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May 23 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES ERIC SPENCER,

APPELLANT.

APPELLATE CASE NO. 2021-001314

RECORD ON APPEAL

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INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED OCTOBER 29, 20211

INDICTMENT34

CERTIFICATE OF COUNSEL36

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
 -VS-)
)
 JAMES ERIC SPENCER,)
)
 DEFENDANT.)
 _____)

2020-GS-11-00806

TRANSCRIPT OF RECORD

OCTOBER 29, 2021
SPARTANBURG, SOUTH CAROLINA

B E F O R E:

THE HONORABLE J. MARK HAYES, II

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

ATTORNEY FOR PLAINTIFF:

KIMBERLY L. LESKANIC, ASST. SOL.

ATTORNEY FOR DEFENDANT:

N. DOUGLAS BRANNON, ESQ.

SUSAN W. HUDGINS
CIRCUIT COURT REPORTER

INDEX

WITNESS

PAGE NO.

CERTIFICATE OF REPORTER

33

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>		<u>ID</u>	<u>EVIDENCE</u>
S-1	911 CALL	-----	4	19
S-2	PHOTOS (13)	-----	4	19
S-3	DNA SLED REPORT	-----	4	19
S-4	PATHOLOGY REPORT	-----	4	19
S-5	MENTAL HEALTH REPORT	-----	4	19
S-6	DEFENDANT'S CRIMINAL RECORD	---	4	19
C-1	GUILTY PLEA AFFIDAVIT	-----	10	10

1 (Whereupon State's exhibits 1 - 6 were marked for
2 identification)

3 **THE COURT:** Okay. I have reviewed the guilty plea
4 affidavit as well. I believe -- is the State and defense
5 ready to call the first case?

6 **MS. LESKANIC:** Yes, Your Honor. May it please the Court?

7 **THE COURT:** Yes, ma'am.

8 **MR. BRANNON:** Defense is ready.

9 **MS. LESKANIC:** The State calls James Eric Spencer.

10 **THE COURT:** Sir, just come right up here. Mr. Spencer, I
11 just need to let you know we are making a recording of
12 everything that happens here. This lady's a court reporter,
13 so she's taking down everything that's said. I tell you that
14 because whenever you speak today, I know you're wearing a
15 mask, but speak up loud enough so that everybody can hear you,
16 especially the court reporter.

17 Now, if ever during this process you cannot hear me, the
18 solicitor, your lawyer, or anybody else when they're speaking,
19 immediately let us know that, and we will speak up as well.
20 Okay?

21 **MR. SPENCER:** Yes, sir.

22 **THE COURT:** Thank you, sir.

23 Sir, if you would, this lady over here is the court, I
24 mean, the clerk of court. She's got to swear you in. Please
25 raise your right hand as best you can.

1 **MADAM CLERK:** Do you solemnly swear that the testimony
2 you're about to give will be the truth, the whole truth and
3 nothing but the truth so help you God?

4 **MR. SPENCER:** Yes, ma'am, I do.

5 **MADAM CLERK:** Thank you.

6 **THE COURT:** Thank you, sir.

7 Sir, please listen to the solicitor. She is going to
8 announce the case for us.

9 **MS. LESKANIC:** May it please the Court?

10 **THE COURT:** Um-hum (affirmative).

11 **MS. LESKANIC:** Your Honor, before you is James Eric
12 Spencer pleading guilty to the charge of murder on indictment
13 2020-GS-11-806. That is a true billed indictment. He is
14 pleading guilty as indicted without negotiation or
15 recommendation. He's represented by Doug Brannon.

16 This is a Cherokee County case. It is my understanding
17 that the defendant is waiving venue and requesting that this
18 case be heard in Spartanburg County before Your Honor. Your
19 Honor, I do have family members. I at least know Robbie
20 Poole, the mother of the victim, Monica Shackelford, who would
21 like to address Your Honor at the appropriate time.

22 **THE COURT:** Okay. And, Mr. Spencer, -- well, Mr.
23 Brannon, the solicitor's correct that the defendant waives
24 venue?

25 **MR. BRANNON:** It's not only correct, Your Honor, we had

1 filed a motion to change venue. So, yes, we had asked for
2 this.

3 **THE COURT:** All right. And, Mr. Spencer, you just heard
4 what Mr. Brannon told me in regards to that issue of venue?

5 **MR. SPENCER:** Yes, sir.

6 **THE COURT:** Do you agree with what he stated?

7 **MR. SPENCER:** Yes, sir.

8 **THE COURT:** Okay. And, Mr. Spencer, I just need to
9 remind you, you are under oath to tell me -- tell me truthful
10 information to my questions, okay?

11 **MR. SPENCER:** Yes, sir.

12 **THE COURT:** How old are you, sir?

13 **MR. SPENCER:** Thirty -- I mean, 41.

14 **THE COURT:** And, sir, it is your intent to enter a plea
15 to the charge that was just announced by the solicitor?

16 **MR. SPENCER:** Yes, sir.

17 **THE COURT:** All right. How far did you go in school?

18 **MR. SPENCER:** I graduated, twelfth grade.

19 **THE COURT:** Presently married, single, divorced, widowed?

20 **MR. SPENCER:** Single.

21 **THE COURT:** Do you have children?

22 **MR. SPENCER:** Yes, sir.

23 **THE COURT:** How many?

24 **MR. SPENCER:** Two.

25 **THE COURT:** How old are they?

1 **MR. SPENCER:** Twenty-four and twenty-five.

2 **THE COURT:** And prior to being arrested did you have a
3 job outside the home?

4 **MR. SPENCER:** Yes, sir.

5 **THE COURT:** What were you doing?

6 **MR. SPENCER:** I worked for Rector Builders (ph.),
7 welding.

8 **THE COURT:** Ever serve in the military?

9 **MR. SPENCER:** No, sir.

10 **THE COURT:** And one of the lawyers, they can give me the
11 amount of credit that he is entitled to whenever you have it.

12 **MR. BRANNON:** I have it. It's 555 days, Your Honor.

13 **THE COURT:** Five, fifty-five?

14 **MR. BRANNON:** Yes, sir.

15 **THE COURT:** Okay. Mr. Spencer, within the last 24 hours
16 have you consumed any type of substance that is adversely or
17 negatively affecting your ability to understand what we're
18 doing today?

19 **MR. SPENCER:** No, sir.

20 **THE COURT:** In the past have you ever been treated for
21 any type of substance abuse issue for a drug or alcohol
22 problem?

23 **MR. SPENCER:** Yes, sir, several times.

24 **THE COURT:** Okay. The last time that you received
25 treatment, was that for a drug, alcohol or both problem?

1 **MR. SPENCER:** Drugs.

2 **THE COURT:** And do you remember where you received that
3 last treatment?

4 **MR. SPENCER:** Morris Village.

5 **MR. BRANNON:** Your Honor, actually the last treatment
6 that he received would have been Mary Black Hospital in
7 November of 2019. That would have been for mental health
8 issues, but also regarding addiction, Your Honor.

9 **THE COURT:** All right. When you -- how long ago
10 approximately were you at Morris Village? Year? Two years?
11 Three years?

12 **MR. SPENCER:** 2018.

13 **THE COURT:** 2018? And do you consider -- did you
14 consider in 2018 when you left Morris Village for that
15 treatment to have been a success?

16 **MR. SPENCER:** Yes, sir.

17 **THE COURT:** Are you satisfied with the work that your
18 lawyer has done for you?

19 **MR. SPENCER:** Yes, sir, I am.

20 **THE COURT:** Do you feel like you've had enough time to
21 talk to him about the legal elements of the charge that you're
22 pleading to, the facts that are behind this case and also any
23 possible defenses you might have?

24 **MR. SPENCER:** Yes, sir.

25 **THE COURT:** All right. And if you feel you need anymore

1 time to talk to him about any of those, you just let me know,
2 and we'll stop, and I'll allow you to do that, okay?

3 **MR. SPENCER:** Yes, sir.

4 **THE COURT:** Mr. Spencer, has anybody come to you and
5 perhaps threatened you in any way or have they promised you
6 anything in order to get you to make the decision to enter the
7 plea today?

8 **MR. SPENCER:** No, sir.

9 **THE COURT:** Am I correct to conclude that your decision
10 to enter this plea today that it is a free and voluntary
11 decision on your part?

12 **MR. SPENCER:** Yes, sir.

13 **THE COURT:** Mr. Spencer, I need for you to understand
14 that under the law you are presumed innocent of this charge
15 and you do have a right to have a jury trial on this charge.
16 At any jury trial that would take place, the State would have
17 the burden of proof. And they would have to convince all 12
18 members of a jury that you are, in fact, guilty beyond a
19 reasonable doubt of this charge. Mr. Spencer, do you
20 understand that you have a right to that jury trial?

21 **MR. SPENCER:** Yes, sir.

22 **THE COURT:** Do you wish to have a jury trial on this
23 charge?

24 **MR. SPENCER:** No, sir.

25 **THE COURT:** Sir, I need for you to understand that there

1 are other very important constitutional rights that you are
2 entitled to, but that you have to give up in order to enter
3 this plea.

4 You have to give up your right to confront and cross-
5 examine the State's witnesses. You also have to give up your
6 right to present evidence which you or your lawyer may feel
7 would establish a defense. And you have to give up your right
8 of subpoena as well as your right to remain silent.

9 Now, Mr. Spencer, do you understand all those rights?

10 **MR. SPENCER:** Yes, sir, I do.

11 **THE COURT:** And do you wish to give up all those rights
12 and go forward with entering this plea?

13 **MR. SPENCER:** Yes, sir.

14 **THE COURT:** All right. And, Mr. Spencer, as I had
15 indicated when we started this, I've reviewed the guilty plea
16 affidavit that's -- the document titled guilty plea affidavit,
17 James Eric Spencer, dated October the 29th, 2021. And I will
18 make that part of the record of the case. But I believe those
19 are the same issues that you and I just reviewed. But I'll
20 make that part of the exhibits to this proceeding. Make that
21 a Court's exhibit.

22 (Whereupon Court's exhibit 1 was marked and admitted into
23 evidence)

24 **THE COURT:** Mr. Spencer, please listen to the solicitor.
25 She is going to tell us the facts behind this case.

1 **MS. LESKANIC:** Thank you, Your Honor. May it please the
2 Court?

3 **THE COURT:** Um-hum (affirmative).

4 **MS. LESKANIC:** This incident happened on April 20th of
5 2020 at [REDACTED] Lyman Street in Cherokee County. That was the
6 residence of the victim, Monica Shackelford.

7 The defendant and Monica were in a, I guess, on again/off
8 again relationship. I believe the relationship had been
9 volatile at times based on the information that we received
10 during preparation of this case.

11 On this particular day, Your Honor, we received
12 information that the defendant had gone to someone's house to
13 get some drugs. He had also accused that person of sleeping
14 with Monica, being intimate with her. That person denied it,
15 said I don't know her, nothing has happened.

16 But apparently when he went back to the house at Lyman
17 Street he took Monica into the bathroom that is attached to
18 the master bedroom, locked her in the bathroom. And that's
19 where the assault began.

20 There was a five year old child, Monica's son, Minor
21 who was present in the home. He did not see the assault take
22 place because it was behind the bathroom door. But after this
23 happened he was taken to the Advocacy Center and he told them
24 that he heard the defendant saying, what's the truth? He
25 heard his mom scream. And then he saw this defendant kind of

1 sneak out of the bathroom door.

2 He had locked the door so that **Minor** could not get in.
3 And he told this five year old that his mommy would wake up
4 soon. And, of course, she never did.

5 He left the home. We received video evidence, because
6 it's right near the park in Cherokee County, we received video
7 showing the defendant leaving the home, getting into his
8 vehicle and driving away around 7:30 on the 20th. He left
9 **Minor** alone in that home with his mother deceased on that
10 bathroom floor.

11 Continuing to watch that camera, the next morning around
12 7:30 you can see **Minor** open the front door. He kind of
13 looks out, he goes back in. He does this two times, I'm sure
14 uncertain of what he's supposed to do.

15 And then you see him run across the street actually to
16 the defendant's mother's house who was a neighbor and he knew.
17 He begins knocking on her doors. She doesn't answer.

18 And he goes over to another neighbor's house and knocks
19 on her door. She does come outside. He begins to tell her
20 that he thinks his mommy is sick, he has sat outside the
21 bathroom door all night and even tried to push strawberries
22 under the door because he thinks his mom is sick.

23 Ms. Harter, the neighbor, calls 911. Gaffney Police
24 Department comes out to do a welfare check. They go into the
25 house and they have to break down the bathroom door. And that

1 is where they find Monica deceased on the bathroom floor.

2 In that 911 call, Your Honor, that I have made State's
3 exhibit 1, you hear Minor on the call saying his mom won't
4 let him in the bathroom door and she is sick. And you clearly
5 hear him say Eric beat her up. He was prepared to testify
6 next week.

7 And in that testimony he would state once Eric left the
8 home, his mother never came out of the bathroom and no one
9 else ever came into that home. But State's exhibit 1 is that
10 911 call, Your Honor.

11 Police came in. What they found with Monica on the
12 floor, she was bleeding. She had been beaten. And there were
13 also two yellow bungee cords that were wrapped around her
14 neck, her chin and her mouth. They were tightly wrapped
15 around her. The cause of death was ligature strangulation.

16 This was described by the pathologist as a complex
17 ligature because there were bungee cords that had been looped
18 and tied in two to three places. It was intentional, it was
19 malicious, and there was no way for Monica to get out of this.

20 The defendant apparently cut himself during this assault.
21 Police did recover blood droplets inside Monica's home that
22 came back to him. Police, after listening to the 911 call,
23 the defendant was immediately the suspect based on what the
24 five year old had stated was in the home and that he had
25 beaten his mother.

1 Police was able to find out that he was using Monica's
2 credit card right after this happened. They were able to pull
3 video from various locations showing him pulling money out of
4 the ATM. And they were able to see the clothing that he was
5 wearing on the park camera when he left and also on these
6 videos right after he killed her to find out what he was
7 wearing.

8 They began looking in Spartanburg for him because he was
9 using the credit card here in Spartanburg County. They came
10 upon him at the Econo Lodge. They recognized him. They
11 already had a warrant for his arrest. Spartanburg County
12 assisted in that. They were able to apprehend him about 1:30
13 on April the 21st.

14 They did a search warrant for his 2006 Trail Blazer. And
15 in the backseat they found the shirt that he was wearing when
16 he committed this murder. That shirt was sent to SLED. And
17 it does have Monica's blood on it. The bungee cords were also
18 sent to SLED for testing. And those contained both Monica's
19 blood and the defendant's DNA.

20 Your Honor, I do have State's exhibit 2, which I have
21 shared with Mr. Brannon and shared with the Court. That
22 includes 13 photographs showing Monica in the bathroom in the
23 position that she was left in. I also have included
24 photographs of the blood drops and where they were found
25 inside of her home.

1 One of the pictures, Your Honor, are the two strawberries
2 that **Minor** tried to push under the door for his mother. And
3 the last two -- or two of the photographs show the injury to
4 the defendant's hand. And the last photograph is a photograph
5 of the shirt that he was wearing that had Monica's blood on
6 it.

7 State's exhibit 3, Your Honor, is the DNA analysis in
8 this case. That included Monica's standard as well as the
9 standard from the defendant that we obtained through a
10 Schmerber hearing. That shows that blood droplets on Monica's
11 floor belonged to the defendant.

12 Her clothing was tested, tested positive for her DNA.
13 Her bra tested positive for both the defendant's DNA and her
14 DNA. And as previously stated, his DNA was on the bungee
15 cords that were used to kill Monica. And her DNA is on his
16 shirt.

17 State's exhibit 4, Your Honor, is the pathologist's
18 report from autopsy. I think a special note is that even the
19 pathologist stated that the body is received with a complex
20 ligature apparatus. These are knotted together and looped
21 together in several places forming essentially at least three
22 complete loops about the neck.

23 State's exhibit 5, and Mr. Brannon may go more into this,
24 had the defendant evaluated for competency. He was evaluated
25 by Dr. Frierson. And the opinion was that he did have the

1 capacity to stand trial. And there were also comments in
2 there about the defendant malingering.

3 And finally, Your Honor, is State's exhibit 6, his prior
4 criminal history that I have made an exhibit, and I will go
5 into at the appropriate time.

6 Those are essentially the facts that we would present at
7 trial, Your Honor.

8 **THE COURT:** Sir, do you believe that as she stated the
9 facts behind this case that the solicitor is substantially
10 correct?

11 **MR. SPENCER:** I really have no true recollection of it,
12 but seeing the discovery, I believe it's true.

13 **THE COURT:** All right. You want to talk to your lawyer
14 for a moment?

15 (Whereupon the defendant was speaking with his attorney)

16 **MR. SPENCER:** Yes, sir, I do.

17 **THE COURT:** All right. Mr. Spencer, my questions that I
18 ask you have a particular purpose and intent behind them.

19 **MR. SPENCER:** Yes, sir.

20 **THE COURT:** And part of -- so I don't care how you answer
21 the questions except that I want you to answer them
22 truthfully. You understand that?

23 **MR. SPENCER:** Yes, sir.

24 **THE COURT:** And see, this lady over here to my right,
25 she's a court reporter. She's taking down everything that's

1 said. One of the reasons that she's doing that is for
2 whatever we do here today can be reviewed by other people
3 later to see whether or not we have conducted this proceeding
4 constitutionally, proper. So I'm going to back up on my
5 question. Again, I don't care how you answer it, I just want
6 it answered truthfully.

7 **MR. SPENCER:** Yes, sir.

8 **THE COURT:** You heard the solicitor when she gave me the
9 facts that are behind this case?

10 **MR. SPENCER:** Yes, sir.

11 **THE COURT:** Now in regards to the facts that she has
12 related to me, do you believe that she is substantially
13 correct with those facts?

14 **MR. SPENCER:** Yes, sir, I do.

15 **THE COURT:** Okay. And, Mr. Spencer, do you understand
16 that on this particular charge that you're pleading to today
17 that this charge carries a potential sentence of anywhere from
18 30 years to life?

19 **MR. SPENCER:** Yes, sir, I do.

20 **THE COURT:** And, sir, do you also understand that this
21 charge that you're pleading to today, that it is classified as
22 both a violent and also as a most serious offense under the
23 law?

24 **MR. SPENCER:** Yes, sir, I do.

25 **THE COURT:** And, Mr. Spencer, have you been able to talk

1 to your lawyer as to the consequences and ramifications of
2 this charge being classified as both a violent and most
3 serious offense?

4 **MR. SPENCER:** Yes, sir, I have.

5 **THE COURT:** Understanding the consequence, ramifications
6 of those two classifications as well as the possible sentence
7 I could impose, you still wish to enter this plea?

8 **MR. SPENCER:** Yes, sir, I do.

9 **THE COURT:** Mr. Spencer, are you, in fact, guilty of this
10 charge of murder?

11 **MR. SPENCER:** Yes, sir, I am.

12 **THE COURT:** Mr. Spencer, have all of your answers to my
13 questions so far today, have they been truthful and honest?

14 **MR. SPENCER:** Yes, sir.

15 **THE COURT:** Discovery has been shared with the defense,
16 Madam Solicitor?

17 **MS. LESKANIC:** Yes, Your Honor.

18 **MR. BRANNON:** It has, Your Honor.

19 **THE COURT:** Okay. Prior record?

20 **MS. LESKANIC:** Yes, sir, Your Honor. And this will be
21 State's exhibit 6.

22 **THE COURT:** Okay.

23 **MS. LESKANIC:** This record began in 1997, simple assault
24 and battery. 1999, burglary, second degree, non-violent and
25 grand larceny between one thousand (1,000) and five thousand

1 dollars (\$5,000.00), also driving under the influence.

2 In 2003, petty larceny, forgery more than one thousand
3 (1,000) less than five thousand (5,000) and breaking into
4 motor vehicle. In 2005, possession of cocaine.

5 2011, petty larceny. 2012, possession of marijuana.
6 2014, enhanced shoplifting. There are two counts. Also a
7 violation of probation. In 2015, assault and battery in the
8 third degree, two counts. 2016, petty larceny, breach of
9 peace. 2017, petty larceny. And those are the convictions,
10 Your Honor.

11 **THE COURT:** All right. And I might have missed it.
12 Prior to us -- prior to taking the bench, the lawyers provided
13 me with documentation that are copies of the various State's
14 exhibits as well as a copy of the affidavit that I previously
15 announced, but I also got a disk of a 911 call. When I was
16 making my notes, I did not indicate you had presented that to
17 evidence.

18 **MS. LESKANIC:** I meant to if I did not, Your Honor.
19 State's exhibit 1 is the 911 call. State's exhibit 2, 13
20 photographs. State's exhibit 3, the DNA analysis. State's
21 exhibit 4, the pathologist autopsy report. State's exhibit 5,
22 the mental health evaluation/opinion. And State's exhibit 6,
23 the defendant's criminal history.

24 (Whereupon State's exhibits 1 - 6 were admitted into
25 evidence)

1 **THE COURT:** All right. And did you say that some people
2 on behalf of the victim did wish to address the Court?

3 **MS. LESKANIC:** Yes, Your Honor. I believe Monica's
4 mother, Robbie Poole ---

5 **THE COURT:** Okay.

6 **MS. LESKANIC:** --- would like to address Your Honor.

7 **THE COURT:** Ms. Poole, you can just sit there, but I need
8 to let you know, we are making a recording of everything that
9 happens here. I know you're wearing a mask, but I need you to
10 speak up. Thank you. I need you to speak up loud enough so
11 that the court reporter, this lady way over here, and I both
12 can hear you, okay? And, ma'am, if you would, just start by
13 giving us your full name. That's fine.

14 **MS. POOLE:** Your Honor, I thank you for giving me this
15 opportunity to speak with you and my family in the court. On
16 April the 20th, 2020 Mr. Spencer decided he would take the
17 life of Monica Vinson, my daughter and closest friend. She
18 was a loving and caring daughter and was always available when
19 I needed her.

20 At the age of 38 she gave birth to her only child whom
21 she named **Minor** after her grandfather. He was the joy of
22 her life. Eighteen months ago Mr. Spencer decided he had the
23 right to take Monica from her son and family. She will never
24 have the opportunity to see her son drive a car, have his
25 first girlfriend, graduate from high school or get married.

1 There isn't a day that goes by that I don't think about
2 her. When he killed her, a part of me died also. I will
3 never be the same. I am like a broken vessel that cannot be
4 completely repaired because a piece is missing.

5 So, Your Honor, when you make your decision how many
6 years Mr. Spencer deserves, please give him as many years as
7 possible because **Minor** , who is now seven, will never have
8 his mother nor will I have my daughter back. No matter how
9 you -- no matter how many years he serves, our life will never
10 be the same. A special person is missing from our family, but
11 with God's help we can begin to move forward and start the
12 healing process. Thank you.

13 **THE COURT:** Thank you, Ms. Poole.

14 **MS. TRAMMELL:** Judge Hayes, my name is Jamie Trammell.
15 Monica and I had a unique kinship. She was not only my first
16 cousin, but she was my second cousin. So we clearly
17 understood each sides of our family. And today both sides of
18 our family are here and represented.

19 I could stand here all day long, Judge Hayes, and tell
20 you how much we loved her and how much we miss her, how the
21 light in the room is gone because she's gone. She was the
22 light in every room she entered.

23 I could stand here to eternity and tell you all that,
24 but, Judge Hayes, I'm here to request reciprocation. We were
25 handed a sentence on April the 19th, our family was, and it

1 was a life sentence. We were sentenced to life without our
2 Monnie.

3 Her brother, her daddy, her mama, her nieces, who she
4 helped raise, will never see her again. They were sentenced
5 to life without her. Most importantly, **Minor** has been
6 sentenced to life without his mother.

7 And I could stand here and tell you what kind of mother
8 she was. She was a spectacular mother. That boy was her
9 number one priority. And she allowed him to be him. If he
10 wanted to be Superman every day, he could be Superman every
11 day. That is now missing from his life.

12 My hope and my prayer, Judge Hayes, is that when he is
13 37 years old he does not pass Mr. Spencer in Wal-Mart.
14 Seventy-one years old is not that old. The older I get, the
15 younger 71 is.

16 We're requesting the same sentence that we were given.
17 Today we're requesting life for James Eric Spencer. Thank
18 you, Judge Hayes, and thank you for hearing this case today.

19 **THE COURT:** Thank you, ma'am.

20 **MS. LESKANIC:** I believe that's everyone. Thank you,
21 Your Honor. If I may approach ---

22 **THE COURT:** Yes, ma'am.

23 **MS. LESKANIC:** --- with the exhibits. Thank you.

24 **THE COURT:** Yes, sir, Mr. Brannon.

25 **MR. BRANNON:** Your Honor, I too thank you for hearing

1 this matter this morning.

2 These are my client's medical records, Your Honor. These
3 only go back to 2012. Unfortunately, the Department of Mental
4 Health can't get me records beyond that date.

5 That day in April 2020 was a tragic day on multiple
6 levels. Your Honor, my client has been struggling with mental
7 health and addiction issues for all of his adult life and into
8 his adolescent years. In 2012 he was diagnosed with bipolar
9 disorder MOS and other issues. He was prescribed medications.

10 As he told you, he's been in treatment on multiple
11 occasions, but, Your Honor, he's been hospitalized as much as
12 20 times in his lifetime. His most recent hospitalization was
13 in November of 2019 at Mary Black where he stayed seven days.

14 He was prescribed at that -- at Mary Black at that time
15 Risperidone, Your Honor. It is a -- it is a drug that is used
16 for schizophrenia. However, Your Honor, I've never seen a
17 record that actually diagnosed him with schizophrenia, but
18 that is what that drug is primarily prescribed to treat.

19 Your Honor, both myself and my client want to express
20 sincere and complete grief and remorse for the loss of their
21 loved one.

22 I first met Eric about a year ago. He has never once
23 told me that he wanted a trial. This was a plea. It was my
24 job to negotiate a plea. And with that respect, I submit to
25 the Court that I've failed because this is a straight-up plea.

1 Your Honor, there were negotiations during the whole period of
2 time.

3 But what I want you to consider, Your Honor, is two days
4 before this incident took place, two days before he called the
5 Cherokee County Department of Mental Health. He pleaded with
6 them to get him in because he needed to get back on his
7 medications.

8 Your Honor, as I told you, he was at Mary Black in
9 November of 2019 where he was prescribed that medication that
10 I announced for you. They gave him a 30 day prescription and
11 told him to follow up with his treating physician for further
12 prescription. Your Honor, in fact, Monica bought that
13 prescription in November of 2019 for him.

14 Unfortunately, Your Honor, you've seen it so many times,
15 mental health and addiction, they go hand-in-hand. My client
16 never followed up with a doctor after that November '19
17 hospital stay until he attempted to two days before.

18 As Ms. Leskanic described this relationship, it was on
19 and off. But I will tell you that my client has told me, and
20 I say this respectfully, I finally found somebody that I
21 loved, and I wanted help so that I could protect her and
22 protect myself.

23 But, Your Honor, you know this, when you talk to mental
24 health professionals, if you don't say I'm about to kill
25 myself or somebody else, they blow you off. So Cherokee

1 County Department of Mental Health, because he didn't say I'm
2 suicidal, they told him to make an appointment. And, Your
3 Honor, he did. They gave him an appointment for three weeks.

4 Unfortunately, Your Honor, that was 19 days too late.
5 The purpose of his call was to get back on his medications
6 because he was not on that Risperidone, but he was self-
7 medicating.

8 He's been hospitalized 20 times. His mother would like
9 to speak to you, Your Honor. He has told me from the moment I
10 met him he was responsible for this and he wants to pay the
11 price.

12 Your Honor, one of the diagnoses in 2012 was an impulse
13 control disorder. Ms. Leskanic has seen many of these or some
14 of these medical records, Your Honor. And there's a dispute
15 with each of the medical providers.

16 Each of the mental health providers, they say he's
17 diagnosed with this, but he's also got an addiction problem,
18 which is a diagnosis. And they, between themselves or even in
19 their own minds, they can't determine was the mental health
20 issue the cause of the addiction or was the addiction the
21 cause of the mental health issue? Your Honor, I submit to
22 this Court that this tragedy happened, that my client
23 committed this crime, but my client is a product of a failed
24 mental health system.

25 Your Honor, he has quite a lengthy criminal record. But

1 if you notice, none of those are violent crimes. Each of
2 those crimes were to feed an addiction, which was an attempt
3 to self-medicate. Nothing I can do or Mr. Spencer can do will
4 ever change what happened on that April day.

5 Your Honor, I believe my client would like to speak
6 briefly. And I know that his mother, Ms. Kay Spencer, is
7 present and she would like to speak as well.

8 Your Honor, as his attorney, I ask for a 30 year
9 sentence. Thank you.

10 **THE COURT:** Did the mother -- she in the courtroom?

11 **MR. BRANNON:** She's in the courtroom, yes.

12 **THE COURT:** Ma'am, just come right up here. You can
13 stand beside the police officer. Or stand in front of the
14 police officer or he'll show you where to stand.

15 Ma'am, just come right up here. I just need to let you
16 know we are making a recording of everything that happens
17 here.

18 **MS. SPENCER:** Yes, sir.

19 **THE COURT:** Speak up loud enough so the court reporter
20 and I can hear you. Just start by giving us your full name,
21 if you would.

22 **MS. SPENCER:** It's Kay. And the last name is Spencer.
23 Kay Spencer.

24 **THE COURT:** Yes, ma'am. Be more than happy to hear from
25 you.

1 **MS. SPENCER:** Okay. Yes, sir. All right. Thank you for
2 letting me talk and tell -- I was there when Eric was little.
3 And Eric, even as a little baby, he was different. And I was
4 advised by family members on both sides that something was
5 wrong, but I refused to go get help. I thought I could handle
6 it myself. But when he hit puberty, it got even worse.

7 So then I went and took him to Judge Douglas through the
8 probate court. And he was diagnosed as bipolar manic
9 depressive, and he was prescribed Lithium.

10 Then in his mid 20s he was diagnosed by Morris Village.
11 And there's medical records. And I have seen them. He was
12 diagnosed as schiz-schizophrenia [sic] also.

13 And I have lived with him when he had the schiz-
14 schizophrenia [sic]. And I have seen him when he was in that
15 state of mind many, many times. And I warned people. I
16 warned -- I warned Monica, you know, that he needed
17 professional help.

18 And later on he was also diagnosed as -- excuse me, Your
19 Honor. I cannot find it. A compulsive disorder, which is a
20 neurologic -- it's a neurological defect.

21 But I was wanting to tell you some of his behaviors when
22 he is -- was schiz-schizophrenia [sic] in my house. He would
23 cut holes in my walls looking for microphones. He would hang
24 -- he would take cameras out of cell phones and hang them in
25 my bushes because he was afraid somebody was coming into the

1 house.

2 I have been in rooms that he'd go rushing into the room
3 saying where is he, where is he? Where he would hear voices.
4 He thought I had a man in the house. He thought that man was
5 there to hurt him.

6 What else has he done? If I could just read my notes. I
7 have seen him with the schiz-schizophrenia [sic]. And when he
8 would do the drugs it would -- it would be -- it would be
9 scary. And I've dealt with it, and I've tried to get him help
10 many times.

11 If I could just get my nerves settled a little bit, I was
12 going to read you this.

13 **THE COURT:** Just take your time. You can read it to me
14 if that would help.

15 **MS. SPENCER:** He has did the Morris Village four times.
16 He's been to Three Rivers. He's been to Faith Home twice.
17 He's been to Overcomers once. They had -- the State had a
18 rehab in Greenville, and eventually it burned down. Eric was
19 -- he was at that one also. He has went to detox several
20 times.

21 Hold one second. I'm so nervous.

22 (Pause)

23 **MS. SPENCER:** Okay. I almost had it. Okay. Through
24 Judge Douglas and Judge Queen (ph.) I have went through
25 probate court and had him sent away for evaluations six times.

1 And in those times I had him sent away, there was a couple of
2 times that I put down that he was a danger to himself and to
3 others. And that is on these court papers.

4 And not only when I would send him away for an
5 evaluation, Eric would voluntarily go to the hospital and tell
6 them that he needed help. And he wanted to be sent to a
7 rehab. And because he didn't have insurance they would put
8 him on a bed out in the hall waiting for a bed to become open
9 at Patrick B. Harris or Morris Village.

10 Eric has been on medicine, been sent home with
11 prescriptions. And when we'd go to the Cherokee County Mental
12 Health we would have no help in getting those prescriptions
13 filled. We had no money and no insurance on him. And it just
14 -- he did not get the help he needed.

15 I want Eric to get help and to salvage a few years of his
16 life to spend with his children and his grandchildren. Here's
17 the hospitals that Eric has been to. He went to Greenville
18 Memorial, Mary Black, Spartanburg Regional.

19 And there was one time he lived in Greenville. And
20 Greenville Mental Health did help him and give him medication.
21 And that year that he was living in Greenville, he did good
22 while he was getting the help that he needed. But when he
23 moved back to Gaffney, all the help was gone again.

24 And financially I just couldn't help. I couldn't buy
25 prescriptions, and I couldn't pay the doctor bills. I'm on a

1 fixed income.

2 And I guess that's all, Your Honor. I just -- like I
3 said, I just want Eric to get some help and salvage, you know,
4 some years of his life to be a decent -- be decent and live a
5 normal life.

6 **THE COURT:** Thank you, ma'am.

7 **MS. SPENCER:** Thank you.

8 **MR. BRANNON:** Your Honor, I believe Mr. Spencer would
9 like to speak briefly.

10 **THE COURT:** Mr. Spencer, do you agree with the statements
11 that were made by your lawyer when he addressed them to me?

12 **MR. SPENCER:** Yes, sir, I do.

13 **THE COURT:** All right. Mr. Spencer, is there anything
14 else that you would like to say or want me to know or
15 consider?

16 **MR. SPENCER:** As you heard him say, I've been sick with
17 mental health and addicted to drugs for a very, very long
18 time. I finally found somebody that I loved. And my sickness
19 and my addiction led to tragedy, and I can't say sorry enough,
20 sorry for my actions. And I'm sorry to the family.

21 And I ask them to please forgive me. Please forgive me.
22 I ask the Lord to forgive me, and I'm asking them to forgive
23 me.

24 **MR. BRANNON:** Thank you, Your Honor.

25 **THE COURT:** Thank you, Mr. Spencer.

1 (Pause)

2 **THE COURT:** I will find that there is a substantial
3 factual basis for the plea. I will also find that the
4 defendant's decision to enter the plea is a free, voluntary,
5 knowingly and intellectual decision by him. Therefore, I will
6 accept the plea.

7 Mr. Brannon, I would just add you've made the comment
8 that Mr. Spencer being here today is the result of a failed
9 mental health system. If your narrative is true, and there's
10 a lot of information that you have gathered to support that
11 narrative, the other result of a failed mental health system
12 is, unfortunately, Ms. Shackelford and her situation and what
13 her family finds themselves.

14 **MR. BRANNON:** Absolutely true.

15 **THE COURT:** And whenever -- again, if the mental health
16 system in our communities do fail, then the result is
17 frequently that the justice system is called in to do its
18 role.

19 And on this case, it is -- I've indicated on the
20 sentencing sheet that the sentence will be a life sentence at
21 the State Department of Corrections. For purposes of the
22 Department of Corrections, I've indicated that if it becomes
23 important, he gets credit for the 555 days.

24 I've also indicated on the sentencing sheet to the
25 Department of Corrections that there are mental health issues

1 that need to be addressed. The mom was very articulate. She
2 still has a very caring heart for her son. And so I'd like
3 for the Department of Corrections to address those issues as
4 well as addressing the addiction issues that can be addressed.
5 Good luck to you, sir.

6 **MS. LESKANIC:** Thank you, Your Honor.

7 (Hearing Ended at 9:49 am)

8 (End of Requested Transcript of Record)

Certificate of Reporter

I, the undersigned, Susan W. Hudgins, Official Court Reporter for the Seventh 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 evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Cherokee County, South Carolina, on the 29th day of October 2021.

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

March 10, 2022

s/Susan W. Hudgins

Circuit Court Reporter

WITNESSES

Gaffney Police Dept.

ARREST WARRANT NUMBER

2020A1120200144

ACTION OF GRAND JURY

TRUE BILL

Almarie C. Davis
Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 20-GS-11-00806

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2020 JUN -4 AM 10:40

BRANDY W. MCBEE

The State of South Carolina

County of Cherokee

Barry Barmette, Solicitor

COURT OF GENERAL SESSIONS

June 4, 2020 TERM

THE STATE

vs.

JAMES ERIC SPENCER

INDICTMENT FOR:

MURDER
SC CODE: 16-03-0010, 0020
CDR: 116
CLASS: FEL-EXM

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on June 4, 2020, the Grand Jurors of Cherokee County present upon their oath:

MURDER

That James Eric Spencer did in Cherokee County between April 20, 2020, and April 21, 2020, feloniously, willfully, and with malice aforethought, kill one Monica Vinson Shackleford by ligature strangulation, and that the victim died as a proximate result thereof, all in violation of §16-3-0010, 0020, CODE OF LAWS OF SOUTH CAROLINA, (1976, as amended).

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

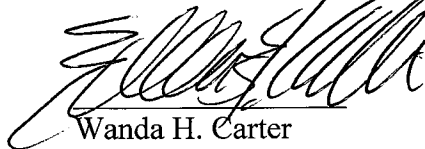
Kimberly J. Kainc
DEPUTY SOLICITOR

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 23 2022
SC Court of Appeals

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 23rd day of May, 2022.

RECEIVED

May 23 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,


V.

JAMES ERIC SPENCER,

APPELLANT.

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 23rd day of May, 2022.



Wanda H. Carter
Deputy Chief Appellate Defender

From: [Leverett, Scott](#)
To: [SC - BROWN MELODY](#)
Cc: [Angela Brown](#); [Carter, Wanda](#)
Subject: James Eric Spencer - Anders Brief of Appellant - Appellate Case No. 2021-001314
Date: Monday, May 23, 2022 2:01:00 PM
Attachments: [James Eric Spencer - Anders Brief of Appellant - Appellate Case No. 2021-001314.pdf](#)
[James Eric Spencer - Record on Appeal - Appellate Case No. 2021-001314.pdf](#)
[AG coverletter.pdf](#)

Dear Ms. Brown,

Attached please find a copy of the Anders Brief of Appellant and accompanying Record on Appeal that is being filed today, May 23, 2022, with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Wanda Carter
Appellate Defense