

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF GENERAL SESSIONS
99-GS-46-2349-2354

STATE OF SOUTH CAROLINA)

VS.)

TRANSCRIPT OF RECORD

BILLY WAYNE COPE,)
MARY SUE COPE)

SEPTEMBER 22, 1999
YORK, SOUTH CAROLINA

B E F O R E:

THE HONORABLE LEE S. ALFORD

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

KRIS JORDAN, ASSISTANT SOLICITOR
YORK, SOUTH CAROLINA

ATTORNEY FOR THE STATE

BRUCE POORE, ESQUIRE
ROCK HILL, SOUTH CAROLINA

ATTORNEY FOR THE DEFENDANT, BILLY WAYNE COPE

AND

ROBERT MALDONADO, ASSISTANT PUBLIC DEFENDER
YORK, SOUTH CAROLINA

ATTORNEY FOR THE DEFENDANT, MARY SUE COPE

SHIRLEY G. BROOM
CIRCUIT COURT REPORTER
SIXTEENTH JUDICIAL CIRCUIT

I N D E X

WITNESS

DIRECT

CROSS

RE-DIRECT

RE-CROSS

NO TESTIMONY TAKEN

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	ID	EV
S-1	PHOTO		4
S-2	PHOTO		4
S-3	PHOTO		4
S-4	PHOTO		4
S-5	PHOTO		4
S-6	PHOTO		4
S-7	PHOTO		4
S-8	PHOTO		4
S-9	PHOTO		4
S-10	PHOTO		4
S-11	PHOTO		4
S-12	PHOTO		4
S-13	PHOTO		4
D-1	PHOTO		4
D-2	PHOTO		4
D-3	PHOTO		4
D-4	PHOTO		4
D-5	PHOTO		4
D-6	PHOTO		4
D-7	PHOTO		4
D-8	PHOTO		4
D-9	PHOTO		4

1 (DOCUMENTS MARKED AS STATE'S EXHIBITS 1 THROUGH
2 13 AND DEFENDANT'S EXHIBITS 1 THROUGH 9.)

3 THE COURT - SOLICITOR?

4 MS. JORDAN - MAY IT PLEASE THE COURT. YOUR
5 HONOR, THIS IS STATE OF SOUTH CAROLINA VERSUS BILLY WAYNE
6 COPE UNDER DOCKET NUMBERS 99-GS-46-2349, 2350 AND 2351.
7 THESE ARE ALL TRUE BILLED INDICTMENTS FOR THE CHARGE OF
8 UNLAWFUL NEGLECT OF A CHILD WITH ONE COUNT FOR EACH CHILD
9 THAT THE COPEES HAVE. IT'S ALSO STATE OF SOUTH --- AND HE
10 IS REPRESENTED BY MR. BRUCE POORE. AND ALSO 99-GS-46-
11 2352, 2353 AND 2354 AGAINST MARY SUE COPE, ALSO FOR
12 UNLAWFUL NEGLECT OF A CHILD, AND HERS ARE TRUE BILLED, AS
13 WELL. SHE IS REPRESENTED BY ROBERT MALDONADO OF THE
14 PUBLIC DEFENDER'S OFFICE. THE COPEES ARE PLEADING TODAY
15 WITHOUT RECOMMENDATION AND WITHOUT NEGOTIATION.

16 THE COURT - MR. POORE, DO YOU REPRESENT BILLY
17 WAYNE COPE WITH REGARD TO THREE COUNTS OF UNLAWFUL CHILD
18 NEGLECT?

19 MR. POORE - YES, SIR.

20 THE COURT - IS THAT CORRECT? AND HAVE YOU
21 ADVISED YOUR CLIENT OF THE CHARGES AGAINST HIM AND ALSO
22 HIS RIGHT TO TRIAL BY JURY ON THIS CHARGE?

23 MR. POORE - YES, SIR, I HAVE.

24 THE COURT - ALL RIGHT. AND UNDERSTANDING THE
25 CHARGES AND HIS RIGHT TO TRIAL BY JURY, HOW HAS HE

1 INDICATED TO YOU HE WISHES TO PLEAD?

2 MR. POORE - HE WISHES TO ENTER A GUILTY PLEA ON
3 EACH CHARGE.

4 THE COURT - MR. MALDONADO, DO YOU REPRESENT MARY
5 SUE COPE WITH REGARD TO THREE COUNTS OF UNLAWFUL CHILD
6 NEGLECT?

7 MR. MALDONADO - YES, YOUR HONOR.

8 THE COURT - AND HAVE YOU DISCUSSED THE CHARGES
9 AND THE RIGHT TO TRIAL BY JURY WITH YOUR CLIENT?

10 MR. MALDONADO - YES, YOUR HONOR.

11 THE COURT - AND UNDERSTANDING HER RIGHT TO TRIAL
12 BY JURY AND THE CHARGES AGAINST HER, HOW HAS SHE INDICATED
13 TO YOU SHE WISHES TO PLEAD, GUILTY OR NOT GUILTY?

14 MR. MALDONADO - GUILTY, YOUR HONOR.

15 THE COURT - LET'S TAKE MR. COPE FIRST. YOU'RE
16 BILLY WAYNE COPE?

17 MR. COPE - THAT'S CORRECT, YES, SIR.

18 THE COURT - HOW OLD ARE YOU, MR. COPE?

19 MR. COPE - 36.

20 THE COURT - HOW FAR'D YOU GO IN SCHOOL?

21 MR. COPE - TWO YEARS OF COLLEGE.

22 THE COURT - WHAT DO YOU NORMALLY DO FOR A JOB OR
23 OCCUPATION?

24 MR. COPE - I WORK FOR STEAK-OUT DELIVERY.

25 THE COURT - YOU'RE MARRIED TO MARY SUE COPE? IS

1 THAT CORRECT?

2 MR. COPE - THAT IS CORRECT, YES, SIR.

3 THE COURT - HOW MANY MINOR CHILDREN DO YOU HAVE?

4 MR. COPE - THREE.

5 THE COURT - WHAT ARE THEIR AGES?

6 MR. COPE - ONE'S TEN, ONE'S NINE AND ONE'S FOUR.

7 THE COURT - DID YOU SPEND ANY TIME IN JAIL
8 AWAITING DISPOSITION OF THESE CHARGES?

9 MR. COPE - YES, WE DID.

10 THE COURT - HOW MANY --- HOW MUCH TIME?

11 MR. COPE - ONE WEEK.

12 THE COURT - YOU ARE CHARGED, MR. COPE, WITH
13 THREE COUNTS OF UNLAWFUL CHILD NEGLECT. EACH OF THESE
14 COUNTS CARRIES UP TO TEN YEARS IN JAIL AND A DISCRETIONARY
15 FINE. DO YOU UNDERSTAND THE CHARGES AGAINST YOU AND THE
16 MAXIMUM PUNISHMENT YOU COULD RECEIVE ON THESE CHARGES?

17 MR. COPE - YES, SIR.

18 THE COURT - ALL RIGHT, UNDERSTANDING THE CHARGES
19 THAT YOU FACE AND ALSO THE MAXIMUM PUNISHMENT YOU COULD
20 RECEIVE, HOW DO YOU PLEAD, GUILTY OR NOT GUILTY?

21 MR. COPE - I PLEAD GUILTY.

22 THE COURT - DO YOU UNDERSTAND THAT BY PLEADING
23 GUILTY, YOU'RE GIVING UP YOUR RIGHT TO REMAIN SILENT?

24 MR. COPE - YES, SIR.

25 THE COURT - DO YOU UNDERSTAND THAT BY PLEADING

1 GUILTY, YOU'RE GIVING UP YOUR RIGHT TO A TRIAL BY JURY?

2 MR. COPE - YES, SIR.

3 THE COURT - ALL RIGHT, LET'S TAKE NOW MRS. MARY
4 SUE COPE. HOW OLD ARE YOU, MRS. COPE?

5 MRS. COPE - 29.

6 THE COURT - HOW FAR DID YOU GO IN SCHOOL?

7 MRS. COPE - ELEVENTH GRADE.

8 THE COURT - WHAT DO YOU NORMALLY DO FOR A JOB OR
9 OCCUPATION?

10 MRS. COPE - I WORK FOR LANIER HEALTH PRODUCTS.

11 THE COURT - DID YOU SPEND ANY TIME IN JAIL
12 AWAITING DISPOSITION OF THESE CHARGES?

13 MRS. COPE - YES, SIR.

14 THE COURT - HOW MUCH TIME?

15 MRS. COPE - A WEEK.

16 THE COURT - YOU ARE ALSO CHARGED WITH THREE
17 COUNTS OF UNLAWFUL CHILD NEGLECT. EACH COUNT CARRIES A
18 MAXIMUM OF TEN YEARS IN PRISON AND A FINE WITHIN THE
19 DISCRETION OF THE COURT. DO YOU UNDERSTAND THE CHARGES
20 AGAINST YOU AND THE MAXIMUM PUNISHMENT YOU COULD RECEIVE
21 ON THESE CHARGES?

22 MRS. COPE - YES, SIR.

23 THE COURT - ALL RIGHT. UNDERSTANDING THE
24 CHARGES AND THE MAXIMUM PUNISHMENT YOU COULD RECEIVE, HOW
25 DO YOU PLEAD, GUILTY OR NOT GUILTY?

1 MRS. COPE - GUILTY.

2 THE COURT - DO YOU UNDERSTAND THAT BY PLEADING
3 GUILTY, YOU'RE GIVING UP YOUR RIGHT TO REMAIN SILENT?

4 MRS. COPE - YES, SIR.

5 THE COURT - DO YOU UNDERSTAND THAT BY PLEADING
6 GUILTY, YOU'RE GIVING UP YOUR RIGHT TO A TRIAL BY JURY?

7 MRS. COPE - YES, SIR.

8 THE COURT - ALL RIGHT. I'M GOING TO EXPLAIN TO
9 EACH OF YOU NOW YOUR RIGHTS WITH REGARD TO A TRIAL BY
10 JURY. I KNOW YOUR ATTORNEYS HAVE GONE OVER THAT WITH YOU,
11 AND I'M GOING TO DO IT AS WELL ON THE RECORD. AT TRIAL
12 YOU WOULD HAVE THE RIGHT TO CONFRONT AND CROSS EXAMINE ALL
13 WITNESSES AGAINST YOU. YOU WOULD HAVE THE RIGHT TO
14 PRESENT ANY WITNESSES AND/OR EVIDENCE IN YOUR OWN DEFENSE.
15 YOU WOULD HAVE THE RIGHT TO TESTIFY IN YOUR OWN DEFENSE IF
16 YOU WISHED TO DO SO, THAT NO ONE COULD MAKE YOU TESTIFY IN
17 YOUR OWN TRIAL. IF YOU DECIDED TO GO TO TRIAL AND NOT
18 TESTIFY, THE JUDGE WOULD TELL THE JURY THAT THEY COULD NOT
19 HOLD YOUR FAILURE TO TESTIFY AGAINST YOU. IN FACT, THE
20 JURY COULDN'T EVEN CONSIDER YOUR FAILURE TO TESTIFY IN
21 THEIR DELIBERATIONS ON YOUR GUILT OR INNOCENCE. YOU WOULD
22 BE PRESUMED INNOCENT THROUGHOUT YOUR TRIAL. THE STATE
23 WOULD HAVE TO PROVE YOU GUILTY BEYOND A REASONABLE DOUBT
24 TO A JURY OF TWELVE PEOPLE. ALL TWELVE PEOPLE WOULD HAVE
25 TO UNANIMOUSLY AGREE THAT YOU WERE GUILTY IN ORDER FOR YOU

1 TO BE CONVICTED, AND EVEN IF YOU WERE CONVICTED, YOU WOULD
2 STILL HAVE THE RIGHT TO APPEAL THAT CONVICTION. DO YOU
3 UNDERSTAND YOUR RIGHTS WITH REGARDS TO A TRIAL BY JURY,
4 EACH OF YOU?

5 MRS. COPE - YES, SIR.

6 MR. COPE - YES, SIR.

7 THE COURT - UNDERSTANDING YOUR RIGHT TO A TRIAL
8 BY JURY, MR. COPE, DO YOU STILL WANT TO PLEAD GUILTY OR DO
9 YOU WANT ME TO SET YOUR CASES FOR TRIAL?

10 MR. COPE - PLEAD GUILTY.

11 THE COURT - MRS. COPE, UNDERSTANDING YOUR RIGHT
12 TO A TRIAL BY JURY, DO YOU STILL WANT TO PLEAD GUILTY OR
13 DO YOU WANT ME TO SET YOUR CASES FOR TRIAL?

14 MRS. COPE - PLEAD GUILTY.

15 THE COURT - MY UNDERSTANDING IS THAT THERE ARE
16 NO NEGOTIATIONS OR AGREEMENTS IN THIS CASE. IS THAT
17 CORRECT, SOLICITOR?

18 MS. JORDAN - THAT'S CORRECT, YOUR HONOR.

19 THE COURT - ALL RIGHT. MR. COPE, HAS ANYBODY
20 PROMISED YOU ANYTHING OR HELD OUT ANY HOPE OF REWARD TO
21 YOU IN ORDER TO GET YOU TO PLEAD GUILTY TO THESE CHARGES?

22 MR. COPE - NO, SIR.

23 THE COURT - HAS ANYBODY THREATENED YOU, COERCED
24 YOU OR FORCED YOU TO PLEAD GUILTY AGAINST YOUR WILL?

25 MR. COPE - NO, SIR.

1 THE COURT - MRS. COPE, HAS ANYBODY PROMISED YOU
2 ANYTHING OR HELD OUT ANY HOPE OF REWARD TO YOU IN ORDER TO
3 GET YOU TO PLEAD GUILTY TO THESE CHARGES?

4 MRS. COPE - NO, SIR.

5 THE COURT - HAS ANYBODY THREATENED YOU, COERCED
6 YOU OR FORCED YOU TO PLEAD GUILTY AGAINST YOUR WILL?

7 MRS. COPE - NO, SIR.

8 THE COURT - MR. COPE, ARE YOU SATISFIED WITH THE
9 MANNER IN WHICH YOUR ATTORNEY HAS ADVISED AND REPRESENTED
10 YOU IN THIS CASE?

11 MR. COPE - YES, SIR.

12 THE COURT - HAVE YOU AND YOUR ATTORNEY FULLY
13 DISCUSSED THE CHARGES AGAINST YOU?

14 MR. COPE - YES, SIR.

15 THE COURT - HAS YOUR ATTORNEY TOLD YOU THE
16 WITNESSES AND EVIDENCE THE STATE HAS AVAILABLE TO PRESENT
17 AT TRIAL TO PROVE YOUR GUILT?

18 MR. COPE - YES, SIR.

19 THE COURT - HAS YOUR ATTORNEY DISCUSSED WITH YOU
20 ANY POSSIBLE LEGAL DEFENSES THAT MIGHT BE AVAILABLE TO YOU
21 SHOULD YOU GO TO TRIAL?

22 MR. COPE - YES, SIR.

23 THE COURT - HAVE YOU TOLD YOUR ATTORNEY THE
24 NAMES OF ANY AND ALL WITNESSES YOU KNOW OF THAT YOUR
25 ATTORNEY COULD SUBPOENA AND BRING TO TRIAL TO ASSIST YOU

1 IN YOUR DEFENSE SHOULD YOU DECIDE TO GO TO TRIAL?

2 MR. COPE - YES, SIR.

3 THE COURT - ARE YOU TODAY UNDER THE INFLUENCE OF
4 ANY MILD ALTERING SUBSTANCE SUCH AS ALCOHOL, DRUGS OR
5 PRESCRIPTION MEDICINES WHICH WOULD INTERFERE WITH YOUR
6 JUDGMENT OR ABILITY TO UNDERSTAND WHAT YOU'RE DOING IN
7 COURT TODAY?

8 MR. COPE - NO, SIR.

9 THE COURT - ARE YOU AWARE OF ANY MENTAL,
10 EMOTIONAL OR NERVOUS CONDITION THAT YOU HAVE THAT WOULD
11 INTERFERE WITH YOUR JUDGMENT OR ABILITY TO UNDERSTAND WHAT
12 YOU'RE DOING IN COURT TODAY?

13 MR. COPE - NO, SIR.

14 THE COURT - ARE YOU PLEADING GUILTY TODAY, SIR,
15 OF YOUR OWN FREE WILL?

16 MR. COPE - YES, SIR.

17 THE COURT - ARE YOU, IN FACT, GUILTY OF THESE
18 THREE COUNTS OF UNLAWFUL CHILD NEGLECT?

19 MR. COPE - YES, SIR.

20 THE COURT - MRS. COPE, I'M GOING TO GO THROUGH
21 THESE SAME LITANY OF QUESTIONS WITH YOU AND ASK YOU, ARE
22 YOU SATISFIED WITH THE MANNER IN WHICH YOUR ATTORNEY HAS
23 ADVISED AND REPRESENTED YOU IN THIS CASE?

24 MRS. COPE - YES, SIR.

25 THE COURT - HAVE YOU AND YOUR ATTORNEY FULLY

1 DISCUSSED THE CHARGES AGAINST YOU?

2 MRS. COPE - YES, SIR.

3 THE COURT - HAS YOUR ATTORNEY TOLD YOU THE
4 WITNESSES AND EVIDENCE THE STATE HAS AVAILABLE TO PRESENT
5 AT TRIAL TO PROVE YOUR GUILT?

6 MRS. COPE - YES, SIR.

7 THE COURT - HAS YOUR ATTORNEY DISCUSSED WITH YOU
8 ANY POSSIBLE LEGAL DEFENSES THAT MIGHT BE AVAILABLE TO YOU
9 SHOULD YOU GO TO TRIAL?

10 MRS. COPE - YES, SIR.

11 THE COURT - HAVE YOU TOLD YOUR ATTORNEY THE
12 NAMES OF ANY AND ALL WITNESSES YOU KNOW OF THAT YOUR
13 ATTORNEY COULD SUBPOENA AND BRING TO TRIAL TO ASSIST YOU
14 IN YOUR DEFENSE SHOULD YOU DECIDE TO GO TO TRIAL?

15 MRS. COPE - YES, SIR.

16 THE COURT - ARE YOU TODAY UNDER THE INFLUENCE OF
17 ANY MILD ALTERING SUBSTANCE SUCH AS ALCOHOL, DRUGS OR
18 PRESCRIPTION MEDICATIONS WHICH WOULD INTERFERE WITH YOUR
19 JUDGMENT OR ABILITY TO UNDERSTAND WHAT YOU'RE DOING IN
20 COURT TODAY?

21 MRS. COPE - NO, SIR.

22 THE COURT - ARE YOU AWARE OF ANY MENTAL,
23 EMOTIONAL OR NERVOUS CONDITION THAT YOU HAVE THAT WOULD
24 INTERFERE WITH YOUR JUDGMENT OR ABILITY TO UNDERSTAND WHAT
25 YOU'RE DOING IN COURT TODAY?

1 MRS. COPE - NO, SIR.

2 THE COURT - ARE YOU PLEADING GUILTY TODAY OF
3 YOUR OWN FREE WILL?

4 MRS. COPE - YES, SIR.

5 THE COURT - ARE YOU, IN FACT, GUILTY OF THREE
6 COUNTS OF UNLAWFUL CHILD NEGLECT?

7 MRS. COPE - YES, SIR.

8 THE COURT - SOLICITOR, PLEASE GIVE ME THE FACTS
9 IN THE CASE.

10 MS. JORDAN - YOUR HONOR, THE OFFICERS IN THE
11 YORK COUNTY SHERIFF'S DEPARTMENT BECAME AWARE OF THIS
12 SITUATION ON JUNE 2ND, 1999 WHEN THEY RECEIVED AN
13 ANONYMOUS CALL THAT REPORTED THAT SOME MINOR VICTIMS WERE
14 LIVING IN UNFIT CONDITIONS IN THEIR RESIDENCE WHICH WAS
15 LOCATED IN ROCK HILL. WHEN THE OFFICERS ARRIVED THERE,
16 THEY FOUND THAT THERE WERE THREE CHILDREN, AMANDA WHO IS
17 TEN YEARS OLD, JESSICA WHO'S NINE AND KYLA WHO IS FOUR
18 YEARS OLD, AS WELL AS THE PARENTS, MR. AND MRS. COPE,
19 LIVING IN A MOBILE HOME THAT INDEED WAS UNFIT. THERE WERE
20 APPROXIMATELY TWENTY BAGS OF TRASH STACKED IN THE HALLWAY
21 OF THE MOBILE HOME, AND IN THE ROOMS OF THE MOBILE HOME
22 STACKED ABOUT TWO FEET HIGH, AND THERE WERE ABOUT FIFTEEN
23 LARGE BUCKETS OF HUMAN WASTE THROUGHOUT THE HOME. THEY
24 FOUND THAT THE BATHTUB HAD FALLEN THROUGH THE FLOOR AND
25 THAT THE TOILET WAS NON-FUNCTIONING. THE RESIDENCE WAS

1 ALSO INFESTED WITH BUGS AND FIRE ANTS AND THE CHILDREN DID
2 NOT HAVE ANY CLEAN CLOTHES AT THAT TIME. THE CHILDREN
3 WERE PLACED INTO PROTECTIVE CUSTODY. THE OFFICERS TOOK
4 PHOTOGRAPHS AT THE HOME AND, YOUR HONOR, REALLY THE
5 CONDITIONS DEFY A PHYSICAL DESCRIPTION, BUT VERBAL
6 DESCRIPTION. I HAVE SOME PHOTOGRAPHS HERE, AND I'D LIKE
7 TO DESCRIBE THEM TO YOU AND THEN HAND THEM UP SO YOU KNOW
8 WHAT YOU'RE LOOKING AT. THE VERY FIRST PICTURE IS THE
9 ENTRY INTO THE HOME. THERE IS A GREEN RUBBERMAID-TYPE
10 BUCKET IN THE FRONT. THAT'S WHERE THE CHILDREN WERE
11 BATHED BECAUSE OF THE BATHTUB BEING FALLEN THROUGH THE
12 FLOOR. AS YOU LOOK INTO THE RESIDENCE, YOU'LL SEE THE END
13 OF THE COUCH. THE COUCH IS WHERE TWO OF THE --- I BELIEVE
14 THE OLDER CHILDREN SLEPT. THE PHOTOGRAPH I'M HANDING UP
15 NOW THAT'S BEEN MARKED AS NUMBER 2 SHOWS THE HEAD OF THAT
16 COUCH WHERE THE CHILDREN SLEPT. AT THE END OF THAT COUCH
17 ARE SEVERAL LARGE BUCKETS OF HUMAN WASTE, URINE AND FECES.
18 THERE'S A CLOSER-UP VIEW OF THE BUCKETS THAT WERE RIGHT AT
19 THE CHILDRENS' HEADS AS THEY SLEPT. IT'S STATE'S EXHIBIT
20 NUMBER 3. STATE'S EXHIBIT NUMBER 4 SHOWS WALKING IN FRONT
21 OF THE COUCH LOOKING BACK INTO THE KITCHEN AND IT SHOWS
22 ALL OF THE TRASH, AND IN THE MIDDLE OF THAT TRASH YOU SEE
23 A BUCKET OF HUMAN WASTE. EXHIBIT NUMBER 5 SHOWS A CLOSER
24 VIEW OF SOME OF THE BUCKETS OF WASTE AND IN ONE OF THE
25 BUCKETS OF WASTE THERE ARE MAGGOTS GROWING. STATE'S

1 EXHIBIT NUMBER 6 SHOWS THE AREA OF THE KITCHEN AND THE
2 TRASH AND DEBRIS THAT'S LINED UP IN FRONT OF THE STOVE AND
3 THE CABINETS WHERE YOU COULDN'T EVEN GET TO THE SINK AND
4 THE CABINETS. STATE'S EXHIBIT NUMBER 7 SHOWS, APPARENTLY,
5 THERE WAS SOME FOOD IN THE HOME. THERE WERE NO CLEAN
6 DISHES, APPARENTLY, AND ALL OF THE FOOD WAS IN ONE LARGE
7 CONTAINER WITH THREE SPOONS OR THREE FORKS --- THREE
8 EATING UTENSILS IN IT. STATE'S EXHIBIT NUMBER 8 IS THE
9 BATHROOM, YOUR HONOR. YOU'LL NOTICE WHEN YOU LOOK AT THIS
10 PHOTOGRAPH THAT THE BATHTUB HAS FALLEN THROUGH THE FLOOR,
11 AND THERE IS A RUBBERMAID-TYPE CONTAINER SITTING ON TOP OF
12 THE TOILET THAT THEY HAD BEEN USING. AND IN ALL THESE
13 PICTURES YOU'LL NOTICE THERE ARE NUMEROUS TWO-LITER DRINK
14 BOTTLES LAYING AROUND THE HOME AS WELL. STATE'S EXHIBIT
15 NUMBER 9 SHOWS A VIEW DOWN THE HALLWAY THAT SHOWS THE
16 TRASH AND DEBRIS LINED UP WITH ANOTHER BUCKET IN THE
17 MIDDLE OF THE HALLWAY. NUMBER 10 IS A CLOSER-UP VIEW OF
18 THAT BUCKET WITH THE DRINK BOTTLES AND EVERYTHING AROUND
19 IT. STATE'S EXHIBIT NUMBER 11 SHOWS THE BED WHERE, I
20 BELIEVE, MR. AND MRS. COPE WERE SLEEPING AND THE YOUNGEST
21 CHILD KYLA WHO'S FOUR WAS SLEEPING WITH THEM THERE.
22 YOU'LL NOTICE IN THAT PICTURE, AND AS WELL AS THE VERY
23 FIRST PICTURE, THE WINDOWS ARE BROKEN OUT OF THE HOME.
24 THERE IS A SHERIFF'S REPORT WHERE MRS. COPE HAD CALLED
25 BACK IN 1997 AND REPORTED THAT VANDALS HAD BROKEN THE

1 WINDOWS OUT, SO THESE WINDOWS HAD BEEN BROKEN OUT FOR TWO
2 YEARS. STATE'S EXHIBIT NUMBER 12 IS A PHOTOGRAPH OF ONE
3 OF THE CHILDREN'S LOWER LEGS THAT SHOWS THE FIRE ANT BITES
4 ALL UP AND DOWN HER LEGS. AND STATE'S EXHIBIT NUMBER 13
5 SHOWS MR. COPE'S COMPUTER, AND GIVEN THE CONDITION OF THE
6 TRAILER AND THE EXTREME CONDITION OF THE TRAILER, THAT'S
7 PRETTY WELL ORGANIZED, AND HE HAS SLOTS FOR ALL OF HIS
8 PAPERS AND THINGS, AND IF YOU'LL NOTE IN FRONT OF THE
9 COMPUTER HE IS PREPARING FOR HIS CHURCH'S BULLETIN.
10 THAT'S RIGHT THERE ON HIS COMPUTER BY HIS SCREEN. YOUR
11 HONOR, THE CHILDREN WERE EXAMINED BY MEDICAL DOCTORS AND
12 THEY WERE FOUND TO BE IN RELATIVELY GOOD HEALTH
13 CONSIDERING WHAT THEY HAD BEEN LIVING IN. HOWEVER, THEY
14 WERE INFESTED WITH LICE. ALL THREE CHILDREN REQUIRED
15 NUMEROUS TREATMENTS TO RID THEMSELVES OF LICE, AND THEY
16 WERE EATEN UP BY THE FIRE ANTS, AS YOU SAW. THERE WERE
17 ALSO --- ONE OF THE CHILDREN ALSO HAD A URINARY TRACT
18 INFECTION. THE CHILDREN DID REMAIN IN FOSTER CARE FOR
19 QUITE SOME TIME. I HAVE BEEN IN CONTACT WITH THE GUARDIAN
20 AD LITEM ON THAT CASE, AND IT IS MY UNDERSTANDING THAT THE
21 CHILDREN ARE NOW BACK IN THE HOME. THEY HAVE BEEN --- MY
22 UNDERSTANDING THE HEARING WAS ON AUGUST 23RD, AND THE
23 CHILDREN WERE PLACED BACK IN THE CUSTODY OF MR. AND MRS.
24 COPE. THE COPES HAVE MOVED TO A NEW RESIDENCE THAT I
25 BELIEVE MR. MALDONADO HAS SOME PICTURES OF. THE --- PART

1 OF THE REQUIREMENTS IN THAT --- IN THAT --- PLACING THE
2 CUSTODY BACK IN THE CHILDREN (SIC) WERE THAT MR. COPE NOT
3 HAVE A COMPUTER OR INTERNET ACCESS FOR A YEAR. IT'S MY
4 UNDERSTANDING HE HAS SOLD THAT COMPUTER. THEY WILL BE
5 MONITORED FOR SIX MONTHS. THEY HAVE BEEN GIVEN HOMEMAKER
6 SERVICES. THEY'VE BEEN ORDERED TO HAVE PSYCHOLOGICAL
7 EVALUATIONS ON AUGUST 27TH AND TO FOLLOW-THROUGH WITH ANY
8 RECOMMENDATIONS THAT WERE MADE. THEY HAVE BEEN ORDERED TO
9 HAVE MARRIAGE COUNSELING. I BELIEVE THEY'RE HAVING THAT
10 THROUGH THEIR PASTOR. THE GUARDIAN AD LITEM HAS SPOKEN
11 WITH THE PASTOR, AND IT WAS HER BELIEF THAT HE DID HAVE A
12 FULL UNDERSTANDING OF THE NATURE OF THE SITUATION, AND SHE
13 FELT THAT THAT WAS --- THAT THAT COUNSELING WOULD BE GOOD
14 FOR THEM. THEY HAVE BOTH BEEN ORDERED TO MAINTAIN
15 EMPLOYMENT, TO MAKE SURE THAT THE CHILDREN ARE AT SCHOOL
16 AND THAT THEY HAVE ALL THEIR MEDICAL NEEDS MET, AND THEY
17 HAVE TO JUSTIFY ANY ABSENCES FROM THE CHILDREN --- WITH
18 THE CHILDREN AT SCHOOL, AND THEY HAVE TO KEEP DSS INFORMED
19 OF THEIR EMPLOYMENT AND THEIR ADDRESSES, ETCETERA. I
20 MIGHT ALSO ADD THAT DURING THE SCHOOL-YEAR, I THINK A
21 TEACHER DID COME TO THE HOME, CONCERNED ABOUT SOME OF THE
22 CHILDRENS' ATTIRE. THEY WOULD WEAR CLOTHES THAT DIDN'T --
23 - OBVIOUSLY, DIDN'T FIT THEM, AND ALSO THE HEAD LICE.
24 THEY'RE TRYING TO --- TRYING TO GET THAT TREATED. THEY
25 DIDN'T FIND ANYONE AT THE MOBILE HOME AND THOUGHT THAT IT

1 HAD BEEN ABANDONED. SO THEY'VE JUST KIND OF FALLEN
2 THROUGH THE CRACKS. THE STATE HAS NO RECOMMENDATION WITH
3 REGARD TO SENTENCING. WE'RE LEAVING THAT IN THE
4 DISCRETION OF THE COURT. THIS CASE CLEARLY GOES BEYOND
5 POVERTY. THIS IS NOT ABOUT POVERTY. THIS IS ABOUT JUST
6 THE BASIC HUMAN NEEDS. ANIMALS SHOULDN'T LIVE IN A HOME
7 LIKE THIS, AND WE CAN'T ALLOW THAT. SO WHAT WE WOULD
8 RECOMMEND, THOUGH, IF THE COURT DOES DETERMINE THAT
9 PROBATION IS APPROPRIATE IN THIS CASE, WE DO HAVE A
10 SPECIAL REQUEST FOR PROBATION, IF AGAIN IT'S THE COURT'S
11 DETERMINATION TO GIVE PROBATION. WE WOULD ASK THAT A
12 SPECIAL CONDITION BE THAT THE PROBATION OFFICER MEET
13 MONTHLY, A FACE-TO-FACE VISIT, IN THE HOME, AND TO HAVE A
14 PROPER INSPECTION OF THE RESIDENCE, TO MAINTAIN THE
15 INTEGRITY OF THE HOME. DSS HAS SEEN FIT JUST TO ASK FOR
16 SIX MONTHS, AND SO WE WOULD ASK THAT IF THE COURT ORDERS
17 PROBATION, THAT BE A SPECIAL CONDITION THAT EVERY MONTH
18 DURING THEIR PROBATION, A FACE-TO-FACE VISIT, NOT JUST A
19 VISIT, BUT A FACE-TO-FACE VISIT WHERE THEY'RE REQUIRED TO
20 SIT DOWN WITH MR. AND MRS. COPE AND LOOK THROUGH THAT
21 RESIDENCE AND MAKE SURE THAT CONDITIONS ARE BEING
22 MAINTAINED FOR THE CHILDRENS' BENEFIT. AND DETECTIVE
23 BENFIELD, DID YOU HAVE ANYTHING ELSE?

24 DETECTIVE BENFIELD - NO.

25 THE COURT - MR. COPE, YOU'VE HEARD THE FACTS AS

1 RECITED TO THE COURT BY THE SOLICITOR'S OFFICE. DO YOU
2 DISAGREE WITH ANY OF THE FACTS AS PRESENTED TO THE COURT?

3 MR. COPE - NO, SIR.

4 THE COURT - MRS. COPE, YOU'VE HEARD THE FACTS AS
5 PRESENTED TO THE COURT BY THE SOLICITOR'S OFFICE. DO YOU
6 DISAGREE WITH ANY OF THE FACTS OF THE PRESENTATION THAT
7 THEY MADE TODAY?

8 MRS. COPE - NO, SIR.

9 THE COURT - ALL RIGHT, IN EACH OF THESE CASES I
10 FIND THE DECISION OF BILLY WAYNE COPE AND ALSO MARY SUE
11 COPE TO PLEAD GUILTY TO THESE THREE COUNTS OF CHILD ---
12 UNLAWFUL CHILD NEGLECT TO BE MADE FREELY, VOLUNTARILY AND
13 INTELLIGENTLY, EACH HAVE THE REPRESENTATION OF A COMPETENT
14 ATTORNEY WITH WHOM THEY SAY THEY ARE SATISFIED. I FIND
15 THAT THE FACTS AS PRESENTED TO THE COURT BY THE
16 SOLICITOR'S OFFICE CONCURRED IN BY THE RESPECTIVE
17 DEFENDANTS SUPPORT AND SUBSTANTIATE THE GUILTY PLEAS IN
18 THIS CASE, AND I'LL ACCEPT THE PLEAS AS FREELY AND
19 VOLUNTARILY MADE. NOW, MR. COPE, MRS. COPE, IF YOU
20 DISAGREE WITH THE PROCEEDING WITH WHICH WE'RE CURRENTLY
21 INVOLVED, YOU WOULD HAVE TEN DAYS FROM TODAY'S DATE WITHIN
22 WHICH TO FILE A NOTICE OF INTENT TO APPEAL. DO YOU
23 UNDERSTAND YOUR RIGHT TO APPEAL TODAY'S PROCEEDING? MR.
24 COPE?

25 MR. COPE - YES, SIR.

1 THE COURT - MRS. COPE?

2 MRS. COPE - YES, SIR.

3 THE COURT - ALL RIGHT, COUNSEL? MR. MALDONADO?

4 MR. MALDONADO - MAY IT PLEASE THE COURT, YOUR
5 HONOR. MRS. COPE, AS SHE STATED TO YOU, IS 29 YEARS OLD
6 WITH THE THREE CHILDREN. YOUR HONOR, SHE IS RIGHT NOW
7 WORKING AT LANIER HEALTH PRODUCTS. SHE'S GOT A VERY GOOD
8 JOB. SHE'S WORKING WHERE SHE'S GETTING --- SHE'S GETTING
9 MORE MONEY AND SHE'S GETTING HEALTHCARE --- HEALTH
10 BENEFITS FOR THE CHILDREN. AND AT THE TIME SHE WAS
11 WORKING AT BI-LO, HOWEVER, SHE LOST THAT JOB BECAUSE SHE
12 HAD PROBLEMS WITH HER GALLBLADDER, AND SHE WAS IN THE
13 HOSPITAL. SHE HAS NO PRIOR RECORD. THIS IS THE FIRST
14 TIME BEING IN FRONT OF THE COURT FOR ANYTHING. AND, YOUR
15 HONOR, SHE DID WANT TO EXPLAIN THE SITUATION, AS DO BOTH
16 OF THEM. MOST OF THE TROUBLE STARTED BECAUSE OF MY
17 CLIENTS BEING IN THE HOSPITAL FOR HER GALLBLADDER. SHE
18 WAS --- SHE WENT IN THERE MARCH 8TH AND STAYED IN THERE
19 FOR SOME TIME. WHEN THEY DID LEAVE THE HOSPITAL, THEY
20 WERE --- THEY WERE HAVING PROBLEMS IN THE HOUSE, AND THEN
21 AT --- WOULD MOVE AT TIMES WITH THEIR BROTHER-IN-LAW, MR.
22 MIKE COPE WHO IS STANDING THERE --- HERE WITH HER TO
23 CONFIRM THAT THEY DID SUBSTANTIALLY LIVE AT THEIR HOUSE AT
24 THE TIME OF THIS INCIDENCE, NOT TOTALLY, YOUR HONOR, BUT
25 MOST OF THE TIME THEY WERE LIVING WITH SOMEONE ELSE WITH

1 THE CHILDREN. IT'S BEEN EXPLAINED TO ME THAT --- THAT ---
2 I'M NOT GOING TO SPEAK FOR MR. COPE, BUT HE WAS --- HE WAS
3 --- IT'S MY UNDERSTANDING THAT A LOT OF THE DAMAGE WAS
4 DONE --- GARBAGE THROWN AROUND, BECAUSE HE WOULD GO BACK
5 HOME AND LOOK FOR STUFF AND THEN GET CLOTHES FOR THE
6 CHILDREN AND THEN LEAVE, AND THEY WERE JUST AT THE PROCESS
7 OF CLEANING UP WHEN ALL THIS TROUBLE HAPPENED. THEY DO
8 ADMIT THAT THEY WERE HAVING TROUBLE WITH THE PLUMBING AND
9 THEY DIDN'T TAKE THE PROPER STEPS TO CORRECT THAT.
10 BASICALLY, YOUR HONOR, SINCE THE INCIDENT THEY --- THEY
11 HAVE GOT A NEW HOME, WHICH WE ASK TO SUBMIT PICTURES OF,
12 AND I PERSONALLY WENT TO THE HOUSE, INSPECTED IT. IT'S
13 SUBSTANTIALLY CLEANER. IT'S --- THE DSS HAS BEEN OUT
14 THERE. THEY'VE EVALUATED IT. THEY'VE SUBSTANTIALLY SEEN
15 THAT --- THEIR COMPLIANCE HAS BEEN SO GREAT THAT THE
16 CHILDREN HAVE BEEN ALLOWED TO MOVE BACK IN WITH THEM.
17 THEY ARE WORKING BETTER JOBS. SHE IS, YOU KNOW, GETTING
18 MORE MONEY IN HER JOB. THEY'RE ABLE TO TAKE CARE OF THEIR
19 KIDS BETTER, PROVIDE FOR THEM AND PROVIDE THE HEALTHCARE
20 THAT THEY NEED IN CASE ANYTHING HAPPENS. YOUR HONOR, THE
21 --- THEY'VE ALSO BEEN GETTING COUNSELING, AS REQUIRED BY
22 DSS. THEIR PASTOR IS HERE AND I THINK HE WOULD LIKE TO
23 SAY A FEW WORDS.

24 MR. POWELL - YES, I HAVE HAD SEVERAL COUNSELING
25 ---

1 THE COURT - SIR, ---

2 MR. POWELL - I'M SORRY. JOHN POWELL.

3 THE COURT - YES, SIR.

4 MR. POWELL - I'M PASTOR OF WEST MAIN CHURCH OF
5 THE NAZARENE.

6 THE COURT - YES, SIR.

7 MR. POWELL - I HAVE HAD SEVERAL MEETINGS WITH
8 THE COPEs. WE'VE HAD THEM IN OUR HOME. I'VE HAD THEM IN
9 MY OFFICE ON SEVERAL OCCASIONS. WE'VE DISCUSSED WITH THEM
10 THE SITUATION. WE'VE DISCUSSED GOAL-SETTINGS. WE'VE
11 DISCUSSED CLEANLINESS. WE'VE DISCUSSED ROLES OF PARENTS,
12 HUSBAND AND WIFE. THEY ARE DOING VERY WELL. THEY'RE
13 TRYING REAL HARD. I SAW ---- SEE BILLY, ESPECIALLY, AT
14 HIS WORK ON SEVERAL OCCASIONS AND WORKING REAL HARD AT IT.
15 THEIR ATTENDANCE AT CHURCH AS BEEN GOOD. I WOULD LIKE TO
16 ADD SOMETHING TO WHAT THE PROSECUTOR MENTIONED OR THE
17 SOLICITOR'S OFFICE. WE DO HAVE A SECRETARY AT OUR CHURCH.
18 HE WAS NOT WORKING ON OUR CHURCH BULLETIN. I HAD ASKED
19 HIM TO DO SOME WORK ON SETTING UP OUR WEB PAGE FOR US, AND
20 HE HAD AGREED TO DO THAT, AND THAT'S WHAT HE WAS DOING,
21 WAS WORKING ON THE WEB PAGE, BECAUSE HE --- HE ENJOYED
22 COMPUTERS AND KNOWS MORE ABOUT IT. BUT WE HAD APPOINTED
23 THEM PRIOR TO THIS INCIDENT WORKING WITH OUR CHILDREN IN
24 SUNDAY SCHOOL NOT KNOWING THE SITUATION IN THE HOME, BUT
25 WE ARE KEEPING REAL CLOSE TABS ON THEM AT THIS TIME.

1 THEY'RE DOING WELL.

2 THE COURT - THANK YOU, SIR.

3 MR. MALDONADO - I'D ALSO LIKE TO SUBMIT TO THE
4 COURT --- THE FIRST ONE IS A LETTER FROM --- THE FACTS
5 FROM THE DEPARTMENT OF SOCIAL SERVICES, YOUR HONOR. THEY
6 --- IT WAS A REQUEST ON THEIR OUTCOME, JUST TO VERIFY WHAT
7 THE SOLICITOR HAS ALREADY MENTIONED, THE FACT THAT THEY
8 HAVE COMPLETED COUNSELING, HAVE TAKEN CLASSES. THIS IS A
9 CERTIFICATE FROM THEIR CATAWBA FAMILY CENTER ON HER ---
10 HER FAMILY PARENTING CLASSES THAT SHE WAS TAKING, AND THIS
11 IS A LETTER FROM HER JOB JUST STATING THAT SHE IS WORKING
12 FOR LANIER HEALTH PRODUCTS AS AN INDUSTRIAL CLEANER, YOUR
13 HONOR. ALSO, I DON'T --- I WASN'T SURE IF HER BROTHER-IN-
14 LAW WOULD LIKE TO SAY A FEW WORDS OR DESCRIBE THE
15 SITUATION WHEN THEY WERE LIVING WITH YOU.

16 MR. MIKE COPE - MY NAME'S MIKE COPE. I'M THE
17 DEFENDANT'S BROTHER. ONLY THING I CAN SAY IS YES, I
18 VERIFY THAT THEY DID STAY WITH ME SOME. I DON'T KNOW HOW
19 LONG. I DIDN'T WRITE DOWN DATES, BUT I'M HERE TO --- YOU
20 KNOW, WHATEVER I CAN DO, AND I HELPED MARY SUE GET HER A
21 JOB AT LANIER, AND IT IS LANIER HEALTH PRODUCTS AND SHE
22 DOES GOOD THERE. SHE RIDES TO WORK WITH ME EVERY NIGHT
23 AND SHE HAS SHOWED GREAT EFFORT IN HER JOB, AND I FEEL
24 LIKE THAT SHE DESERVES A SECOND CHANCE.

25 THE COURT - THANK YOU, SIR. ANYONE ELSE, MR.

1 MALDONADO?

2 MS. TAMMY COPE - MY NAME IS TAMMY COPE. WHEN
3 BILLY AND MARY WORKED, I TOOK CARE OF THE CHILDREN.
4 THEY'RE HAPPY, EXCITED LITTLE GIRLS, AND THEY'RE
5 BEAUTIFUL. AND WE ALL LOST A GREAT DEAL WHEN THEY WERE
6 TAKEN, BUT BILLY AND MARY HAVE REALLY CHANGED A LOT, AND
7 I CAN SEE IT IN A CHANGE EVERY DAY BECAUSE BILLY'S NOT
8 LIKE HE USED TO BE. HE'S A STRONGER MAN THAN WHAT HE USED
9 TO BE.

10 THE COURT - THANK YOU, MA'AM. ALL RIGHT, DOES
11 MRS. COPE WISH TO ADDRESS THE COURT? DO YOU WISH TO BE
12 HEARD, MRS. COPE?

13 MRS. COPE - (INDICATING NO)

14 THE COURT - MR. POORE?

15 MR. POORE - MAY IT PLEASE THE COURT?

16 THE COURT - YES, SIR.

17 MR. POORE - YOUR HONOR, MR. COPE IS 36. HE IS
18 A HIGH SCHOOL GRADUATE AND IS ENROLLED AT TECH. I DON'T
19 THINK HE'S ATTENDING TECH AT THIS TIME, BUT HE WAS
20 STUDYING COMPUTER AND ELECTRONIC ENGINEERING. RIGHT NOW
21 HE IS EMPLOYED AS A DELIVERY PERSON FOR STEAK-OUT. YOUR
22 HONOR, I WAS APPOINTED ON THIS CASE BY ORDER OF AUGUST 10,
23 19 --- I'M SORRY, JULY 26TH, 1999, AND FIRST MET WITH MR.
24 COPE ON AUGUST THE 10TH. AT THE TIME --- I BELIEVE THE
25 CASE WAS CONFLICTED OUT TWO OR THREE TIMES BEFORE IT ENDED

1 ON MY DESK. BY THE TIME MR. COPE CAME TO SEE ME, MOST OF
2 THE THINGS IN THIS CASE HAD ALREADY WORKED THEMSELVES
3 THROUGH THE SYSTEM. THE COPEs WERE, OF COURSE, ALREADY
4 OUT OF JAIL ON BOND. THEY'D ALREADY BEEN TO FAMILY COURT,
5 AND THE CHILDREN HAD BEEN REMOVED FROM THE HOME AND WE HAD
6 A PLAN UNDERWAY. AT THE TIME I SAW MR. COPE, I BELIEVE MY
7 NOTES ARE CORRECT, THAT HE AND HIS WIFE WERE ALREADY IN
8 THEIR NEW HOME WHICH IS AT 407 RICH STREET. I UNDERSTAND
9 FROM HIM THAT THEY WERE --- THEY ARRANGED TO RENT THAT
10 HOME WITH ASSISTANCE FROM THEIR CHURCH, AND THE HOUSE WAS
11 FULLY FURNISHED. I THINK THE PHOTOS VERIFY THE CONDITION
12 OF THE HOME, AT LEAST THE TIME THOSE PHOTOS WERE TAKEN.
13 YOUR HONOR, WHEN I FIRST MET WITH MR. COPE, FROM THE
14 OUTSET HE ACKNOWLEDGED HIS GUILT TO THE CRIMES. HE
15 OFFERED SOME EXCUSES, WHICH IN MY OPINION DID NOT RISE TO
16 ANY SORT OF AN EXPLANATION OR A DEFENSE TO THE CASE. AS
17 THE COURT HAS SEEN THE PHOTOS, THIS IS A MOST SERIOUS
18 CASE. THE PHOTOS ARE HORRENDOUS. FORTUNATELY, FOR MR.
19 AND MRS. COPE, I BELIEVE THAT THEIR RESPONSE TO THE
20 SITUATION HAS BEEN APPROPRIATE. THEY HAVE FULLY COMPLIED
21 WITH ALL OF THE REQUIREMENTS OF THE DEPARTMENT OF SOCIAL
22 SERVICES AND THE FAMILY COURT. THEY'RE INVOLVED IN THE
23 COUNSELING. THEY HAVE CLEANED UP THEIR HOME. THE THING
24 I REMEMBER PRIMARILY FROM TALKING TO MR. COPE INITIALLY
25 WAS A FEELING THAT HE AND HIS WIFE HAD MANAGED TO LIVE IN

1 THIS FASHION AS LONG AS THEY HAD BECAUSE THEY HAD
2 CONCEALED IT FROM THEIR FRIENDS AND THEIR CHURCH BECAUSE
3 OF EMBARRASSMENT. HOW THEY GOT IN THAT SITUATION I STILL
4 DON'T UNDERSTAND, EVEN AFTER LISTENING TO MR. COPE EXPLAIN
5 THAT. AND THE COURT HAS LOOKED AT THE PICTURES AND IT IS
6 HARD TO UNDERSTAND HOW YOU GET IN THAT SITUATION, BUT THEY
7 DID SUCCESSFULLY HIDE IT FROM THEIR FAMILY AND THEIR
8 CHURCH. I THINK WE HAVE REMOVED THAT VEIL FROM THEM.
9 THEY ARE IN THE SYSTEM. I THINK THE SOLICITOR'S
10 RECOMMENDATION WOULD BE APPROPRIATE. WE'RE ALL CONCERNED
11 THAT THE CHILDREN BE TAKEN CARE, AND I'D ASK THE COURT TO
12 TAKE THESE THINGS INTO CONSIDERATION AND IMPOSE AN
13 APPROPRIATE SENTENCE.

14 THE COURT - THANK YOU, SIR.

15 MS. JORDAN - YOUR HONOR, IF I COULD ADD ONE
16 THING. MIKE COPE IS THE OWNER OF THAT MOBILE HOME. I
17 JUST THOUGHT THE COURT SHOULD BE AWARE OF THAT.

18 THE COURT - ALSO, I'M GOING TO ASK SOME
19 QUESTIONS NOW AND GET INTO THAT WHEN --- BE SURE I HEAR
20 FROM EVERYONE. MR. COPE, WOULD YOU PLEASE TAKE YOUR HANDS
21 OUT OF YOUR POCKET?

22 MR. COPE - OH, YES.

23 THE COURT - ALL RIGHT, THANK YOU. ANYONE ELSE
24 THAT WOULD LIKE TO SPEAK ON HIS BEHALF?

25 MR. POORE - NO, SIR.

1 THE COURT - MR. COPE, IS THERE ANYTHING YOU WISH
2 TO SAY TO THE COURT?

3 MR. COPE - NO, SIR.

4 THE COURT - LET ME ASK YOU A COUPLE OF
5 QUESTIONS. I'M LOOKING AT THESE PICTURES. HOW IN THE
6 WORLD COULD YOU ALLOW YOUR MOBILE HOME TO GET IN THAT
7 CONDITION, HAVE ALL THIS ACCUMULATE IN THERE? WHAT IS
8 YOUR RESPONSE TO THAT, MR. COPE?

9 MR. COPE - THE TRASH START --- WELL, THE TOILET
10 MESSED UP ON US. I DIDN'T KNOW ANYBODY WHO WOULD TAKE THE
11 LEASE. I TRIED SEVERAL TIMES WITH --- I COULD NOT GET IT
12 FIXED. I TRIED EVERYTHING. I SNAKED THE TOILET. I DONE
13 EVERYTHING THAT WAS HUMANLY POSSIBLE TO TRY TO GET THE
14 TOILET TO WORK.

15 THE COURT - WELL, WERE YOU WORKING AT THAT TIME?

16 MR. COPE - YES. WELL, I WAS GOING TO SCHOOL
17 FULL-TIME AND ---

18 THE COURT - COULD YOU NOT GET A PLUMBER TO COME
19 IN AND WORK ON IT FOR YOU OR SEPTIC TANK SERVICE OR
20 SOMETHING TO WORK ON IT FOR YOU?

21 MR. COPE - I DIDN'T HAVE THE MONEY AT THE TIME,
22 SIR.

23 THE COURT - ALL RIGHT, SIR, LET ME ASK YOU
24 WHETHER YOU HAD ANY OTHER KIND OF PROBLEM, ALCOHOL, DRUGS
25 OR ANYTHING LIKE THAT?

1 MR. COPE - OH, NO, SIR. NO, SIR. NEVER HAD NO
2 KIND OF --- NO KIND OF PROBLEMS WHATSOEVER WITH ALCOHOL OR
3 DRUGS OR ANYTHING LIKE THAT.

4 THE COURT - SO WERE YOU --- BUT YOU WERE WORKING
5 AT THE TIME?

6 MR. COPE - YES, SIR.

7 MR. POORE - YOUR HONOR, IF I COULD ADD --- IF IT
8 PLEASE THE COURT. I THINK THE RECORD IS ALSO VERY CLEAR,
9 THERE IS ABSOLUTELY NO EVIDENCE OF ANY ACTUAL ABUSE, AND
10 THERE'S NO INDICATION OF ANY SORT OF SEXUAL ACTIVITY AT
11 ALL, JUST --- JUST THE NEGLECT.

12 THE COURT - I UNDERSTAND THAT. I'M JUST TRYING
13 TO GET SOME UNDERSTANDING OF HOW THIS KIND OF NEGLECT
14 COULD OCCURRED AT THE HOME. YOU KNOW, I SAT ON THE FAMILY
15 COURT FOR SIX YEARS AND SAW A LOT, AND THIS IS THE WORST
16 I'VE SEEN TO BE HONEST WITH YOU, AND I'VE SEEN SOME PRETTY
17 BAD STUFF, BUT I JUST CAN'T UNDERSTAND HOW THEY CAN
18 NEGLECT THEIR SITUATION FOR THIS LONG. STILL DON'T
19 UNDERSTAND THAT. I'M TRYING TO GET SOME UNDERSTANDING OF
20 THAT. HOW MENTALLY THEY COULD ALLOW THEMSELVES TO GET
21 INTO THIS KIND OF NEGLECTFUL SITUATION, NOT ONLY FOR THEIR
22 CHILDRENS' SAKE BUT THEIR OWN SAKE, BUT, OF COURSE,
23 THEY'RE HERE ABOUT THE CHILDREN. I'M JUST HAVING A HARD
24 TIME UNDERSTANDING IT. THOUGHT MAYBE HE COULD GIVE ME
25 SOME EXPLANATION OF HOW HE COULD'VE GOT IN THAT NEGLECTFUL

1 FRAME OF MIND, BUT I'M NOT HEARING ANYTHING THAT WOULD
2 INDICATE ---

3 MR. POORE - YOUR HONOR, I APPRECIATE THE COURT
4 ASKING THAT. THAT WAS SORT OF MY LINE OF QUESTIONING THE
5 FIRST TIME I INTERVIEWED HIM, AND HAD I GOTTEN A GOOD
6 EXPLANATION, I WOULD'VE RELAYED IT FOR HIM TO THE COURT.

7 THE COURT - WELL, MRS. COPE, LET ME ASK YOU THE
8 SAME QUESTIONS, MA'AM. HOW IN THE WORLD COULD YOU HAVE
9 GOTTEN IN THIS NEGLECTFUL SITUATION IN THE HOME WITHOUT
10 ATTENDING TO?

11 MRS. COPE - I WAS WORKING FULL-TIME AND I WAS
12 SICK. I WAS SICK FOR A LONG TIME BEFORE I HAD SURGERY
13 WITHOUT KNOWING WHAT WAS WRONG. I JUST COME HOME FROM
14 WORK AND I'D JUST FALL IN THE BED AND I'D BE SO TIRED. I
15 KNOW I MESSED UP, BUT ---

16 THE COURT - WELL, I'M JUST TRYING TO GET SOME
17 KIND OF UNDERSTANDING OF THIS. DO NOT UNDERSTAND HOW ---
18 I CAN UNDERSTAND HOW SOMEONE COULD BE NEGLECTFUL FOR A
19 SHORT PERIOD OF TIME BUT NOT TO THE LENGTH OF TIME TO
20 ALLOW THIS ACCUMULATION OF WASTE AND PROBLEMS IN THE HOME,
21 JUST DIFFICULT TO UNDERSTAND.

22 MR. POORE - YOUR HONOR, MR. COPE HAS INDICATED
23 HE DOES HAVE ANOTHER COMMENT HE'D LIKE FOR THE COURT HEAR.

24 THE COURT - YES, SIR.

25 MR. COPE - YES, SIR, YOUR HONOR, I THINK PART OF

1 THE PROBLEM WAS MY FAULT. I WAS ALWAYS ON THE COMPUTER
2 TRYING TO --- I WAS GOING TO SCHOOL FULL-TIME. I HAD FOUR
3 INTERNET PROJECTS TO DO. I WAS CONSTANTLY WORKING ON
4 THEM. I CAN SAY, YOUR HONOR, ALSO THAT FOR THAT SEMESTER
5 I DID MAKE AN A FOR --- ENTIRE COURSE OF --- THAT WAS WHAT
6 I WAS TRYING TO DO, I GUESS, AND I SORT OF LET THINGS
7 SLIDE THAT SHOULDN'T HAVE SLID.

8 THE COURT - ALL RIGHT, IN CASE NUMBER 99-GS-46-
9 2350, BILLY WAYNE COPE HAVING PLED GUILTY TO UNLAWFUL
10 CHILD NEGLECT, THE SENTENCE OF THE COURT IS THAT HE BE
11 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
12 DETERMINATE TERM OF THREE YEARS, PROVIDED THE SENTENCE IS
13 SUSPENDED WITH PROBATION FOR FIVE YEARS. HE IS TO BE
14 GIVEN CREDIT FOR ONE WEEK OF JAIL-TIME, THIS SENTENCE TO
15 RUN CONCURRENT WITH THE OTHER SENTENCES IMPOSED THIS DATE.
16 SPECIAL CONDITIONS OF PROBATION, HE MUST COMPLETE
17 PSYCHOLOGICAL EVALUATIONS. I WANT THAT --- REQUIRE THAT
18 TO BE DONE; THAT WILL BE COMPLETED, AND THE COURT WILL BE
19 GIVEN A COPY OF THE PSYCHOLOGICAL EVALUATIONS. MUST
20 COMPLY WITH ALL OF THE DSS REQUIREMENTS. WHATEVER THEY
21 REQUIRE YOU TO DO, THAT'S ALSO GOING TO BE A PORTION OF
22 YOUR PROBATION REQUIREMENTS, INCLUDING COUNSEL, YOUR
23 CURRENT COUNSELING THAT YOU'RE IN. YOU MUST COMPLETE THAT
24 COUNSELING. PROBATION AGENT MUST VISIT IN THE HOME ONCE
25 A MONTH FOR ONE YEAR. SO THAT'S DURING THE FIRST YEAR OF

1 THE PROBATION, THE PROBATION AGENT MUST MEET FACE-TO-FACE
2 IN THE HOME EVERY MONTH, AT LEAST ONCE A MONTH. THERE ---
3 HE IS ALSO REQUIRED TO CONTRIBUTE ONE HUNDRED DOLLARS TO
4 THE PUBLIC DEFENDER FUND AS PART OF HIS PROBATION. THE
5 SAME SENTENCE IN 99-GS-46-2351 AND 99-GS-46-2349, THE SAME
6 SENTENCE TO RUN CONCURRENT. IN CASE NUMBER 99-GS-46-2352,
7 MARY SUE COPE HAVING PLED GUILTY TO UNLAWFUL CHILD
8 NEGLECT, THE SENTENCE OF THE COURT IS THAT SHE BE
9 COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS FOR A
10 DETERMINATE TERM OF THREE YEARS. THIS SENTENCE IS
11 SUSPENDED WITH PROBATION FOR FIVE YEARS. DEFENDANT IS TO
12 BE GIVEN CREDIT FOR ONE WEEK JAIL-TIME. THESE SENTENCES
13 TO RUN CONCURRENT. SAME REQUIREMENTS INSOFAR AS THE
14 PROBATION EXACTLY ARE WRITTEN UP. IN CASE NUMBER 99-GS-
15 46-2353 AND 2354, SAME SENTENCES TO RUN CONCURRENT. NOW,
16 LET ME SAY THIS. NOW, YOU'RE GOING TO BE ON PROBATION FOR
17 FIVE YEARS, EACH OF YOU. DURING THAT TIME IF YOU VIOLATE
18 THE TERMS OF THE PROBATION OR YOU DO ANYTHING TO REQUIRE
19 THE PROBATION DEPARTMENT CAN BRING YOU BACK TO COURT. IF
20 YOU FAIL TO COMPLY IN ANY WAY, THEN YOU MAY VERY WELL
21 SERVE THAT THREE YEARS, BECAUSE IT'S GOING TO BE SITTING
22 THERE THROUGHOUT THE PROBATIONARY SENTENCE, AND IF YOU DO
23 NOT COMPLY WITH THE TERMS OF YOUR PROBATION WITH WHAT
24 YOU'RE SUPPOSED TO DO, YOU MAY VERY WELL WIND UP SERVING
25 THOSE THREE YEARS. DO YOU EACH OF YOU UNDERSTAND THAT?

1 MR. COPE - YES, SIR.

2 MRS. COPE - YES, SIR.

3 THE COURT - SO I'M REQUIRING YOU TO COMPLY WITH
4 ALL OF THESE REQUIREMENTS. I'M GOING TO SAY THIS TO YOU.
5 THERE IS NO ACTUAL PHYSICAL OR SEXUAL ABUSE OF THE
6 CHILDREN. THERE'S NONE OF THAT. THERE'S NO --- NOT EVEN
7 A SIGN OF ANY PHYSICAL ABUSE. THERE IS NEGLECT, BUT THE
8 NEGLECT CAN BE SERIOUS TOO, AND CERTAINLY YOU WANT TO TAKE
9 CARE OF YOUR CHILDREN BETTER THAN THAT, AND I'M SURE ---
10 I'M CERTAINLY TAKEN INTO CONSIDERATION THE FACT THAT YOU
11 NEED TO BE THERE WITH YOUR CHILDREN TO TAKE CARE OF THEM.
12 I'M TRYING TO ALLOW YOU TO DO THAT. I AM IMPRESSED WITH
13 THE IMPROVEMENTS. I'M IMPRESSED WITH THE NEW HOME YOU
14 LIVE IN THAT'S OBVIOUSLY LOOKS LIKE ANY OTHER HOME. IT'S
15 NEAT AND WELL PREPARED WITH ALL THE FACILITIES AND
16 EVERYTHING, BUT YOU WORKING AND YOU MUST CONTINUE TO WORK.
17 THAT'S GOING TO BE A TERM OF YOUR PROBATION. THAT'S
18 ALWAYS A CONDITION. PROBATION MUST WORK FULL-TIME AND
19 KEEP THAT EMPLOYMENT. DO YOU UNDERSTAND?

20 MR. COPE - YES, SIR.

21 THE COURT - I'M IMPRESSED WITH THE TURNAROUND;
22 I'M IMPRESSED WITH THE FACT --- I'M IMPRESSED WITH YOUR
23 MINISTER. I'M IMPRESSED WITH THE FACT THAT HE IS
24 COUNSELING WITH YOU AND THAT HE FEELS THAT YOU'RE MAKING
25 A LOT OF PROGRESS. I'M IMPRESSED WITH YOUR NEW HOME

1 SITUATION. I CERTAINLY THINK YOU'RE CHILDREN ARE GOING TO
2 BE BETTER OFF. AND I THINK THAT THIS MONITORING HELP THAT
3 YOU'LL BE ABLE TO NOT GET YOURSELF BACK IN THAT
4 SITUATION. THANK YOU.

5 MR. COPE - THANK YOU, YOUR HONOR.

6 (END OF TRANSCRIPT)

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CERTIFICATE

I, SHIRLEY G. BROOM, THE UNDERSIGNED COURT REPORTER, HEREBY CERTIFY THAT THE FOREGOING 33 PAGES CONSTITUTE A TRUE RECORD OF PROCEEDINGS TAKEN IN THE CASE OF STATE OF SOUTH CAROLINA VS. BILLY WAYNE COPE AND MARY SUE COPE AS TAKEN BY ME AT THE TIME AND PLACE STATED.

I DO FURTHER CERTIFY THAT THE PERSONS WERE PRESENT AS STATED, THAT I AM NOT OF COUNSEL FOR, RELATED TO, OR IN THE EMPLOYEE OF ANY OF THE PARTIES TO THIS ACTION AND THAT I HAVE NO INTEREST WHATSOEVER IN THE OUTCOME OF THIS CASE.

THIS THE 29th DAY OF June, 2004.


SHIRLEY G. BROOM
CIRCUIT COURT REPORTER
SIXTEENTH JUDICIAL CIRCUIT