attorney, this is an executive session. He
17 has -- I thought I heard that he was charged
18 so, as I understand it, our hearing is not open
19 to any prosecutor trying to find out if he may
20 have given something. Plus it's not under
21 oath. So I understand that you're saying under
22 the advice of counsel he's not going to do it,
23 but if there's any point where he is insulated
24 from speaking what he wants in terms of the
25 school, going to school, this is his



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1 opportunity to do so. I guess he gave one with
2 Ms. Chishom, but ...

3 **MR. MATHISON:** He's given statements to law
4 enforcement. He gave a statement to Ms.
5 Chishom. His statement is clear and
6 unequivocal and doesn't need to be made again.

7 **FEMALE SPEAKER:** Okay.

8 **MR. MATHISON:** He emphatically denies doing it.

9 **CONCLUSION:**

10 **FEMALE SPEAKER:** I appreciate it. Well, we don't
11 have any further business to conduct here. We
12 will ponder. Thank you all for coming in.

13 **MALE SPEAKER:** Thank you.

14 **FEMALE SPEAKER:** Thank y'all for supporting your
15 grandchild.

16 **(The hearing ended at this time.)**

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CERTIFICATE

This is to certify the transcript of the hearing consists of forty six (46) pages. This transcript was prepared by me without the benefit of my being present during the hearing. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this March 11, 2020.


Amanda J. Creel Godfrey
Court Reporter

Notary Public for South Carolina
My Commission Expires: August 17, 2021



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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2019-001603
C.A. No.: 2019-CP-40-01615

RECEIVED
MAR 18 2020
SC Court of Appeals

T.D., by and through his guardians, A.D. and J.D. Appellants

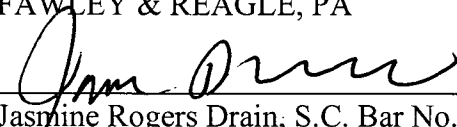
v.

Richland County School District Two Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the aforementioned **Respondent's Motion to Supplement Record on Appeal** by depositing a copy of it in the United States Mail, postage prepaid, on March 17, 2020, addressed to D. Michael Mathison, of the Richland County Public Defender's Office, Post Office Box 192, Columbia, SC 29202.

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March 17, 2020

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
MAR 18 2020
SC Court of Appeals

Re: T.D. by and through his guardians, A.D. and J.D. v. Richland County
School District Two,
Appellate Case No. 2019-001603

Dear Ms. Kitchings:

Enclosed for filing please find an original and seven copies of Respondent's Motion to Supplement the Record on Appeal and Proof of Service in the above-referenced matter, together with the \$50 filing fee. Please return the extra file-stamped copy of the motion to our office in the self-addressed, stamped envelope provided.

Thank you for your attention to this matter.

With kind regards, I am

Sincerely yours,

Jasmine Rogers Drain
jdrain@hmwlegal.com

JRD/rdf

Enclosures

c: D. Michael Mathison, Esquire (via U.S. Mail)
Vernie L. Williams, Esquire



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SC Court of Appeals

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