

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID L. STEADMAN,

APPELLANT

APPELLATE CASE NO. 2020-000336

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT NO. 5 (9-1-1 CALL)
DEFENDANT'S EXHIBIT NO. 6 (FORENSIC INTERVIEW)

1 mouth, right?

2 A. I did not know about the tape on the mouth. I knew
3 about the tape on the wrists and I did not tell the
4 detectives like I should have. I withheld that information
5 from them until it was brought up by Detective Novak, I
6 believe it was, and he accused me of knowing about the tape
7 on her mouth. When I got home, there was no tape on her
8 mouth. There was only the tape on her wrists and the bed.

9 Q. So then what -- why do you -- why do you keep talking
10 about her being alive?

11 A. I wanted my daughter to be alive.

12 Q. We heard a -- we saw a jail video visit between you
13 and Cynthia. Did you have other jail video visits with
14 people?

15 A. Yes, ma'am.

16 Q. And other jail phone calls with people?

17 A. Yes, ma'am, I did.

18 Q. Do you remember your dad coming to the jail and
19 talking to you?

20 A. Yes, ma'am.

21 Q. And what did you tell him when y'all were on a video
22 visit?

23 MR. McNAIR: Your Honor, this is objectionable.
24 It's self-serving hearsay at this point.

25 THE COURT: It's what he's saying.

1 MS. ZMROCZEK: Yeah, what he said.

2 THE COURT: If it was the other way around, I would
3 sustain your objection, but the question is what did he
4 tell his dad.

5 MR. McNAIR: Right, being offered by him for him.

6 MS. ZMROCZEK: Well, they're alleging -- we're
7 allowed to talk about prior consistent statements if
8 they're gonna allege he's now fabricating an inconsistent
9 one.

10 THE COURT: I think he's allowed to say what he told
11 his dad or his mom.

12 BY MS. ZMROCZEK:

13 Q. What did you tell your dad?

14 A. I remember telling my dad something like she wasn't
15 quite dead, something along those lines.

16 Q. And that was in the video visit, right?

17 A. Yes, ma'am.

18 Q. And then about -- a short time after you pick up the
19 phone and what did you tell your dad?

20 A. It is a hard thing to -- you've got to do whenever.
21 You've got to tell the truth to your parents when you lie
22 to them.

23 Q. And what did you tell him?

24 A. He was upset when I told him that **Minor** was dead when
25 I came home. He -- he told me that I should have been

1 truthful with the cops.

2 Q. Should you have been truthful with the cops?

3 THE COURT: He can't tell what the dad said.

4 MS. ZMROCZEK: Right. Right. Yeah, you can't tell
5 what your dad said, okay?

6 THE COURT: I sustain that.

7 THE WITNESS: I should have been truthful from the
8 first interview with Detective Andaloro and I wasn't.

9 MS. ZMROCZEK: I beg the Court's indulgence.

10 BY MS. ZMROCZEK:

11 Q. Did you -- so Cynthia was arrested before you were,
12 right?

13 A. Yes, ma'am. Cynthia was arrested August 10th, five
14 days before I was.

15 Q. Okay. Did you and she have conversations on the
16 phone?

17 A. We had a conversation. It was a video visit on the
18 14th that I came up and saw her.

19 Q. And then did y'all have any other conversations?

20 A. Not -- not that I remember.

21 Q. Okay. And during -- and when you started your job at
22 Hoover, did you do the same thing every time, leave and
23 then come home about the same time?

24 A. Roughly. Yes, ma'am.

25 Q. Okay. And then you would get food?

1 A. Yes, ma'am.

2 Q. Go through your same routine?

3 A. Yes, ma'am. There would be times where I'd come home
4 and they had not eaten dinner and I would eat dinner with
5 them and there would be times when I come home and the kids
6 are already in bed and I have to make my own plate or she
7 would have my plate ready in the microwave for me just to
8 heat it up.

9 Q. So on the weekends when you come home from work -- or
10 sometimes during the summer when you come home from work,
11 would they be awake?

12 A. Yes, ma'am.

13 Q. Okay.

14 A. They stayed up later during the nighttime in the
15 summertime.

16 MS. ZMROCZEK: Okay. Please answer any questions
17 the State may have.

18 THE WITNESS: Yes, ma'am.

19 CROSS-EXAMINATION

20 BY MR. McNAIR:

21 Q. That's quite the story, Mr. Steadman.

22 MS. ZMROCZEK: Your Honor, I'm gonna object if
23 he's gonna make comments.

24 THE COURT: Ask a question.

25 BY MR. McNAIR:

1 Q. You found your daughter dead and rather than
2 immediately call 9-1-1, you took her dead body to the
3 shower and washed her off and then watched Netflix because
4 you were in shock. That's what you just testified to?

5 A. Yes, sir.

6 Q. Do you expect anybody to believe that?

7 MS. ZMROCZEK: Your Honor --

8 THE COURT: Ask him --

9 MS. ZMROCZEK: I mean, this is --

10 THE COURT: That's not a fair question. You can
11 cross-examine him.

12 I sustain the objection, Ms. Zmroczek, to the
13 question.

14 MS. ZMROCZEK: Thank you.

15 BY MR. McNAIR:

16 Q. You testified that you told your dad she wasn't quite
17 dead and that conversation was on August 21st, wasn't it?

18 A. I do not remember the date.

19 Q. Sound about right?

20 A. Yes, sir, it sounds about right.

21 Q. And prior to that when you told your dad what
22 happened, he told you you could have saved her, didn't he?

23 A. He did because --

24 MS. ZMROCZEK: Your Honor, I'm gonna object to
25 hearsay. I mean, we just had this conversation.

1 THE COURT: I think I sustained that objection.

2 You can't ask what he said.

3 MR. McNAIR: I'll rephrase it.

4 THE COURT: Okay.

5 BY MR. McNAIR:

6 Q. On August 14th, you told your wife, Cynthia, that you
7 had a conversation with your dad?

8 MS. ZMROCZEK: Your Honor, I'm gonna object again
9 to hearsay.

10 THE COURT: He hasn't asked the question yet. He's
11 -- he is characterizing which conversation he's gonna
12 question him about.

13 BY MR. McNAIR:

14 Q. That conversation with your dad was about how you
15 could have saved her.

16 A. That was not with my father. That was with her
17 father.

18 Q. Well, then why did you tell Cynthia that? Is that a
19 lie?

20 A. No, sir. That's not a lie on what was said.

21 Q. Your story today is that you found her dead, correct?

22 A. Yes, sir.

23 Q. But you did not witness any physical abuse, you didn't
24 see any bruising, you didn't know anything about sexual
25 assault, correct?

1 A. I did not notice any bruising. The first time I seen
2 bruising was at her wake, at the funeral.

3 Q. But even at the hospital that night on July 31st,
4 you're already telling the coroner that Minor plays rough
5 with her brothers. How is that relevant to how she died?

6 A. It was what -- what my wife had told me of the kids
7 fighting.

8 Q. And then on August 10th you were saying the kids were
9 fighting and Minor was hitting E.L. with a lightsaber.

10 A. Yes.

11 Q. How's that relevant to how Minor died?

12 A. That is what my wife told me the kids were doing when
13 -- during the day before I had come home, what happened
14 that day, why she was mad.

15 Q. Let's get to you now. On August 15th, you said that
16 when you were in the shower with Minor as she was dying she
17 told you she was scared of E.L. and you asked why and
18 she said E.L. hit me.

19 A. That's what I said, yes.

20 Q. So you're trying to blame E.L. for this?

21 A. No, sir, I'm not blaming --

22 Q. So why would you even say that?

23 MS. ZMROCZEK: Your Honor, if he could be allowed
24 to answer the question.

25 THE COURT: All right. I agree. I agree.

1 Sustained. Let him answer the question.

2 BY MR. McNAIR:

3 Q. And then when they confronted you with a potential --
4 or evidence of a potential sexual assault, you told them

5 **E.L.** said hold my wee-wee on the day **Minor** died, didn't
6 you, on August 1st?

7 A. That is what my wife told me and I told her to tell
8 them and she didn't, so I told them.

9 Q. That's not what you said.

10 A. That is what --

11 Q. You didn't say my wife told me that. You told them
12 that.

13 A. I just said that is what my -- I told.

14 Q. What are you trying to imply to detectives, that

15 **E.L.** caused the physical abuse, that **E.L.** caused
16 the sexual assault?

17 A. No, sir, I'm not implying anything.

18 Q. Why did you even bring that up in the death
19 investigation of your child?

20 MS. ZMROCZEK: Your Honor, I'm gonna object to
21 the relevance.

22 MR. McNAIR: Relevance?

23 MS. ZMROCZEK: Yes, relevance.

24 THE COURT: It's cross-examination. You may
25 cross-examine to what he testified to. He's not -- in

1 the charge he's got, the sexual assault, that incident,
2 he's not on trial for that.

3 MR. McNAIR: His awareness of it. His knowledge of
4 it.

5 THE COURT: Rephrase your question because that's
6 not been addressed thus far and in the testimony of
7 everyone else.

8 BY MR. McNAIR:

9 Q. Mr. Steadman, **E.L.** saw you in the shower with
10 **Minor** that night, didn't he?

11 A. Yes, sir, he did.

12 Q. And August 15th you told detectives that while y'all
13 were in the shower pushing on her sides to force vomit out
14 that **E.L.** told -- came in and told you he was done
15 picking up his toys.

16 A. Yes, sir.

17 Q. That happened, didn't it?

18 A. Yes, sir, but he was not done.

19 Q. Excuse me?

20 A. He said that, but he was not done.

21 Q. He was not done picking up his toys?

22 A. Yes, sir.

23 Q. Okay. Yeah, well, then later you said after **Minor**
24 said **E.L.** hit her that you then called him back into
25 the bathroom and at that point you asked him if he was mean

1 -- being mean to Minor ?

2 A. Yes, because I wanted to know what happened that day.

3 Q. So Minor was alive in the shower when E.L. walked
4 in?

5 A. No, sir, she was not.

6 Q. E.L. heard Minor crying, didn't he?

7 A. Minor was not crying. She was not alive, she was
8 not breathing when I came home. She may have been crying
9 earlier through the day, but she was not when I came home.

10 Q. And E.L. heard y'all tell Minor to shut that shit
11 up, didn't he?

12 A. E.L. has heard his mom say that plenty of times.

13 Q. He heard it that night, didn't he?

14 A. Yes, sir, but it wasn't to us.

15 Q. Who was it to?

16 A. When my wife heard L.L. crying from our argument
17 waking him up she yelled to shut that shit up.

18 Q. He said he heard y'all say shut that shit up.

19 A. I did not say that. My son has said a lot of things.

20 Q. What does that mean? That he doesn't tell the truth?

21 A. Not every kid tells the truth.

22 Q. Well, didn't you tell Sergeant Novak he always tells
23 the truth?

24 MS. ZMROCZEK: Your Honor, I'm gonna object to
25 that.

1 THE COURT: Don't pit the witnesses. The forensic
2 interview has been played and it's for the jury to
3 consider. Ask your next question.

4 BY MR. McNAIR:

5 Q. Now you testified you pretty much get home about the
6 same time every day?

7 A. Yes, sir.

8 Q. So your wife wasn't concerned about you finding Minor
9 tied up with tape?

10 A. No, sir.

11 Q. And you weren't shocked when you saw that, were you?

12 A. I was. She had said it, I didn't believe her. When
13 I went in there, I was shocked.

14 Q. And you testified that she removed the tape, didn't
15 you?

16 A. Yes, sir.

17 Q. In all of your other statements you said you removed
18 the tape.

19 A. Yes, sir.

20 Q. So which one is true?

21 A. She removed the tape.

22 Q. Oh, is it because you're saying it today?

23 A. No, sir, because it's the actual truth.

24 Q. Why would you lie about that?

25 A. I froze up. I should have.

1 Q. So multiple times over a two-week period in talking to
2 law enforcement you just kept freezing up about that one
3 issue, who removed the tape? You're lying right now,
4 aren't you?

5 A. No, sir.

6 MS. ZMROCZEK: Your Honor, may we --

7 (Proceedings held at the bench; not reported.)

8 BY MR. McNAIR:

9 Q. So when you got home at your normal time you found
10 your daughter taped up. Your wife didn't try to hide that
11 from you, did she?

12 A. No, sir.

13 Q. And you weren't outraged by finding your child in that
14 condition, were you?

15 A. I was mad, I was scared, I was shocked. I chose to
16 argue with her trying to find information of why she was
17 like that, how long she was there. I never got anything
18 from her.

19 Q. But you weren't outraged at your wife for that, were
20 you?

21 A. Yes, I was.

22 Q. Well, on August 14th you told her you loved her,
23 didn't you?

24 A. Yes.

25 Q. You told her she was your best friend?

1 A. Yes, sir.

2 Q. And you told her you didn't want to be with anybody
3 else. Is that outrage?

4 A. No, sir.

5 Q. So you would agree with me you weren't outraged?

6 A. On the 14th I was not outraged.

7 Q. You had already moved on past the death of your
8 daughter, correct?

9 A. No, sir. I've never moved on past the death of my
10 daughter.

11 Q. Would you agree with me that your wife, Cynthia, is
12 the one person in this world who knows as much about what
13 happened that night as you? Other than **Minor** , of course.

14 A. Yes, and I believe my son did, too.

15 Q. And when you were speaking to the one person, your
16 co-defendant who knows everything that you know, you told
17 her that you should have called a doctor?

18 A. Yes.

19 Q. You don't call doctors for dead people.

20 MS. ZMROCZEK: Is that a question, Your Honor?

21 BY MR. McNAIR:

22 Q. Do you?

23 A. No, sir, you don't call doctors for dead people.

24 Q. So she was alive?

25 A. No, sir.

1 Q. So are we supposed to believe that you lied to your
2 co-defendant?

3 A. My co-defendant has lied to me.

4 Q. I didn't ask you that. You told her you should have
5 called a doctor.

6 A. Yes, I did.

7 Q. You call doctors for people who are alive; do you
8 agree with me on that?

9 A. Yes, sir.

10 Q. You also told her you'd do anything to get the boys,
11 didn't you?

12 A. Yes, sir, I would.

13 Q. As long as nothing happened to you, you told her you
14 could get the boys?

15 A. Yes, sir.

16 Q. And, of course, if she had implicated you in anything,
17 then neither of you would have gotten the boys, right?

18 A. Yes, sir.

19 Q. Then why did you tell her after that they were still
20 investigating a sexual assault?

21 A. Because they were.

22 Q. And then there was just silence after you told her
23 that. Nobody said anything.

24 A. (No verbal response.)

25 Q. Have you ever seen somebody die from choking on their

1 own vomit?

2 A. No, sir.

3 Q. How were you able to describe it in such detail just
4 like Dr. Lamb described the other day?

5 A. I've seen my kids choke on food before, but I've never
6 seen my kids like that.

7 Q. Have you ever seen dilated pupils and breathing heavy?

8 A. I've seen dilated pupils on my daughter when I seen
9 her --

10 Q. And breathing like you have to vomit?

11 MS. ZMROCZEK: Your Honor, I would ask that he be
12 allowed to answer the question.

13 THE COURT: Let him answer.

14 THE WITNESS: She was not breathing.

15 BY MR. McNAIR:

16 Q. How did you describe it so precisely?

17 A. I had already lied to the police and fabricated the
18 story and --

19 Q. Luckily guess, I guess?

20 MS. ZMROCZEK: Your Honor, again --

21 THE COURT: Ask a question. Sustained.

22 BY MR. McNAIR:

23 Q. There are ten statements that have been put into
24 evidence and in every single one of those statements,
25 including the one to your wife and co-defendant, you have

1 maintained that when you got home **Minor** was alive, correct?

2 A. Yes, sir.

3 Q. You would agree with me that you told every law
4 enforcement officer in this case over a two-week period
5 that **Minor** was alive when you got home?

6 A. Everyone I spoke to, yes, sir.

7 Q. All right. You told your co-defendant who knows as
8 much about this as you do you should have called a doctor,
9 indicating she was alive, right?

10 A. Yes, sir.

11 Q. And then on August 14th, you even told the DSS worker,
12 Chantay Ravenell, that she was alive and you should have
13 called a doctor, right?

14 A. Yes, sir, I said that.

15 Q. And then on August 15th after being read the warrant,
16 being told exactly what you were being charged with, in a
17 written statement you admitted that she was alive when you
18 got home and you should have called a doctor, correct?

19 A. Yes, sir.

20 Q. And then after being arrested, you had a conversation
21 with your pastor, who's been sitting here in court, on that
22 same day?

23 MS. ZMROCZEK: Your Honor, may we approach?

24 (Proceedings held at the bench; not reported.)

25 BY MR. McNAIR:

1 Q. Mr. Steadman, based on your story today, that means
2 you lied to first responders while they were on-scene
3 working on your dead daughter trying to revive her, right?

4 A. Yes, sir.

5 Q. You lied to the folks at the hospital that night that
6 your daughter died. You lied to all these detectives
7 multiple times over a two-week period.

8 A. Yes, sir.

9 Q. You lied to your wife and your co-defendant, who
10 knows exactly what happened just like you do, correct?

11 A. Yes, sir.

12 Q. You lied to your father. You even lied to your dead
13 daughter, didn't you? In your written statement on
14 August 15th when they asked is there anything else you
15 think I should know, you said yes, if I could talk to my
16 daughter in any way I would tell her I'm sorry for not
17 taking action.

18 So why in the world -- what in the world would stop
19 you from lying to a group of strangers that you've never
20 met?

21 MS. ZMROCZEK: Your Honor --

22 MR. McNAIR: I've got no further questions, Your
23 Honor.

24 MS. ZMROCZEK: I think we have a matter of law.

25 THE COURT: All right. Y'all step in the jury room.

1 You can't discuss the case. I'll have you back out here
2 in a moment.

3 (Whereupon, the jury retires to the jury room at
4 4:45 PM.)

5 THE COURT: All right.

6 MS. ZMROCZEK: Your Honor, at this time I'd move
7 for a mistrial again. I'm all for advocating, but one
8 objection, two objections, three objections, five
9 objections in and then making statements and arguments
10 to a jury that is proper for argument to a jury, not
11 when a witness is on the stand, and then not even giving
12 him an opportunity to answer because he's just -- you're
13 a liar, you've lied to this jury, you're a liar. And
14 he can make that argument in closing all day long, but
15 that's not what this trial is for and that line of
16 questioning was completely inappropriate in front of a
17 jury. That's why we have the rules of evidence.

18 THE COURT: Mr. McNair.

19 MR. McNAIR: He took the stand and he put his
20 credibility at issue, Your Honor. That's a fair
21 question. He admits he lied to all these other people,
22 so that's a fair question, why wouldn't you lie now.
23 That's not inappropriate. That's not argument.

24 THE COURT: I'm not gonna grant a mistrial. I
25 don't think that's the appropriate remedy. I'm gonna

1 give an instruction to the jury that they're gonna be
2 tasked with answering questions of fact and credibility
3 is one of their key tasks to do, is to evaluate
4 credibility, and that a lawyer's emotional questioning
5 is not evidence. The responses and the evidence, the
6 testimony and the evidence is what they're evaluating,
7 not the emotional appeal of either lawyer on either side,
8 and so I think that's the more appropriate way to handle
9 this.

10 I mean, I think emotions are stepped up a little
11 bit this afternoon, so it's understandable. He's the
12 one accused, he took the stand, and I intend to handle
13 it that way.

14 MS. ZMROCZEK: Okay. And what -- are you gonna do
15 that at the end or --

16 THE COURT: I'm gonna do it when we bring them in.

17 MS. ZMROCZEK: Thank you. Because I still want to
18 have a chance to redirect.

19 THE COURT: Bring the jury back in if they're ready
20 and then we're gonna take a break after he's done.

21 MS. ZMROCZEK: After he's done testifying?

22 THE COURT: Uh-huh.

23 MS. ZMROCZEK: Okay. Thank you.

24 THE COURT: If they're ready, I want them to come
25 back and then we'll take a break. But if they're not

1 THE COURT: All right, folks. We're ready to
2 continue on and Mr. Steadman still has a few more
3 questions to answer from his attorney, but I want to
4 give y'all certain instructions.

5 Lawyers advocate for their positions and their
6 clients and certain questions are allowed, but what
7 y'all need to do is understand this, is y'all are to
8 evaluate the testimony, evidence, photographs, pictures,
9 statements. That's what y'all are doing. Not the
10 advocacy ability of the lawyers. Lawyers are lawyers
11 and they're doing their job, and we've got some really
12 good lawyers in here and they're working really hard,
13 and I respect that, but if they weren't doing that,
14 they're not doing their job.

15 Now there was a question about what he said to a
16 preacher. I want y'all to disregard that question.
17 That's not to be considered. What y'all are to
18 consider are questions that were asked and answered.

19 You may redirect.

20 MS. ZMROCZEK: Thank you, Your Honor.

21 REDIRECT EXAMINATION

22 BY MS. ZMROCZEK:

23 Q. Mr. Steadman, what you just experienced from this
24 trained prosecutor right here --

25 MR. McNAIR: Objection, Your Honor.

1 MS. ZMROCZEK: I'm done not done with my question.

2 Q. -- was that the kind of questioning that you received
3 from the investigator?

4 A. Yes, sir -- yes, ma'am.

5 Q. What? I can't hear you. Louder.

6 A. Yes, ma'am.

7 Q. Louder. Because they need to hear you because they
8 think you're lying to them. Is that how they were talking
9 to you?

10 A. Yes, ma'am.

11 Q. They didn't say we're sorry about the death of your
12 daughter, did they?

13 A. No, ma'am.

14 Q. Okay. Did they show you pictures and ask you if you
15 did this to your daughter? Did you do this to your
16 daughter?

17 A. No, ma'am.

18 Q. Well, why didn't you stop it? Why didn't you bring
19 her back from the dead?

20 A. I -- I'm not God. I can't bring nobody back from the
21 dead.

22 Q. Do you want to?

23 A. Yes, ma'am, I do.

24 Q. Did you want to?

25 A. Yes, ma'am.

1 Q. When you gave all of those statements to all of those
2 officers who weren't kindly talking to you, but yelling at
3 you trying to find out what happened to your daughter, did
4 they ask you to put your hand on the Bible?

5 A. No, ma'am.

6 Q. Did they use sarcasm?

7 A. Occasionally, yes, ma'am.

8 Q. Did they have guns?

9 A. Yes, ma'am.

10 Q. Did they put you in small rooms?

11 A. Yes, ma'am.

12 Q. Did you lie?

13 A. Yes, ma'am, I did.

14 Q. Do you know what Cynthia did to her that day?

15 A. I do not know what happened that day. I just know
16 what I saw when I came home.

17 Q. Have you listened to all the phone calls where you
18 went back and you told your dad the truth?

19 A. No, ma'am.

20 Q. Have you ever received a copy of those?

21 A. No, ma'am.

22 Q. Did you receive a copy of all your video visits or
23 just the ones that were picked out by the prosecution?

24 A. I haven't received a copy.

25 Q. So you told the truth in September. Do we have a copy

1 of that video?

2 A. No, ma'am.

3 MR. McNAIR: Objection. This is speculation.

4 THE COURT: The video is not in evidence. You're
5 not to comment on it.

6 I sustain the objection and strike the answer and
7 question.

8 MS. ZMROCZEK: Okay.

9 BY MS. ZMROCZEK:

10 Q. Do you have phone -- did you have phone conversations
11 with people?

12 A. Yes, ma'am, I did.

13 Q. Did you eventually tell them the truth?

14 A. Yes, ma'am.

15 Q. Did you receive -- did you receive any -- he kept
16 asking you about your mental state, right? He was asking
17 about your mental state on your cross-examination?

18 A. Yes, ma'am.

19 Q. When you got to the jail, what was your mental state?
20 Where were you housed when they got you to the jail?

21 A. I was put in booking and then after they dressed me
22 out, I went upstairs to a second floor in a concrete room
23 with a steel door.

24 Q. Have you ever had time to get through the death of
25 your child?

1 A. No, ma'am.

2 Q. If she were breathing or crying or talking or walking
3 when you got home, would you have called 9-1-1?

4 A. If she was breathing, talking or crying and there was
5 nothing wrong, I wouldn't have had no need to call 9-1-1.

6 Q. Okay. If she was breathing in heavy distress and you
7 felt like --

8 MR. McNAIR: Leading, Your Honor.

9 THE COURT: Sustained as to leading.

10 BY MS. ZMROCZEK:

11 Q. What would you have done if you thought your daughter
12 could have been saved by a physician?

13 A. I would have called 9-1-1 and not waited.

14 Q. And why did you lie about it?

15 A. It was -- it was a poor choice, lying. I regret it.

16 Q. How many times have you been through that before?

17 A. I've never been through that.

18 MS. ZMROCZEK: Thank you. Nothing further, Your
19 Honor.

20 THE COURT: Any recross?

21 MR. McNAIR: I'm done, Your Honor.

22 THE COURT: You're done?

23 You may step down, young man.

24 (Witness excused.)

25 MS. ZMROCZEK: Your Honor, we call Jennifer Setree.

1 (Whereupon, Jennifer Setree was duly sworn by the
2 Clerk of Court.)

3 THE CLERK: Have a seat, please, ma'am. Once
4 you're seated state your full name, spelling your last,
5 please.

6 THE WITNESS: Jennifer Setree. Last name Setree,
7 S-E-T-R-E-E.

8 JENNIFER SETREE,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. ZMROCZEK:

12 Q. Ms. Setree, where are you employed?

13 A. With Setree Investigations, LLC.

14 Q. And do you have any certifications?

15 A. I do. I have a four-year bachelor's degree in
16 criminal justice and a four-year bachelor degree in
17 psychology. I also have a certification in the
18 Cellebrite machine and how to read the -- the analysis
19 of the machine.

20 Q. Are you also a licensed private investigator?

21 A. Yes, I am.

22 Q. Did you receive -- did you receive copies of the
23 discovery in this case?

24 A. I did.

25 Q. Did you receive copies of the disc Investigator Phipps

1 discussed earlier?

2 A. Yes, I did.

3 Q. And there were files on there?

4 A. Yes, ma'am.

5 Q. On both phones?

6 A. Yes, ma'am.

7 Q. Did you go through each and every phone?

8 A. Yes, ma'am.

9 Q. Did you have an opportunity or an occasion to look up
10 Google searches?

11 A. Yes, ma'am.

12 Q. On whose phone?

13 A. On all the phones.

14 Q. Okay. Did you find anything in particular and
15 relevant to the case matter in this case?

16 A. There were several times that I would come across
17 things that were quite alarming and I would --

18 Q. And on whose phone was that?

19 A. More so Cynthia's.

20 Q. Okay. I'm gonna show you Defendant's 66 and ask you
21 if you recognize this?

22 A. I do.

23 Q. And what is this? Don't -- without reading it, what
24 is it?

25 A. That is the Google search from her phone.

1 Q. From her who?

2 A. From Cynthia. Sorry.

3 MS. MAYES: Objection, Your Honor. May we
4 approach?

5 THE COURT: You may.

6 (Proceedings held at the bench; not reported.)

7 THE COURT: All right. That's gonna be ID only.

8 BY MS. ZMROCZEK:

9 Q. Ms. Setree, were you able to look through photos on
10 the phones as well?

11 A. Yes, I was.

12 Q. And were there videos on the phones?

13 A. There were quite a few videos to sort through on -- on
14 mostly Cynthia's phone, some on -- quite a few on Sonia's
15 as well.

16 Q. Okay. And were you able to look at the -- not only
17 just the cell phones and the Cellebrite dumps, but were you
18 able to look at the Sprint phone records?

19 A. Yes, I was.

20 Q. Okay. And what are different about the Sprint phone
21 records from the regular phone -- phone dumps?

22 A. There were a few text messages that I saw on the
23 Sprint dump that were accessed that was granted on -- on
24 the phone that it was on the Sprint records that I didn't
25 see on the -- the cell phone dump essentially.

1 Q. Okay. So did you -- are these -- did you review these
2 Sprint phone records?

3 A. Yes, I did.

4 Q. And which phones are those phone records from?

5 A. These are from Lance's phone.

6 Q. Okay. Thank you. Do they go to -- how far do those
7 phone records go date-wise? Does it show any activity on
8 August 4th is the question I'm asking.

9 A. Yes, it did.

10 Q. Okay. What does it show as far as phone activity on
11 August 4th, which would be the day after his phone was
12 collected?

13 A. On August -- it does not show August 4th.

14 Q. It doesn't show on those phone records?

15 A. Correct.

16 Q. Okay. Those were produced into a different -- those
17 were not all the ones that were submitted then?

18 A. They only asked for the dates from 7-17 until 8-3 at
19 11:59 PM.

20 Q. 8-3 at 11:59 PM. What do they show on 8-3, the last
21 time the phone was accessed?

22 A. That would be at 21:38.

23 Q. Excuse me?

24 A. 21:38.

25 Q. What time is that? Nine or 8:30?

1 A. It's hard for me to count in military time.

2 Q. It's in the evening of August 3rd?

3 A. Yes, ma'am.

4 Q. Okay. So in the evening August 3rd that phone is
5 being accessed?

6 A. It shows that there's been access on the phone and
7 from Sprint, from their detail reports, it shows what the
8 codes stand for. So it shows -- like if voicemail is
9 accessed, it shows routed calls, inbound, outbound, and it
10 shows that there were five routed calls, which would be if
11 -- calls that came in that went to a -- a text message, a
12 voicemail text.

13 Q. Okay. Did it show any access to the voicemail on
14 August 3rd?

15 A. To the voicemail? Well, that would be the voice to
16 text, that would be the voicemail that you can actually --
17 when someone leaves a message on your phone, you can
18 actually read the voicemail, so that's what that would be.

19 Q. And when was that one done?

20 A. The last one was 21:38, so 21:38.

21 Q. So the voicemail was being accessed at on 8-3 at 21:38
22 and that's by looking at the phone?

23 A. Yes.

24 Q. Okay. And then also you got to view a lot of the
25 pictures and -- I'll take that back. You got to view a lot

1 of the -- excuse me -- the data as far as Sprint. It also
2 has cell location data?

3 A. Yes, it does.

4 Q. What time does it show that phone arriving back at
5 that house?

6 A. That phone, 6:58.

7 Q. On July 31st?

8 A. Yes, ma'am. On July 31st at 6:58 PM.

9 MS. ZMROCZEK: Thank you. Please answer any
10 questions the State may have.

11 CROSS-EXAMINATION

12 BY MS. MAYES:

13 Q. What do you mean arriving? What are you basing that
14 on?

15 A. The -- the information that was given from the cell
16 phone tower from Sprint.

17 Q. All right.

18 MS. MAYES: Your Honor, we have an objection at
19 this time and move to strike. She's not been qualified
20 as an expert in any type of GPS location data. We move
21 to strike.

22 THE COURT: Sustained.

23 MS. MAYES: Nothing further.

24 THE COURT: All right, folks. Remember I gave
25 you instructions about people qualified as an expert

1 because of their training and education and experience
2 and whatnot. That was not done in this witness's case,
3 so that last question is to be disregarded.

4 You may step down.

5 (Witness excused.)

6 MS. ZMROCZEK: We have no further witnesses. At
7 this time the defense rests.

8 THE COURT: Defense rests.

9 All right. Y'all step in the jury room. I'll
10 get you back out here in a moment. You can't discuss
11 the case yet.

12 (Whereupon, the jury retires to the jury room at
13 3:16 PM.)

14 THE COURT: All right. Being the close of the
15 defense case, I'm gonna let the defense make their
16 motions.

17 Mr. McNair, so Ms. Mayes can continue her
18 conversation, can you handle this?

19 MR. MCNAIR: Yes, sir.

20 THE COURT: Okay. Good enough.

21 All right. Make your motions.

22 MS. ZMROCZEK: Thank you, Your Honor.

23 At this time we would renew our motion for
24 directed verdict, but -- for the same reasons stated
25 above regarding the substantial circumstantial evidence,

1 but further, Your Honor, we would renew our objections
2 for a mistrial given the characterization of the -- not
3 only the cross -- yes, especially the cross-examination
4 in light of the way that the case has been presented, so
5 we just want to make sure that those are both on the
6 record.

7 But, again, when you look at the caselaw and the
8 substantial circumstantial evidence, you cannot
9 disregard the science versus what the client -- what
10 any person testified to, and that's the issue here.
11 The State -- what the State is asking the Court to do
12 is just ignore their science that they put up as their
13 forensic pathologist and to listen to the client, and
14 so, Your Honor, for those reasons we would strenuously
15 make that argument again under Rule 19.

16 THE COURT: All right. Understanding from the
17 State v. Hepburn case, the Court's not allowed to take
18 additional evidence from the defense case and add it
19 to the substantial circumstantial evidence side. The
20 Court's view of the testimony based upon the testimony
21 it heard from the statements provided by the parties and
22 the expert witnesses, there's a variety of behavior or
23 responses or indications of the child reacting to being
24 in distress. What levels those are, depending on which
25 statement you listen to, are varied. I don't think

1 there's a clear indication from any one witness of this
2 happened exactly at that time. There's a range of time
3 when depending on the testimony that creates substantial
4 circumstantial evidence, what happened when and whether
5 the child was choking or gagging or responding to being
6 in distress from aspiration. That's a jury question,
7 so respectfully I'm gonna deny your motion.

8 As to the mistrial motion, I believe that the
9 appropriate corrective instruction was given to the
10 jury.

11 MS. ZMROCZEK: And just for the record I still
12 have to object.

13 THE COURT: I understand that advocacy is tough.
14 It's a tough job y'all have, so. I'm impressed with
15 y'all's passion for each of your cases, so I think a
16 curative instruction was appropriate.

17 All right.

18 MR. McNAIR: Thank you, Your Honor.

19 THE COURT: Mr. McNair, y'all let me know when you
20 decide if you're gonna put up a reply. I think -- I
21 presume that's what Ms. Mayes was considering doing when
22 she was talking to somebody in the back, so we'll stand
23 at ease for a couple of minutes.

24 MR. McNAIR: Okay.

25 (Recess taken at 3:19 PM.)

1 (Back on the record at 3:38 PM.)

2 THE COURT: All right. Are you ready for the
3 jury?

4 MS. MAYES: Yes, sir.

5 (Whereupon, the jury returns to the courtroom at
6 3:39 PM.)

7 THE COURT: All right. As you know, whenever
8 you left the defense rested its case. The State has
9 an opportunity to present rebuttal witnesses or some
10 rebuttal testimony and they may do so and they intend
11 to.

12 So Ms. Mayes.

13 MS. MAYES: Yes, sir, Your Honor. The State calls
14 Detective Brian Travis.

15 THE COURT: Detective, you're still under oath.

16 BRIAN TRAVIS,

17 having been previously sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. And, Detective Travis, I believe you were qualified
21 previously as an expert in the field of location data
22 analysis from cell phone records. Can you tell us whether
23 or not your training also includes the analysis of call
24 detail records?

25 A. Yeah, that's what it -- that's the main part is

1 analyzing the call detail records and when there's location
2 information provided from them, then analyzing locations
3 after that.

4 Q. And can you tell us if your -- in your training and
5 experience if you've testified in that field in court
6 previously as an expert?

7 A. Yeah, nine times before this trial.

8 Q. I'm gonna show you those items there, which are
9 State's Exhibit 70, I believe, being the Sprint phone
10 records of the Defendant in this case, David Steadman. Are
11 you familiar with those records?

12 A. Yes, ma'am.

13 Q. Now, first of all, I want to ask you about activity
14 on August 3, 2017, after the phone had been seized by law
15 enforcement. Can you turn to the last page of those
16 records?

17 A. Okay.

18 Q. And can you tell us whether or not there is specific
19 coding and keys associated with Sprint records?

20 A. Their records are set up -- each column has a
21 different heading. They send a key that explains what
22 those are, most of them are fairly descriptive, and then
23 it will tell you the number that was calling, which is
24 either the -- if it's an outbound call, it's the number
25 of the phone records itself; if it's an inbound call, it's

1 the person that's calling them. The called number, which
2 is the number the phone actually connects to. The dialed
3 digits, which is the numbers that are dialed. The roll
4 or mobile roll is inbound, outbound or routed. The start
5 date and time, the end date and time. The duration is the
6 difference of those two in seconds. And then call type,
7 which tells you whether it's a voice call, text detail.
8 Then the next is the note ID, then the first cell and the
9 last cell, and that tells you which tower the phone is
10 being used off of.

11 Q. All right. What, if anything, can you tell us about
12 the calls that you observed beginning at the 17:40 Sprint
13 time through 21:38 Sprint time in these records for
14 August 3rd?

15 A. All those calls are routed calls. There's no location
16 information given on them. So the first thing in the first
17 column, it tells you the number that's calling to the
18 phone. At 17:40, it's 803-317-1869. Then the final three
19 calls are 803-409-9783. So those are the numbers that were
20 making the call. It was an incoming call to 803-497-2410.
21 That's the dialed digits. That's the number they typed in
22 the phone. Because the calls were routed, under the called
23 number it gives an access code, 6245000 and then 0000111,
24 which I've learned through all my cases is a code to let
25 you know that it's gone to voicemail.

1 Q. All right. So when we see routed calls on August 3,
2 2017, what, if anything, does that indicate?

3 A. That the phone was -- most likely either the battery
4 was dead or it was turned off and the call just routed
5 straight to voicemail.

6 Q. Does it mean that anyone was accessing those calls?

7 A. No. Based on the duration of the call, it wouldn't
8 even be logical that someone left a message.

9 Q. Okay. Does it mean that someone's listening to the
10 voicemails?

11 A. No. So if you were calling your own voicemail, the
12 dialed digits would be your voicemail, so this is someone
13 calling the phone and then getting routed to the voice
14 mailbox, but, again, the durations are all four seconds
15 and under and that includes the time it takes to connect
16 the call, so it's most likely it went directly to voicemail
17 and then they hung up.

18 Q. All right. And then regarding July 31, 2017, when
19 you're trying to determine the location data associated
20 with a call, what do you have to have in the phone records?

21 A. So when we get a set of phone records, they have phone
22 calls and they have text detail messages. Text detail
23 messages on Sprint records do not record tower information,
24 so we do not know where they go from. They also don't
25 present the Internet access, so the only thing we have

1 location information from is connected phone calls. So we
2 have to have a connected phone call and then it will show
3 us the first and last cell sites that it connected to.

4 Q. And I believe as to David Steadman on the night of
5 July 31st there was a connected phone call at 6:05 PM?

6 A. Yeah, 6:05.

7 Q. And then a connected phone call at 6:58 PM?

8 A. Yes.

9 Q. Did you have any connected calls in between to
10 determine the GPS location or data for that phone?

11 A. There was no location information in between those
12 times.

13 MS. MAYES: Thank you. Nothing further of
14 Detective Travis.

15 CROSS-EXAMINATION

16 BY MS. ZMROCZEK:

17 Q. Detective Travis, so that means that at 6:58 we know
18 his phone was where?

19 A. Somewhere in the south facing area of the tower at
20 Longs Ponds Road.

21 Q. And that we know beyond a reasonable doubt?

22 A. Correct.

23 Q. Okay. So anything other than that would be
24 speculation?

25 A. Correct. We do not know an exact location. We just

1 know the phone had moved from the tower in the town of
2 Lexington outbound towards the tower off of Longs Pond.

3 MS. ZMROCZEK: Thank you.

4 THE COURT: All right. You may step down.

5 (Witness excused.)

6 MS. MAYES: That's all from the State, Your Honor.

7 THE COURT: Okay.

8 All right, folks. Remember I told you some judges
9 showed me what to do eleven years ago and one thing is
10 come back in the morning, a fresh day, to do closing
11 summaries and my instructions, so that's what I intend
12 to do. We're gonna start at 9:30 in the morning, so
13 y'all be back here -- I don't know that y'all are the
14 best jury I've had coming on time, but if you're not,
15 you're in the top two. Y'all are always here very,
16 very timely and I commend you for that. I don't know
17 that y'all have had one single person late, so thank you
18 very much for that. I'm gonna make every attempt to
19 start at 9:30. You may not discuss the case yet, but
20 I'll let you know tomorrow morning.

21 Thank you.

22 (Whereupon, the jury was excused for the day at
23 3:46 PM.)

24 THE COURT: Are we gonna have a charge conference
25 tomorrow at nine or do y'all need some answers today?

1 MS. MAYES: One of the most difficult things in
2 life is to accept that which we cannot change and none
3 of us here can change what happened to **Minor** . None of
4 us can change the events of that night, but time revealed
5 the truth when **E.L.** told about that tape. The truth
6 they worked so hard to cover up and to conceal. To
7 accept the reality of her situation is even more
8 difficult because then we're faced with the reality and
9 the cold hard truth that they just didn't care. That's
10 what this came down to.

11 Under South Carolina law, homicide by child abuse
12 or neglect is defined as the extreme indifference to
13 human life. Indifference to human life. And as I stated,
14 the cold harsh reality that's been laid bare in this
15 courtroom this week is the very definition of that.
16 Indifference. They just didn't care. He had every
17 responsibility and every duty to get medical help for
18 his daughter, but he didn't do it.

19 And what we know is that she was covered in bruises.
20 The bruises he took that stand and tried to say he only
21 saw at the funeral home. He had her naked in the shower
22 that night. He knew full well about the bruises.

23 MS. ZMROCZEK: Your Honor, may we approach?

24 THE COURT: Yes, ma'am.

25 (Proceedings held at the bench; not reported.)

1 MS. MAYES: One of the reasons you heard in this
2 case about the bruises to Minor is because those bruises
3 were apparent to the naked eye. These bruises that were
4 photographed by Chandler Clardy of the coroner's office
5 the night Minor died and when she's sitting in that
6 emergency room. Those bruises would have been apparent
7 to anybody who saw Minor that night.

8 He says he had an argument with his wife about
9 calling a doctor, but you know what? He didn't do it.
10 That same phone that he could have called 9-1-1 with,
11 he used to watch Netflix while Minor laid there on the
12 shower floor. Why? Why not take action?

13 So one of the charges that Your Honor is gonna
14 give you in just a little while is about not just
15 direct evidence, but circumstantial evidence. And
16 circumstantial evidence is a chain of events that when
17 you put them together it only make sense when you look
18 at the whole chain, each link in that chain.

19 And so what we know is that no one called for Minor .
20 How do you leave this child on the shower floor without
21 the medical help that she needs? How do you leave her
22 there for that long? Every action that they have taken
23 from that very first night when fire and EMS were in
24 their living room was designed to cover up and create
25 misdirection. Every single action that they took.

1 That's what this case is really about. They let her lay
2 there, they let her die for self-preservation. Because
3 you can take that stand and say should-a, could-a,
4 would-a, but he didn't. And even later when he's having
5 that conversation with Cynthia about wanting and wishing
6 he would have called the doctor, he knew full well she
7 was alive and needed that doctor, but in the end he
8 didn't do it.

9 What would ever stop a person from rescuing their
10 own child who is in desperate need other than
11 self-preservation? And it's not just about wanting
12 to protect Cynthia because you put your child over
13 everything. **Minor** could have been saved that night, but
14 he didn't do it.

15 So when I talk about every action they took from
16 that first night on was designed to create misdirection,
17 let's look at what he was telling EMS when they've got
18 **Minor** on the living room floor. And by now she's not
19 breathing at all because she's laid there so long without
20 the help she needs, but Cynthia starts telling some
21 story right there in his presence about how **Minor** was
22 eating dinner and then she just collapsed. He never
23 tells what he knows. Every action that he takes to go
24 along with Cynthia he is adopting her actions. He is
25 part of the coverup. He is part of the misdirection

1 designed to evade responsibility.

2 And so EMS, who desperately needs to know everything
3 that happened that night, they need to know she was
4 vomiting in the shower, they need to know she had been
5 tied up, they need to know she had laid there without
6 help for so long, they didn't tell them any of that.

7 And you heard the fireman describe how different
8 this scene was from ordinary scenes he works where a
9 child is critically ill or not breathing, how frantic
10 those parents are and how desperate they are to do
11 anything to intervene on behalf of their child. He
12 described how different this was. That he had to yell
13 and raise his voice in the middle of conducting CPR on
14 **Minor** just to get a response from them about what
15 happened and still nothing from David Steadman. And then
16 when he needed a towel to prop her head up and help him
17 in that process, again, he had to raise his voice to even
18 get a response or a sense of urgency from David Lance
19 Steadman. Why?

20 And then we move onto that night at the hospital
21 with the coroner's office. Chandler Clardy, you heard
22 from him. He is as mild-mannered as they come and he's
23 devoted to his job. He, unfortunately, is in a very
24 difficult job where he deals with death on a daily basis.
25 He didn't say or do anything to cause David Steadman to

1 give some false history about his daughter. Instead,
2 David pops up on his own and what's he start saying to
3 the coroner right there? **Minor** hasn't even made it to
4 the morgue yet. She's still laying on the table in that
5 emergency room where she had been pronounced dead, and
6 you know what David Steadman does, he tells that coroner
7 she was fine, I gave her a glass of water, I changed her
8 diaper. I didn't notice anything out of the ordinary.
9 And then without even provocation from the coroner,
10 what's he say? You know, **Minor**, she plays rough with
11 her brothers. What's that for? Why's he saying that
12 to the coroner? Again, it's all about misdirection and
13 evading responsibility and covering up his own knowledge
14 and involvement.

15 So then he meets with this officer, members of the
16 Lexington County Sheriff's Department, and the lies
17 continue about how **Minor** was absolutely fine that night.
18 He gives her water, he changes her diaper. There's
19 nothing out of the ordinary. Of course he's not gonna
20 mention anything about that tape, the tape they worked
21 so hard to cover up.

22 And you know one thing about those crime scene
23 photos that were taken by Tom Smith that night while
24 they're still there at the scene? That wadded up bundle
25 of tape that had come off of **Minor**, right there, come

1 off of her wrists, made it out of her bedroom into this
2 laundry room. They took the time to do all of that
3 before even calling 9-1-1.

4 And he gave you that whole story about Cynthia now
5 takes off the tape. He'd always said it was him. In
6 every single statement he always said it was him. Now
7 he's gonna say that it's Cynthia that took off the tape,
8 but regardless we know that tape was moved out of **Minor 's**
9 room and they actually took the time to do that before
10 calling 9-1-1. Again, this is all about misdirection
11 and coverup of their involvement of this.

12 So let's talk about that very first night before he
13 even makes it to the hospital, when he's at the scene.
14 **Minor 's** been transported away in the ambulance, and
15 deputy Scott Zylstra, now detective, but he was master
16 deputy at the time, he's thinking this is a natural
17 death because, again, the misdirection. But even in
18 cases of a natural death he's gonna ask the parents hey,
19 what happened? Tell me about **Minor** . And David Steadman
20 tells him repeatedly as he stated in his report, quote,
21 I should have done more. I should have done more.
22 That's the thing he wrote in his report, he was
23 repeating as he spoke with Deputy Zylstra, I should have
24 done more. And now he takes this stand and what do we
25 hear? You know what, every statement that I ever made

1 to everybody I admitted that **Minor** was alive, I admitted
2 that I should have called the doctor, I admitted that I
3 left her there, now changes the story. Guess what?
4 She's not alive anymore. She was never alive. Because
5 you know what? That's the one and only way that he can
6 continue to evade responsibility is to now say she was
7 never alive.

8 So when you're evaluating the credibility of
9 witnesses, think about his credibility when he makes that
10 statement contrary to everything he's ever said before
11 and contrary to the evidence at the scene and contrary
12 to his own son, **E.L.** , and I'll talk about that more
13 momentarily. But that statement, I should have done
14 more, said more than once to Deputy Zylstra, that's not
15 a statement you make about a child you find deceased.
16 That's a statement you make when you know you should
17 have done more and you could have done more. And that
18 was that very first night.

19 Then he continues with the misdirection that there
20 was nothing out of the ordinary with **Minor** other than he
21 had given her a glass of water because she was thirsty.
22 Let's keep in mind that when Chandler Clardy sees **Minor** ,
23 he arrives at LMC at 11:25 PM and then he goes in to do
24 that patient exam, he starts checking her jaw, her neck,
25 her arms and legs for signs of rigor, and he talked

1 about how in his line of work he normally expects signs
2 of rigor within two hours. Well, it's been over two
3 hours. There's no signs of rigor whatsoever in **Minor** .
4 We know that when he left her, according to his
5 statements, breathing in the bathroom, we know he then
6 went and watched Netflix at 8:25. At 9:05 9-1-1 is
7 called. **Minor** was still alive at 8:25 when he was
8 watching Netflix, and I submit to you that some three
9 hours have passed. And you heard from Clardy's own
10 experience. To think that she wouldn't even have
11 initial signs of rigor in the jaw where it first begins,
12 he found that impossible to conceive.

13 So let's talk about what we've heard from Dr. Lamb.
14 Dr. Lamb is an expert in child abuse and neglect, but
15 beyond that she's pediatrician who treats critically ill
16 children and so she's aware of the process that goes
17 with respiratory distress, how the symptoms present, how
18 they manifest over time and all of the different aspects
19 of that.

20 One thing I think you never heard from any witness
21 is that **Minor** 's airway was obstructed. In fact, by his
22 own statements it would not have been because she's
23 breathing in the bathroom. She's breathing slow, she's
24 breathing hard, she needs help, she's vomiting, but the
25 fact that she's breathing tells us that her airway was

1 not fully obstructed, so Dr. Lamb talked about the
2 process of that.

3 And even that 9-1-1 call that could have and should
4 have been made from the Defendant himself, that 9-1-1
5 call as we heard the dispatcher explain, they're giving
6 instructions for CPR over the phone, they're instructing
7 how to clear an airway. So you don't wait until the
8 patient is no longer breathing to call, you call at the
9 first sign of respiratory distress, but, again, they
10 chose not to.

11 One of the things Dr. Lamb talked about is the
12 trauma to **Minor**. She talked about the different aspects
13 of that and she talked about how it should have been
14 apparent to a caregiver, but we know from the photographs
15 that Clardy took that anyone observing **Minor** in the shower
16 should have seen those injuries. We know that as time
17 went on her manifestation of symptoms would have become
18 more severe as Dr. Lamb explained. He described them
19 perfectly in his statement, didn't he? Breathing heavy,
20 then breathing slow. He described her -- them having to
21 actually squeeze vomit out of her as they had her tilted
22 over because she was unable to actually produce, she was
23 having trouble actually producing the vomit herself
24 because she was in such medical distress, and then he
25 repeatedly stated he saw every one of those signs.

1 And then what happened? He had that argument with
2 his wife about bringing Minor water. And that's one of
3 the things he has been consistent with since day one.
4 Minor was alive and he gave her water and for some reason
5 that was the source of continued conflict between the
6 Defendant and his co-defendant. He described that
7 perfectly in that statement from August 15th. He
8 described in that statement how Minor needed water, he
9 went to bring her water, and then for some reason that
10 set his wife off. He said I ask asked Cynthia to get
11 her some water and she didn't want to. We got into an
12 argument on how I always give into the kids when they
13 want things, and then he goes on to talk about how Minor
14 is continuing to be in medical distress there in the
15 shower.

16 I want you to remember something about E.L. 's
17 forensic interview. When he talked about hearing his
18 parents in the shower with Minor and then actually
19 walking in there and seeing them in the shower with
20 Minor , one of the questions was why does Minor needs a
21 shower? Because she needs to throw up. What happened
22 to the throw-up? Who cleaned it up? The shower did.
23 Those are things only a five-year-old can describe.
24 They can talk all they want about a five-year-old talking
25 about monsters and chain saws, but E.L. knows what

1 he saw that night, he knows what he heard. He heard
2 **Minor** and he heard his parents and he heard his parents
3 say -- his mom say shut that shit up. He knew **Minor** was
4 throwing up. He knew **Minor** was crying. He described
5 that they were popping her and then he says he heard his
6 mom say they were mad and he heard his mom say no. No
7 water. You see that cup of water right there on the
8 bathroom sink right where she -- right where **Minor** got
9 that shower. How is it that he can describe that
10 argument over whether or not to give **Minor** water and
11 it's the very thing he describes in detail in his own
12 statement dated August 15th? He clearly says that they
13 had an argument about whether or not to give **Minor**
14 water. You don't give water to a person who's not
15 alive.

16 Again, he knew and recognized every sign and
17 symptom of medical distress in her. And she was
18 dehydrated. You can see that from the vomit that's on
19 that floor. She didn't have the fluids that she needed.
20 When you look at **Minor** 's bedroom, we don't see vomit in
21 her bed, we don't see a trail of vomit across the floor.
22 We see all of it centered right here in the shower just
23 like **E.L.** described where they gave **Minor** a shower,
24 just like he described repeatedly in his statement,
25 she's breathing slow, she's breathing heavy, they give

1 her that shower and then try to squeeze vomit out of her.
2 They think they can help her and then just make this all
3 go away. And, again, the self-preservation. Why?
4 Because that way they can fix things with **Minor** , nobody
5 sees the bruises and they go on about their business.
6 Because one thing that's gonna happen if they do call
7 9-1-1, EMS, fire, hospital personnel, any of those people
8 that see bruises on **Minor** , they're gonna be asking
9 questions.

10 So the misdirection continues and goes on and on
11 and on. We know **Minor** had wet hair when EMS got there.
12 Of course, they're not telling everything so they don't
13 -- EMS has no idea why the child's hair is wet, why they
14 would have given her a shower. They're not telling them
15 we just had her vomit and had to squeeze a lot of vomit
16 out of her in the shower and then left her there for what
17 he calls an hour, hour and a half, whatever it was, but
18 what we know is that when **E.L.** gives that forensic
19 interview on August 7th and for the very first time the
20 word "tape" comes into this investigation, that's the
21 one and only thing that ever caused him to come clean
22 about that. They would have never ever told about the
23 tape but for **E.L.** laying the truth bare like he did.

24 Now let's take a look at the combination of evidence
25 in this case. Again, the judge is gonna charge you

1 momentarily about what's direct evidence and what's
2 circumstantial evidence. Direct evidence is something
3 that someone sees with their own eyes. Well, you know
4 who has direct evidence and knowledge of this case?
5 David Lance Steadman when he saw his daughter. Do you
6 know who else does? **E.L.** . But in addition to that,
7 there's what we call the circumstantial evidence that I
8 mentioned before and it's a chain of events that only
9 make sense when it's put together in a combination.

10 So as I stated, he's telling Deputy Zylstra that
11 night I should have done more. Again, **Minor** 's alive and
12 he knows it. The statement to the coroner's office on
13 July 31, 2017. The misdirection in stating that **Minor**
14 was fine, he gave her water. Again, we hear about the
15 water. That's an event that we know happened. It's the
16 one and only thing he's been consistent about in addition
17 to **Minor** being alive. Again, he would not be giving
18 water or bringing water to a person whose deceased. But
19 we know with that statement to the coroner's office about
20 how **Minor** plays rough with her brothers, there's no
21 reason he'd say that other than to explain away the
22 bruises that he knows are there and the reason that's
23 relevant is that plays into the neglect aspect of this
24 and why he did not call for help like any reasonable per
25 -- reasonable parent would do.

1 We know that the repeated statements to law
2 enforcement on August 1st in his own handwriting,
3 August 10th in his own handwriting, and August 15th,
4 again, in his own handwriting, all have **Minor** alive.
5 Now what's important about that is these statements
6 are made with him knowing that this is a police
7 investigation. If there was ever a time to say oh, you
8 know what, when I got home she was already dead, so I
9 don't know anything about this. I can't tell you
10 anything. She's been dead since the moment I got home.
11 You would have made that statement I submit to any one
12 of these law enforcement officers that interviewed him
13 along the way if that had been true, but it's not. So
14 he knows that this is a child abuse and neglect
15 investigation and he admits to them **Minor** 's alive on
16 August 10th in his own handwriting. He admits she's
17 still breathing in the shower, but he left her.

18 On August 15th, not only does he admit that she's
19 still breathing in the shower and that he left her, but
20 in this statement he goes out of his way, again, to
21 continue to try and blame **E.L.** for any bruises or
22 injuries that **Minor** may have.

23 MS. ZMROCZEK: Objection, Your Honor. May we
24 approach?

25 (Proceedings held at the bench; not reported.)

1 MS. MAYES: You have his statement, you have his
2 statement that is in evidence, and what we know is that
3 in his own handwriting he repeatedly goes through the
4 events of that night and that by August 15th when he's
5 talking about **Minor** being in the shower, he says that she
6 looked scared and that she tells him **E.L.** had hit her
7 with a lightsaber, okay? That is in his own handwriting
8 and that is in evidence for your consideration when we
9 talk about what his real motives are here and why he did
10 not report this.

11 So when we talk about how long **Minor** was in the
12 shower, that is a question this officer and another
13 officer asked him pointblank, how long was **Minor** in the
14 shower until Cynthia called you telling you that **Minor**
15 was not breathing, and his answer was one point five
16 hours. Again, he's guessing, he's estimating because
17 you know what he's doing? He's watching Netflix. How
18 long was **Minor** in the shower naked? He says, again,
19 about one hour and forty-five minutes. Why did you not
20 call 9-1-1 when you found **Minor** taped to her bed with
21 vomit on her and breathing slowly? His answer: I did
22 not call **Minor** -- when I found **Minor** because I wanted
23 answers from my wife and she was telling me there was
24 nothing wrong with her and then I wanted to take her to
25 the hospital after we argued. I assumed she would take

1 her the next day. Question: Did you feel like Minor
2 was having a serious medical problem? Answer: Yes.
3 Question: At what point in time on July 31st did you
4 feel like Minor was having a serious medical problem?
5 Answer: I felt like Minor was having a serious medical
6 problem when she was in the shower not being able to
7 hold her body upright and her head upright. Question:
8 Did you call 9-1-1 at that time? Answer: No, I didn't.
9 Question: Who called 9-1-1 and how long was it? He said
10 I told Cynthia to call 9-1-1 on my phone because it was
11 closest to her at that given moment, and he estimates
12 that's about an hour and thirty to forty-five minutes
13 later. Question: When you carried Minor to the shower,
14 was she alive? Yes. Question: When Minor was in the
15 shower, was she alive? Yes. Do you believe Minor would
16 still be alive today if you called 9-1-1 when you found
17 her breathing slowly? Answer: Yes. Is there's anything
18 else that you would like to tell us and in his own
19 handwriting he writes yes, if I could talk to my daughter
20 in any way, I'd tell her I'm sorry for not taking action.
21 Those are his words to his daughter and now he wants to
22 backtrack on that to evade responsibility.

23 Let's talk about that statement to Chantay Ravenell.
24 And one of the reasons that statement is important is
25 because it's not to law enforcement, it's not to the

1 coroner's office. This is a statement that he
2 voluntarily makes when he goes into that DSS office by
3 his own choice voluntarily as Chantay told you about.
4 That first grade teacher, that DSS worker, you think
5 she's saying or doing anything to coerce a statement out
6 of David Lance Steadman? Absolutely not. Again, she is
7 as mild-mannered and professional as they come and she
8 looks at him and says tell me what happened with **Minor** .
9 This was August 14th, the day before he gets arrested.
10 He tells her the same story; that **Minor** was off, that he
11 took **Minor** to the bathroom to get her cleaned off, and
12 that at some point he and Cynthia got into an argument
13 and he wanted Cynthia to call a doctor and was hoping
14 she would take **Minor** to the pediatrician the next day.
15 Then he goes on to say he thought **Minor** was just sick.
16 He told her, like he told everyone else, that he gave
17 **Minor** water, but then after they had a fight he went
18 outside and then he watched Netflix with **L.L.** . He
19 ended by saying that the biggest thing now is that he's
20 having trouble sleeping because he knows he should have
21 called a doctor sooner.

22 And just as he was questioned about yesterday with
23 that video call to his co-defendant on August 14th, the
24 same statement, I wish I would have called the doctor.
25 And one of the questions he got on that stand is but

1 you don't call a doctor for dead people, do you,
2 Mr. Steadman. No, you don't, which he admitted.

3 There's no people who know more about what happened
4 that night than David Steadman and his co-defendant,
5 Cynthia Lopez. **Minor** knows, but **Minor** isn't here.
6 Those two people talking to each other about their own
7 actions, their own coverup, they talk about the lies
8 they had told, withholding information and evidence
9 like about the tape, and then when he says to her I just
10 wish I wouldn't have listened to you, would have called
11 a doctor sooner, that is undeniable truth, ladies and
12 gentlemen, because it's between the two people who
13 absolutely know what happened to **Minor** .

14 **E.L.** we've already talked about, but we know
15 that the things that he witnessed were corroborated by
16 the evidence at the scene. We know what the shower
17 floor looks like and we know how much vomiting occurred
18 in the shower. Again, a dead person is not going to
19 create this evidence on the shower floor.

20 We know from Detective Mike Phipps that did that
21 phone analysis that at 8:25 PM he accessed Netflix and
22 the one thing he, again, was consistent about in his
23 written statement, which you'll have in evidence, is that
24 he goes to watch Netflix after leaving **Minor** in the
25 shower, he believes she's breathing, and after that

1 that's when he's alerted from his wife for the first
2 time that she's not breathing. So his statement was
3 sitting there watching Netflix and when Cynthia alerts
4 him that **Minor** isn't breathing only then do they call
5 9-1-1, but he asks Cynthia to make the call and she
6 makes it on his phone. Well, we know that happened
7 because as Detective Phipps confirmed that 9-1-1 call
8 at 9:05 was made from his phone. So that's the time
9 that we're talking about, between 8:25 and then that
10 9-1-1 call at 9:05, but we know by all accounts and even
11 by the 9-1-1 call they have just learned **Minor** isn't
12 breathing.

13 He goes next door and gets his mother-in-law who's
14 wearing a towel, but comes over and tries to help
15 anyway. So was his story -- now when you consider his
16 credibility, is his story now that he only runs and gets
17 his mother-in-law is some type of charade and that 9-1-1
18 call is all some type of charade and he's actually known
19 she's been dead since, what, before 8:25 and he just
20 watched Netflix and he gave a shower to his dead daughter
21 and then changed the diaper of his dead daughter, does
22 any of that sound reasonable -- credible? I submit it's
23 not.

24 The law in this case is actually very simple. When
25 we talk about homicide by child abuse what it's not,

1 and what he's not charged with, is murder. That means
2 we don't have to prove -- the State does not have to
3 prove any type of premeditation. The State does not
4 have to prove what's known as malice aforethought and
5 sometimes seen in charges where there is an intentional
6 murder. What this crime is about is child abuse or
7 neglect and the judge is gonna charge you momentarily
8 on all the different elements of that. And you'll also
9 get a charge on what's known as intent, but when we
10 talk about intent it can be a reckless and willful
11 abandonment of duty, negligence, and that's what's led
12 us here. This charge of homicide by child abuse as it's
13 written in our statute is when one causes the death of
14 a child by abuse or neglect, and that's the key aspect
15 of this, causes the death of a child under the age of
16 eleven while committing child abuse or neglect, and the
17 death occurs under circumstances manifesting an extreme
18 indifference to human life. That's the statute. Neglect
19 causes the death and I submit here it did.

20 Then we heard the testimony of Dr. Lamb, the
21 pediatrician, who went into great detail about how
22 respiratory distress, aspiration, partial airway
23 obstruction, all of these things can be treated
24 successfully by a pediatrician who knows because she
25 works in an emergency room and treats critically ill

1 children, children can be saved from this type of
2 obstruction, but there has to be action.

3 Now I'm sure you're gonna hear a lot momentarily
4 from defense counsel about that death certificate where
5 the death certificate says there was tape on the mouth
6 and then asphyxiation and then death. So let's keep in
7 mind that's a death certificate, that's a document, and
8 I submit to you like any other document in a homicide
9 case, if you've got a gunshot wound it's gonna say
10 homicide. How? Lacerated lung. How? Gunshot wound.

11 What the death certificate's never gonna say is all
12 the details that go into that; how long someone's gasping
13 for air, how long someone's bleeding out from a gunshot
14 wound. That's not what the death certificate is about.
15 And we know that that tape on **Minor** 's mouth was the first
16 event in the chain of sequences that occurred thereafter.
17 We know that, but as Dr. Ross said, homicide as a manner
18 of death includes action and inaction. And so that tape
19 was the snowball that continued to roll and then we end
20 up in a situation where a four-year-old is ignored by
21 both parents, in severe medical distress, for no reason
22 other than extreme indifference to human life.

23 Now the second part of the statute that the judge
24 will charge you is the definitions portion and these are
25 the definitions that our legislature has created for

1 this offense. Child abuse or neglect means an act or
2 omission, and the omission is the inaction, the failure
3 to act, the negligence, by any person which causes harm
4 to the child's physical health or welfare. Was **Minor**
5 harmed by inaction? Absolutely. Harm to a child's
6 health or welfare occurs when a person fails to supply
7 the child with adequate food, clothing, shelter or
8 healthcare, and the failure to do so causes a physical
9 injury or condition resulting in death. Again, it's the
10 inaction of both parents.

11 One of the things that the judge is gonna charge
12 you about momentarily when we talk about the law is
13 proximate cause, okay? So proximate cause goes beyond
14 just the tape. As I said before, that's the snowball
15 that then continues to roll. And that charge from Your
16 Honor is gonna include that a Defendant's act may be
17 regarded as a proximate cause if it is a contributing
18 cause of the death of the victim. The fact that other
19 causes also contribute to the death of a victim does
20 not relieve the Defendant from responsibility. The
21 Defendant's act need not be the sole cause of the death,
22 but must be a proximate cause contributing to the death
23 of the victim. So it's not an either or scenario where
24 only one of them can be charged. They're both charged
25 under the law and as the State has proven, they're both

1 guilty of homicide by child abuse, and in the case of
2 David Steadman neglect, homicide by neglect.

3 Your Honor's gonna charge you on intent and what
4 I'll say briefly about intent is that you judge intent
5 from one's actions. You can never get into someone's
6 mind to know exactly what they're thinking, what their
7 motives may be, what's causing them to make the
8 decisions and the poor decisions that they make, but
9 criminal intent can arise from an action or a failure
10 to act. It may arise from negligence, recklessness or
11 an indifference to duty. And, again, that's exactly
12 what we're dealing with here in this case with **Minor** .

13 Through his own words he has told us repeatedly
14 **Minor** was alive and she was breathing until there was
15 nothing left in her to fight, and I ask you to remember
16 that when you think of **Minor** and when you go through
17 this evidence and all of the evidence that is before
18 you, remember the way that he described her as she
19 struggled to take each heavy breath and then remember
20 the skin and the bones which you see in these photographs,
21 the long agonizing fight to the end because **Minor** fought
22 to live that night.

23 A crime of this nature cannot be tolerated in our
24 society in a humane world. A parent cannot refuse to
25 aid their child when they need them the most. That's

1 what David Steadman did that night. Why? We don't
2 know. Why he refused to help her helpless body, her
3 helpless soul, we don't know, but let this be the last
4 time a child dies from neglect in their own home. The
5 correct verdict in this case is guilty of homicide; as
6 to David Steadman, homicide by child abuse, neglect --
7 a form of neglect.

8 Thank you.

9 THE COURT: Ms. Zmroczek.

10 MS. ZMROCZEK: Thank you, Your Honor. May it
11 please the Court?

12 THE COURT: Yes, ma'am.

13 MS. ZMROCZEK: Good morning. I -- last night I was
14 driving home in tears because I put him up there and I
15 let him be yelled at by a very skilled prosecutor, and
16 don't get me wrong, Mr. McNair and I do this all the
17 time, and we're both very passionate, and -- and have
18 had many conversations, but the conversation that I'm
19 gonna have is with you and with you to answer this one
20 question. Why are they ignoring the fact that their
21 own pathologist said that death from this tape that they
22 don't deny Cynthia Lopez put on that child between 5:30
23 and 6:00, death from the expert testimony from this
24 witness stand happens in seconds to minutes?

25 Why are we here? Why? Why are we here for David

1 Steadman? Because he obstructed justice, because he
2 lied. Charge him with all of those things because of
3 those he is guilty, but what he is not guilty of is
4 putting tape on precious **Minor** . And I love the picture
5 that they use, the one that I put in from the day before.
6 They want to regale you of tales of bruises and whatnot.
7 Every time that they do that, I'm questioning you what
8 does that have to do with the seconds to minutes in which
9 Cynthia killed her?

10 They don't deny that he came home at 6:58. That he
11 was home at 6:58 PM. 5:00 or 5:30. I'll even give them
12 -- one statement says five to six, one says 5:30 to 6:00.
13 I'll give them 5:30, I'll give them 6:00, because there
14 is no way -- there is no way that she survived from 6:00
15 to 6:58 with this tape -- this tape on her mouth while
16 she's vomiting. I'm not gonna stand here and talk about
17 how many times he lied. I can't change that.

18 You know, I was watching the -- I really try not
19 to watch the news, but I was watching the news last night
20 to really get my mind off of this because I was kicking
21 myself because I let my client get yelled at. I shouldn't
22 have done that, but I did. So I get up, turn the news
23 on to try to redirect my brain, and Judy Gaston is on
24 there and she's talking about another tragedy.

25 MS. MAYES: Objection, Your Honor. Relevance.

1 THE COURT: I agree with that. Keep moving. I
2 understand. Keep moving.

3 MS. ZMROCZEK: The point of the story is this.
4 The point of the story is a family doesn't react the way
5 that we expect them to, so they must have done something
6 wrong. And the point is this. He didn't react the way
7 that they or anybody expected him to when he comes into
8 a situation where he finds his child is dead. And he
9 never knew about the tape on the mouth. You know why?
10 Because she took the tape off the mouth. Not the roll
11 that he took -- that he or she took off from her wrists
12 and put on the counter. This was buried in the backyard
13 in the trash. Because remember if we want to talk about
14 how credible **E.L.** 's statement is, and what's **E.L.**
15 say, my mom puts tape on **Minor** , and covers her mouth,
16 and mom comes in -- does anybody come in after that?
17 Yeah, mom. Do you know why? Because she took the tape
18 off because by that point the kid had vomitus so deep in
19 her lungs and -- and I'm still as the trial's going on
20 trying to figure out what strategy the State was gonna
21 use because in the opening it was we don't know who
22 inflicted those injuries. In the closing, it's he lied,
23 he lied, he lied. She was alive. None of those -- none
24 of those prospects cover the scientific evidence that we
25 can't overcome. It's like arguing with a flat Earth --

1 a flat Earth believer. They're gonna lie or believe
2 what they want to believe all day that the Earth is
3 flat.

4 MS. MAYES: Objection, Your Honor, to that -- to
5 that reference and move to strike.

6 THE COURT: Y'all are both required to argue the
7 facts presented in the trial, summarize them. And
8 y'all both have different views. That's what the jury
9 decides, questions of fact. Lawyers's arguments are
10 not evidence, they're arguments, and so both -- I've
11 sustained objections for both ways and so continue on,
12 but let's keep within the evidence and facts presented.

13 MS. ZMROCZEK: The evidence that's presented is
14 that she died -- the evidence that they presented and
15 that I had to call their pathologist back to talk about
16 the death in the belly that had been growing. It wasn't
17 because the air was pushed down from some valve bag
18 mask, it was because she was dead and that the gut was
19 continuing to create this facade just like they saw --
20 and this happens when the EMS people saw it, this
21 happens when the fire people saw it, because she was
22 dead.

23 You can argue all day that he lied and I will not
24 disagree with you. He lied because he wanted that to
25 be true. Maybe he didn't think that the police would

1 believe him, you know. We don't believe you. That's
2 convenient because if you say she's dead, then you can't
3 be guilty. Well, if you say she's alive and you didn't
4 save her, well, oh, but now she's dead you can't be
5 guilty. They're not gonna believe him either way
6 because the fact of the matter is, is that he walks in
7 to the one child that he'll never see again and he didn't
8 react correctly.

9 I've looked and looked and looked and tried to find
10 out how he was supposed to react to this. How was he
11 supposed to react? Well, he was supposed to walk in the
12 door and -- and check it out. And let's take their
13 argument even further, ladies and gentlemen. Let's take
14 the argument that when he came home at seven somehow she
15 was still alive even though she had that tape on her
16 mouth and was vomiting and it went so deep into her lungs
17 that it caused death within -- she stopped breathing
18 within seconds and death within minutes.

19 But let's talk about if he would have walked in at
20 seven and unlike any other day in his normal world he
21 would just go straight to the back. If he would have
22 picked up her body right then, threw it in car and she
23 was dead before the end of Nazareth Road, is he still
24 guilty? No. Because the cause of death is not what he
25 did or didn't do. The cause of death is Cynthia Lopez

1 putting that tape on the child's mouth and that's -- I
2 can argue until I'm blue in the face, but the fact of
3 the matter is this doesn't happen -- this doesn't happen
4 without Cynthia Lopez putting the tape over her mouth
5 and killing her. That's how this happened.

6 You heard -- I've even asked Dr. Ross would you
7 expect anyone in that condition to be able to walk.
8 Even -- even Dr. Lamb said they wouldn't be able to walk.
9 They both said this would have occurred within minutes.
10 Now Dr. Lamb tried to increase it to thirty minutes,
11 and I'll even give her thirty minutes, because it still
12 doesn't cover the time when Lance was there.

13 We filed what we called a defense of alibi. Alibi
14 is simply a Latin word meaning somewhere else. Right
15 now every one of you has an alibi from work or from
16 school or from home or from what you'd be doing and
17 that's -- sometimes that word has a negative connotation,
18 but it's not. It's simply an alibi. You're not somewhere
19 else because you're here. He was not there when Cynthia
20 Lopez killed his child because he was at work and driving
21 home.

22 Maybe -- I suspect the State's gonna have an
23 opportunity to get up and rebut my arguments, and I'll
24 tell you, ladies and gentlemen, it's the hardest time
25 for a defense attorney because I don't get to come up

1 and I don't get to have the last word because the
2 burden's not on me, the burden's on them. I don't get
3 to come up and say but, but, but what about this, but
4 what about this, so I suspect that the State may come up
5 and argue that that tape didn't kill her because now she
6 has a tiny little hole from which to breathe. And -- and
7 I had my tape that I started with in opening and I was
8 gonna place it over somebody's mouth and nose just while
9 I did my closing. I suspect that they wouldn't have
10 lived through that, but also it wouldn't have accounted
11 for the vomiting because she stuffed this child full of
12 beans and as Dr. Ross told you it went so deep into her
13 lungs, we're not talking choking, we're not talking
14 obstruction, we're talking so deep into her lungs that
15 it killed her within minutes. Well, you how do you
16 explain the vomit on the floor? I suspect that when
17 she took the tape off and then he finally gets her out
18 from that distressing -- or she gets her out from that
19 distressing angle from the bed and that vomit that
20 didn't have anywhere to go when she was sick. Of course
21 there's no trail of vomit because she wasn't walking,
22 so there's no trail of vomit. The only way that that
23 stuff comes out is because he pushes it out because it
24 couldn't come out before and she has no reflexes at this
25 time.

1 Ladies and gentlemen, I could argue all day. There
2 are things that I agree with with Ms. Mayes' opening,
3 and that is that you accept the things that you cannot
4 change. He could not change that she was dead.
5 Did he want to? Absolutely. Did he do the right thing
6 or the wrong thing? I don't know what the right or wrong
7 thing to do is in that situation, so let's say no. Did
8 he cause in any part the death of his daughter, **Minor**
9 Lopez? No. There's nothing that you can change. I
10 agree. I agree with that statement. There's nothing
11 that he could have changed that would have changed the
12 cause of her death within seconds to minutes, which is
13 this tape with Cynthia Lopez's fingerprints on it,
14 which they don't deny occurred sometime between 5:30
15 and 6:00. I don't disagree with that.

16 The last thing that -- that Ms. Mayes said is that
17 time reveals the truth. I agree. I agree with her 100
18 and 110 percent time reveals the truth and that time
19 comes from their expert witnesses, seconds and minutes,
20 the scientific evidence of the vomit in the bottom of
21 her lungs. We cannot change that. Sure, if he could go
22 back and change the lies that he gave, would that bring
23 her back? No. The only thing that would bring her back
24 is nothing.

25 Giving some emotional verdict, which is what the

1 State is asking you to do because of this poor, poor
2 child's death, and I agree this death is tragic, it is
3 tragic, but it is not criminal as to -- as to Lance.
4 It's just not.

5 The judge is gonna talk to you about presumption
6 of innocence and he talked to you about it in the
7 beginning and -- and he's gonna ask that you hold that,
8 that right now Lance is still innocent, and unless and
9 until the State proves that she didn't die from tape over
10 her mouth while she was vomiting, he remains innocent.
11 He's gonna talk to you about the reasonable doubt and the
12 burden and how it's the highest burden in -- in criminal
13 justice and jurisprudence, and it's done that way for a
14 reason, because the State is taking -- looking to take
15 the liberty of one of us, of a human being, and in order
16 to do that they have to prove to you no matter how hard
17 it is, they have to prove to you that she was alive
18 after Cynthia Lopez put this tape on her mouth and
19 stuffed her full of beans, and to do that they have to
20 prove to you -- they have to prove to you that they have
21 overcome any reasonable doubt that the vomit in the
22 bottom of her lungs caused death within seconds to
23 minutes. They have to disprove that to you. They have
24 to say no, that wasn't true. She was alive because he
25 said so. They have to prove to you that she was alive

1 when he got back to her room, not when he came home,
2 which I submit she wasn't, but when he went back to the
3 room that's the point that they have to prove to you.
4 So from 5:30 or 6:00 to 7:00 or 8:25 or 8:15 or whenever,
5 all of that time she was alive. That's what they have
6 to prove to you. Well, his statement says she was alive.
7 That's not proof. They've already called him a liar,
8 but they want you to believe that part. It's the 5:30
9 to 6:00.

10 I suspect that the defense is going to come
11 up and they're gonna shove this death certificate in
12 your face -- and not throw it in your face. Thank you.
13 Ladies and gentlemen, they are correct. I am going to
14 show you the death certificate. It's not just a piece of
15 paper. Ladies and gentlemen, it is an official document
16 with the official causes of death. Asphyxia, aspiration
17 of vomitus, immobility, restrained to bed with tape.
18 Remember the other things that Dr. Ross told you about
19 when I asked her about the arms being over, would that
20 affect it, she said that would speed it up. Remember
21 the dysphagia, the problems with swallowing. All of
22 these contributed to her death and they contributed to
23 it because Cynthia Lopez, fingerprints right here,
24 Cynthia Lopez takes this tape and puts it over her
25 mouth.

1 And, ladies and gentlemen, as much as we want to
2 be mad at Lance for not calling 9-1-1 and as much as we
3 want to be mad at him for not doing the right thing, he
4 did not cause the death of this child. You cannot
5 overcome the science.

6 If they had put witnesses up here, expert witnesses,
7 scientific witnesses, to say no, she survived, she
8 survived with that tape over her mouth with her belly
9 full of beans, if they had done that, ladies and
10 gentlemen, I wouldn't stand here arguing it, but they
11 haven't done it. They can't prove it. They can't prove
12 it because it's not true. What is true is that she died
13 when Cynthia Lopez -- within minutes, within seconds --
14 within minutes of that tape sitting over her mouth and
15 that's -- and, unfortunately, that's the truth and he
16 lied about it. But his lies do not change of cause of
17 her death. Bruises have nothing to do with this. They
18 want you to somehow equate that makes him look bad.
19 Talking about blaming **E.L.** , that has nothing to do
20 with this. What this has to do with is that she placed
21 tape over her mouth and she died within seconds and
22 minutes and he didn't call 9-1-1 because, ladies and
23 gentlemen, describe how injury occurs, restrained to bed
24 with tape over mouth. That's how the injury occurred.
25 That's what caused the death and because of those things

1 and because they cannot overcome beyond a reasonable
2 doubt and prove to you that she was alive, the just
3 verdict, the legal, correct verdict, is not guilty.
4 And let them -- let them get Cynthia for murdering her
5 child, but don't let them bring Lance down just because
6 it's emotional because it's not proven.

7 Thank you.

8 THE COURT: Ms. Mayes.

9 MS. MAYES: May it please the Court, Your Honor?

10 THE COURT: Yes, ma'am.

11 MS. MAYES: So I'll be brief. In response to what
12 defense counsel just said, reasonable doubt does not
13 require the State to prove every single aspect of the
14 case, especially when there are no witnesses such as
15 **Minor** who can come in here and tell us what happened.
16 **Minor** was there every step of the way, but we'll never
17 know. We'll never know what **Minor** could tell us. So we
18 have to rely on his own words. His own words where he
19 admitted time and time and time again that **Minor** was
20 breathing even after he knew what he was charged with.

21 So in response to that let me say the State is not
22 ignoring anything. The State has fully considered every
23 single statement that he made along the way, as well as
24 the evidence at the scene which absolutely corroborates
25 that **Minor** 's vomit, not just in a couple of clumps there

1 in the shower, was scattered all over the shower and
2 even visible in the drain as Tom Smith told you about.
3 She was alive in that shower exactly like E.L.
4 described. Exactly like he told us.

5 Justice doesn't mean that one creates misdirection
6 and then evades responsibility. Justice doesn't mean
7 that one manufactured story that's designed to negate
8 responsibility and justice doesn't mean that you get to
9 recreate the facts as they may now benefit you. The
10 evidence tells the story. The evidence that you see
11 right there in the crime scene, right there in that
12 bathroom, right there with that cup of water. The
13 evidence tells the story and the evidence lights the
14 path and that's the path that you can follow.

15 About that whole aspiration process, yes, Dr. Lamb
16 says it's a longer process because she knows. She works
17 these cases. She saves children in these situations.
18 Thirty minutes? Again, it could be longer than that, it
19 could be shorter than that. He was there. Think about
20 his phone pinging at 6:58. We know he's at home at 6:58
21 because that's the first time he uses phone since at
22 6:05. But what his own coworker told you is they left
23 out of there at 6:15. It's a nine minute drive. He's
24 home by 6:30. I think even one of his coworkers said
25 that. He's home by 6:30.

1 And so we talk about Cynthia's statement about when
2 she put the tape on the mouth. One of the things you
3 heard in this case is that Cynthia made more than one
4 statement. She also made the statement that they all
5 had dinner together, including the Defendant when he got
6 home. You heard in that forensic interview **E.L.**
7 said they all had dinner together after he got home.
8 There are certain things none of us will know because
9 **Minor** is not here to tell us and that is how long the
10 tape was on, when the tape was off and when she vomited.
11 See, that's the key. And there is no evidence whatsoever
12 anywhere in this record or supported by any physical
13 evidence that **Minor** 's nose was ever covered. That did
14 not happen. I submit the tape was on her mouth. How
15 long it was on her mouth, we don't know, but we know
16 that at some point she vomited and she needed help and
17 that the aspiration process as Dr. Lamb described can
18 go on for some period of time with the manifestation of
19 symptoms that he observed.

20 That, ladies and gentlemen, is proof beyond a
21 reasonable doubt. Proof that leaves you firmly
22 convinced. That's the only requirement under the law.
23 Not beyond all doubt and every possible doubt as Your
24 Honor will charge you, proof beyond a reasonable doubt
25 is proof that leaves you firmly convinced of his

1 inaction, of his neglect.

2 You have before you the most noble of opportunities.
3 The chance to strike back against injustice and deliver
4 a verdict --

5 MS. ZMROCZEK: Your Honor.

6 THE COURT: I think that was an improper comment.

7 MS. ZMROCZEK: It was absolutely improper.

8 MS. MAYES: Yes, sir, Your Honor.

9 When considering all the evidence in this case,
10 the testimony of Dr. Lamb, someone who knows, someone
11 who works these cases, and what the evidence at the
12 scene tells us, I submit the correct verdict in this
13 case is guilty of homicide by neglect.

14 Thank you.

15 THE COURT: All right. I'm gonna put y'all in the
16 jury room. Y'all take a break. When y'all are ready to
17 come back in and get my instructions, let the bailiff
18 know because we're waiting on y'all. I mean, so I don't
19 have anything to do other than instruct you. You can
20 have a few minutes to stretch your legs.

21 Again, I'm gonna tell you the lawyers' arguments
22 are just arguments and summaries and that's their job,
23 to advocate. Y'all are gonna evaluate the evidence, the
24 testimony, exhibits and whatnot, and so my instruction
25 will be to that end, all right?

1 Y'all step into the jury room. You can't discuss
2 the case yet.

3 (Whereupon, the jury retires to the jury room at
4 10:54 AM.)

5 THE COURT: All right. As soon as they're ready,
6 we'll get them back in here and go.

7 Do you need to put anything on the record,
8 Ms. Zmroczek?

9 MS. ZMROCZEK: Yes. Your Honor, I move for a
10 mistrial based on several comments during closing, but
11 most specifically that last comment about it's your
12 time to strike back.

13 Your Honor, the Supreme Court has been very clear
14 to not only the prosecution, but the prosecution in this
15 circuit, because I wish I could count on one hand how
16 many times cases have been overturned for comments like
17 that from this circuit, but I can't because it's more
18 than that.

19 And, Your Honor, they know that it's improper.
20 This is a highly emotional case and to say this is your
21 chance to strike back, I don't care what you tell the
22 jury about what they're supposed to listen to and what
23 arguments are, that bell cannot be un-rung. And with
24 all of the other comments about emotional -- to bring
25 up emotional issues about **E.L.** and bruising and

1 you're blaming your five-year-old child, even those are
2 improper, but then to top it all off with the last thing
3 that they get to say is this is your chance to strike
4 back, no. No, Your Honor, there is no recovering from
5 any charge of that.

6 MS. MAYES: And, Your Honor, what I argued was
7 strike back against injustice. That's a line that has
8 been used multiple times and there is no case that would
9 say that is improper, striking back against injustice
10 when the State was accused just moments ago by defense
11 counsel of presenting lies and that is the word that
12 was presented. So if we're accused of --

13 MS. ZMROCZEK: I never said that.

14 MS. MAYES: -- injustice or misrepresentation or
15 presenting lies, it is certainly proper to remind the
16 jury that they evaluate what's just and unjust.

17 MS. ZMROCZEK: And I think the record will reflect
18 I never -- I never said presenting lies. I never said
19 that.

20 THE COURT: All right. I understand, y'all, this
21 has been an emotional case for everybody involved. I
22 believe my instruction to the jury that y'all both --
23 because it's not been one side or the other, it's been
24 both sides have been very emotional in their arguments
25 and in their advocacy, I think my instructions to the

1 jury that that's just advocacy and that they're to
2 consider the facts that have been presented and my
3 instructions and I think that's appropriate and I think
4 that's sufficient, but your motion is respectfully
5 denied. But you're -- you've got a record made.

6 MS. ZMROCZEK: Thank you. And just to make sure,
7 I'll still have to object again after the instructions
8 and all.

9 THE COURT: Yes, ma'am.

10 MS. ZMROCZEK: Thank you.

11 THE COURT: All right. When the jury is ready,
12 I'm gonna call them back in, okay?

13 MS. MAYES: Okay.

14 (Recess taken at 10:57 PM.)

15 (Back on the record at 11:13 AM.)

16 THE COURT: All right. Bring them on in.

17 (Whereupon, the jury returns to the jury room at
18 11:13 AM.)

19 THE COURT: All right, folks. I'll tell you why
20 I delayed in getting you back in here. Stacy and I
21 require the lawyers who are representing each side to
22 come up and go through and reorder back in numerical
23 order all the exhibits and the ones that are missing
24 are agreed to. They inventoried everything and
25 everything's here. It will be coming back in the jury

1 room and that took a little longer than we anticipated.

2 So my instructions will be given now. And we were
3 just talking among the lawyers I don't always give a
4 copy of the instructions, but if y'all need re-instruction
5 on any aspect of my instruction, I'll give that to you
6 in writing if you need to, okay, but what I don't want
7 is for y'all to take these instructions and -- I'd rather
8 you ask questions and once you start deliberating if a
9 question comes up and y'all can't resolve it, you can
10 submit to me a question. Like, judge, we don't
11 understand thus and so, and I'll try to answer that
12 question. That just helps me provide y'all the
13 appropriate law.

14 So, Ms. Sturkie and members of the jury, the State
15 of South Carolina has charged the Defendant, David Lance
16 Steadman, with the crime of homicide by child abuse.
17 You, of course, bear in mind he's pled not guilty and
18 by that plea he denies the charges alleged in the
19 indictment.

20 Mr. Steadman comes into this court clothed in
21 the presumption of innocence and this presumption of
22 innocence continues throughout the case and entitles
23 him to a verdict of not guilty, unless and until it's
24 dispelled by evidence satisfying you, the jury, beyond
25 a reasonable doubt that he is, in fact, guilty of that

1 offense charged. The State must prove each and every
2 element of that alleged crime beyond a reasonable doubt.

3 The same constitution and law makes -- which makes
4 you, the jury, the finders of fact, which I told you
5 early on y'all are the finders of fact, makes me -- so
6 that same constitution makes me, as the judge, the sole
7 and only instructor of the law. You must accept as
8 correct the law as I'm instructing it today and apply it
9 to the evidence as you find and reach a verdict. And
10 your verdict must be unanimous.

11 Now if I should make an error in the law as I
12 instruct you, there's another time and place for that
13 error to be considered and, if necessary, correct it,
14 but for our purposes today you must accept the law as
15 I instruct it. And in that regard, I tell you that
16 neither you nor I should be concerned about what we
17 believe the law is -- I mean, should be or could be,
18 we're concerned about the what the law is. It's handed
19 down from the Supreme Court and the General Assembly.
20 Statutory law is defined and effected by the governor
21 if the General Assembly passes it and they're handed to
22 us and we follow them. It's my job to understand those
23 and instruct them. So for today's purposes I'm going
24 to instruct you the law as I understand them to be.

25 So I always tell juries if you have a different

1 understanding of my instruction, you must disregard that
2 different understanding and accept the law as I am
3 instructing it here today.

4 Now the same constitution that makes me the
5 instructor of the law makes you the finders of fact.
6 I'm not allowed to suggest in any way what I may think
7 about the guilt or innocence of Mr. Steadman. You as a
8 group are the judges of the credibility and believability
9 of the witnesses who have testified. You also judge the
10 credibility and believability of the statements and
11 evidence which comes into court before you. So when you
12 hear a person's testimony, it, in fact, brings into
13 your responsibility to evaluate and judge a person's
14 credibility or believability.

15 Now there are several things people can do. I tell
16 you as a group you can use your collective common sense
17 and your common life experiences when evaluating a
18 person's credibility or believability, all right? Now
19 some things the courts have noticed that people use in
20 evaluating credibility you can take into consideration
21 such as what was the manner and appearance of any witness
22 who testified, was the witness straightforward in
23 answering, was the witness hesitant in answering. What
24 was the manner and appearance of the witness who
25 testified, was that witness straightforward or not? How

1 did the witness come to know the facts to which he or
2 she testified? What was their ability to recollect or
3 know these facts? Is there some reason a witness would
4 want to give testimony which would help or hurt one side
5 or the other? In other words, was the witness biased or
6 prejudiced against one side or the other. Was the
7 testimony of a witness strengthened or weakened by other
8 testimony or other evidence considered by you? You, the
9 jury, may believe as much or as little of each witness's
10 testimony as you deem appropriate. You can believe the
11 testimony of one witness against many, many against one
12 or just the opposite. You may believe part of a witness's
13 testimony and disbelieve the rest. And the fact that
14 testimony is not controverted does not mean you must
15 accept it as true and undisputed. You still must gauge
16 the credibility or the believability of the witness who
17 presented the testimony of the facts offered through this
18 testimony.

19 Now I told you several times at the beginning of
20 the case and during the case in any criminal prosecution
21 the State has the burden of proving the case beyond a
22 reasonable doubt. The defense in a criminal case has no
23 burden whatsoever as the Defendant is presumed innocent.
24 In our state and according to our constitution the
25 prosecution must prove their case to the standard of

1 proof called beyond a reasonable doubt before a finding
2 of guilt may occur and, thus, if the State fails to meet
3 that high burden, the Defendant is entitled to a verdict
4 of not guilty.

5 Now as the sole factfinders as a group you should
6 have listened closely, and I observed the entire jury
7 listening closely, to the evidence presented during the
8 trial. I tell you that weighing evidence is entirely a
9 mental process. You weigh evidence and consider evidence
10 using your good judgment and your common sense. I also
11 allowed notes to be taken by jurors if they so chose.
12 Please remember some people are better note-takers than
13 others. A juror's notes should not be given any greater
14 weight than the recollection of jurors who didn't take
15 notes. You should remember that your notes are intended
16 to be a help for your memory and they should not take
17 precedence over your own independent recollection of
18 other evidence. Any jurors who didn't take notes should
19 rely on their own memory of the evidence and should not
20 be influenced by the fact that another juror has taken
21 notes, so the notes are only for the note-taker's personal
22 use for refreshing their memory of the evidence. Just
23 understand this. A note-taker's notes doesn't trump a
24 person who just listened and heard the testimony's
25 recollection. Twelve jurors are in the jury room.

1 Everyone has an equivalent vote. One doesn't trump the
2 other. You're to consider the evidence as y'all received
3 it, whether you received it listening or listening and
4 taking notes. Everybody has an equal vote.

5 Now in a trial such as this they are generally two
6 types of evidence which are presented, direct evidence
7 and circumstantial evidence. Direct evidence is the
8 testimony of a person who asserts or claims to have
9 actual knowledge of the facts such as an eyewitness.
10 Circumstantial evidence is the proof of a chain of
11 facts and circumstances indicating the existence of a
12 fact. Our law makes no distinction between the weight
13 or value to be given to either direct or circumstantial
14 evidence, nor is a greater degree of certainty required
15 of circumstantial evidence than that of direct evidence.
16 I instruct you that you're to weigh all the evidence in
17 this case. You should weigh all the evidence, but to
18 the extent the State relies upon circumstantial evidence,
19 I tell you that all of the circumstances must be
20 consistent with each other and when taken together point
21 conclusively to the guilt of the accused beyond a
22 reasonable doubt. If the circumstances merely portray
23 the Defendant's behavior as suspicious, then the proof's
24 failed; thus, I tell you that after weighing all the
25 evidence, whether it be direct evidence or circumstantial

1 evidence or any combination of the two, if you're not
2 convinced of the guilt of the Defendant beyond a
3 reasonable doubt, you must find him not guilty. The
4 existence of a fact cannot be based on speculation,
5 surmise or conjecture.

6 Now we've used the term "reasonable doubt". Proof
7 beyond a reasonable doubt means the kind of doubt that
8 would cause a reasonable person to hesitate to act.
9 Reasonable doubt may arise from evidence which is in
10 the case or from the lack or absence of evidence in
11 the case. Proof beyond a reasonable doubt is -- proof
12 beyond a reasonable doubt is proof that leaves you firmly
13 convinced of the Defendant's guilt. It is a doubt to
14 which one can assign a reason if the assignment can be
15 done reasonably, firmly, and convincingly. A reasonable
16 doubt is the kind of doubt which would make a reasonable,
17 conscientious and honest person hesitate to act in a
18 manner important to his or her own affairs.

19 The State must also prove a necessary element to
20 each crime beyond a reasonable doubt, and that's criminal
21 intent. I'll define criminal intent for you. Criminal
22 intent is always a matter that must be determined by the
23 jury from the circumstances surrounding the situation.
24 There's no way to prove intent to a mathematical
25 certainty. There's no way medical science can dissect

1 a person's brain and determine what that person had in
2 mind, so our law states that criminal intent may be
3 inferred from the circumstances shown to have existed
4 both before and after the fact. This is how you, the
5 jury, make a determination of whether or not the element
6 requiring intent was present.

7 Criminal intent is a state of mind that operates
8 jointly with an act or an omission in the commission of a
9 crime. Criminal intent is a mental state of conscious
10 wrongdoing. It is up to you, the jury, to determine what
11 the Defendant intended to do based upon the circumstances
12 shown to have existed.

13 Criminal intent can arise from an action or a failure
14 to act. It may arise from negligence, recklessness or an
15 indifference to a duty or to the consequences that is
16 considered by the law to be the equivalent of criminal
17 intent. I tell you the State must prove criminal intent
18 beyond a reasonable doubt just as it must prove the other
19 elements of the crime beyond a reasonable doubt.

20 Now proximate cause must also be defined. So where
21 a person inflicts a fatal injury on another person and the
22 other person dies at a later time, you must be convinced
23 beyond a reasonable doubt that the infliction of the
24 first injury was the proximate cause of the victim's
25 death. Proximate cause is the direct cause. It is the

1 immediate cause. It is the efficient cause. It is that
2 cause without which the death of the victim would not
3 have resulted. There must be a chain of causation from
4 the time of the injury inflicted by the Defendant until
5 the time of the victim's death. Proximate cause does not
6 necessarily mean that it occurred immediately prior to
7 the death. There may be more than one proximate cause.
8 The acts of two or more persons may combine together to
9 be a proximate cause of a person's death. A defendant's
10 act may be regarded as the proximate cause if it is a
11 contributing cause of the death and the fact that other
12 causes also contributed to the death of the victim does
13 not relieve the Defendant from responsibility. The
14 Defendant's act need not be sole cause of death, but it
15 must be a proximate cause contributing to the death of
16 the victim.

17 In this case we heard several different types of
18 witnesses. In one case you were to consider expert
19 witnesses. As I explained to you during the trial, the
20 rules of evidence ordinarily do not permit witnesses to
21 testify as to opinions or conclusions. The exception to
22 that rule exists when we call witnesses who are called
23 expert witnesses. A witness who by education and
24 experience has become an expert in some art, science,
25 profession or calling may state an opinion as to the

1 relevant material matter in which the witness claims
2 to be an expert in and may also state the reasons for
3 that opinion. You should consider any expert's opinion
4 received into evidence in this case just like any other
5 evidence and give it the weight you think it deserves.
6 And if you decide that the opinion of an expert witness
7 is not based upon sufficient education and experience
8 or conclude that the reasons given in support of the
9 opinion are not sound or that the opinions are outweighed
10 by other evidence, you can disregard that opinion
11 entirely; thus, an expert witness's testimony is to be
12 given no greater weight than that of other witnesses
13 simply because the witness is an expert. You're not
14 required to accept an expert's opinion even though it's
15 not contradicted.

16 Also during this trial, you've heard testimony
17 through video from a child. Where a witness is a child
18 you must determine as with any other witness whether that
19 testimony is believable. In deciding believability, you
20 may consider not only matters that I've already discussed
21 with you, you may also consider the age of the child,
22 the child's ability to observe and remember facts, the
23 child's ability to understand and answer questions.
24 Because young children may not fully understand what is
25 happening here, it is up to you to decide whether the

1 child understood the seriousness of appearing as a
2 witness. And that child appeared by video so perhaps
3 that's not appropriate. You can consider whether the
4 child understood the questions, whether the child has a
5 good memory and whether the child understands the
6 difference between lying and telling the truth. In
7 addition, young children may be influenced by the way
8 questions are asked, so it is up to you to decide whether
9 the child understood the questions asked in considering
10 the testimony of that child.

11 In this case, the Defendant has a raised the defense
12 of alibi. In order to establish an alibi, it must be
13 shown that the Defendant was at another specified place
14 at the time the crime was committed and that it was,
15 therefore, impossible for the Defendant to be at the
16 scene of the crime. There's no burden on the Defendant
17 to prove an alibi. The burden is on the State to prove
18 to a reasonable doubt that the Defendant was actually
19 present at the scene of the crime, actually participated
20 in it and was not somewhere else. In other words, the
21 State has the burden of disproving the Defendant's alibi
22 defense.

23 I also instruct you that mere presence at the scene
24 is not sufficient to prove someone's guilty of a crime.
25 A defendant's presence where a crime is being committed

1 or mere association with a person who commits a crime
2 does not make a defendant an accomplice or an aider or
3 abetter of the person committing the crime. The burden
4 is on the State to prove every element of the crime
5 charged. So after reviewing all the evidence if the
6 State has proven the Defendant was only present at the
7 scene and they've not proven beyond a reasonable doubt
8 any other participation in the crime, then you must find
9 the Defendant not guilty. The law is that -- is that
10 proof of a person's presence at the scene of a crime is
11 not sufficient to find someone guilty.

12 I also instruct you there's been evidence presented
13 that witnesses made prior statements which are not
14 consistent with the witnesses present testimony. You
15 may use the evidence to decide whether to believe the
16 witness. You may also use the evidence of the other
17 earlier contradicted statements to determine the truth
18 of those statements. It is up to you to decide whether
19 to believe the earlier statements or the testimony given
20 at trial. If the witness is shown to have knowingly
21 testified untruthfully concerning material matters, you
22 may consider this in whether to trust the witness's
23 testimony as to the other matters. You may reject all
24 the testimony of that witness or give all or part of the
25 testimony the weight you deem appropriate.

1 Now statements of the Defendant that are alleged to
2 have been made by the Defendant have been admitted into
3 evidence. While the Court has determined that the
4 statements were admissible, I instruct you that you
5 must make the ultimate decision as to whether or not
6 the Defendant made the statements. If the Defendant
7 did make the statements, you must determine whether the
8 statements were made by the Defendant voluntarily and
9 of his own free will. This means that the statements
10 were not caused by pressure, force, fear, threats,
11 coercion or intimidation or by the hope of a promise of
12 leniency or any reward of any kind.

13 So in determining whether the statement was
14 voluntary, you're to consider both the characteristics
15 of the Defendant and the details of the questions. Some
16 of the factors you may consider would be the age of the
17 Defendant, the Defendant's education or lack thereof,
18 the Defendant's mental ability or capacity, the
19 Defendant's IQ or intelligence, the Defendant's
20 background and environment, the place and length of the
21 detention, the nature of the questioning and the advice
22 or lack thereof to the Defendant of his constitutional
23 rights, including but not limited to, the right to
24 remain silent, that any statement could be used against
25 him in a court of law, the right to have a lawyer present,

1 and if they couldn't afford a lawyer, a lawyer would be
2 appointed to represent him without any cost, and that he
3 could stop making any statement at any time. You must
4 carefully consider all of the surrounding circumstances
5 before you give any weight to an alleged statement. The
6 State has the burden of proving beyond a reasonable doubt
7 that the alleged statements were voluntary and if you
8 determine it was, you may give the statements any further
9 consideration you deem appropriate. You must decide
10 what weight, if any, should be given to the alleged
11 statements. If you determine the alleged statements
12 were not free and voluntary, you should not consider
13 them at all.

14 Now the particular law in this case, homicide by
15 child abuse, is defined by the South Carolina Code of
16 Laws. Mr. Steadman's charged with homicide by child
17 abuse. In order to sustain a conviction, the State must
18 prove beyond a reasonable doubt that he caused the death
19 of a child under the age of eleven while committing child
20 abuse or neglect. Child abuse or neglect is an act or
21 failure to act which causes harm to the child's physical
22 health or welfare. Harm to the child's physical health
23 or welfare means that the Defendant either inflicted or
24 allowed to be inflicted on the child physical injury,
25 failed to supply the child with adequate food, clothing,

1 shelter or healthcare and this failure caused a physical
2 injury or condition which caused death or abandoned the
3 child causing the child's death. The State must also
4 prove beyond a reasonable doubt that the death occurred
5 under circumstances showing an extreme indifference to
6 human life. The State may also prove homicide by child
7 neglect by proving beyond a reasonable doubt that the
8 Defendant knowingly aided and abetted another that
9 committed that abuse or neglect which resulted in the
10 child's death under age eleven.

11 Aid means to help or promote the course or
12 accomplishment of, to give support to, or to give
13 assistance to. Abet means to encourage or appear to be
14 in favor of support.

15 Ms. Sturkie and members of the jury, as y'all begin
16 to retire to begin your deliberations, I'm gonna express
17 and hope that each of you be mindful you're not called
18 very often to be jurors in South Carolina or in Lexington
19 county. It is our responsibility; me, as the judge, and
20 you, as the jury, to make certain that we're acting in
21 community and that the trial has been conducted fairly.
22 It's my job to make certain the trial's conducted fairly,
23 it's your job to make certain the verdict reached is
24 just.

25 I've tried to -- in every case I've tried to preside

1 over cases and be fair and impartial to both sides; thus,
2 it's your job as I told you to confine the verdict, which
3 must be unanimous, to the testimony and evidence you've
4 heard here in the courtroom and in evaluating the
5 testimony and evidence in reaching facts consistent with
6 my instructions on the law and not letting anything
7 outside the jury room or the courtroom influence that
8 decision.

9 So what you've heard here, my instructions, those
10 are the limitations of what you're to consider in
11 reaching your unanimous verdict. I'm confident y'all
12 will do exactly that.

13 Now what's gonna happen next is I'm gonna send you
14 back to the jury room. I'm gonna ask the lawyers and
15 they get to comment and say judge, your instructions
16 were just fine or judge, you glossed over one aspect of
17 the law and could you kind of clear this aspect up a
18 little bit by instructing a little bit more on something,
19 something in particular. I don't know that it will
20 happen. It happens some and I bring the jurors back.

21 So assuming there are no other re-instructions,
22 lunch may be here, it may not, I don't know, I'll ask
23 Ms. Frick momentarily, but y'all can begin your
24 deliberations once I send the evidence to you, which
25 will be basically what's on this table and the verdict

1 form, all right? If you start deliberating and somebody
2 wants a break, wants to step outside in the fresh air,
3 deliberations stop. Or somebody needs to go to the
4 restroom or whatnot. All twelve of you have to be during
5 deliberations, that's all present. One person can't be
6 missing and miss out on some of the discussion. So if
7 everybody's there, you can discuss it. You can discuss
8 it over lunch or you can sit idle during lunch. It's
9 your decision. It's your time now. Y'all make the
10 schedule. If y'all want to break after thirty minutes,
11 tell the bailiff you'd like to step outside and you can
12 do so. That's up to y'all, okay? So if somebody wants
13 a break, y'all take a break, but you can't deliberate
14 while somebody's not present.

15 If you have a question -- I'm looking at you,
16 Ms. Sturkie. If any of y'all have a question, it goes
17 to her, she writes it down, the bailiff brings it to me.
18 Generally, I come and say lawyers, the jury has asked me
19 the question of, please reinstruct us on some aspect of
20 the law. They generally will say all right, well, let's
21 bring them back in and reinstruct them or send that
22 portion of the charge back to them I just read to you,
23 one of the two.

24 Now questions like this, why wasn't a witness called
25 or not called, that's off limits. You've got what you

1 get. Why the State called a witness or didn't call a
2 witness or the defense, that's the kind of question that
3 I can't answer because I don't know, and it's not y'all's
4 job to question that. Y'all's job is to consider what
5 you have, okay?

6 Now if you need the computer, this one's the one
7 that plays the videos, the interviews, phone calls,
8 whatever you need. I imagine we've got somebody here
9 that's pretty IT literate that can run something. We'll
10 get the computer to you and let y'all do that, so.

11 Now if you want to rehear testimony -- I always
12 look at my court reporter because they record everything
13 and they have a transcript, but if you want to rehear
14 some testimony, I need to know who it is so she can
15 retrieved it from her recording device and we can queue
16 it up and play it back for you. If you don't need that,
17 that's fine. So questions, write them down. Further
18 explanation of the law, write it down. If you want the
19 computer -- I'm gonna send the computer back probably
20 with you anyway.

21 Work on y'all's time. It's about twenty minutes
22 until twelve. Lunch may not be here, so I'm gonna put
23 you in the jury room, alternates also. Now once I
24 submit the verdict form back there and the evidence and
25 I pull the alternates out -- and y'all can wait on your

1 lunch or you can take your lunch and walk home, you'll
2 have no further responsibility.

3 Everybody step in the jury room and I'll give you
4 further instructions momentarily, all right?

5 (Whereupon, the jury retires to the jury room at
6 11:39 AM.)

7 THE COURT: All right. Now any exceptions to the
8 charge?

9 MS. ZMROCZEK: Obviously, we renew our objections.
10 I think that -- I didn't hear any charge on stricken
11 testimony or curative instructions. I don't know if
12 there's one on curative instructions, but I know there's
13 one on stricken testimony and I know that we had some
14 stricken.

15 THE COURT: We did.

16 MS. ZMROCZEK: I'm sorry. I don't know why I
17 didn't ask for that before. I thought it would be in
18 there.

19 THE COURT: No, I didn't even think about that.

20 All right. That's not -- that's not an unfair
21 request.

22 Mr. McNair, you got anything I missed?

23 MR. McNAIR: Judge, I can't -- I can't put my
24 hands on a copy of the statute, but I believe you
25 instructed on the aiding and abetting part of the

1 statute, Subsection B, I think, which is not a lesser
2 included of the offense.

3 MS. ZMROCZEK: Yes, Your Honor.

4 THE COURT: I'll take that out.

5 MS. ZMROCZEK: Yeah, and that's what -- when I
6 heard it -- I couldn't hear it because you were facing
7 that way, but I thought it, and then when I saw you
8 looking that's when I thought that I did hear you say
9 aiding and abetting. So we just need to make sure we
10 take out aiding and abetting because if they -- if they
11 do, if they find him -- that he, you know, somehow
12 allowed her to get away with --

13 MS. MAYES: Judge, can we go get the statute real
14 quick?

15 THE COURT: I think we have it. Yeah.

16 (Pause in proceedings.)

17 THE COURT: All right. Let's re-read both of those
18 what's strictly in the statute. A(1).

19 MS. ZMROCZEK: A(1), yeah.

20 THE COURT: And then the definitions.

21 MS. ZMROCZEK: Right.

22 THE COURT: All right.

23 MS. MAYES: Does that aiding and abetting have the
24 word "knowingly"?

25 THE COURT: Yeah.

1 BAILIFF: Bring them back in?

2 THE COURT: Yes, please. Bring them back in.

3 MS. MAYES: Under the definitions, under to perform,
4 it's only B that we're alleging. You can read them all,
5 but it's B that we're alleging.

6 MS. ZMROCZEK: Yes, the B. Not the A.

7 THE COURT: Okay. Bring them.

8 (Whereupon, the jury returns to the courtroom at
9 11:45 AM.)

10 THE COURT: I'll tell y'all this. Most of the time
11 the lawyers say judge, I don't think that was very clear
12 and I say yeah, it was. Everything -- because as a
13 whole, the instructions considered as a whole, is a good
14 reason to not instruct further. These lawyers are great.
15 I messed up twice and I have to agree with them. I did.

16 So here's what I've got to do. Y'all remember
17 during the trial there was several opportunities that the
18 lawyers while they were advocating said judge, I object
19 to that question, I ask for it to be stricken. I ruled
20 that way several times; thus, any questions that I agreed
21 were not allowed and to be stricken, the question and
22 the answer is to be stricken and not to be considered by
23 you in any manner.

24 Now I'm not gonna go back and say do you remember
25 these five questions, those are the ones, I'm not gonna

1 do that, and you go I wonder why he struck those. We'll,
2 because they're not allowed under our rules and so
3 they're stricken and not to be considered, all right?

4 Now when I read the definition of the statute
5 homicide by child abuse and I included aiding and
6 abetting, that is not what's accused here and so I'm
7 gonna re-read the statute and the appropriate aspects of
8 that statute because the definition I read you the first
9 time was not an appropriate element for you to consider.

10 Our statute -- and I've got the blue book. I'm
11 reading directly from it. In order for the State to
12 sustain a conviction for homicide by child abuse, the
13 State must prove beyond a reasonable doubt that a person
14 caused the death of a child under the age of eleven while
15 committing child abuse or neglect and this death occurs
16 under circumstances manifesting an extreme indifference
17 to human life.

18 The definition which applies, child abuse or neglect
19 means an act or an omission by any person which causes
20 harm to the child's physical health or welfare. Harm
21 to a child's health and welfare occurs when a person
22 inflicts or allows to be inflicted upon the child
23 physical injury, including injuries sustained as a
24 result of excessive corporal punishment or fails to
25 supply the child with adequate food, clothing, shelter

1 or healthcare and the failure to do so causes physical
2 injury or a condition resulting in death or abandons the
3 child resulting in the child's death.

4 That's the appropriate elements under our statute
5 the State must prove beyond a reasonable doubt to sustain
6 a conviction for homicide by child abuse.

7 Anything further? I think I got it right that time.

8 Now we're gonna send the verdict form back to you
9 and the evidence, but -- and I'll bring the alternates
10 out then. Again, if you need further instruction on the
11 law, write me a note and tell me which aspects you need
12 to hear and I'll provide that to y'all, all right?

13 Step back in the jury room. I'll ask one more time
14 if everything is okay and then when we send it back there,
15 then y'all can begin your deliberations.

16 (Whereupon, the jury retires to the jury room at
17 11:48 AM.)

18 THE COURT: All right. Any other exceptions?

19 MS. MAYES: None from the State, Your Honor.

20 MS. ZMROCZEK: No, and if you can just -- based
21 upon the ruling you have to deny my objections again.

22 THE COURT: Your ruling what now?

23 MS. ZMROCZEK: I think you have to make a ruling
24 to overrule or deny my objections for everything, the
25 mistrial and --

1 THE COURT: Oh, yeah. Yes. Yes.

2 Your motions for a new trial or mistrial are
3 respectfully denied for the reasons already placed on
4 the record.

5 MS. MAYES: And, Your Honor, we had said at the
6 outset regarding the State's memorandum in support of
7 the admission of photographs, we would supply for the
8 record all photographs that were taken in this case that
9 may be subject to objections. So for purposes of the
10 record we have compiled an envelope with all of those.

11 THE COURT: And they go under her -- that's a
12 Court's exhibit.

13 MS. MAYES: It will be.

14 THE COURT REPORTER: That will be Court's 1.

15 THE COURT: All right.

16 MS. MAYES: And then we had some additional
17 photographs, Your Honor, that had been marked for ID
18 only. The State is withdrawing those at this time.

19 THE COURT: We -- I observed a member of your staff
20 and a member of Ms. Zmroczek's staff and then Ms. Zmroczek
21 also, they went through everything and I think everybody
22 was consistent on what's in.

23 (Court's Exhibit Number 1 was marked for
24 identification.)

25 THE COURT: Bring Ms. Sturkie in.

1 THE CLERK: He's getting her.

2 (Whereupon, the foreperson returns to the courtroom
3 at 11:50 AM.)

4 THE COURT: Okay. I'll give you a choice. Since
5 lunch is here, if y'all fourteen want to eat together, I
6 won't pull the alternates out.

7 FOREPERSON: Okay.

8 THE COURT: If y'all want to start deliberating,
9 I've got to pull them out and they'll eat outside.

10 FOREPERSON: So they cannot deliberate with us?

11 THE COURT: No. No. Once y'all start, I want them
12 out. So you go decide that and just let the bailiff
13 know --

14 FOREPERSON: Okay.

15 THE COURT: -- judge, we want lunch and we'll start
16 deliberations or we'll eat lunch together and then when
17 we're done we'll let you know and then we'll send this
18 back to you, all right?

19 FOREPERSON: Yes.

20 (Whereupon, the foreperson retires to the jury
21 room at 11:51 AM.)

22 THE COURT: All right. We'll stand at ease.

23 (Recess taken at 11:51 AM.)

24 (Whereupon, the alternates were dismissed and the
25 evidence was submitted to the jury at 11:53 PM.)

1 (Back on the record at 1:36 PM.)

2 BAILIFF: All rise. Court's back in session.

3 THE COURT: Y'all have a seat.

4 All right. Go get them.

5 BAILIFF: Sir, are you ready?

6 THE COURT: Yes, sir. Bring them.

7 (Whereupon, the jury returns to the courtroom at
8 1:39 PM.)

9 THE COURT: All right. Ms. Sturkie, has the jury
10 reached a verdict?

11 FOREPERSON: Yes, we have.

12 THE COURT: And was it unanimous?

13 FOREPERSON: Yes, it was.

14 THE COURT: Hand it to my bailiff.

15 FOREPERSON: (Handing.)

16 THE COURT: Madam Clerk, you may publish.

17 THE CLERK: Indictment 2018-GS-32-01278, the State
18 versus David Lance Steadman. As to Indictment Number
19 2018-GS-32-01278, homicide by child abuse, we, the jury,
20 unanimously find the Defendant, David Lance Steadman,
21 guilty.

22 It is so signed by the Forelady February 14, 2020.

23 Madam Forelady, ladies and gentlemen of the jury,
24 if this is your verdict, please indicate each of you by
25 raising your right hand.

1 All hands raised, Your Honor.

2 THE COURT: Very well. Any issues for the jury,
3 ma'am?

4 MS. ZMROCZEK: Yes, sir. We'd ask that they be
5 individually polled.

6 THE COURT: They'll be polled by the juror number,
7 please, ma'am.

8 THE CLERK: Yes, sir.

9 As I call your number, if you'll hold your hand up
10 so I can recognize you, and I will ask you as to the
11 verdict, was this your verdict and is it still your
12 verdict. At that time, please respond.

13 Number 106, as to the verdict, was this your verdict
14 and is it still your verdict?

15 JUROR NUMBER 106: Yes.

16 THE CLERK: 161. As to the verdict, was this your
17 verdict, is it still your verdict?

18 JUROR NUMBER 161: Yes.

19 THE CLERK: 82, as to the verdict, was this your
20 verdict, is it still your verdict?

21 JUROR NUMBER 82: Yes.

22 THE CLERK: 219, as to the verdict was this your
23 verdict, is it still your verdict?

24 JUROR NUMBER 219: Yes.

25 THE CLERK: 48, as to the verdict, was this your

1 verdict, is it still your verdict?

2 JUROR NUMBER 48: Yes.

3 THE CLERK: 169, as to the verdict, was this your
4 verdict, is it still your verdict?

5 JUROR NUMBER 169: Yes.

6 THE CLERK: 116, as to the verdict, was this your
7 verdict, is it still your verdict?

8 JUROR NUMBER 116: Yes.

9 THE CLERK: 33, as to the verdict, was this your
10 verdict and is it still your verdict?

11 JUROR NUMBER 33: Yes.

12 THE CLERK: 193, as to the verdict, was this your
13 verdict, is it still your verdict?

14 JUROR NUMBER 193: Yes.

15 THE CLERK: 130, as to the verdict, was this your
16 verdict, is it still your verdict?

17 JUROR NUMBER 130: Yes.

18 THE CLERK: Number 3, as to the verdict, was this
19 your verdict, is it still your verdict?

20 JUROR NUMBER 3: Yes.

21 THE CLERK: Jurors polled, Your Honor.

22 THE COURT: Very well.

23 Any other issues for the jury from either side?

24 MS. MAYES: Nothing from the State, Your Honor.

25 THE COURT: All right. That concludes y'all's

1 service. I'd like to have y'all step back in the jury
2 room and I also want to talk to you.

3 THE CLERK: Your Honor, hold on just a second.

4 THE COURT: Huh?

5 THE CLERK: I missed one.

6 MS. ZMROCZEK: I only had eleven, Your Honor.

7 THE CLERK: I apologize. I did skip one. I do
8 apologize.

9 Number 14, as to the verdict, was this your verdict,
10 is it still your verdict?

11 JUROR NUMBER 14: Yes.

12 THE CLERK: I apologize, Your Honor. I realized it
13 when I laid the book down.

14 THE COURT: The record is now clear.

15 All right. Well, step back in the jury room and
16 I'll be back momentarily.

17 (Whereupon, the jury was excused at 1:43 PM.)

18 (Recess taken at 1:43 PM.)

19 (Back on the record at 1:58 PM.)

20 THE COURT: All right. Are we ready for sentencing?

21 MS. MAYES: Yes, sir, Your Honor.

22 THE COURT: Ms. Zmroczek?

23 MS. ZMROCZEK: Sure.

24 THE COURT: All right.

25 MS. ZMROCZEK: Your Honor, before sentencing --

1 sorry.

2 THE COURT: I didn't hear anything about a prior
3 record. When he took the stand, y'all didn't mention
4 anything. Can I trust that he has no prior record?

5 MS. MAYES: That's correct, Your Honor. There's
6 no prior record.

7 Your Honor has heard the facts of the case in full.

8 **Minor** was four years of age, Your Honor.

9 THE COURT: All right.

10 MS. ZMROCZEK: Your Honor, I think before we go
11 onto sentencing, I have to renew my motions and make a
12 motion to set aside the verdict. I would do that for
13 very specific reasons. Asking the client on the stand
14 to the jury: And you expect this jury to just believe
15 you now, statements about things that were said to the
16 pastor, things that you had ruled were not relevant,
17 continued talk about the bruising, but most importantly,
18 the: It's time for the jury to strike back.

19 For those reasons, Your Honor, we would ask that
20 the verdict be set aside and he be granted a new trial.

21 Sorry. I know that you're trying to -- I said that
22 while you had things in your mouth, so I apologize.

23 THE COURT: I was chewing something, a mint, and
24 it was probably placed at the wrong time.

25 Respectfully, I believe the vigorous advocacy by

1 both sides was noticed by the Court. I think the
2 curative instructions were appropriately given, and I
3 respectfully decline to grant a new trial, of course,
4 and set aside the verdict because I think that the case
5 was factually challenged both ways. There was diverse
6 testimony and diverse evidence, different -- competing
7 statements, the jury considered all that and deliberated
8 for well over two hours, and I think they took into
9 account everything that was presented to them and the
10 instructions, so respectfully I'll not grant a new trial
11 on that basis.

12 MS. ZMROCZEK: Thank you.

13 Now moving onto the sentencing, Your Honor, as you
14 heard, he has no criminal record. He was twenty-four at
15 the time. Again, I don't see how they can overcome the
16 science evidence. Whatever the jury believes is what
17 they were -- is what they believe. I believe that they
18 were misled by the State's case. There's just no way
19 that -- that this child could have survived.

20 That being said, I know that my client did have a
21 few words to say and his words are -- are going to be
22 exactly what was said on the stand. In fact, now that
23 I think about it, I'm just probably gonna not let him
24 create any more issues for the case, but what I am gonna
25 say is that he and I talked about it and that sure, he

1 wished he would have called 9-1-1 when he found her.
2 Sure, he wished they would have believed him. Sure, he
3 wished that Dr. Lamb had never falsely, you know, talked
4 about this sexual assault that never happened because
5 that's exactly what they were hanging their hat on.

6 I do believe his pastor and his mother are here and
7 they would like to say some words before I say my final
8 remarks.

9 THE COURT: Okay. Let's hear from them. Have them
10 come up to the gate and I'd like them -- them to speak
11 loudly and give me their name first and then I'll be glad
12 to hear from them.

13 PASTOR OGILVIE: I am pastor Kevin Ogilvie. I am
14 the pastor of Mr. Steadman. I have been his pastor
15 since 2015, July of 2015. I baptized both him, his wife
16 and all three of his children. I have, as was indicated
17 in the trial, walked with Mr. Steadman through this
18 entire process. I was at their home the day -- the
19 morning after **Minor** died. I had the terrible duty of
20 burying **Minor** . Do I -- what I believe about Mr. Steadman
21 is that he was not an indifferent parent or a cruel
22 parent. I do think that given his background and
23 upbringing he was not the most intelligent parent and
24 that faced with a crisis he acted in ways that perhaps
25 were not the best choices to make. But that he would

1 be considered cruel and indifferent is far beyond my
2 experience of him, and so I would urge the Court to offer
3 leniency.

4 THE COURT: Thank you, Reverend Ogilvie.

5 FELICIA CONNELLY: I'm Felicia Connelly. I'm
6 Lance's mother. Lance was a very good child. He was
7 an awesome father. He was a great husband. There's
8 nothing that this boy would not do for his family. He
9 worked really hard to give them anything -- everything
10 that they needed and some of what they wanted. I just
11 ask that you to consider this. He's come so far in his
12 life and this was my grand kid. It is so hard to sit
13 here and watch him have to go through this and I know
14 him withholding information was not right at all and I
15 don't condone that. I mean, please, just he's suffered
16 so much for this. He has lost everything, literally
17 everything. When he leaves this jail one day, he comes
18 out to nothing but me. Judge, I'm just asking for you
19 to please be considerate. Thank you.

20 THE COURT: Yes, ma'am.

21 MS. ZMROCZEK: Like you said, it is an emotional
22 case, Your Honor. We would ask that the Court give the
23 mandatory minimum, which is twenty years.

24 THE COURT: All right. Considering everything
25 presented in the trial, his lack of a prior record, I'm

1 going to give him twenty years. He gets credit for the
2 days he served prior to the trial. Whatever those are,
3 he's entitled to them.

4 I hope this brings some closure --

5 MS. ZMROCZEK: Thank you, Your Honor.

6 THE COURT: -- on the part of the family.

7 MS. MAYES: Thank you, Your Honor.

8 THE COURT: Uh-huh.

9 (Whereupon, the proceedings were concluded at
10 2:05 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the trial of the captioned case in Circuit Court held
February 10th-14th, 2020.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

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

June 5, 2020

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

WITNESSES

Lexington County Sheriffs Department

Joseph M Andaldro

Law Enforcement Case #: 17014977

LSM

ARREST WARRANT NUMBER

2017A3210800318

ACTION OF GRAND JURY**TRUE BILL**

Foreperson of Grand Jury

Date:

VERDICT

Guilty

Foreperson of Petit Jury

Date: 2/14/2020

DOCKET NO. 2018GS3201278**The State of South Carolina****County of Lexington**

COURT OF GENERAL SESSIONS**APRIL TERM 2018**

THE STATE**vs.****David Lance Steadman**

CDR #: 2356

Indictment for

Homicide by Child Abuse

§ 16-03-0085(A)(1) & (B)

S.R. Hubbard III, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Homicide by Child Abuse
 § 16-03-0085(A)(1)& (B)

At a Court of General Sessions, convened on April 2018, the Grand Jurors of Lexington County present upon their oath:

That **David Lance Steadman** did in Lexington County, South Carolina, on or about July 31, 2017, whether acting alone or in concert with another, cause the death of a child who was under the age of eleven years at the time of her death, and that the defendant did cause the death of said child while committing child abuse or neglect, and the death of said child occurred under circumstances manifesting an extreme indifference to human life; such being an act or omission which caused harm to the child's physical health or welfare, such act or omission including: infliction of physical injury upon the child and/or medical neglect in the failure to provide timely medical care or intervention for the child; furthermore, the aforesaid child abuse or neglect caused the death of Minor , date of birth ■■■ ■ 2013, in violation of Section 16-3-85(A)(1) and (B), South Carolina Code of Laws (1976, as amended).

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


 ASSISTANT SOLICITOR



Lexington County Sheriff's Department

VOLUNTARY STATEMENT



DOB: 12/27/92

(Not Under Arrest)

I, David Lance Steadman, am not under arrest, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det. Andaloro. I volunteer the following information of my own free will, for whatever purposes it may serve. I am 24 years of age, and I live at [REDACTED] Nazareth rd.

Alternate Contact Name: _____ Phone (H) _____ (W) 497-2410

Alternate Contact Name: _____ Phone (H) _____ (W) _____ (C) _____

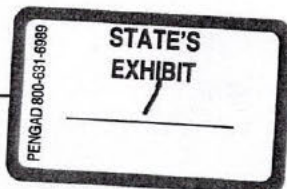
Q and A Q: Andaloro A: David Steadman

Q: What happened at your residence located at [REDACTED] Nazareth Rd. on 07/31/17? I got home from work at Hoover Buildings around 7 pm. My wife (Cynthia Lopez) was watching TV in the livingroom. I went to pee in my bathroom, came back to the livingroom to ask how her and our kids day was. My wife said good to both questions, just kids playing and fighting. The kids (E.L. Minor & L.L.) were all supposed to be sleeping at the time we try to send them to bed at a decent time. I went back to check on them and E.L. & Minor was awake laying down in their own beds. I made E.L. pick up some toys he was hiding by his bed and Minor said she was thirsty. I gave her some water. She drank it. She just looked really tired & exhausted. I assumed from playing with her brothers. I left the room as my wife was coming down the Hallway. Everything was fine. My wife and I went to the livingroom and sat down for a little bit and talked about adding my father (David Ray Steadman) to my car insurance policy. My wife & I both agreed to wait on that. My wife went to our bedroom. My son L.L. was up there so I

I have read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained here in are true and correct.

Dated at 1735 Nazareth Rd., this 1st day of Aug 20 17
Lex, SC 29073

[Signature]
Signature of person giving voluntary statement.



VOLUNTARY STATEMENT

Page 2 of 2 pages.

(Cont'd)

Q: Det. Andaloro A: David Steendman

picked him up and brought him to the living room with me so he wasn't crying in his bed. I couldn't finish my food so I put it in the microwave, grabbed a beer out the fridge sat down with my son on the couch and started watching Netflix on my phone with him. (Ultimate Beast Warrior) we finished an episode I finished my beer, threw it away, sat back down I continued watching Netflix with my son. we started another episode and not long after that my wife screams my name (Lance) I set my son down & my phone. I look up and she says she's (Minor's) not breathing. She found her in the hallway. I grabbed Minor from my wife and ^{os} ~~she~~ laid her on the couch. Tried CPR but couch was too soft so I laid Minor on the living room floor. I then grabbed L.L. and put him in his bed so he didn't have to see what we were doing. When I was putting L.L. in his bed I told my wife to call 911. She did. Soon as I came back in the room I tried more CPR and stuff was coming out her mouth so the operator said turn her on her side to help get it out of her system. So we did as the operator. I panicked and ran to get my mother-in-law (Sonia Lopez) I hoisted down. I told her to come fast Minor's not breathing then I ran back to my house where my wife & Minor were on the floor. She was still attempting CPR not giving up and Minor was not breathing still. Soon as ^{os} ~~she~~ Sonia walked in the fire department came in and took over trying to help Minor then the paramedics & cops showed up. They were there for about 40-50 mins trying different things to bring up a pulse on Minor and nothing happened. They went to the hospital, my wife & Sonia went with. I stayed at home because my oldest was still sleeping.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

David Steendman
Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20 ____.

Notary Public of South Carolina



Lexington County Sheriff's Department Statement Form



DATE 08/15/2017 PLACE 521 Gibson Rd. Lex, SC TIME STARTED 5:35 p M

I, the undersigned, David Lance Steadman, am 24 years of age, my date and place of birth being the [redacted] day of [redacted] 19 92, at Lexington Medical Center
My present address is [redacted] Nazareth rd. Lexington, SC, 29073

I completed 12 grade(s) in school. I can read and write. DS (Initials)

CONTACT NUMBERS: H) _____ W) (803) 609-6652

ALTERNATE CONTACT: Name _____ Phone Numbers: _____

Before answering any questions or making any statements, Det. Burrell & Det. Andaloro
a person who identified him/herself as a detectives with Lexington County Sheriff's Dept.
duly warned and advised me that:

- JA 1) I HAVE THE RIGHT TO REMAIN SILENT. DS
JA 2) ANYTHING I SAY, CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. DS
JA 3) I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH ME DURING QUESTIONING. DS
JA 4) IF I HAVE NO MONEY FOR LAWYER'S FEES, THE COURT WILL APPOINT ONE TO REPRESENT ME WITHOUT COST TO ME IF I WISH. DS
JA 5) IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME. I ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANYTIME UNTIL I TALK WITH A LAWYER. DS
JA I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. DS I MAKE THE FOLLOWING STATEMENT:

Q and A: Det. Andaloro A: David Lance Steadman

Q: When you came home around 7:00 pm on 07/31/17, how long was it before you checked on the kids?

A: about 10-15 mins after I arrived home,

Q: Who all did you check on and what did you find when you checked them?

A: I checked on L.L. first in my bedroom, then I went down the hall into the other kids room to check on E.L. and Minor. They both were awake on their separate beds. Minor was restrained by DS tape to her headboard.

witness: [signature]

Witness [signature] 08/15/2017

Notary Public _____

David Steadman
Person giving Statement
Date 8/15/17



VOLUNTARY STATEMENT

Page 2 of 6 pages.

(continued)

Q and A Q: Det. Andalbro A: Steadman David "Lance"~~Q~~ Q: Where on Minor's body was there tape? (on 07/31/17)

PS A: The tape was on her wrists. Each wrist was taped to her headboard in each corner. That's the only tape that I seen on her.

SA Q: Describe the tape that was on the bed and on Minor?

PS A: The tape that was on Minor was the tape I borrowed from my wife's father. The tape was white with a slight clear tint, about 1 inch and a half wide. Window seal tape.

SA Q: When you found Minor in her bed on 07/31/17 after you came home from work was she responsive? Explain.

PS A: When I found Minor in her bed she looked at me. She was breathing heavy with throw-up on her chest. She moved after I took the tape off, but her movements were slow.

SA Q: When you got the tape off Minor, where did you and Minor go?

PS A: When I took the tape off Minor's wrists, she sat up and Cynthia and I took her to the hallway bathroom to wash the throw-up she already had on her, before I left their room I told E.L. to pick up the toys by his bed, and he did when we took Minor to the shower. Minor was acting weird to me, she was walking different from how she normally walks. It was more stagger-steps and her balance was off. She fell in the hallway, so I picked her up under her armpits and proceeded to the hallway bathroom with Cynthia. I placed her in the middle of the shower and she was still breathing heavy like she wanted to vomit. She couldn't get anything out so Cynthia and I push on her sides to help. E.L. finishes with picking up his toys and says he's done. I told him to go to bed and goodnight. Minor get more throw-up on her and her hair from leaning

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Witness: DA 08/15/17Witness: DA 08/15/2017

Sworn to before me this ___ day of ___ 20__.

X David Steadman
Signature of person giving voluntary statement

8/15/17

Notary Public of South Carolina

VOLUNTARY STATEMENT

Page 3 of 6 pages.

(continued)

D.S.

(Q and A) Q: Det. Andaloro A: David "Lance" Steadman

forward so we can push on her sides to help. Afterwards Cynthia turns on the shower to rinse the throw-up off, then she sits on the bathroom counter. I sit on the floor and ask Minor what's wrong. Minor says "thirsty". I ask Cynthia to get her some water and she didn't want to. We got into a argument on how I always give into the kids when they want things. Minor's eyes were really dilated so I asked her what's wrong, she said "wrong". I told Cynthia that she looked scared, so I asked Minor if she was scared, she said "yes", I asked why she was scared. She said "upstairs". I ask her what is she scared of up stairs, she said "E.L. hit me". I ask Cynthia if E.L. hit her hard or if Minor was lying. Cynthia said all 3 kids were hitting each other upstairs. I ask E.L. to come back to me so I can ask him if he was being mean to Minor and Cynthia told me to leave him alone. Then we were back to arguing about Minor because I wanted to take her to the doctor but Cynthia said that Minor didn't need a doctor. I asked her why and she said there's nothing wrong with Minor. I told Cynthia we needed to take her to see if she's sick. She said Minor was going to be fine. I leave the bathroom with Minor still in the shower, with the water off. Cynthia follows and I go to pick up L.L. and Cynthia goes to our bed in our bedroom. I take L.L. to the livingroom sit him on the couch, go to the kitchen get a beer out of the fridge and go back to L.L. on the couch and lay down propped up by the arm of the couch. I reach over to the coffee table and pick up my phone and turn on Netflix to watch Ultimate Beastmaster. L.L. layed on my chest and watched it with me. After awhile Cynthia yells my name and brings Minor in the livingroom. She says Minor, not breathing and she wasn't breathing and she was more pale than she normally was. I ~~lay~~ lay

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Witness: [Signature] 08/15/17

Witness: [Signature] 08/15/2017

Sworn to before me this day of 20 .

X David Steadman
Signature of person giving voluntary statement

8/15/17

Notary Public of South Carolina

VOLUNTARY STATEMENT

Page 4 of 6 pages.

(continued)

(Q and A)

Q: Det. Andaloro A: David "Lance" Steadman

DS Minor on the couch and try CPR, the couch was to soft for CPR so I lay her on the floor. Cynthia shares the coffee table out of the way so I can lay Minor down. I attempt more CPR but Minor had more then up on her lips so I was gagging and Cynthia took over. I pick L.L. up and take him to his bed so he didn't have to see Minor like that. When I picked up L.L. to take him to his bed Cynthia tells me to call 911 but I was already away from my phone and headed to ~~the~~ our bedroom to lay L.L. down so I told her to call 911 and she did. The operator told her to turn Minor to her side if she had throw up in her mouth like it was wanting to come out. I didn't know what else to do so I ran as fast as I could to and from Cynthia's DS mom's house 2 doors down to get her mom because I thought she could help. When I got back home Cynthia was still on the phone with 911 doing CPR. Cynthia's mom comes in and sees Minor and turns away crying, her husband comes in and looks, then he turns to Cynthia's mom to comfort her. Then the fire department arrives and takes over life saving methods. Not long the paramedics arrive to help then a police officer. I watched them for seemed like forever trying to save Minor. Number 3 popped up on the monitor but went to "0" off and on for 40 mins. I told Cynthia's dad to take Lorenzo because he was awake hearing this and he took L.L. next door to Cynthia's brother's house. After 40 mins the paramedics say they are taking her to the ~~of~~ hospital. Cynthia's mom told me to stay with E.L. since he was asleep, and she and Cynthia went to the hospital where they pronounced Minor dead upon arrival.

SA Q: How long was Minor in the shower until Cynthia (wife) called you telling you Minor was not breathing?
 A: about 1.5 hours

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

witness: AN 08/15/17

witness: [Signature] 08/15/2017

Sworn to before me this _____ day of _____ 20____.

X David Steadman
 Signature of person giving voluntary statement

8/15/17

Notary Public of South Carolina

VOLUNTARY STATEMENT

Page 5 of 6 pages.

(continued)

[Q and A]

Q: Det. Andalora A: David "Lance" Steadman

SA Q: How long was Minor in the shower naked?

DS A: about 1 hour and 45 mins

SA Q: Why did you not call 911 when you found Minor, taped to her bed with vomit on her and breathing slowly?

DS A: I did not call 911 when I found Minor because I wanted answers from my wife and when she was telling me there was nothing wrong with her when I wanted to take her to the hospital after we argued I assumed she would take her the next day.

SA Q: Did you feel like Minor was having a serious medical problem?

DS A: yes

SA Q: At what point in time on 07/31/17 did you feel like Minor was having a serious medical problem?

DS A: I felt like Minor was having a serious medical problem when she was in the shower not being able to hold her body up right and her head upright.

SA Q: Did you call 911 at that time?

DS A: no I didn't

Q: Who called 911 and how long was it after you felt Minor was having a serious medical problem?

DS A: I told gathia to call 911 on my phone (803) 497-0410 because it was closest to her at that given moment. about 1 hour and 30 to 45 mins.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

witness: [Signature] 08/15/17

witness: [Signature] 08/15/2017

Sworn to before me this ___ day of ___ 20__.

David Steadman
Signature of person giving voluntary statement

8/15/17

Notary Public of South Carolina

VOLUNTARY STATEMENT

Page 6 of 6 pages.

(continued)

David "Lance"

(Q and A)

Q: Det. Andaloro A: Steadman

Q: When did you put a diaper on Minor on 07/31/17?

A: I put a diaper on Minor after Cynthia brought her baby into the living room and told me to.

Q: When you came into the bedroom and got the tape off Minor, was she alive?

A: yes

Q: When you carried Minor to the shower was she alive?

A: yes

Q: When Minor was in the shower was she alive?

A: yes

Q: Did Minor say anything to you when she was in the shower?

A: yes

Q: Was Minor alive when you and Cynthia walked out of the bathroom and she was left naked in the shower?

A: yes

Q: Do you believe that Minor would still be alive today, if you called 911 when you found her with vomit on her, breathing slowly, and a big stomach in her bed?

A: yes

Q: Is there anything else you think I should know? A: yes, if I could talk to my daughter in any way I would tell her I'm sorry for not taking action.

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

Witness: [Signature] 08/15/17

x David Steadman

Signature of person giving voluntary statement

Witness: [Signature] 08/15/2017Sworn to before me this day of 20 .

Notary Public of South Carolina

END TIME: (3:45)
(8:55pm)

Lexington County Sheriff's Department
Statement Form



DATE AUGUST 10, 2017 PLACE 1735 NAZARETH RD, LEXINGTON TIME STARTED 8:35 P.M.

I, the undersigned, David Lance Steadman, am DS 24 years of age, my date and place of birth being the [redacted] day of [redacted], 19 92, at Lexington, SC
My present address is [redacted] Nazareth rd Lexington, SC, 29073
I completed 12 grade(s) in school. I can read and write. DS (Initials)

CONTACT NUMBERS: H) _____ W) _____ C) 803-609-6652
ALTERNATE CONTACT: Name _____ Phone Numbers: _____

Before answering any questions or making any statements, DET D SCHIRRA / NOVAK
a person who identified him/herself as a DETECTIVE WITH LEXINGTON COUNTY SHERIFF'S DEPT
duly warned and advised me that:

- 1) I HAVE THE RIGHT TO REMAIN SILENT. DS
- 2) ANYTHING I SAY, CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW. DS
- 3) I HAVE THE RIGHT TO TALK TO A LAWYER FOR ADVICE BEFORE ASKED ANY QUESTIONS AND TO HAVE HIM OR HER PRESENT WITH ME DURING QUESTIONING. DS
- 4) IF I HAVE NO MONEY FOR LAWYER'S FEES, THE COURT WILL APPOINT ONE TO REPRESENT ME WITHOUT COST TO ME IF I WISH. DS
- 5) IF I DECIDE TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, I WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME. I ALSO HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANYTIME UNTIL I TALK WITH A LAWYER. DS

DS I HAVE READ THIS STATEMENT OF MY RIGHTS AND I UNDERSTAND WHAT MY RIGHTS ARE. DS I MAKE THE FOLLOWING STATEMENT:
I (David Lance Steadman) came home from work (Hoover Buildings) a little before 7:00pm on Monday the 31st of July 2017. I walk^{DS} inside my house ([redacted] Nazareth rd), put my car keys down on the table, see my wife on the couch. DS (looking aggravated) watching television. I asked her (Cynthia Lopez) how she was and how were the kids. She said she was good just aggravated with the kids (E.L. Minor, L.L. but the kids are fine. They were just fighting ^{DS} upstairs today and Minor was hitting E.L. with the lightsaber (with the piece you normally hold). I go to my DS

[Signature]
Witness
Notary Public
LCSD 173, Revised 11/04
My Commission expires _____

David Steadman
Person giving Statement
8/10/17
Date
[Signature]
Pg 1 of 4 pgs

VOLUNTARY STATEMENT

Page 2 of 4 pages.

PS bathroom in my room^{PS} and pee. Then I go and check on the kids. When I get to the kids room, E.L. was awake on his bed and Minor was tied to her bed with tape. There was throw-up on her and she was only in a diaper. I immediately take the tape off her wrists and pick her up. Her pupils were severely dilated and her stomach was really big. Minor was breathing very slow & very heavy. ~~PS~~ I asked my wife how long was she there and why was she tied up to her bed like that. My wife said she was tired of Minor hitting her brother and being mean to him. I said to her that you're not supposed to tie any kid up period. We take her to the bathroom because when she was breathing hard I thought she needed to throw up more. We were able to squeeze some vomit out of her and she was still breathing slow. We washed it off of her. ~~PS~~ Minor did not look alright. I wanted to call 911 and take her to the hospital. My wife got mad and said no she's fine and that I always give in to the kids especially Minor. We argued about it and both got mad and just walked away. I went to the bedroom where my wife went and I picked up my 2 year old L.L. and went into the livingroom to watch netflix on my phone. We watch netflix for a while then my wife yells my name (Lance) and I sat L.L. and my phone down on the couch. She brings Minor into the livingroom. She says Minor not breathing. Minor is pale and not breathing. I take Minor from my wife and lay her down on the couch to attempt CPR. The couch was too soft, so I lay her on the floor and attempt CPR again. There was vomit coming out her

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

David Steadman
Signature of person giving voluntary statement

Sworn to before me this _____ day of _____ 20____.

Notary Public of South Carolina

VOLUNTARY STATEMENT

Page 3 of 4 pages.

As her mouth. I gaged. My wife takes over CPR. I put L.L. in his bed and tell my wife to call 911. She does and I thought her mom (Sonia Lopez) could help so I say I be right back I'm going to get your mom. Then I run as fast as I could to get her mom 2 houses over, then run as fast as I could back. My wife was still on the phone with 911 and still attempting CPR. Not long after Sonia arrived with her husband (Jose Medina) the fire department arrived on scene and took over CPR. Then the paramedics and officer arrived. They tried to help for over 40 minutes and then decided to take her to the hospital. Sonia's husband took L.L. next door to their sons house and Sonia and my wife went to the hospital where they pronounced Minor dead upon arrival of Lexington Hospital. I was told to stay home to be with E.L. while he was asleep. Later the officer asked for E.L. to go next door where his brother was so they can look in the house. later I went to the hospital to be with Cynthia and drive her home.

Q: DET NOVAE

A: DAVID STEADMAN

Q: HOW LONG DID IT TAKE TO CALL 911?

A: about 2 hours

Q: Why SO LONG?

A: I was scared to face the truth.

Q: DID YOU SEXUALLY ASSAULT Minor?

A: no I did not sexually assault Minor

Q: HOW DOES YOUR WIFE DISCIPLINE the Children, Minor?

A: she has popped her in the mouth, popped her with the belt, put her in the corner.

Q: DID YOU GIVE THIS STATEMENT FREELY AND VOLUNTARILY WITHOUT ANY PROMISES?

DS

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

David Steadman
Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20__.

Notary Public of South Carolina

VOLUNTARY STATEMENT

Page 4 of 4 pages.

A: Yes

DS

End
 of statement
 X
 David Steadman

I have read this page, initialed corrections or changes, if any, and received a copy of this page. I certify that the facts contained herein are true and correct to the best of my knowledge.

• David Steadman
 Signature of person giving voluntary statement

Sworn to before me this ____ day of ____ 20 ____.

Notary Public of South Carolina

LCSD 006, Revised 7/07

Copied provided to DAVID STEADMAN
 DSh

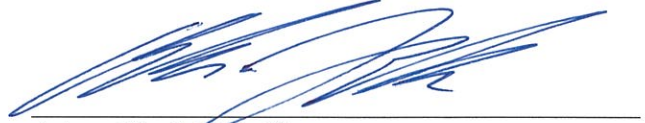
DS

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**May 26 2021****SC Court of Appeals**

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

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