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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Maite Murphy, Circuit Court Judge

ERICA BUTTS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-001337

SUPPLEMENTAL APPENDIX

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FILED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLES TON

2013 JAN 14 PM 4:27 IN THE COURT OF GENERAL SESSIONS
2011-GS-10-4123

STATE OF SOUTH CAROLINA

JULIE J. ARMSTRONG
CLERK OF COURT

-versus-

ERICA BUTTS

Defendant.

MEMORANDUM IN OPPOSITION TO SENTENCE
RECONSIDERATION ON CHARGE OF HOMICIDE BY
CHILD ABUSE

Factual Background

Shanita Cunningham and Erica Butts both pled guilty to Homicide by Child Abuse under S.C. Code 16-3-85(a) on August 25, 2011 in front of The Honorable Roger Young. Both defendants pled "straight up" without any beneficial sentencing recommendation from the State.

As is often the case when multiple defendants are charged in the same crime, there was maneuvering from both camps leading up to the trial date. Both defendants' attorneys contacted The State about possible cooperation from their clients in hopes of reducing the charge. The State never entertained any possibility of a reduced charge, which is what both defendants were requesting in exchange for cooperation.

Defense Counsel for Ms. Butts contacted me early in the process about the possibility of proffering her client. The State indicated we would be happy to speak to Ms. Butts, but that we were not in a position to make any offer to her. Under those terms, a proffer was never scheduled although Ms. Gay periodically would indicate that her client didn't want a trial and that she was hoping her client could enter a plea to a reduced charge. Based on the information we had, I indicated to Ms. Butts' attorney that I was not offering a reduced

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charge. Since neither defendant indicated any interest at that time in pleading to the crime as charged, the State continued to decipher all the information and began preparing the case for a trial. Even though both defense attorneys were stating that their client was interested in a plea, it was always with the caveat of a requesting a plea to a lesser charge or negotiate a lesser sentence. The State was not inclined to make such an offer based on the evidence we had.

As the time for trial approached, both defense attorneys continued to express interest in an offer. Again, the State indicated that based on what we had, we were not inclined to make an offer. On August 4, 2011 in an email to both defense attorneys, the State indicated again that it was not in a position to make any offers to either defendant until either or both of them *completed* the proffer process. I warned both defense attorneys that the proffer process could end up working to their client's detriment. (See Attached Exhibit B Email dated August 4, 2011).

Ms. Winslow promptly indicated that her client wished to be placed on the plea docket, but she of course could not make a guarantee that her client would plead guilty. Likewise, Ms. Gay indicated that she believed Ms. Butts would plead guilty.

On the chance that either defendant backed out of the plea, both defense attorneys were given Plea Agreements in the event their client wished to cooperate after they entered the guilty plea. Ultimately, on August 25, 2011, both defendants entered guilty pleas. They were both scheduled during the same term and pled within a few minutes of each other. I indicated to both attorneys on that day, that I understood that both defendants were pleading guilty.

Defendant's Sentence is not unduly harsh

Ms. Butts' sentence is not too harsh based on the circumstances of the crime. The Court painstakingly listened to all evidence presented by both the State and the Defense attorney regarding the circumstances surrounding the death of MINOR . The facts of how MINOR died are extreme to say the least. MINOR's death was not the result of a horrible lapse in judgment on one moment with irrevocable consequences. MINOR's death was the result of repeated torture over a period of time. The photos depict what type of pain MINOR must have endured at 3 years of age at the hands of Erica Butts and Shanita Cunningham. Despite MINOR decline, Ms. Butts and Ms. Cunningham acted in their own self interest and never sought medical attention for MINOR. It was only after MINOR died, and after Ms. Butt's mother arrived at the home that EMS was contacted.

The circumstances surrounding the death of MINOR involve circumstances of torture and the killing of a child under the age eleven, both considered aggravating circumstances for possible consideration of the death penalty in South Carolina pursuant to S.C. Code 16-3-20 (1976 as amended). A life sentence was justified and appropriate in the case against Ms. Butts.

Ms. Butts is not entitled to a reduced sentence under N.C. Alford

Ms. Butts contends by and through her counsel that she is entitled to a reduction in her sentence because she entered a plea under N.C. vs. Alford. Ms. Butts did receive the dismissal of one count of Homicide by Child Abuse as part of her entering the plea. It was Ms. Butt's decision by and through her attorney to enter a plea under N.C. vs. Alford. The

State did not offer a reduced sentence, and Ms. Butts made the decision with the advice of counsel to enter the plea with the understanding that her only benefit was that the State would dismiss the second charge. At trial Ms. Butts could have been convicted for both inflicting injuries to MINOR which resulted in her death under S.C. Code 16-3-85(a)(1) and under S.C. Code 16-3-85(a)(2) for aiding and abetting Shanita Cunningham in the abuse of MINOR

See State v. Smith 359 S.C. 481, 597 S.E.2d 888 (2004).

Conclusion

The Honorable Deadra Jefferson reviewed all information provided during the sentencing by both the State, Defense Counsel and Defendant before coming to a sentencing decision. The facts and circumstances of MINOR's death and Ms. Butt's participation in those acts warrant a life sentence, and the sentence should stand.

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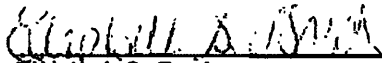
JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

Respectfully Submitted

Scarlett Wilson,
Solicitor, Ninth Judicial Circuit

By:



Elizabeth S. Gordon
Assistant Solicitor
S.C. Bar #16952

L. Randolph Waid, Ph.D.
Licensed Clinical Psychologist

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Lisa Gay, Esquire
Post Office Box 2144
Mt. Pleasant, SC 29465
November 3, 2011

RE: Erica Butts

Dear Ms. Gay:

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2013 JAN 14 PM 4:27
JULIE J. ARMSTRONG
CLERK OF COURT
BY *[Signature]*

Per your request I evaluated Erica Butts a 25 year-old, African-American female who is incarcerated in the Charleston County Detention Center and facing a criminal charge of Homicide by Child Abuse. As you well know, Ms. Butts underwent previous evaluation of her criminal responsibility and capacity to conform at the Division of Forensic Psychiatry, Medical University of South Carolina with a report being provided in March, 2011. That evaluation did not diagnose Ms. Butts with any type of psychiatric disorder. Ms. Butts was also assessed as criminally responsible with a capacity to conform her behavior to the requirement of the law at the time of the alleged acts.

You requested an updated forensic mental health evaluation of Ms. Erica Butts with regard to mitigating factors particularly the relationship with Shanita Cunningham (the co-defendant in the case). Erica Butts and Shanita Cunningham have been romantically involved since 2003 and were residing together at the time if the alleged abuse and death of the MINOR .

Ms. Erica Butts underwent evaluation on October 27th, 2011. I had available for review the report of the Evaluation of Criminal Responsibility and Capacity to Conform conducted at the Medical University of South Carolina as well as the sources of information reviewed as a part of that evaluation. In addition to clinical interview/evaluation of Erica Butts, the following source of information were reviewed and considered:

1. Letters regarding the relationship between Erica Butts and Shanita Cunningham provided by Ms. Barbara Welch (neighbor); Adrienne Carter (God sister); Camille Jones (lifelong friend); LaTonya Moore (lifelong friend); and Crystal Bullock (lifelong friend).
2. Administration of Personality Assessment (PAI), Mental Status Examination, and Multiscale Dissociative Inventory (MDI).

Based on the evaluation and review of records the following findings/opinions are provided:

1. Ms. Erica Butts was involved in as abusive/dysfunctional relationship with Shanita Cunningham who was controlling and aggressive. Per report of numerous individuals, Ms. Cunningham often was physically aggressive in her behaviors toward Ms. Butts who remained fearful and passive.
2. Ms. Erica Butts is extremely remorseful and traumatized by the death of MINOR who was the child of her best friend, Aisha. Ms. Butts is clinically depressed and has been placed on anti-depressant medication (Zoloft).
3. Ms. Erica Butts is at lost to understand the extent of wounds that were assessed as being afflicted on the victim. In particular, Ms. Butts is unaware of how the bruising/black marks that were discovered on the victim's chest could have occurred. Ms. Butts is unaware of any behaviors or actions on her part that could have resulted in any wounds to the chest area. She expressed concern that they could have been afflicted by her partner.

In closing, evaluation as well as psychological testing revealed Ms. Butts to be traumatized, depressed, and remorseful regarding the death of MINOR . If you have any questions regarding the evaluation conducted on Ms. Erica Butts, please feel free to contact me.

L. R. Waid Ph.D.

L. Randolph Waid, Ph.D.
 Licensed Clinical Psychologist
 Clinical Associate Professor in Psychiatry/Neurology, MUSC

LRW/jlf

FILED
 2013 JAN 14 PM 4:27
 JULIE J. STRONG
 CLERK OF COURT
 BY _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
) Case No: 2010-GS-10-4123

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

ERICA MAE BUTTS,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION OF
SENTENCE**

BY *[Signature]*
JULIE J. ARMSTRONG
CLERK OF COURT
2013 JAN 14 PM 4:16
FILED

Date of Hearing: November 3, 2011
Judge: Deadra L. Jefferson
Assistant Solicitor: Elizabeth Gordon, Esq.
Defendant's Attorney: Lisa Gay, Esq.
Court Reporter: Henry Young

THIS MATTER is before the Court on the Defendant's Motion for Reconsideration of Sentence filed November 10, 2011. Present at the hearing on November 3, 2011 were Lisa Gay, Esq. for the Defendant and Assistant Solicitor Elizabeth Gordon, Esq. for the State.

The Defendant entered a plea under North Carolina v. Alford before the Honorable Roger M. Young, Sr. on August 25, 2011 to Homicide by Child Abuse. As a result of entering the plea, the State dismissed one count of Homicide by Child Abuse (2010-GS-10-4182). Sentencing was deferred to allow the victim's family the opportunity to travel from Michigan to be present at the sentencing hearing. The sentencing hearing was held before this Court on November 3, 2011. The offense of Homicide by Child Abuse carries a penalty range of twenty (20) years to life pursuant to S.C. Code Ann. § 16-3-85 and is classified as violent and most serious. This Court sentenced the Defendant to the State Department of Corrections for a period of life. The Court gave the Defendant credit for time served pursuant to S.C. Code Ann. § 24-13-40 to be calculated and applied by the State Department of Corrections.

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[Signature]

The Defendant filed this Motion for Reconsideration of Sentence on November 10, 2011. The Defendant timely served the Motion on the State. The State filed its Memorandum in Opposition to Sentence Reconsideration on February 22, 2012 which was received by the Court the same day. The Defendant proposes that the sentence be reduced on the grounds that the sentence is overly harsh under the facts and circumstances of the case. The Defendant also contends the Court did not consider the fact the Defendant entered an Alford plea and, as such, entered into an agreement with the State to receive a benefit for her willingness to plead guilty. The State takes the position that a reduction in sentence is not appropriate due to nature of the Defendant's charge and the facts of the case.

STANDARD OF REVIEW

"The authority to change a sentence rests exclusively with the sentencing judge and is within his or her discretion." State v. Hicks, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct. App. 2008) (citing State v. Smith, 276 S.C. 494, 498, 280 S.E.2d 200, 202 (1981)). "A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed." Hicks, 377 S.C. at 325, 659 S.E.2d at 500. The South Carolina Supreme Court has held, "it is proper for the trial judge, in open court, in the presence of the defendant, to inquire into any relevant facts in aggravation or mitigation of punishment." State v. Cantrell, 250 S.C. 376, 379, 158 S.E.2d 189, 191 (1967).

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[Signature]

LAW/ANALYSIS

I. The sentence imposed by the Court is not unduly harsh.

The Defendant is twenty-five (25) years old, which the Court considered as a mitigating factor in sentencing. However, the victim in this case was only three (3) years old. The life expectancy of a three (3) year old female is 73.76 years, while the life expectancy of a twenty-five (25) year old female is 56.4 years. S.C. Code Ann. § 19-1-150. Thus, the victim's life expectancy is greater than that of the Defendant. While the Court considered the Defendant's age as a mitigating factor, it is outweighed by the aggravating factor of the victim's young age.

The Court also had the opportunity to review the evaluation of criminal responsibility and capacity to conform conducted by the South Carolina Department of Mental Health (SCDMH), the forensic mental health evaluation performed by Dr. Randolph Waid, and had the opportunity to hear from the Defendant and several members of the Defendant's family. The Court took all of the information it had into consideration as mitigation of punishment. In aggravation the Court had the opportunity to review the victim's autopsy photographs, photographs of the victim prior to her death, and heard from several members of the victim's family and the lead detective in the case.

The lead detective advised the Court the victim was covered in scars and lifeless when she arrived at the scene. She stated the Defendants' reports do not match what she witnessed. Based on the information and photographs presented, the Court agrees. A search of the home where the abuse occurred produced multiple broken hangers and duct tape, as well as blood, which matched the victim's, on the wall and couch. The Defendant admits to spanking the victim on multiple occasions for urinating on the floor. In the SCDMH evaluation, the Defendant stated the victim arrived in South Carolina on October 22nd or 23rd, 2009, began urinating on the floor about two (2) days later, her symptoms returned with frequency on October

[Handwritten signature]

28th, and then returned again on November 3rd, the date of the victim's passing. The Defendant admitted when she spanked the victim, she would strike her five (5) to six (6) times on the back and buttocks with a belt. During sentencing, the Defendant admitted to spanking the victim, but denied killing her. She stated she did not know the child was dying. However, in the SCDMH evaluation, the Defendant stated on November 3, 2009 they woke the victim up after putting her to bed, at which time the victim required assistance to stand. The victim was sat on the living room floor where she leaned to one side. Rather than call EMS, the Defendant called her mother to come over. During this time, the Defendant alleges the victim began breathing funny, but it did not cross her mind that the victim was passing away. The Defendant allegedly blacked out, and upon waking found the co-defendant attempting to wake the victim up with a bleach soaked towel. The Defendant's mother was the one to call EMS. Both the Defendant and the co-defendant allegedly administered CPR on the victim until EMS arrived. At sentencing, the State advised the Court the child's rectal temperature was only 82.9 degrees when EMS arrived; thus, it is likely the victim expired before 911 was called. The Defendant stated they did not call 911 sooner because the co-defendant was on probation. The Defendant's lack of urgency and concern for the victim, especially in light of the victim's declining physical state prior to calling 911, which should have been apparent to a reasonable person, is disconcerting to this Court.

As attested to by the lead detective, the story given by the Defendant and the photographs simply do not match. The photographs depict the culmination of a continual beating of the minor child over the course of her stay with the Defendant and co-defendant. Though the Court did not have the advantage of hearing the testimony of the pathologist, the photographs clearly depict old wounds, healing wounds, and fresh wounds. Despite the length of time the injuries had been on the victim's body, the most disconcerting aspect to this Court is the extent of the victim's injuries. The State's account of the severity of the abuse inflicted on the victim, given

at sentencing, was not exaggerated. The photographs illustrate a child with bruises, marks, scabs, and contusions over her entire body with the exception of the soles of her feet. The photographs also depict extensive internal bleeding and contusions on several organs including the lungs and bladder. The abuse inflicted on this three (3) year old victim was horrific and senseless. Accordingly, the sentence imposed was not unduly harsh.

II. Defendant is not entitled to a reduced sentence for entering into a plea under North Carolina v. Alford.

According to the State, counsel for the Defendant contacted the State early in the process about the possibility of proffering her client. The State indicated it would speak with the Defendant but was not in a position to make an offer. A proffer was never scheduled, but counsel periodically indicated her client did not wish to go to trial. Both defense attorneys stated their client was interested in a plea, but it was always under the caveat of a plea to a lesser charge or negotiate to a lesser sentence. The State indicated it was not inclined to make such an offer based on the evidence. On August 4, 2011, the State indicated in an email to both defense attorneys that it was not in a position to make any offers until either or both of them completed the proffer process. The State also warned both attorneys that the proffer process could work to their client's detriment.

Defendant's counsel and co-defendant's counsel indicated their clients wished to be placed on the plea docket, and on the chance either defendant backed out of the plea, both attorneys were given Plea Agreements in case either defendant wanted to cooperate against the co-defendant. However, both defendants decided to plead guilty on August 25, 2011. The State did not offer a reduced sentence or lesser charge.

For all practical purposes, an Alford plea is treated as a guilty plea. Zurcher v. Bilton, 379 S.C. 132, 136, 666 S.E.2d 224, 227 (2008). " An Alford plea—a guilty plea accompanied by an

assertion of innocence—was held to be a constitutional admission of guilt in North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed.2d 162 (1970). The Alford court reasoned that so long as a factual basis exists for a plea, the Constitution does not bar sentencing a defendant who makes a calculated choice to accept a beneficial plea arrangement rather than face overwhelming evidence of guilt.” Zurcher, 379 S.C. at 136, 666 S.E.2d at 227 (citing 400 U.S. at 38, 91 S.Ct. 160). It was the Defendant’s decision to plead under Alford, and she made the decision with the advice of counsel to enter the plea with the understanding that the benefit to be received was that the State would dismiss the second charge for Homicide by Child Abuse.¹

A trial judge may take a defendant’s decision to admit guilt by pleading guilty into consideration when sentencing, and this Court did so. However, the Court finds the evidence of aggravation outweighed all mitigating factors, and, thus, the Defendant is not entitled to a reduced sentence.

CONCLUSION

The Court finds that the Defendant has outlined no sound reason for this Court to alter its sentence. The Defendant was properly sentenced on November 3, 2011 pursuant to S.C. Code Ann. § 16-3-85. Further, the Court deems the sentence ordered is appropriate under the facts of this case.

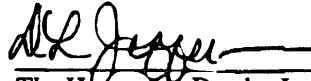
Having fully considered the Defendant's Motion for Reconsideration of Sentence, the State’s Memorandum in Opposition thereto, as well as having fully reviewed the record and the various interests balanced by the Court at the time of sentencing, the Motion for Reconsideration

¹ At trial, Defendant could have been convicted of both Homicide by Child Abuse under Section 16-3-85(a)(1) for inflicting injuries to the victim which resulted in death and under 16-3-85(a)(2) for aiding and abetting Shanita Cunningham in the abuse of the victim. State v. Smith, 359 S.C. 481, 597 S.E.2d 888 (2004).

WJF
WJF

of Sentence is hereby **DENIED** pursuant to Rule 29, SCRCrimP.²

IT IS SO ORDERED.



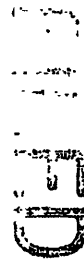
The Honorable Deadra L. Jefferson
Presiding Judge, Ninth Judicial Circuit

7/5, 2012
Charleston, South Carolina

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2013 JAN 14 PM 4:17



² This motion is disposed of without the necessity of a hearing and decided on the record and briefs. Rule 29, SCRCrimP.

6

1 were a couple and had been for several years. The
2 victim was coming for visitation, the victim, the
3 three year old.

4 THE COURT: When you say visitation, what
5 kind?

6 MS. GORDON: She was just coming for a visit
7 with her mother's friend and Erica and Shanita had
8 a child Maury, which was actually Shanita's child.

9 MINOR kind of considered Maury like a sister and
10 so she looked forward to seeing Maury who she
11 really loved. She came for a visit and planned to
12 stay for maybe a month or so.

13 On November the 3rd of 2009 there was a 911
14 call. That call was placed by Erica Butts' mother.
15 When EMS arrived they found the child to have
16 bruises, marks, scars, cuts, contusions, all over
17 her body, some fresh, some old. At the time of
18 EMS' arrival the child had a rectal temperature of
19 82.9 degrees. She had expired long before 911 was
20 ever called.

21 As the investigation continued it was
22 learned that both Shanita and Erica had been
23 spanking the child since she arrived for numerous
24 occasions of peeing on the floor.

25 Your Honor, I passed up a CD from the

1 autopsy. The autopsy indicates that this child was
2 beaten, she was beaten to death. There was not a
3 place on her body that was spared, absent the soles
4 of her feet. She had a gash to the back of her leg
5 to which Miss Cunningham admits to inflicting but
6 saying she didn't even realize she had done it.
7 The State contended if you are beating a child to
8 the point you don't even realize you caused that,
9 that there is no telling what else you could have
10 been doing to that child.

11 Your Honor, they did a search warrant of the
12 home. There was blood that matched MINOR 's on
13 the walls and on the couch, there were numerous
14 broken hangers found in the bathroom and in the
15 closets and if you have read even Shanita's
16 statement and according to Erica, these two
17 basically watched while the three year old girl
18 died. She was unresponsive, her eyes were closed,
19 they could not awaken her and instead of calling
20 for help or seeking medical attention for her they
21 tried to protect themselves and did nothing. It
22 wasn't until Erica was apparently freaking out and
23 she called her mother and when her mother came over
24 her mother said they had to call 911.

25 Your Honor, based on that, we would ask for

8

1 the maximum sentence.

2 The victim's family is here and I think they
3 would like to speak and they have provided me with
4 just some photographs of the child from just, just
5 to show what a beautiful child she was.

6 Your Honor, I failed to mention one thing.
7 When EMS arrived Miss Cunningham was gone, she had
8 fled. She had stated to police when the police
9 were calling her and telling her to come back, she
10 had stated she was leaving with Maury, she was on
11 her way to Michigan. As it turns out she had never
12 left so she was just not complying with the police
13 requests and commands to come back. Telephone
14 records indicated she had never left Charleston,
15 she was in a hotel in Ladson, she has since
16 admitted to that, she was not out of state but she
17 did lie to police and say she was already halfway
18 to Michigan and she was in Ohio. Your Honor, if I
19 may also submit the pathologist indicated these
20 injuries did not occur at one time. This was a
21 culmination of a continual beating. The estimation
22 was about two weeks, which just happened to
23 coincide with the exact amount of time this child
24 had been in Shanita and Erica's care.

25 THE COURT: I will be glad to hear anything

9

1 understand. I just seek peace of mind, I need
2 peace of mind and MINOR gave me that, if only
3 for three years. Your Honor, please, please,
4 please, I agree that the maximum sentence should be
5 imposed and I'm sorry that that is the way I feel
6 and I know, this is going to be hard on me, it is
7 going to be hard on everybody.

8 MS. GORDON: Your Honor, I think that is all
9 the family that is going to speak. I would like to
10 add, you know, sometimes we get homicide by child
11 abuse cases where the child usually has a head
12 injury when someone has lost their temper one time
13 and the child got struck or hit and it turns out to
14 be a fatal blow. This case is different. This
15 wasn't lose their temper one afternoon. This was
16 repeated conduct over two weeks. I mean, they
17 literally beat the child to death and then sat
18 around and did nothing, so every day that they beat
19 that child was another conscious decision to choose
20 their life over MINOR and we would ask you to
21 take that into consideration.

22 THE COURT: Is there any indication as to
23 why, what precipitated these beatings?

24 MS. GORDON: The only information we have is
25 just from the defendants themselves saying that she

18

1 peed on the floor and she was getting beaten for
2 having an accident. She was three, she was potty
3 trained, Your Honor, which I have spoken to the
4 pathologist, the child at the end, I don't know
5 when this injury occurred because they could not
6 date it specifically, but she had such an injury
7 and you could see it in one of the autopsy
8 photographs right above her pelvis, that it's
9 possible that she had lost control of her bladder
10 because of the beating and so their own beatings
11 precipitated additional beatings.

12 THE COURT: Is there any indication the other
13 child in the home had any problems?

14 MS. GORDON: The other child in the home gave
15 a forensic interview of what she heard happen in
16 the house.

17 THE COURT: How old was she?

18 MS. GORDON: That child I believe was seven
19 at the time.

20 MS. WOOSLEY: She was eight, Your Honor.

21 MS. GORDON: I apologize. She did not have
22 physical injuries, Your Honor. MINOR was, for
23 whatever reason, the target.

24 THE COURT: She indicated she had observed or
25 heard some of what was going on?

20

1 I got a call from my mother and father in Miami,
2 and we were at our business that night, we closed,
3 closed early because it was just unbelievable. The
4 Richardson family and Tee family, we ask for the
5 maximum. That is what we ask,.

6 MS. GORDON: Your Honor, Detective Williams
7 who was the lead detective may also want to speak.

8 THE COURT: Certainly. Oh, I'm sorry,
9 ma'am, I apologize.

10 CASANDRA WILLIAMS: Good morning, Your Honor.
11 Two years ago today a three year old was seen
12 lifeless in the hospital bed, her body wasn't
13 soiled but it was covered in scars each scar tells
14 a story of how she was beaten, whipped without
15 love, without compassion in every disregard. With
16 that being said, those pictures, those reports you
17 may read, they don't compare to what we saw. I
18 hope that you give the maximum that the court will
19 allow to these two people.

20 THE COURT: Ma'am, tell us your full name.

21 THE WITNESS: Casandra Williams.

22 THE COURT: Thank you.

23 MS. GORDON: Just so the record will reflect,
24 Detective Tiffany Snapp who also worked on the case
25 is present in the courtroom today, Summerville

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1 aggressive in her behaviors toward Miss Butts who
2 remained fearful. Now, in my practice I tried very
3 hard to expand on that to see if my client would
4 open up to me about some stuff that maybe I could
5 provide to the psychologist to help her create
6 maybe a battered woman syndrome defense. Erica
7 would never do that, she would never tell me
8 anything bad about Miss Cunningham, she loves her
9 and has loved her for years and what happened in
10 that house that day, whether they both just, I
11 think what the worst part is there is no specific
12 incident that led to death. I mean, as the coroner
13 reported, it was a history of, you know, bad
14 beatings that resulted in a little tiny child
15 being, her immune system being diminished as she
16 was being beat, but there is no specific incident
17 that you can say Erica, can you tell me what
18 happened two hours before, three hours before that
19 would have led to this child dying. There was the
20 situation where she fell in the bathtub or
21 something, there was blood in the bathtub, but it
22 is very possible that there was this big bruise on
23 the back of her head and Erica described it as a
24 fall in the bathtub and then there was an area on
25 the back of her leg which I know you have seen

1 pictures, which was horrible, looking and Miss
2 Cunningham has admitted at some point she
3 administered a beating that led to some bad injury
4 and I believe that after that point they both say
5 that they treated it with alcohol which I think
6 made the skin just, you know, degenerate or
7 something because.

8 THE COURT: I can't imagine you would use
9 alcohol, it must have been excruciating.

10 MS. GAY: They tell me, think what ended up
11 ultimately happening, it may very well be that
12 situation really diminished the child's immune
13 system. I'm not making any excuses for what went
14 on in that household in the eleven days, she has
15 never denied that she was there, that she
16 participated, but the problem is that she can't
17 give me as her defense attorney a specific beating
18 that would have led to something that looks like
19 what is in the pictures and that is the truth and I
20 have sent her to two different psychiatrists and
21 psychologists trying to see if there is something
22 that I'm missing, some kind of version of the facts
23 that I'm missing and she has admitted her
24 responsibility, she's pled guilty, she's here today
25 to beg for mercy but she's so mild and so meek and