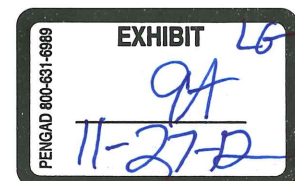


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(Incumbent)

Full Name: Timothy Hick Pogue
Business Address: 209 East Dozier Street / Post Office Box 63
Marion, South Carolina 29571
Business Telephone: (843) 423-5141

1. Why do you want to serve another term as a Family Court Judge?
I feel that I still have a lot to offer the State as a Family Court Judge. My prior experience as a DSS attorney, juvenile public defender, and private domestic attorney prepared me for my duties on the bench. I feel that over the last four and half (4½) years I have put these experiences to good use on the bench. I enjoy my work and feel that I can continue to contribute effectively as a family court judge.
2. Do you plan to serve your full term if re-elected? Yes
3. Do you have any plans to return to private practice one day?
Not at this time.
4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes
5. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?
I feel strongly that there should be no ex parte communications between a judge and a lawyer, litigants, or anyone concerning a pending or impending case, except those allowable by our South Carolina Rules of Civil Procedure or under the Canons of Judicial Ethics. If an attorney desires for me to entertain any type of ex parte order, he or she shall do so only by a properly verified ex parte complaint setting out the emergency nature of the action and why he or she feels an ex parte order is appropriate. If the emergency conditions warrant an ex parte order, I will make sure the matter is set for an emergency hearing allowing both parties to be present.
My administrative assistant and I do not and will not talk with people on the phone, or in person, nor offer legal advice of any kind about a pending or possibly future case. I make every effort to fully comply with Canon 3 (B)(7)(a)(i)(ii) as it pertains to initiating, permitting or considering ex parte communications.



6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I would not recuse myself for the sole reason that a lawyer-legislative is before me. If the relationship went beyond the lawyer-legislator relationship and fell into one of the areas of mandatory disqualification, I would recuse myself.

If I could be impartial, I would disclose the relationship and if any party requested I recuse myself, I would. I have no former associates or partners who practice law.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I would grant the motion for the reason that a judge should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned. I would further grant the motion because a judge should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. I would avoid any hint of impropriety by granting the motion.

8. How do you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would make full disclosure of the financial or social involvement to the parties and their attorneys. If either party appeared concerned or requested I recuse myself, I would do so. If after disclosing all of this on the record the parties waived any conflict and desired for me to hear the case, I would put the waivers on the record and hear the same. Judges should hear all cases assigned to them unless there is a mandatory ground for disqualification or if either party requests recusal after full disclosure.

9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality?

I do not accept any gifts or social hospitality from anyone other than family or closest friends with which I currently have a social relationship, or those allowed under Canon 4 (D)(4)(a)-(i) including but not limited to, ordinary social hospitality and gifts that are commensurate with the occasion and the relationship.

10. How do you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

Canon 3.D. of the Canons of Judicial Conduct differentiates between actual knowledge and belief of misconduct. If I have actual knowledge of a violation of the Canons of Judicial Conduct by a judge, or a violation of the Code of Professional Responsibility by an attorney, I must report them to the appropriate authority.

11. Are you affiliated with any political parties, boards or commissions which, if you were re-elected, would need to be re-evaluated?

No, I previously received an opinion from the Advisory Committee on Standards for Judicial Conduct that allows for me to continue serving on the Board at Pee Dee Federal Savings Bank. See advisory opinion No. 5-2008 which is attached as Tab B.

12. Do you have any business activities that you have remained involved with since your election to the bench? No

13. Since family court judges do not have law clerks, how do you handle the drafting of orders?

In most situations I ask both lawyers to take notes while I am issuing my oral order from the bench. I will then ask one of the lawyers to prepare the order and allow the other lawyer to review and make changes prior to submitting it to me. If the lawyers cannot agree as to my ruling on a particular issue, I will review my notes and inform the attorneys in writing or by conference call how I have resolved the misunderstanding.

Court staff under my direction prepares all pro se orders. If I take a matter under advisement I will issue a written memorandum of my ruling to both attorneys and require one of them to prepare the same.

14. What methods do you use to ensure that you and your staff meet deadlines?

Both my administrative assistant and I would keep manual and computer ticklers and reminders so as to meet all deadlines, including outstanding orders and matters under advisement.

15. What specific actions or steps do you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I make sure that in the order appointing the Guardian Ad Litem (GAL), that both attorneys and the GAL sign off acknowledging that they are familiar and aware of Sections 63-3-810 through 63-3-820 and that the GAL meets the requirements outlined in the same. I place in the order all of the statutory requirements and duties of the GAL and also state that within twenty days after appointment, the GAL furnish to the Court and the attorneys the affidavit as required by Section 63-3-820 (D.1,2, & 3.). I also require the GAL to put in his or her affidavit that he or she is familiar with the responsibilities and duties under Section 63-3-830 and that he or she will comply with the same. Most of the guardians that appear before me do an outstanding job.

16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

I do not believe that judges should actively attempt to set or promote change to current public policy or law. The judge’s responsibility is to know, interpret, and apply the existing law as it pertains to the set of facts presented. Any advocated changes in public policy or law should be handled through the Family Court Judges Advisory Committee, which works in concert with the South Carolina Court Administration and General Assembly.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system?

During the past year and a half (1 ½), I have been a presenter, speaker, and panelist at four (4) different bar or privately sponsored seminars. I plan to continue to attend and participate in such seminars in the future. I have also spoken to various church and civic organizations about family law and the role of a family court judge.

18. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

No, I do not feel that the pressure of serving as a judge has strained my personal relationships. My wife has supported me through my entire legal and judicial career. She is well aware of the confidentiality of my legal relationships. She has never questioned me about any legal situation I have handled, even for friends.

I have not seen any strain on any of my personal relationships in the four and a half (4 ½) years I have been on the bench, nor do I foresee any in the future.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No

20. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?

The Code of Judicial Conduct defines a “de minimis” interest as an insignificant interest that could raise reasonable question as to a judge’s impartiality. Therefore, I would hear the case. I would disclose the de minimis interest, inform the parties that it would not affect my impartiality to hear the matter, and I would render my decision on the facts and law as presented and available to me. Should either of the parties request my recusal, I would have to consider the same.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? No

22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes

23. What do you feel is the appropriate demeanor for a judge?
Canon 3(B)(3)(4) and (5) and also the Judge's Oath as set out by our Supreme Court provide the guidelines I feel are the appropriate demeanor for a judge to follow. Referring to those guidelines, I feel I need to be patient, courteous, dignified, non-biased or prejudicial, and prompt
24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?
Yes, these rules apply 24 hours a day, 7 days a week.
25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?
Anger is never appropriate with a member of the public, criminal defendants, attorney, self-represented litigants or anyone in the courtroom setting. A judge can be firm, convey his point, and inform the participants what is expected of him or her in the courtroom. If the person continues to violate or abuse those expectations, the judge has various ways to deal with the same other than anger.
26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None
27. While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign? No
28. Have you sought or received the pledge of any legislator prior to this date? No
29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No
30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?
No to both questions
31. Have you contacted any members of the Judicial Merit Selection Commission? No.
32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes

Memorandum

To: Judge Timothy H. Pogue, Mr. James L. Guy
Cc: Paula G. Benson
From: Matthew A. Abee
Date: 11/20/2012
Re: JMSC Complaint: Portions of the Transcript Referenced by Mr. James L. Guy

The following pages and lines have been referenced by Mr. James L. Guy in his complaint to the Judicial Merit Selection Commission regarding Judge Timothy H. Pogue:

1. Page 8, Lines 1-13 (Part 1, 9:29-10:00)

THE COURT: HOLD ON ONE SECOND. SIR, I KNOW YOU'RE NOT -I WANT THE RECORD TO REFLECT THAT MR. GREEN IS TALKING WITH MS. GREEN. SIR, THERE' S NOT TO BE ANY COMMUNICATIONS BETWEEN THE TWO OF YA'LL WHATSOEVER, SIR. SHE IS REPRESENTING HERSELF, YOU ARE REPRESENTING YOURSELF. AM I CLEAR ON THAT, SIR?

MR. GREEN: YES, SIR. APOLOGIZE, YOUR HONOR.

THE COURT: MA'AM, NOW YOU NEED TO ANSWER FOR ME, MA'AM.

MS. GREEN; YES, SIR.

THE COURT: THANK YOU VERY MUCH. YOU MAY PROCEED, MRS. FREE.

2. Page 12, Lines 1-9 (Part 1, 14:37-14:57)

A. YEAH, YOU SENT SOME STUFF WITH YOUR FATHER THE
OTHERDAY---

Q. OK, LET ME ASK---

THE COURT: HOLD ON ONE SECOND MA'AM.
WHEN YOU'RE ASKING A QUESTION LET HER RESPOND TO THE
QUESTION FULLY BEFORE YOU ASK THE NEXT QUESTION. MY COURT
REPORTER CANNOT TAKE TWO PEOPLE TALKING OVER EACH OTHER.
ASK YOUR QUESTION, LET HER ANSWER FULLY, THEN ASK YOUR NEXT
QUESTION.

3. Page 14, Lines 24-25; Page 15, Lines 1-7 (Part 1, 18:23-18:42)

THE COURT: THANK YOU. MR. GREEN, ANY
QUESTIONS, SIR?

MR. GREEN: YES, SIR, A COUPLE.

THE COURT: AND HOW DO THEY RELATE TO
WHETHER HE'S PAID CHILD SUPPORT OR SHE'S PAID CHILD SUPPORT?

MR. GREEN: THEY DON'T RELATE TO THE
CHILD SUPPORT.

THE COURT: THANK YOU, SIR. MRS.
MATTHEWS. ANY QUESTIONS?

4. Page 15, Lines 15-25 (Part 1, 18:52-19:14)

MR. RAY: CAN I ASK HER ANOTHER
QUESTION?

THE COURT: NO, SIR, YOU HAD YOUR
OPPORTUNITY TO ASK HER QUESTIONS. I TOLD YOU, SIR, YOU WERE
TO BE HELD TO THE SAME STANDARD AS ANY OTHER LICENSED
ATTORNEY SINCE YOU ELECTED TO REPRESENT YOURSELF. YOU'VE
HAD THE OPPORTUNITY TO ASK HER QUESTIONS, TO ASK WHAT YOU
WANTED TO ASK HER, AND NOW SHE'S FINISHED HER TESTIMONY.
MRS. FREE?

5. Page 19, Lines 9-16 (Part 1, 25:00-25:29)

THE COURT: I DON'T KNOW WHY YOU
SHOULD BE CONCERNED ABOUT WHETHER HE'S PAID CHILD SUPPORT
OR NOT. AND, MR. COBB, I JUST WANT TO MAKE SURE THAT YOU
FULLY UNDERSTAND, SIR, I TOLD YOU THAT THIS WAS ALSO YOUR
OPPORTUNITY TO GIVE ME ANY TESTIMONY THAT YOU HAD IN REGARD
TO YOUR ACTION AGAINST MRS. COBB. DID YOU UNDERSTAND THAT,
SIR? YOU BROUGHT A RULE TO SHOW CAUSE, YOU WANT ME TO HOLD
HER IN COURT FOR FAILING TO DO SOME THINGS, CORRECT?

6. Page 25, Lines 8-13 (Part 1, 32:58-33:17)

Q. HAVE THEY GIVEN YOU ANYTHING EVEN VERBALLY?

THE COURT: SIR, YOU SAID ONE QUESTION, NOW YOU'VE ASKED ABOUT FOUR OR FIVE, THE COURT WILL TAKE NOTICE THAT ATTACHED TO THE ORDER IS THE MEDICAL EMERGENCY PROVISION OF JUDGE MORRIS'S ORDER. MRS. HODGES, ANYTHING?

7. Page 26, Lines 15-20 (Part 1, 34:50-35:07)

BUT I WOULD UKE TO HAVE A CHANCE TO TAKE UP FOR MYSELF---

THE COURT: NO, MA'AM, NO, MA'AM. THIS COURT HAD ONE HOUR SET ASIDE FOR THIS HEARING. AND THERE ARE THREE ACTIONS THAT ARE BEFORE THIS COURT AS I EXPLAINED TO START WITH.

8. Page 34, Lines 2-7 (Part 2, 9:26-9:41)

THE COURT: NO, SIR, NO, SIR. THERE'S NO INFORMATION WHATSOEVER THAT THIS COURT NEEDS TO KNOW EXCEPT THAT THE COURT NEEDS TO KNOW WHETHER SHE VIOLATED THE ORDER AND WHETHER THE ORDER SAID THAT SHE TO TAKE A TEN HAIR STRAND TEST OR WHETHER SHE WAS JUST TO TAKE A TEST, SIR.

9. Page 36, Lines 1-4 (Part 2, 12:00-12:13)

BEACH TRIP. HE SPECIFICALLY SAID THAT, AND IF THE COURT
REPORTER MISSED IT, IT'S PROBABLY IN THE REPORT---

THE COURT: SIR, YOU'RE TESTIFYING,
YOU'RE NOT ASKING A QUESTION. ASK HER A QUESTION, SIR.

10. Page 46, Lines 20-25 (Part 2, 26:46-27:11)

I'M NOT GOING BACK TO
REHASH- THIS WHOLE CASE, SIR, I'VE GOT A ROOM FULL OF PEOPLE
OUT THERE AND I'M ALREADY AN HOUR AND A HALF BEHIND
SCHEDULE. I WANT TO KNOW, SIR, WHETHER YOU CAN DO FULL
SUPERVISION PURSUANT TO JUDGE MORRIS'S ORDER OF JANUARY THE
20TH?

11. Page 47, Lines 21-24 (Part 2, 28:35-28:44)

NOT SEEING MY CHILD IN THREE, ALMOST
FOUR MONTHS.

THE COURT: DON'T PAINT IT YOU'RE
YOUR LILY-WHITE, THOUGH, MA'AM, ALL RIGHT?

The remaining portions of the transcript are attached to the information provided to the Commission.



State of South Carolina
The Family Court of the Twelfth Judicial Circuit

Timothy H. Pogue
Judge

Post Office Box 63
103 N. Main St.
Marion, SC 29571
Phone: (843) 423-5141
Fax: (843) 423-9498
tpoguej@sccourts.org

October 30, 2012

Judicial Merit Selection Commission
Post Office Box 142
Columbia, SC 29202

RE: Complaint of James L. Guy, II

Dear Commission Members:

I thank you for the opportunity to respond to Mr. Guy's complaint which he recently filed against me. I want this Commission to know that I take this matter very seriously. Upon reviewing his complaint, he is saying that I was rude and condescending to a self-represented litigant in a private case. Evidently this action started as a DSS case in which Mr. Guy served as the volunteer guardian ad litem.

When I learned of the complaint, I went back through my notes and found the case to which he was referring. It was a case I heard in Kershaw County almost two years ago on December 6, 2010 at 12:00 o'clock noon. The name of the case is Stephanie Cobb V. Aimee Green, Johnny Ray, Wade Green and South Carolina Department of Social Services. As stated previously, this started out as a DSS abuse and neglect case. In the DSS proceeding Ms. Cobb, who is the paternal aunt of the child in question, was granted custody of Mr. Ray and Ms. Green's minor daughter. Mr. Ray and Ms. Green were never married. Mr. Wade Green is the father of Aimee Green and was to supervise any visitation which Ms. Green had with the child.

At this time I want to say that if I was rude, degrading, condescending, or in any way disrespectful or acted inappropriately, I apologize to Mr. Guy. I was a DSS contract attorney for abuse and neglect cases for almost fifteen years before I was elected to the bench. I know the importance of volunteer guardians ad litem and the service they provide to the Court. I do not specifically recall anything out of the way I may have said that day without the benefit of the transcript. But once again if Mr. Guy felt my conduct or demeanor was in any way unbecoming of a judge I apologize.

I offer the following not as an excuse, but by way of explanation.

I left Marion about 7:00 a.m. that morning so I could arrive in Camden by 8:30. My regular docket was to begin at 9:30, however I was informed that any pending bench warrants would be

heard at 9:00 a.m. Also, since this was my first occasion to hold court in Camden, I wanted to be there early to familiarize myself with the facilities and introduce myself to the Court personnel. I also try and glance at the files prior to starting court.

I had nine hearings from 9:30 until 12:00 o'clock, and this hearing in question was scheduled for one hour from 12:00 o'clock until 1:00 o'clock. Lunch was from 1:00 o'clock until 2:00 o'clock and then a full afternoon docket was to begin at 2:00 o'clock. If everything ran on time, my court staff would have one hour for lunch.

Prior to the hearing, some of the court personnel who were familiar with the case, informed me that the parties had previously been before the court numerous times. They further informed me that Mr. Wade Green would at times attempt to speak for or act as a legal representative for his daughter. During the hearing I believe I made it a point that Mr. Green was not an attorney and therefore could not act as such for his daughter. She was representing herself and he could not assist her.

As I stated previously, this hearing was scheduled for one hour. In that one hour time frame I was to hear seven different contempt actions between the multiple parties and also a motion brought by the private guardian ad litem in this case (not Mr. Guy). This guardian was requesting that the Court reinstate some type of visitation for Ms. Green with her daughter.

To the best of my memory, this was a very long and contentious hearing. We were stretched for time. I very well may have been hurried and less than patient in trying to get all of these matters heard within the time frame provided and to allow for my court reporter and other personnel to get a quick break for lunch before starting the 2:00 o'clock afternoon docket. Once again if I was in any way rude or condescending I apologize. It was probably a bad day for me. Also, at this time I was dealing with the recent death of my mother.

Over the four and one-half years I have been privileged to serve on the Family Court Bench, I have attempted to conduct and comport myself with the dignity, civility and patience. However, we are all human, we all have bad days; we all make mistakes; and we learn from those mistakes. I ask the Commission to take that into account along with entire file and the reports and comments from the Pee Dee Citizens Committee and the South Carolina Bar's Judicial Qualifications Committee when considering my qualifications and nomination.

I thank you for your understanding in this matter and if there is anything that you may need from me at this time, please do not hesitate to contact me.

With kind personal regards, I am

Very truly yours,
Timothy H. Pogue
Family Court Judge
12th Judicial Circuit
/ch

JUDICIAL MERIT SELECTION COMMISSION)
)

In the Matter of: *Timothy Pegue*)
Candidate for *Family Court Judge*)
)
)
)

**WITNESS AFFIDAVIT
FORM**

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission at least five (5) days prior to the hearing at which I wish to testify in order for the commission to hear my testimony and that the deadline for complaints is

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.
James L. Guy II - age 69
215 Stockton Rd
Zembert, S.C. 29128
803 432-5312
jfguy@att.net
- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

Melody James

(3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:

(a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;

In presiding over a Family Court private case, Judge Poque acted in an unprofessional way that was not becoming of an officer of the Court.

(b) specific dates, places, and times at which or during which such allegations took place;

December, 2010

(c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and

Melody James

(d) how this information relates to the qualifications of the judicial candidate.

I am not questioning his qualifications,
only his behavior in The Court room.

- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.

none

- (5) State any other facts you feel are pertinent to the screening of this judicial candidate.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate and counsel.

WAIVER

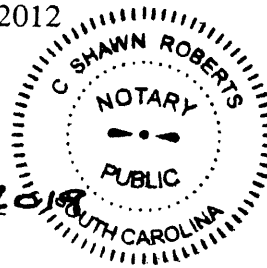
I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the commission to question other parties, including my attorney, concerning the facts and issues of my case.

James I. Gray II.
Signature

Sworn to me this 25th day of October, 2012

C. Shaw Roberts L.S.
Notary Public of South Carolina



My commission expires: December 16, 2018

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

IN THE FAMILY COURT

STEPHANIE COBB,)
PLAINTIFF)

VERSUS)

JOHNNY RAY,)
AIMEE GREEN, ET AL)
DEFENDANT)

TRANSCRIPT OF RECORD

DECEMBER 6TH, 2010
CAMDEN, SOUTH CAROLINA

BEFORE:
THE HONORABLE TIMOTHY POGUE, JUDGE

APPEARANCES:

KATHRYN FREE, ESQUIRE,
ATTORNEY FOR THE PLAINTIFF

DEFENDANTS APPEARED PRO SE

PRINCESS HODGES, ESQUIRE
ATTORNEY FOR D.S.S.

SHANNON M. CHANDLER, ESQUIRE
GUARDAN AD LITEM

MEG A. MOLLOHAN
COURT REPORTER

1 THE COURT: THE NEXT MATTER ON MY
2 DOCKET IS COBB VERSUS GREEN, ET AL., IT'S 2010-515. AS I
3 UNDERSTAND THIS MATTER THERE'S SUPPOSED TO BE THREE MATTERS
4 THAT ARE BEFORE ME TODAY; THEY ARE A RULE TO SHOW CAUSE
5 BROUGHT BY MRS. COBB AGAINST AIMEE GREEN AND JOHNNY RAY FOR
6 FAILURE TO PAY CHILD SUPPORT PURSUANT TO A PREVIOUS ORDER OF
7 THIS COURT, AND ALSO AGAINST MR. RAY FOR FAILURE TO RETURN
8 CLOTHING. IS THAT CORRECT, MRS. FREE?

9 MRS. FREE: YES, YOUR HONOR.

10 THE COURT: ALL RIGHT. AND ALSO
11 ATTORNEY'S FEES IN THAT REGARD, IS THAT CORRECT, MA'AM?

12 MRS. FREE: YES, SIR.

13 THE COURT: THEN THERE IS A RULE TO SHOW
14 CAUSE BROUGHT BY MR. RAY AGAINST MRS. COBB, IT APPEARS FOR
15 FAILURE TO ALLOW SOME VISITATION, ALSO DEROGATORY REMARKS
16 AND FAILURE TO TAKE A HAIR FOLLICLE TEST. IS THAT CORRECT, MR.
17 RAY?

18 MR. RAY: YES, SIR.

19 Thereupon, JOHNNY RAY, being first
20 duly sworn, testified as follows:

21 EXAMINATION BY THE COURT:

22 Q YOU ARE HERE TODAY REPRESENTING YOURSELF, MR. RAY?

23 A YES, SIR.

24 Q YOU UNDERSTAND, SIR, I'VE GOT TO HOLD YOU TO THE
25 SAME STANDARD THAT I HOLD MRS. FREE OR ANY OTHER LICENSED

1 YES, SIR.

2 THE COURT: ALL RIGHT, SIR, YOU ARE A
3 PARTY DEFENDANT, I'LL ALLOW YOU TO SIT THERE AND ASK ANY
4 QUESTIONS THAT I DEEM APPROPRIATE AS FAR AS THE VISITATION
5 MATTER OR IF YOU ARE CALLED AS A WITNESS IN ANY OF THESE
6 CONTEMPT MATTERS, ALL RIGHT?

7 MR. GREEN: YES, SIR.

8 THE COURT: AND WHO IS THIS BACK HERE?

9 MRS. KEISLER: EDIYETH* KEISLER FROM D.S.S.

10 THE COURT; AND YA'LL'S ATTORNEY IS NOT
11 HERE?

12 MRS. CHANDLER: JUDGE, IF I MAY, MRS.
13 HODGES IS ON THE WAY. SHE'S WALKING IN.

14 THE COURT: WELL WE'VE GOT THREE
15 HEARINGS THAT WERE SCHEDULED FOR ONE HOUR AND WE'RE
16 ALREADY RUNNING 45 MINUTES IN ARREARS. SO THE WAY I'M GOING
17 TO HANDLE THEM IS I'M GOING TO ALLOW MRS. FREE TO GO FORWARD
18 FIRST, I'M GOING TO WITHHOLD RULING ON EVERYTHING UNTIL I'VE
19 HEARD ALL THE TESTIMONY ON ALL OF THE ISSUES AND THEN I WILL
20 EITHER MAKE MY RULINGS OR TAKE THE MATTERS UNDER ADVISEMENT
21 AND GIVE A SUBSEQUENT RULING LATER ON. YOU MAY PROCEED,
22 MA'AM, ON YOUR CASE.

23 MRS. FREE: MAY IT PLEASE THE COURT, YOUR
24 HONOR? WE'D CALL MRS. STEPHANIE COBB TO THE STAND.

25 Thereupon, STEPHANIE COBB,

1 being first duly sworn, testified as follows:

2 THE COURT: HOLD ON ONE SECOND. AND MR.
3 GREEN AND MS. GREEN, YOU KNOW, STAND UP FOR ME, RAISE YOUR
4 RIGHT HAND, MS. GREEN.

5 Thereupon, AIMEE GREEN, being
6 first duly sworn, testified as follows:

7 EXAMINATION BY THE COURT:

8 Q YOU ARE HERE TODAY REPRESENTING YOURSELF, ALSO; IS
9 THAT CORRECT, MA'M?

10 A YES, SIR, I AM.

11 Q ALL RIGHT YOU UNDERSTAND THAT YOU CANNOT GET
12 ADVICE FROM ANY OF THESE OTHER PARTIES SITTING AT THE TABLE.
13 NONE OF THESE OTHER PARTIES ARE ATTORNEYS AND YOU CAN
14 REPRESENT YOUR INTEREST, MR. RAY CAN REPRESENT HIS INTEREST,
15 AND MR. GREEN CAN REPRESENT HIS INTEREST. ALL RIGHT?

16 A YES, SIR.

17 THE COURT: THANK YOU, MA'AM. YES,
18 MA'AM, MRS. FREE.

19 DIRECT EXAMINATION BY MRS. FREE:

20 Q MRS, COBB, CAN YOU PLEASE STATE YOUR FULL NAME
21 AND ADDRESS FOR THE RECORD?

22 A STEPHANIE COBB, 12 FREEDOM LANE, LUGOFF.

23 Q AND MS COBB, WHAT IS YOUR RELATIONSHIP TO THE
24 DEFENDANT, JOHNNY RAY?

25 A JOHNNY'S MY BROTHER.

1 Q AND MR. RAY AND THE OTHER CO-DEFENDANT AIMEE
2 GREEN HAD A CHILD TOGETHER, ISN'T THAT CORRECT?

3 A YES, MA'AM, [REDACTED] *

4 THE COURT: MRS. FREE, I KNOW YOU
5 WANT TO GIVE ME SOME TYPE OF HISTORY ON THE CASE. I HAVE
6 REVIEWED THE FILE SOMEWHAT, I UNDERSTAND THAT MS. COBB HAS
7 CUSTODY AND THAT THE PARTIES ARE UNDER AN ORDER TO PAY
8 SUPPORT. LET'S GO AHEAD AND GET TO THE GROUNDS, YOU
9 BROUGHT YOUR RULE TO SHOW CAUSE BASED ON TWO SPECIFIC
10 THINGS; FAILURE TO PAY SUPPORT PURSUANT TO THE PRIOR ORDER
11 AND FAILURE TO RETURN CLOTHES.

12 BY MRS. FREE:

13 Q MS. COBB, WERE THE DEFENDANTS BOTH ORDERED TO
14 PAY YOU CHILD SUPPORT?

15 A YES, MA'AM, 350 A PIECE.

16 Q BEGINNING WHEN?

17 A JULY 24TH.

18 Q HAVE EITHER MR. RAY OR MRS. GREEN TIMELY PAID YOU
19 CHILD SUPPORT?

20 A NO, MA'AM.

21 Q AT THE FILING OF THIS ACTION ISN'T IT TRUE THAT MR.
22 RAY WAS \$318.80 IN ARREARS AND MS. GREEN WAS \$508.83 IN
23 ARREARS?

24 A YES, MA'AM.

25 Q AND MAY I APPROACH THE BENCH, YOUR HONOR?

1 MS. COBB, IS THIS A PRINTOUT OF BOTH MS. GREEN AND MR. RAY'S
2 HISTORY OF PAYING CHILD SUPPORT THROUGH THE FAMILY COURT?
3 A YES, MA'AM.
4 Q AND ACCORDING TO THE PRINTOUT, HOW MUCH DOES MR.
5 RAY CURRENTLY OWE YOU?
6 A \$221.80.
7 Q AND ACCORDING TO THIS PRINTOUT, HOW MUCH DOES MS.
8 GREEN OWE YOU?
9 A \$756.88.
10 Q AND, MS. COBB, ISN'T IT TRUE THAT THE CLERK OF COURT
11 HAS ALREADY RULED THEM IN FOR THEIR FAILURE TO PAY CHILD
12 SUPPORT ON NOVEMBER 2ND, 2010?
13 A YES, MA'AM.
14 Q AT THAT HEARING DIDN'T JUDGE HENDERSON ALSO FIND
15 BOTH OF THEM IN CONTEMPT OF COURT FOR FAILING TO PAY YOU
16 CHILD SUPPORT?
17 A YES, MA'AM.
18 Q AND SINCE THAT NOVEMBER 2ND HEARING OVER A MONTH
19 AGO, HOW MUCH HAS MR. RAY PAID YOU IN CHILD SUPPORT?
20 A \$100.00
21 Q AND HOW MUCH HAS MS. GREEN PAID YOU IN CHILD
22 SUPPORT?
23 A NOTHING.
24 Q MS. COBB, DO YOU RECEIVE ANY OTHER MEANS OF
25 SUPPORT FOR [REDACTED]?

1 A NO, MA'AM.

2 Q AND HOW MUCH DO YOU PAY FOR HER JUST IN DAYCARE A
3 MONTH?

4 A AROUND \$400.00.

5 Q HOW MANY CHILDREN DO YOU HAVE IN YOUR
6 HOUSEHOLD?

7 A FOUR.

8 Q IS THE FACT THAT MR. RAY AND MS. GREEN, THEIR
9 FAILURE TO PAY THE CHILD SUPPORT, HASN'T THAT CREATED A
10 FINANCIAL BURDEN ON YOUR FAMILY?

11 A YES, MA'AM, SIGNIFICANTLY.

12 Q AND ARE YOU AGAIN ASKING THE COURT TO FIND THEM IN
13 CONTEMPT FOR FAILURE TO TIMELY PAY THEIR CHILD SUPPORT
14 OBLIGATION?

15 A YES, MA'AM.

16 Q MRS. COBB, YOU ALSO ALLEGE THAT EVERY TIME YOU
17 SEND ██████ TO VISITATION WITH MR. RAY, HE REFUSES TO RETURN
18 THE CLOTHING THAT YOU'VE PROVIDED; IS THAT CORRECT?

19 A YES, MA'AM.

20 Q AND DOESN'T THE TEMPORARY ORDER FROM THE JULY
21 20TH HEARING REQUIRE THE VISITING PARENT TO RETURN ALL
22 CLOTHING AT THE END OF VISITATION?

23 A YES, MA'AM.

24 Q HOW MANY TIMES HAS MR. RAY RETURNED ██████ IN
25 CLOTHING OTHER THAN WHAT YOU'VE PROVIDED----

1 THE COURT: HOLD ON ONE SECOND. SIR, I
2 KNOW YOU'RE NOT - I WANT THE RECORD TO REFLECT THAT MR.
3 GREEN IS TALKING WITH MS. GREEN. SIR, THERE' S NOT TO BE ANY
4 COMMUNICATIONS BETWEEN THE TWO OF YA'LL WHATSOEVER, SIR.
5 SHE IS REPRESENTING HERSELF, YOU ARE REPRESENTING YOURSELF.
6 AM I CLEAR ON THAT, SIR?

7 MR. GREEN: YES, SIR. APOLOGIZE, YOUR
8 HONOR.

9 THE COURT: MA'AM, NOW YOU NEED TO
10 ANSWER FOR ME, MA'AM.

11 MS. GREEN; YES, SIR.

12 THE COURT: THANK YOU VERY MUCH. YOU
13 MAY PROCEED, MRS. FREE.

14 BY MRS. FREE:

15 Q HOW MANY TIMES HAS MR. RAY RETURNED [REDACTED] IN
16 CLOTHING OTHER THAN WHAT YOU'VE PROVIDED?

17 A THREE TO FOUR TIMES. THERE WAS A SUMMER OUTFIT,
18 SOME PANTS, SHORTS, PINK SKIRT, A RED SHIRT, SOME PAJAMAS, YOU
19 KNOW, CLOTHES LIKE THAT.

20 Q AND THESE WERE FAIRLY NEW OR NEW CLOTHING THAT
21 YOU SENT TO MR. RAY, CORRECT?

22 A YES, MA'AM.

23 Q AND WHAT KIND OF CLOTHING COMES BACK WITH THE
24 CHILD?

25 A WELL IF ANYTHING COMES BACK, IT WOULD BE

1 SOMETHING DIFFERENT, YOU KNOW, JUST MORE OR LESS RAG*
2 CLOTHES, NOTHING THAT I SEND.

3 Q SO NOTHING THAT THIS CHILD WOULD BE APPROPRIATE
4 GOING TO DAYCARE IN?

5 A NO, MA'AM.

6 Q DID HALF THE CLOTHES EVEN FIT?

7 A NO, THEY WERE SMALL.

8 Q SO HAS YOUR ATTORNEY, TO YOUR KNOWLEDGE, ASKED
9 MR. RAY TO RETURN THE CLOTHING AFTER VISITATION?

10 A YES, MA'AM.

11 Q AND I DID THAT BY A LETTER TO MR. RAY; IS THAT
12 CORRECT?

13 A YES, MA'AM, AND YOU CALLED HIM.

14 Q AND HAS HE RETURNED THIS CLOTHING SINCE THEN?

15 A NO, MA'AM.

16 Q AND ARE YOU ASKING THE COURT TO EITHER REQUIRE MR.
17 RAY TO RETURN THE CLOTHING OR TO PROVIDE MONEY TO REPLACE
18 THE CLOTHING?

19 A YES, MA'AM.

20 Q AND ARE YOU ALSO ASKING THE COURT TODAY TO FIND
21 MR. RAY IN CONTEMPT FOR FAILING TO RETURN [REDACTED] CLOTHING AS
22 PROVIDED FOR IN THE TEMPORARY COURT ORDER?

23 A YES, MA'AM.

24 Q MRS. COBB, HAVE YOU HAD TO SPEND MONEY ON AN
25 ATTORNEY IN ORDER TO ENFORCE THIS TEMPORARY ORDER?

1 A YES, MA'AM.

2 MRS. FREE: APPROACH THE BENCH, YOUR
3 HONOR?

4 Q MRS. COBB, IS THIS A TRUE REPRESENTATION OF THE FEES
5 AND COSTS YOU'VE HAD TO INCUR TO ENFORCE THIS ORDER?

6 A YES, MA'AM.

7 MRS. FREE: MOVE THIS IN AS PLAINTIFF'S
8 EXHIBIT NUMBER ONE.

9 (PLAINTIFF'S EXHIBIT NO. 1 MARKED AND INTRODUCED.)

10 THE COURT: ANY OBJECTION?
11 (NO OBJECTIONS EXPRESSED)

12 THE COURT: SO ADMITTED WITHOUT
13 OBJECTION AS PLAINTIFF'S NUMBER ONE.

14 MRS. FREE: WE'D ALSO LIKE TO MOVE IN AS
15 A PLAINTIFF'S EXHIBIT THE CLERK OF COURT'S CHILD SUPPORT
16 PAYMENT THAT I PREVIOUSLY HANDED UP.

17 THE COURT: ANY OBJECTION TO THE CHILD
18 SUPPORT COMING IN, MRS. RAY, MRS. GREEN, MR. GREEN, MRS.
19 HODGES, MRS. MATTHEWS?

20 (NO OBJECTIONS EXPRESSED.)

21 THE COURT: SO ADMITTED AS PLAINTIFF'S
22 EXHIBIT NUMBER TWO.

23 BY MRS. FREE:

24 Q MRS. COBB, ARE YOU ASKING THE COURT TODAY TO FIND
25 THE DEFENDANTS IN CONTEMPT OF COURT AND TO AWARD YOUR FEES

1 AND COSTS PURSUANT TO THIS ACTION?

2 A YES, MA'AM.

3 MRS. FREE: NO FURTHER QUESTIONS, YOUR
4 HONOR.

5 THE COURT: YES, SIR, MR. RAY, ANY
6 QUESTIONS YOU WANT TO ASK OF THIS WITNESS, SIR?

7 CROSS EXAMINATION BY THE DEFENDANT, MR. RAY:

8 Q SO YOU'RE SAYING THAT I'VE NEVER GIVEN YOU ANY
9 CLOTHES WHEN YOU COME OVER TO THE HOUSE, I GIVE YOU NO
10 CLOTHES FOR [REDACTED]; NO PANTS, NO SHIRTS, NO NOTHING OUT OF
11 THE TRASH BAGS OUT OF HER ROOM, NO SHOES, NO NOTHING LIKE
12 THAT?

13 A YOU'VE NEVER PERSONALLY GIVEN ME ANY CLOTHES
14 EXCEPT YOU DID START RETURNING THE CLOTHES AFTER YOU GOT
15 SERVED WHEN WE WERE IN COURT ON NOVEMBER THE 2ND.

16 Q DIDN'T YOU GO OVER TO THE HOUSE WHERE [REDACTED]
17 ROOM WAS AND DIDN'T YOU GO GET HER CLOTHES FROM OVER THERE
18 INSTEAD OF ME HAVING TO BRING THEM TO YOU?

19 A NO.

20 MR. RAY: NO FURTHER QUESTIONS, YOUR
21 HONOR.

22 THE COURT: MRS. GREEN?

23 CROSS EXAMINATION BY THE DEFENDANT, MRS. GREEN:

24 Q HAVE YOU RECEIVED ANY DONATIONS FROM ME SINCE THE
25 LAST TIME WE WERE IN COURT?

1 A YEAH, YOU SENT SOME STUFF WITH YOUR FATHER THE
2 OTHER DAY---

3 Q OK, LET ME ASK---

4 THE COURT: HOLD ON ONE SECOND MA'AM.
5 WHEN YOU'RE ASKING A QUESTION LET HER RESPOND TO THE
6 QUESTION FULLY BEFORE YOU ASK THE NEXT QUESTION. MY COURT
7 REPORTER CANNOT TAKE TWO PEOPLE TALKING OVER EACH OTHER.
8 ASK YOUR QUESTION, LET HER ANSWER FULLY, THEN ASK YOUR NEXT
9 QUESTION.

10 MRS. GREEN; YOUR HONOR, CAN I ASK YOU A
11 QUESTION? ARE THESE QUESTIONS LIMITED TO THE CHILD SUPPORT
12 PART?

13 THE COURT: YES, MA'AM.

14 MRS. GREEN: SO I WILL HAVE A CHANCE TO
15 QUESTION MS. COBB AGAIN WHEN WE GET TO THE PLEADINGS, IS
16 THAT CORRECT?

17 THE COURT: WHAT PLEADINGS?

18 MRS. GREEN: THE MOTION THAT WAS FILED.

19 THE COURT: I'M GOING TO HEAR FROM THE
20 GUARDIAN IN REGARD TO THAT---

21 MRS. GREEN: RIGHT, THAT'S PRETTY MUCH
22 WHAT I'M TALKING ABOUT.

23 THE COURT: RIGHT NOW I'M DEALING SOLELY
24 WITH THE CHILD SUPPORT ISSUE. ANY OTHER QUESTIONS?

25 BY MRS. GREEN:

1 Q TWO WEEKS AGO MY FATHER MET YOU AT BOJANGLES,
2 RIGHT?

3 A YES.

4 Q I WANT YOU TO STOP ME IF THERE'S ANYTHING IN THIS
5 PAPER THAT WAS NOT GIVEN TO YOU, OKAY? A RABBIT ZUZU* PET,
6 \$12.00, ANOTHER ZUZU PET, SCOODLES,* FOR \$9.88.

7 A NO, MA'AM, THERE WERE NO ZUZU PETS IN THERE.

8 Q THERE WAS NO ZUZU PETS?

9 THE COURT: MA'AM, WAS ANY CASH MONEY
10 GIVEN OR ANYTHING PAID THROUGH THE CLERK'S OFFICE?

11 MRS. GREEN: NO, SIR.

12 THE COURT: DO YOU HAVE ANYTHING
13 SIGNED BY HER OR WERE GIVEN ANYTHING THAT SAYS THAT SHE WAS
14 GOING TO GIVE YOU CREDIT ON YOUR CHILD SUPPORT OBLIGATION FOR
15 THOSE DONATIONS?

16 MRS. GREEN: NO, SIR. I JUST SENT SEVERAL
17 SHOES, SEVERAL PAIRS OF BRAND NEW SHOES, SEVERAL DRESSES---

18 THE COURT: I UNDERSTAND, MA'AM. BUT
19 WHAT THE COURT ORDER SAYS IS YOU ARE TO PAY "X" AMOUNT OF
20 DOLLARS. ANYTHING YOU DO OVER AND ABOVE THAT IS ENTIRELY UP
21 TO YOU. IT'S UP TO HER WHETHER SHE WANTS TO GIVE YOU CREDIT
22 FOR ANYTHING THAT YOU MAY HAVE CONTRIBUTED. IT'S MY
23 UNDERSTANDING THAT SHE'S NOT DESIRING TO GIVE YOU ANY CREDIT,
24 AND SHE WANTS TO KNOW WHY THE MONETARY CHILD SUPPORT HAS
25 NOT BEEN PAID. THAT'S THE ONLY THING THAT I SEE FROM THE PRIOR

1 ORDER THAT ARE OBLIGATED TO DO. DON'T MEAN TO CUT YOU OFF,
2 MA'AM, BUT THAT'S WHAT THIS COURT IS CONCERNED WITH IS
3 WHETHER MONIES HAVE BEEN PAID OR IS SHE WILLING TO GIVE YOU
4 ANY CREDIT TOWARDS YOUR CHILD SUPPORT OBLIGATION. HAVING
5 SAID THAT, YOU MAY PROCEED.

6 MRS. GREEN: NO, SIR, I JUST WANTED IT
7 NOTED THAT -- YOU KNOW, THERE WAS NO CREDIT. WE DIDN'T
8 DISCUSS ANY OF THAT. SHE SAID THE BABY NEEDED CLOTHES AND
9 SHOES, I HAD THEM THERE IN MY CLOSET.

10 THE COURT: YOU CAN CERTAINLY ASK HER
11 QUESTIONS ABOUT THAT.

12 MRS. GREEN: OH, I MEAN, IT'S A LOAD OF
13 STUFF, I MEAN OUTFIT AFTER OUTFIT AFTER OUTFIT, SHOES AFTER
14 SHOES AFTER SHOES.

15 THE COURT: HOLD ON. WHY DON'T YOU ASK
16 HER WHETHER THERE WAS ANY DISCUSSION AS FAR AS WHETHER ANY
17 OF THOSE THINGS YOU GAVE HER YOU WERE TO BE GIVEN CREDIT FOR
18 TOWARDS YOUR CHILD SUPPORT OBLIGATION.

19 BY MRS. GREEN:

20 Q DID I ASK YOU FOR ANY CREDIT TO BE. . .

21 A NO.

22 MRS. GREEN: I JUST WANTED IT NOTED THAT
23 I HAD SENT A BUNCH OF STUFF TO HER.

24 THE COURT: THANK YOU. MR. GREEN, ANY
25 QUESTIONS, SIR?

1 MR. GREEN: YES, SIR, A COUPLE.

2 THE COURT: AND HOW DO THEY RELATE TO
3 WHETHER HE'S PAID CHILD SUPPORT OR SHE'S PAID CHILD SUPPORT?

4 MR. GREEN: THEY DON'T RELATE TO THE
5 CHILD SUPPORT.

6 THE COURT: THANK YOU, SIR. MRS.
7 MATTHEWS, ANY QUESTIONS?

8 MRS. MATTHEWS; NO, SIR, YOUR HONOR.

9 THE COURT: MRS. HODGES?

10 MRS. HODGES: NONE, YOUR HONOR.

11 THE COURT: ANY REDIRECT?

12 MRS. FREE: NO, YOUR HONOR.

13 THE COURT: THANK YOU, MA'AM, YOU MAY
14 STEP DOWN.

15 MR. RAY: CAN I ASK HER ANOTHER
16 QUESTION?

17 THE COURT: NO, SIR, YOU HAD YOUR
18 OPPORTUNITY TO ASK HER QUESTIONS. I TOLD YOU, SIR, YOU WERE
19 TO BE HELD TO THE SAME STANDARD AS ANY OTHER LICENSED
20 ATTORNEY SINCE YOU ELECTED TO REPRESENT YOURSELF. YOU'VE
21 HAD THE OPPORTUNITY TO ASK HER QUESTIONS, TO ASK WHAT YOU
22 WANTED TO ASK HER, AND NOW SHE['S FINISHED HER TESTIMONY.
23 MRS. FREE?

24 Thereupon, AIMEE GREEN, being
25 first duly sworn, testified as follows:

1 DIRECT EXAMINATION BY MRS. FREE:

2 Q MRS. GREEN, AT THE NOVEMBER 2ND CONTEMPT HEARING,
3 DID YOU NOT INDICATE TO JUDGE HENDERSON THAT YOU ARE
4 PHYSICALLY UNABLE TO PAY CHILD SUPPORT?

5 A I DO NOT RECALL SAYING THAT. I DO NOT RECALL SAYING
6 I WAS PHYSICALLY UNABLE TO PAY CHILD SUPPORT.

7 Q YOU DIDN'T GIVE ANY EXCUSE TO THE JUDGE WHY YOU
8 COULDN'T MEET YOUR CHILD SUPPORT OBLIGATION?

9 A I DON'T REMEMBER BEING ASKED. BUT I AM NOT WORKING
10 AT THE TIME, RIGHT NOW, I AM GOING THROUGH A LOT OF MENTAL
11 AND PHYSICAL STRAIN BECAUSE OF ME NOT BEING ABLE TO SEE MY
12 CHILD IN THREE MONTHS. I DON'T BELIEVE WITH THE WAY THAT I AM
13 RIGHT NOW ---- I'M VERY UPSET, DEPRESSED, I MISS HER - I DON'T
14 BELIEVE THAT I WOULD BE SUITABLE TO WORK IN A STRUCTURED
15 ENVIRONMENT WITH ALL THAT IS GOING ON IN MY LIFE AT THIS TIME. I
16 WOULD RATHER WAIT AND GET THIS OVER WITH AND GET BACK ON
17 MY FEET AND GET A JOB WHEN I GET SETTLED IN, AND WHEN I'M NOT
18 SO DEPRESSED AND I DON'T HAVE AS MUCH ANXIETY---

19 MRS. FREE: OBJECTION, YOUR HONOR, THIS IS
20 GOING WELL BEYOND MY QUESTION.

21 THE COURT: ALL RIGHT, YOU ASKED IF SHE
22 HAD PAID THE CHILD SUPPORT, IF SHE HAD ANY MEDICAL PROBLEMS,
23 SHE'S ALREADY TESTIFIED TO THAT. SHE'S MENTIONED DEPRESSION
24 ABOUT THREE TIMES NOW. IF THERE'S ANYTHING ELSE AS FAR AS ANY
25 PHYSICAL OR MENTAL CONDITION THAT IS A JUSTIFIABLE, LEGAL

1 DEFENSE FOR NOT PAYING YOUR CHILD SUPPORT, THEN PROCEED WITH
2 YOUR RESPONSE.

3 A NO, MA'AM. I AM BEHIND ON MY CHILD SUPPORT RIGHT
4 NOW, BUT I DO ANTICIPATE IT TO BE PAID THIS WEEK.
5 BY MRS. FREE:

6 Q AND ISN'T IT ALSO TRUE THAT JUDGE HENDERSON HAD
7 GIVEN YOU TIME, EVEN ACCOMMODATED YOU BECAUSE YOU SAID
8 THAT YOU WEREN'T ABLE TO CARE FOR YOURSELF, BY ALLOWING YOU
9 TO PAY PAYMENTS ON YOUR PAST DUE CHILD SUPPORT; ISN'T THAT
10 CORRECT?

11 A I BELIEVE THAT THE FULL AMOUNT WAS PAID ON THAT
12 DAY THAT I WAS BEHIND.

13 Q SINCE THEN HE ALLOWED YOU TO PAY PAYMENTS ON THE
14 ARREARAGE.

15 A CORRECT.

16 Q HAVE YOU MADE ANY PAYMENTS SINCE THEN?

17 A NO, MA'AM, I HAVE NOT.

18 MRS. FREE: NO MORE QUESTIONS,
19 YOUR HONOR.

20 THE COURT: MR. RAY, MR. GREEN,
21 MRS. HODGES, MRS. MATTHEWS?

22 (NO RESPONSES.)

23 MRS. FREE: YOUR HONOR, PLAINTIFF
24 RESTS.

25 THE COURT: MR. RAY, I WILL HEAR

1 FROM YOU FIRST AS FAR AS THE CHILD SUPPORT ISSUE IS CONCERNED,
2 YOUR FAILURE TO PAY CHILD SUPPORT. COME ON UP HERE, I'LL
3 REMIND YOU THAT YOU'RE UNDER OATH. WHAT I'M GOING TO ALLOW
4 HIM TO DO IS TO TESTIFY AS TO ANY DEFENSES THAT HE HAS IN
5 REGARD TO HIS FAILURE TO PAY CHILD SUPPORT AND LET HIM GO
6 AHEAD AND GIVE HIS TESTIMONY IN CHIEF AS TO HIS CONTEMPT
7 ACTION.

8 THERE'S A LOT OF DIFFERENT PEOPLE HERE, AND I DON'T
9 KNOW YA'LL, SO IF I CALL ANYONE THE WRONG NAME, I APOLOGIZE.
10 I'LL BE GLAD TO HEAR ANYTHING YOU WANT TO TELL ME, SIR, AS FAR
11 AS ANYTHING YOU THINK I NEED TO HEAR ABOUT YOU NOT PAYING
12 YOUR CHILD SUPPORT OR ANYTHING IN REGARD TO YOUR CONTEMPT
13 ACTION AGAINST MRS. COBB.

14 THE DEFENDANT: YES, SIR, WE WAS
15 BROUGHT INTO COURT ABOUT MY ARREARS. THE JUDGE ORDER I PAY
16 \$565.00 TO ZERO MY BALANCE OUT. I ZEROED IT OUT AND SINCE
17 THEN AS OF LAST WEEK I WAS \$137.00 BEHIND AND TODAY I'M
18 \$221.00. I'VE BEEN TRYING TO PAY A LITTLE BIT - WELL I MISSED A
19 WEEK BEFORE, BUT I'VE BEEN TRYING TO PAY A LITTLE BIT MORE EACH
20 WEEK SO IT SHOULD BE CAUGHT UP HERE IN THE NEXT COUPLE OF
21 WEEKS, THAT \$200.00 I'M BEHIND.

22 AND I'VE MADE A LIST OF THE CLOTHES STEPHANIE
23 SAYS SHE'S MISSING, AND I'LL MAKE SURE THAT SHE GETS THEM BACK
24 WEDNESDAY. AND THAT'S IT.

25 THE COURT: MRS. FREE, ANY QUESTIONS?

1 MRS. FREE: NO QUESTIONS, YOUR HONOR.

2 THE COURT: MRS. GREEN, ANY QUESTIONS
3 YOU WANT TO ASK MR. RAY?

4 MRS. GREEN: YES, SIR, THERE'S A FEW
5 QUESTIONS I WANT TO ASK.

6 CROSS EXAMINATION BY DEFENDANT MRS. GREEN:

7 Q MR. RAY - THIS HAS TO BE RELATED TO CHILD SUPPORT,
8 CORRECT?

9 THE COURT: I DON'T KNOW WHY YOU
10 SHOULD BE CONCERNED ABOUT WHETHER HE'S PAID CHILD SUPPORT
11 OR NOT. AND, MR. COBB, I JUST WANT TO MAKE SURE THAT YOU
12 FULLY UNDERSTAND, SIR, I TOLD YOU THAT THIS WAS ALSO YOUR
13 OPPORTUNITY TO GIVE ME ANY TESTIMONY THAT YOU HAD IN REGARD
14 TO YOUR ACTION AGAINST MRS. COBB. DID YOU UNDERSTAND THAT,
15 SIR? YOU BROUGHT A RULE TO SHOW CAUSE, YOU WANT ME TO HOLD
16 HER IN COURT FOR FAILING TO DO SOME THINGS, CORRECT?

17 MR. RAY: YES, SIR, CAN I GET MY PIECE OF
18 PAPER?

19 THE COURT: YES, SIR. I'LL LET YOU RESERVE
20 THE RIGHT TO CROSS EXAMINE HER IN REGARD TO THAT. SINCE HE'S
21 PROCEEDING PRO SE I WANT TO MAKE SURE HE HAS THE OPTION. YES,
22 SIR, I'LL BE GLAD TO HEAR ANYTHING YOU WANT TO TELL ME AS FAR
23 AS WHY YOU THINK MRS. COBB SHOULD BE HELD IN CONTEMPT OF
24 COURT.

25 MR. RAY: ALL RIGHT. WHEN THIS FIRST

1 STARTED OUT WE WAS HAVING VISITATION PICK UP AT THE SHELL
2 STATION ON 601. AND ON THE FIRST VISIT HER HUSBAND, MR. COBB,
3 WAS VERY AGGRESSIVE TOWARDS ME SAYING, YOU BETTER NOT
4 SPEAK TO STEPHANIE NO MORE OR YOU'RE GOING TO REGRET IT. HE
5 SAYS, FROM NOW ON YOU DEAL WITH ME BIG BOY.

6 THE COURT: IS HE UNDER ANY COURT ORDER,
7 SIR?

8 MR. RAY: NO, SIR.

9 THE COURT: ALL RIGHT, GO AHEAD. HE'S
10 NOT UNDER MY JURISDICTION, SIR. HE IS NOT A PARTY TO THIS
11 ACTION, SO I CAN'T DO ANYTHING AGAINST HIM. YOU CAN GO AHEAD
12 AS FAR AS ANYTHING YOU WANT AGAINST HER.

13 MR. RAY: AND ON SEPTEMBER 15TH I WAS
14 SUPPOSED TO HAVE MY VISITATION, WE'D SWITCHED OUR VISITATION
15 TO THE SHERIFF'S DEPARTMENT. I WAITED THERE FOR ABOUT 30
16 MINUTES AND STEPHANIE NEVER SHOWED UP WITH [REDACTED] SO A
17 COP' COME OUT THERE AND ASKED ME WHAT I WAS DOING AND I
18 TOLD THEM I WAS SITTING THERE WAITING ON MY SISTER TO BRING MY
19 DAUGHTER. AND SHE NEVER SHOWED UP, SO HE WENT IN AND WE
20 FILED A POLICE REPORT SAYING THAT SHE DIDN'T SHOW UP WITH MY
21 DAUGHTER ON THAT WEDNESDAY. AND THEN THAT FOLLOWING
22 SATURDAY SHE WAS SUPPOSED TO MEET ME THERE AT TWELVE
23 O'CLOCK, AND A DEPUTY COME OUT AND ASKED ME WHY I WAS
24 SITTING THERE AND I TOLD HIM I WAS WAITING ON MY DAUGHTER TO
25 BE BROUGHT TO ME.

1 AND AS WE WAS GOING IN TO FILE ANOTHER
2 REPORT HE GOT A PHONE CALL SAYING THAT [REDACTED] WAS AT THE
3 HOSPITAL AT WORK WITH STEPHANIE. AND, YOU KNOW, I WANTED TO
4 PICK HER UP AT THE SHERIFF'S DEPARTMENT BECAUSE - YOU KNOW, IF
5 I HAD KIDS AT THE BALL FIELD AT THE TIME I COULDN'T JUST GO TO
6 THE HOSPITAL IN CAMDEN TO GO PICK UP [REDACTED] UNTIL A LATER TIME.
7 BUT I FINALLY GOT HER AT FOUR O'CLOCK THAT AFTERNOON.

8 SHE MADE A BIG TO-DO ABOUT MY DAUGHTER
9 HAVING HEPATITIS C, WHICH THEY SAID THEY WENT AND GOT HER
10 TESTED AND EVERYTHING BUT I HAVEN'T SEEN NO RESULTS WITH HER
11 HAVING NO HEPATITIS.

12 MRS. FREE: OBJECTION, YOUR HONOR.
13 THERE IS NO COURT ORDER THAT REQUIRES US TO TURN OVER
14 ANYTHING. MR. RAY HAS THE OPPORTUNITY TO ISSUE DISCOVERY, HE
15 HAS NOT. HE'S THE CHILD'S PARENT, HE HAS JUST AS MUCH RIGHT TO
16 GO TO THE DOCTOR'S OFFICE AND GET THESE RECORDS. WE'RE
17 UNDER NO OBLIGATION TO SUBMIT ANYTHING.

18 THE COURT: IS THERE ANYTHING IN
19 THE COURT ORDER, SIR, THAT SAYS THAT SHE'S TO SUPPLY YOU WITH
20 MEDICAL INFORMATION?

21 MR. RAY: LAST TIME WE WAS IN COURT
22 JUDGE MORRIS SAID ANYTHING, MEDICAL RECORDS, WHATEVER THEY
23 HAD WAS SUPPOSED TO BE GIVEN OVER TO US.

24 THE COURT: IS IT IN THE ORDER, SIR?

25 MR. RAY: I DON'T KNOW IF IT'S IN THE

1 ORDER OR NOT.

2 MRS. FREE: NO, SIR, IT'S NOT IN THE
3 ORDER. AND WE ALSO HAVE THE COURT TRANSCRIPTS FROM THAT
4 HEARING THAT THERE IS NOTHING IN THAT TRANSCRIPT THAT
5 INDICATES THAT MY CLIENT IS UNDER OBLIGATION TO PROVIDE HIS
6 CHILD'S MEDICAL RECORDS.

7 THE COURT: ALL RIGHT. GO AHEAD,
8 SIR, ANYTHING ELSE YOU THINK THAT SHE'S FAILED TO DO?

9 MR. RAY: YES, SIR. AND IN THE PAST
10 COUPLE OF MONTHS [REDACTED] HAS BEEN COMING TO THE HOUSE SHE'S
11 ASKED ME WHY DON'T I WANT HER, SAYING THAT STEPHANIE'S
12 TELLING HER THAT YOUR DADDY DON'T WANT YOU NO MORE. AND
13 THEN STEPHANIE SAYS YOU NEED TO SEND AUNT STEPHANIE MONEY,
14 YOU KNOW, AND THAT JUST KIND OF CAUGHT ME OFF GUARD.

15 AND THEN WE WAS HERE ON JULY 20TH AND SHE
16 WAS COURT ORDERED TO TAKE A TEN PANEL HAIR TEST, WHICH SHE'S
17 REFUSED TO DO. NOW SHE'S TOOK A FIVE-PANEL, BUT THE COURT
18 ORDERED A TEN-PANEL AT THE TIME BECAUSE SOME OF THE PAIN
19 MEDICATION SHE WAS ON WAS TAKEN ILLEGALLY.

20 AND ANOTHER THING, MRS. FREE AND MRS. COBB
21 HAS BOTH ASKED ME TO GET [REDACTED] FROM FRIDAY TO SUNDAY, AND I
22 HAVE NO PROBLEM WITH THAT, BUT IT'S NOT IN THE COURT ORDER.
23 AND IF IT COULD JUST BE PUT IN THE COURT ORDER THAT I COULD
24 PICK HER UP FROM FRIDAY AT SIX TILL SUNDAY AT SIX, CUZ RIGHT
25 NOW MY VISITATION IS FROM SATURDAY AT TWELVE UNTIL SUNDAY

1 AT SIX, I HAVE NO PROBLEM WITH THAT. AND THEN ANOTHER - IF I'M
2 NOT ABLE TO PICK MY DAUGHTER UP, WOULD MY WIFE BE ABLE TO
3 PICK HER UP? BECAUSE I'M PROBABLY GOING TO START WORKING THE
4 NEXT COUPLE MONTH OR SO---

5 MRS. FREE: OBJECTION, YOUR HONOR,
6 OUTSIDE THE SCOPE.

7 THE COURT: ONCE AGAIN, SIR, THAT'S
8 NOT - YOU'RE ASKING ME TO CHANGE A COURT ORDER. I'M
9 CONCERNED WITH WHETHER SHE IS IN VIOLATION OF THE CURRENT
10 ORDER. THAT'S THE ONLY THING THAT YOU BROUGHT BEFORE THIS
11 COURT. THIS IS ON A RULE TO SHOW CAUSE, THIS IS NOT ON A
12 CHANGE OF VISITATION OR ANYTHING LIKE THAT, SIR. THAT WOULD
13 BE A SEPARATE PROCEEDING.

14 MR. RAY: OKAY.

15 THE COURT: ANYTHING ELSE, SIR?

16 MR. RAY: THAT'S IT. JUST. . . I'VE GOT
17 A LIST OF THE CLOTHES THAT SHE'LL GET BACK WEDNESDAY, I'LL
18 MAKE SURE. THAT'S ABOUT ALL I GOT.

19 THE COURT: YES, MA'AM, MRS. FREE,
20 YOU MAY CROSS EXAMINE.

21 CROSS EXAMINATION BY MRS. FREE:

22 Q MR. RAY, TO YOUR KNOWLEDGE DID MY CLIENT EVER
23 ATTEMPT TO CALL YOU DURING SEPTEMBER 13TH THROUGH THE 18TH
24 DURING THIS TIME THAT YOU CLAIM THAT SHE FAILED TO PROVIDE
25 VISITATION?

1 A NOT THAT I KNOW OF.
2 Q THAT'S YOUR TESTIMONY TODAY?
3 A NOT THAT I KNOW OF.
4 MRS. FREE: NO MORE QUESTIONS,
5 YOUR HONOR.
6 THE COURT: MRS. GREEN?
7 MRS. GREEN: NO, SIR.
8 THE COURT: MR. GREEN?
9 MR. GREEN: JUST ONE OR TWO
10 QUESTIONS.
11 CROSS EXAMINATION BY MR. GREEN:
12 Q MR. RAY, DID JUDGE MORRIS'S RULES FOR CUSTODY
13 ACCOMPANY HIS ORDER AFTER THE JULY 20TH HEARING, WHICH IS
14 WHAT YA'LL WERE REFERRING TO EARLIER?
15 A YES, SIR.
16 Q AND IN THAT RULE DID IT NOT PROVIDE---
17 MRS. FREE: OBJECTION, YOUR HONOR,
18 THIS IS GOING BEYOND MR. GREEN'S INVOLVEMENT IN THIS RULE TO
19 SHOW CAUSE.
20 MR. GREEN; JUST SOME INFORMATION
21 FOR THE COURT, YOUR HONOR.
22 THE COURT: I'LL ALLOW IT. GO
23 AHEAD.
24 BY MR. GREEN:
25 Q IN JUDGE MORRIS'S RULE THAT ACCOMPANIED HIS ORDER,

1 WAS NOT ONE OF THE RULES IS THAT EACH PERSON IS TO KEEP THE
2 OTHER ADVISED OF MEDICAL SITUATIONS REGARDING THE CHILD

3 [REDACTED]?

4 A YES, SIR, IT WAS.

5 Q AND HAVE YOU REQUESTED A COPY OF THE HEPATITIS "C"
6 ON SEVERAL OCCASIONS?

7 A I HAVE, YES, SIR.

8 Q HAVE THEY GIVEN YOU ANYTHING EVEN VERBALLY?

9 THE COURT: SIR, YOU SAID ONE
10 QUESTION, NOW YOU'VE ASKED ABOUT FOUR OR FIVE, THE COURT
11 WILL TAKE NOTICE THAT ATTACHED TO THE ORDER IS THE MEDICAL
12 EMERGENCY PROVISION OF JUDGE MORRIS'S ORDER. MRS. HODGES,
13 ANYTHING?

14 MRS. HODGES: NO, SIR.

15 THE COURT: MRS. MATTHEWS?

16 MRS. MATTHEWS: NO, SIR, YOUR
17 HONOR.

18 THE COURT: THANK YOU, SIR, YOU
19 MAY STEP DOWN. DO YOU HAVE ANY OTHER WITNESSES, MR. COBB -
20 EXCUSE ME, MR. RAY? I APOLOGIZE ONCE AGAIN.

21 MR. RAY: NO, SIR.

22 THE COURT: SO YOU'VE PRESENTED
23 EVERYTHING AS FAR AS ANY DEFENSES TO HER AND ALSO ON YOUR
24 ACTION; IS THAT CORRECT, SIR?

25 MR. RAY: YES, SIR.

1 THE COURT: MRS. GREEN, I'LL BE GLAD
2 TO HEAR FROM YOU, MA'AM, AS FAR AS ANY DEFENSES THAT YOU
3 HAVE IN REGARD TO THE CONTEMPT MATTER. THAT WILL THEN TAKE
4 CARE OF ALL THE CONTEMPT ISSUES AND THEN THE ONLY THING
5 REMAINING WILL BE THE GUARDIAN ACTION FOR SOME TYPE OF
6 TEMPORARY VISITATION.

7 MRS. GREEN; NO, SIR.

8 THE COURT: SO YOU HAVE NOTHING
9 ELSE YOU WANT TO PRESENT AS FAR AS THE CONTEMPT ACTION, NOT
10 IN REGARD TO THE VISITATION?

11 MRS. GREEN: I WANT TO ASK - I HAVE
12 A LOT OF QUESTIONS ABOUT THE ORDER, THE PLEADINGS, BUT THEY
13 DON'T HAVE ANYTHING TO DO WITH THE CHILD SUPPORT. AND I
14 KNOW THAT MRS. MATTHEWS-CHANDLER IS GOING TO GIVE HER
15 RECOMMENDATION. BUT I WOULD LIKE TO HAVE A CHANCE TO TAKE
16 UP FOR MYSELF---

17 THE COURT: NO, MA'AM, NO, MA'AM.
18 THIS COURT HAD ONE HOUR SET ASIDE FOR THIS HEARING. AND
19 THERE ARE THREE ACTIONS THAT ARE BEFORE THIS COURT AS I
20 EXPLAINED TO START WITH. THERE'S MRS. COBB'S ACTION AGAINST
21 BOTH YOU AND MR. RAY FOR FAILURE TO PAY YA'LL'S CHILD SUPPORT,
22 AND AGAINST MR. RAY FOR FAILURE TO RETURN CLOTHES. THERE'S
23 ALSO AN ACTION AGAINST HER, WHY SHE SHOULDN'T BE HELD IN
24 CONTEMPT FOR DENYING HIM SOME VISITATION, OR PROBLEMS WITH
25 SOME VISITATION.

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1 NOW THE ONLY OTHER ISSUE LEFT IS THE GUARDIAN
2 AD LITEM. I'D BE GLAD TO HEAR YOU WITH REGARD TO THAT - I
3 MEAN, YOU HAVEN'T BROUGHT ANY RESPONSIVE PLEADINGS, MA'AM,
4 FOR THIS COURT TO ADDRESS, OKAY? AND AS I SAID, MA'AM, I'VE
5 GOT TO HOLD YOU TO THE SAME STANDARD THAT I HOLD ALL OF
6 THESE ATTORNEYS, OKAY? I'LL BE GLAD TO HEAR ANYTHING YOU
7 WANT TO TESTIFY TO AS FAR AS THESE TWO CONTEMPT MATTERS.

8 MRS. GREEN; NO, SIR, I HAVE NO
9 QUESTIONS AS FAR AS THOSE CONTEMPTS.

10 THE COURT: ANYTHING FROM YOU, MR.
11 GREEN, SENIOR? I ASSUME YOU DON'T HAVE ANYTHING TO PRESENT
12 ON THESE CONTEMPT MATTERS?

13 MR. GREEN: NO, SIR, I THINK I'LL HAVE
14 A QUESTION ON THE VISITATION.

15 THE COURT: OKAY, WE HAVEN'T
16 GOTTEN THERE YET. NOW THEN I HAVE TAKEN ALL OF THE
17 TESTIMONY AS TO THE TWO CONTEMPT MATTERS. THE ONLY MATTER
18 NOW THAT'S BEFORE ME IS - YES, MA'AM?

19 MRS. FREE: I'M SORRY. MY CLIENT
20 WOULD LIKE TESTIMONY AS FAR AS DEFENSE ON---

21 THE COURT: YOU'RE ABSOLUTELY
22 CORRECT. SHE'S ENTITLED TO TESTIFY AS TO HER DEFENSE TO MR.
23 RAY'S CONTEMPT ACTION. YES, MA'AM, MRS. COBB, IF YOU'D COME
24 BACK UP HERE. I'LL REMIND YOU THAT YOU ARE STILL UNDER OATH,
25 MA'AM. WE'LL RESTRICT IT SOLELY TO TESTIMONY AS TO THE

1 CONTEMPT ACTION BROUGHT BY MR. RAY.

2 EXAMINATION BY MRS. FREE:

3 Q MRS. COBB, IS THERE ANY SCHEDULED VISITATION THAT
4 YOU FAILED TO HAVE [REDACTED] AT THE DESIGNATED PLACE AND TIME?

5 A THERE WAS A WEDNESDAY THAT I - WE WERE IN COURT
6 WHEN AIMEE HAD HER VISITS SUSPENDED. AND I WAS THINKING THAT
7 THAT WEDNESDAY WAS AIMEE'S AND THEN THE FOLLOWING
8 WEDNESDAY WAS JOHNNY'S BECAUSE I ACTUALLY CALLED JOHNNY
9 ON THAT WEDNESDAY TO SEE IF HE WAS GETTING [REDACTED] AND THEN
10 HE LET ME KNOW THAT I HAD MISSED THAT WEDNESDAY VISIT. SO I
11 ASKED JOHNNY FIRST, WHY WOULD YOU HAVE NOT CALLED ME ON
12 THE WEDNESDAY VISIT TO ASK, FIRST OF ALL, WERE WE OKAY, WERE
13 WE IN A CAR WRECK, OR WHAT. FIRST, IF I WAS TO MEET SOMEBODY
14 AND THEY WEREN'T THERE THE FIRST THING I WOULD DO IS TO CALL
15 TO SEE WHERE THEY WERE AT. AND HE NEVER CALLED.

16 Q MR. RAY ALSO CLAIMS YOU DIDN'T SHOW UP ON A
17 DESIGNATED TIME ON SATURDAY VISITATION; IS THAT CORRECT?

18 A YES, MA'AM.

19 Q WAS THAT VISITATION TO BEGIN ON SEPTEMBER 18TH?

20 A YES, MA'AM.

21 Q AND WAS THERE SOMETHING GOING ON ON THAT
22 WEEKEND FOR YOU?

23 A YES, MA'AM, I HAD TO WORK.

24 Q WHAT DAY DID YOU HAVE TO WORK?

25 A I HAD TO WORK SATURDAY AND I STARTED CALLING

1 JOHNNY I BELIEVE ON THE MONDAY OF THE FIRST OF THE WEEK AND
2 LETTING HIM KNOW THAT I HAD TO WORK AND I NEEDED HIM TO PICK
3 [REDACTED] UP AT THE HOSPITAL, AND IF HE DIDN'T, I DID OPT HIM TO GET
4 [REDACTED] FRIDAY NIGHT AND THEN I WOULD PICK HER UP EARLY ON
5 SUNDAY.

6 Q SO YOU BEGAN TRYING TO CALL HIM ON SEPTEMBER 13TH.
7 THIS WAS EVEN BEFORE HIS WEDNESDAY VISITATION; IS THAT
8 CORRECT?

9 A YES, MA'AM.

10 Q HOW MANY TIMES DID YOU TRY TO CALL HIM?

11 A NINE TIMES.

12 Q MRS. COBB, IS THIS AN OVERVIEW OF THE TELEPHONE
13 CALLS YOU MADE ALONG WITH MR. RAY'S TELEPHONE RECORDS FOR
14 THE WEEK OF SEPTEMBER 13TH THROUGH THE 18TH?

15 A YES, MA'AM.

16 Q IS IT ALSO TRUE THAT ON SEPTEMBER 13TH YOU MADE A
17 PHONE CALL TO MR. RAY AND HE DIDN'T ANSWER HIS PHONE?

18 A YES, MA'AM.

19 Q ON THE 15TH OF SEPTEMBER HE DIDN'T EVEN BOTHER TO
20 CALL YOU ON THIS DAY AT ALL?

21 A NO, MA'AM.

22 Q ON THIS WEDNESDAY TO SEE IF YOU WERE HURT, IF HIS
23 CHILD WAS HURT, IF HIS CHILD WAS OKAY; IS THAT CORRECT?

24 A YES, MA'AM.

25 Q ON 9/17, FRIDAY PRIOR TO THIS SCHEDULED VISITATION

1 DID YOU NOT ATTEMPT TO CALL HIM THREE MORE TIMES WITH NO
2 SUCCESS?

3 A YES, MA'AM.

4 Q DID I ALSO CALL HIM TRYING TO REACH HIM TO TELL HIM
5 THAT YOU HAD TO WORK?

6 A YES, MA'AM.

7 Q AND THEN ON SEPTEMBER 18TH DID YOU NOT ALSO CALL
8 HIM FIVE MORE TIMES TRYING TO GET IN TOUCH WITH HIM TO LET HIM
9 KNOW YOU HAD TO WORK?

10 A YES, MA'AM.

11 Q AND DID HE EVER ANSWER THE PHONE?

12 A NO, MA'AM.

13 MRS. FREE: YOUR HONOR, WE'D MOVE
14 THIS IN AS PLAINTIFF'S EXHIBIT NUMBER ONE.

15 THE COURT: ANY OBJECTION TO THAT
16 COMING INTO EVIDENCE, SIR?

17 MR. RAY: YES, SIR, BECAUSE MY
18 PHONE SERVICE - I LIVE OUT IN THE COUNTRY, AND MY PHONE DON'T
19 PICK UP OUT THERE. SHE'S GOT MY HOUSE PHONE NUMBER, WHICH
20 SHE HAS NOT CALLED MY HOUSE PHONE NUMBER.

21 THE COURT: SIR, SHE'S JUST ASKING
22 YOU ABOUT THE PHONE LOG COMING INTO EVIDENCE. DO YOU HAVE
23 AN OBJECTION TO IT COMING INTO EVIDENCE OTHER THAN YOU SAY
24 THAT YOU DIDN'T GET THE CALLS?

25 MR. RAY: YES, SIR.

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THE COURT: WHAT'S YOUR OTHER

OBJECTION?

MR. RAY: NONE OTHER THAN THAT,

NO, SIR.

THE COURT: ANY OBJECTION FROM

YOU, MRS. GREEN?

MRS. GREEN: NO, SIR.

THE COURT: MRS. HODGES?

MRS. HODGES: NO, SIR.

THE COURT: MRS. CHANDLER?

MRS. CHANDLER: NO, SIR.

(PLAINTIFF'S EXHIBIT NO. 3 MARKED AND INTRODUCED.)

BY MRS. FREE:

Q ACCORDING TO THESE TELEPHONE RECORDS, EVEN
THOUGH YOU HEARD THE TESTIMONY THAT HE DIDN'T GET THE PHONE
CALLS, DOESN'T IT ALSO SHOW PHONE CALLS TO MR. BUBBA GREEN,
PHONE CALLS TO THE SHERIFF'S DEPARTMENT, AND TO MRS. KEISLER
ALL ON THIS SAME DAY?

A YES, MA'AM.

Q THE DAY HE CLAIMS HIS PHONE'S NOT WORKING.

A YES, MA'AM.

Q DID YOU EVER ALLOW HIM TO HAVE MAKEUP VISITATION?

A YES, MA'AM. I'VE ASKED HIM WHEN HE LET ME KNOW
THAT HE MISSED THAT WEDNESDAY I CALLED TO SEE IF HE WAS
GETTING HER AND HE OPTED NOT TO GET HER, AND THEN OF COURSE I

1 ASKED FOR HIM TO GET HER ON THAT FRIDAY AND I WOULD IN TURN
2 GET HER EARLY ON THAT SUNDAY, BUT HE OPTED TO SAY NO. WELL
3 HE NEVER ANSWERED THAT WEEKEND.

4 Q SO EVEN THAT VERY FRIDAY AFTER YOU MISSED THE
5 WEDNESDAY, YOU OFFERED HIM MAKEUP VISITATION?

6 A YES, MA'AM.

7 Q YOU OFFERED HIM MAKEUP VISITATION THE FOLLOWING
8 WEDNESDAY; IS THAT ALSO CORRECT?

9 A YES, MA'AM.

10 Q MR. RAY IS ALLEGING THAT YOU WILLFULLY VIOLATED
11 VISITATION; IS THAT CORRECT, DID YOU WILLFULLY WITHHOLD
12 VISITATION FROM MR. RAY?

13 A NO, MA'AM.

14 Q NOW MRS. COBB, MR. RAY ALLEGES THAT YOU FAILED TO
15 SUBMIT TO A DRUG TEST, OR A TEN PANEL HAIR FOLLICLE TEST; IS
16 THAT CORRECT?

17 A YES, MA'AM.

18 Q IN THE TEMPORARY ORDER IT SAID THAT YOU WERE
19 REQUIRED TO TAKE A DRUG TEST. DID IT SPECIFY WHAT KIND OF DRUG
20 TEST?

21 A NO, MA'AM.

22 Q MRS. COBB, I HAND YOU THE COURT TRANSCRIPT FROM
23 THE JULY 20TH HEARING. PLEASE READ LINE 20 WHEREIN JUDGE
24 MORRIS ORDERED YOU TO TAKE A HAIR FOLLICLE TEST AND SPECIFY
25 EXACTLY WHAT HE ORDERED YOU TO TAKE. WHAT DOES LINE 20

1 SAY?

2 A "A HAIR FOLLICLE DRUG TEST."

3 Q MRS. COBB, HAVE YOU TAKEN A HAIR FOLLICLE TEST?

4 A YES, MA'AM..

5 Q MRS. COBB, IS THAT A COPY OF THE HAIR FOLLICLE TEST
6 YOU TOOK?

7 A YES, MA'AM.

8 MRS. FREE: MOVE THAT IN AS
9 PLAINTIFF'S EXHIBIT NUMBER FOUR, YOUR HONOR.

10 THE COURT: ANY OBJECTION MR.
11 RAY?

12 MR. RAY: NO, SIR.

13 THE COURT: MRS. GREEN?

14 MRS. GREEN: NO, SIR.

15 THE COURT: MRS. HODGES?

16 MRS. HODGES: NO, SIR.

17 THE COURT: MRS. CHANDLER?

18 MRS. CHANDLER: NO, SIR.

19 THE COURT: MR. GREEN?

20 MR. WADE GREEN: YOUR HONOR, MAY I
21 ASK HER A QUESTION REGARDING THE DRUG TEST?

22 THE COURT: NO, SIR, YOU MAY ASK ME
23 A QUESTION ABOUT IT, SIR. DO YOU HAVE AN OBJECTION TO IT?

24 MR. WADE GREEN: NO, SIR, I DON'T
25 HAVE AN OBJECTION TO IT COMING IN. THERE'S INFORMATION THE

1 COURT NEEDS TO KNOW ABOUT IT.

2 THE COURT: NO, SIR, NO, SIR.

3 THERE'S NO INFORMATION WHATSOEVER THAT THIS COURT NEEDS TO
4 KNOW EXCEPT THAT THE COURT NEEDS TO KNOW WHETHER SHE
5 VIOLATED THE ORDER AND WHETHER THE ORDER SAID THAT SHE TO
6 TAKE A TEN HAIR STRAND TEST OR WHETHER SHE WAS JUST TO TAKE
7 A TEST, SIR. IT HAS NOTHING TO DO WITH THE RESULTS OF THAT
8 TEST.

9 MR. WADE GREEN: THANK YOU, SIR.

10 THE COURT: WITHOUT OBJECTION,
11 PLAINTIFF'S NUMBER FOUR.

12 (PLAINTIFF'S EXHIBIT NO. 4 MARKED AND INTRODUCED.)

13 BY MRS. FREE:

14 Q NOW MR. RAY ALSO ACCUSES YOU OF ME NOT GIVING HIM
15 THE MEDICAL RECORDS AS IT CONCERNS THIS HEPATITIS "C." TO
16 YOUR KNOWLEDGE, HAVE I RECEIVED ANYTHING FROM [REDACTED]
17 PHYSICIAN CONCERNING HEPATITIS "C?"

18 A NO, MA'AM.

19 Q TO YOUR KNOWLEDGE HAS HE SERVED ONE BIT OF
20 DISCOVERY ON ME IN THIS CASE?

21 A NO, MA'AM.

22 Q HAD HE FILED ONE REQUEST TO PRODUCE?

23 A NO, MA'AM.

24 Q AND TO YOUR KNOWLEDGE, IS THERE ANYTHING THAT'S
25 PREVENTING HIM FROM OBTAINING THOSE MEDICAL RECORDS FROM

1 THE DOCTOR HIMSELF OR HERSELF?

2 A NO, MA'AM.

3 Q MR. RAY ALSO ACCUSES YOU OF MAKING DEROGATORY
4 REMARKS TO YOUR CHILD. HAVE YOU DONE SO?

5 A NO, MA'AM.

6 Q SO, MRS. COBB, YOU HAVE CLEARLY PROVIDED EVIDENCE
7 ADDRESSING EACH ONE OF MR. RAY'S ALLEGATIONS. DID YOU HAVE
8 TO PAY AN ATTORNEY TO DEFEND YOU IN THIS ACTION?

9 A YES, MA'AM.

10 Q AND ARE THE FEES THAT WE PROVIDED ON THAT EARLIER
11 AFFIDAVIT CORRECT?

12 A YES, MA'AM.

13 Q AND ARE YOU ALSO ASKING THE COURT TO AWARD YOU
14 ATTORNEY'S FEES FOR HAVING TO DEFEND THIS ACTION?

15 A YES, MA'AM.

16 MRS. FREE: NO MORE QUESTIONS,
17 YOUR HONOR.

18 THE COURT: QUESTIONS, MR. RAY?

19 MR. RAY: IN THE COURT ORDER IT IS, I

20 MEAN---

21 THE COURT: ASK HER A QUESTION, SIR.

22 I'VE GOT THE COURT ORDER RIGHT HERE.

23 CROSS EXAMINATION BY MR. RAY:

24 Q WHEN HE WAS SITTING RIGHT HERE AND HE SAID I WANT
25 YOU TO TAKE A TEN PANEL DRUG TEST BEFORE YOU GO ON YOUR

1 BEACH TRIP. HE SPECIFICALLY SAID THAT, AND IF THE COURT
2 REPORTER MISSED IT, IT'S PROBABLY IN THE REPORT---

3 THE COURT: SIR, YOU'RE TESTIFYING,
4 YOU'RE NOT ASKING A QUESTION. ASK HER A QUESTION.

5 BY MR. RAY:

6 Q SO YOU HAVEN'T TOLD [REDACTED] THAT I DON'T WANT HER
7 OR TO SEND YOU MONEY, OR NOTHING LIKE THAT?

8 A ABSOLUTELY NOT, JOHNNY, AND YOU KNOW THAT.

9 Q WHY WOULD [REDACTED] SAY THAT?

10 A YOU KNOW I'VE NEVER TALKED NEGATIVE TO THAT CHILD
11 ABOUT YOU.

12 Q WELL SHE'S TOLD ME THAT ON A COUPLE OF OCCASIONS,
13 SHE'S SAID--

14 MRS. FREE: OBJECTION, YOUR HONOR.

15 THE COURT: SUSTAINED. YOU CANNOT
16 TESTIFY WHAT THE CHILD TOLD YOU, SIR, THAT'S HEARSAY
17 TESTIMONY. MOVE ON.

18 MR. RAY: NO MORE QUESTIONS.

19 THE COURT: MRS. GREEN?

20 MRS. GREEN: NO, SIR.

21 THE COURT: MR. GREEN?

22 MR. GREEN: NO, SIR.

23 THE COURT: MRS. HODGES?

24 MRS. HODGES: NONE, YOUR HONOR.

25 THE COURT: MRS. CHANDLER?

1 MRS. MATTHEWS: NO, SIR.

2 THE COURT: YOU MAY STEP DOWN.
3 ANYTHING FURTHER AS FAR AS YOUR DEFENSE ON THE CONTEMPT
4 MATTER?

5 MRS. FREE: NO, YOUR HONOR.

6 THE COURT: ALL RIGHT, IT IS NOW
7 ONE-THIRTY, WE ARE GOING TO TAKE A RECESS. MY COURT REPORTER
8 AND I AND MY PERSONNEL NEED TO GO TO LUNCH. THIS MATTER WAS
9 SCHEDULED FOR AN HOUR, IT'S BEEN AN HOUR. I WANT TO GIVE ALL
10 PARTIES THE OPPORTUNITY TO FULLY STATE THEIR POSITIONS IN THIS
11 CASE. WE HAVE TAKEN ALL OF THE TESTIMONY AS TO THE
12 CONTEMPT ACTIONS. MRS. CHANDLER, HAVE YOU PROVIDED THE
13 PARTIES WITH A GUARDIAN AD LITEM REPORT YET?

14 MRS. CHANDLER: I HAVE AFFIDAVITS.

15 THE COURT: SO WE'RE GOING
16 FORWARD SOLELY ON A TEMPORARY HEARING AS FAR AS - AND YOU
17 HAVE IN YOUR AFFIDAVIT YOUR RECOMMENDATIONS?

18 MRS. CHANDLER: YES, SIR.

19 THE COURT: DO YOU HAVE ANY
20 AFFIDAVITS, MRS. FREE?

21 MRS. FREE: YOUR HONOR, WE'RE GOING
22 TO REST ON THE AFFIDAVITS THAT ARE ALREADY IN THE COURT FILE.

23 THE COURT: DO YOU HAVE ANY
24 AFFIDAVITS, SIR, AS FAR AS MRS. CHANDLER'S MOTION TO ALLOW
25 SOME TYPE OF TEMPORARY VISITATION?

1 MR. RAY: NO, SIR.

2 THE COURT: DO YOU HAVE ANY
3 AFFIDAVITS, MRS. GREEN?

4 MRS. GREEN: NO, SIR.

5 THE COURT: MR. GREEN?

6 MR. GREEN: NO, SIR.

7 THE COURT: MRS. HODGES, ANY
8 AFFIDAVITS, OR DOES D.S.S. HAVE ANY POSITION IN THIS MATTER,
9 MA'AM?

10 MRS. HODGES: AS FAR AS THE
11 VISITATION, YOUR HONOR, THAT IT BE SUPERVISED.

12 THE COURT: WELL THEN CORRECT ME
13 IF I'M WRONG, THE LAST MATTER THAT'S BEFORE ME IS A HEARING ON
14 A TEMPORARY MOTION BY MRS. CHANDLER AS TO SOME TEMPORARY
15 VISITATION FOR MRS. GREEN; IS THAT CORRECT?

16 MRS. CHANDLER: YES, SIR.

17 THE COURT: I'M GOING TO GO AHEAD
18 AND ACCEPT THOSE AFFIDAVITS THEN. WE'RE GOING TO BREAK,
19 EVERYBODY BE BACK AT TWO-THIRTY AND I'LL GIVE MY DECISION ON
20 ALL THREE THINGS. OKAY, THANK YA'LL AND WE'LL BE IN RECESS.

21 (AT THIS TIME COURT ADJOURNED FOR A LUNCH BREAK)

22 THE COURT: WE'RE BACK ON THE
23 RECORD WITH REGARD TO COBB VERSUS GREEN, 2010-515. WE HAVE
24 TAKEN ALL OF THE TESTIMONY AS PERTAINS TO THE PLAINTIFF'S RULE
25 TO SHOW CAUSE AGAINST MR. RAY AND MRS. GREEN FOR THEIR

1 FAILURE TO PAY CHILD SUPPORT, AND MR. RAY ALLEGEDLY FAILING TO
2 RETURN CLOTHING. WE ALSO TOOK THE TESTIMONY OF MR. RAY AS
3 TO HIS CAUSE OF ACTION ON HIS RULE TO SHOW CAUSE. ALL
4 TESTIMONY, DEFENSES, WHATEVER, HAVE BEEN TAKEN IN REGARD TO
5 THAT.

6 ALSO THEN I PUT ON THE RECORD BEFORE WE
7 BROKE FOR LUNCH, MRS. CHANDLER HAS US BEFORE THE COURT ON A
8 TEMPORARY MOTION. OF COURSE ALL TEMPORARY HEARINGS ARE TO
9 BE DONE BY AFFIDAVIT. THE GUARDIAN HAS SUBMITTED TO ME HER
10 AFFIDAVIT. NONE OF THE OTHER PARTIES HAVE EVEN AFFIDAVITS TO
11 SUBMIT TO THE COURT.

12 MRS. HODGES IS PRESENT REPRESENTING D.S.S.
13 MRS. HODGES, WHAT IS THE STATUS OF D.S.S.'S INVESTIGATION AT
14 THIS TIME?

15 MRS. HODGES: YOUR HONOR, THE
16 AGENCY DOES NOT HAVE AN ONGOING INVESTIGATION. IT'S AN OPEN
17 TREATMENT CASE AT THIS POINT. THE LAST ALLEGATIONS THAT WE
18 GOT ARE PERTAINING TO WHAT I DESCRIBE AS THE SECOND BURN.
19 WE'VE MADE A RESOLUTION IN THAT CASE, WE DID NOT FILE ANY
20 ACTION IN IT, WE'RE JUST GOING FORWARD WITH OUR TREATMENT
21 CASE. BECAUSE WE'RE ATTACHED TO THIS PRIVATE CASE IT'S KIND
22 OF PREVENTED US FROM DOING ANYTHING ELSE IN OUR TREATMENT
23 CASE. WE'RE JUST USING THE RESOURCES OF MRS. KEISLER DOING THE
24 MONITORING.

25 THE COURT: IS THERE AN ACTIVE

1 TREATMENT CASE THAT'S BEFORE THIS COURT?

2 MRS. HODGES: YES, IT'S NOT
3 SCHEDULED FOR A JUDICIAL REVIEW, YOUR HONOR. WE HAVE JUST
4 BEEN RIDING ALONG WITH THIS CASE, AND IF WE COULD GET
5 DETACHED FROM THIS CASE THEN WE COULD MOVE ON WITH OUR
6 PRIVATE CASE. AND YOUR HONOR I ASK TO MOVE THAT WE BE
7 DISMISSED FROM THIS PRIVATE ACTION. MY RECOMMENDATIONS ARE
8 THE SAME; WE WOULD LIKE TO CLOSE OUR D.S.S CASE WITH IT BEING
9 IN THE STATUS THAT THIS PRIVATE CASE IS IN NOW.

10 THE COURT: SO AS FAR AS D,S.S.'S
11 CASE IS CONCERNED, THEY'RE WANTING TO CLOSE, LEAVE CUSTODY
12 WITH MRS. COBB AND JUST LEAVE IT UP TO THIS PRIVATE ACTION TO
13 DETERMINE IT, IS THAT CORRECT, MA'AM?

14 MRS. HODGES: YES, SIR.

15 THE COURT: BE GLAD TO HEAR YOU
16 ON THAT, MRS. FREE.

17 MRS. FREE: YOUR HONOR, WE'D JOIN IN
18 WITH D.S.S. WE HAVE NO OBJECTION TO THAT.

19 THE COURT: MR. RAY, I'LL BE GLAD TO
20 HEAR FROM YOU. BASICALLY WHAT D.S.S. IS SAYING IS THEY WANT
21 TO CLOSE THEIR CASE. I DON'T KNOW WHETHER THEY'VE GOT AN
22 ACTIVE TREATMENT CASE WITH YOU OR NOT, OR JUST WITH MRS.
23 GREEN.

24 MRS. HODGES: ALL THE PARTIES IN
25 THIS CASE ARE INVOLVED IN OUR CASE WITH CUSTODY BEING WITH

1 MRS. COBB. WE'VE JUST BEEN MONITORING THE CHILD WITH MRS.
2 COBB.

3 THE COURT: I'D BE GLAD TO HEAR YOU
4 ON THAT, MR. RAY. STAND UP, SIR.

5 MR. RAY: I'D RATHER FOR THE D.S.S.
6 CASE TO STILL BE OPEN UNTIL---

7 THE COURT: OKAY, THAT'S FINE.
8 WHAT I'M GOING TO DO, MA'AM, IS I'M GOING TO ORDER D.S.S TO
9 HOLD A JUDICIAL REVIEW HEARING WITHIN 60 DAYS AND YOU CAN
10 PUT THAT ON THE RECORD THEN AS FAR AS IF YA'LL WANT TO CLOSE,
11 GIVE CUSTODY TO HER AND CLOSE, AND THE COURT WILL HAVE TO
12 DECIDE AT THAT POINT IN TIME. THAT MATTER IS NOT PROPERLY
13 BEFORE ME. SINCE ONE OF THEM IS OBJECTING, I'M GOING TO LEAVE
14 THE D.S.S. CASE OPEN AND YA'LL SCHEDULE A JUDICIAL REVIEW
15 WITHIN 60 DAYS. AND IF THAT'S THE RECOMMENDATION OF D.S.S.
16 AT THAT POINT IN TIME, TO CLOSE THE FILE AND LEAVE IT AS IT IS,
17 THEN, YOU KNOW, I'M ASSUMING THAT THESE PEOPLE WERE TOLD---

18 MRS. HODGES: SO CAN WE BE
19 DISMISSED FROM THIS PRIVATE CASE?

20 THE COURT: YES, MA'AM. I'LL ALLOW
21 YOU TO BE DISMISSED FROM THIS CASE, BUT I'M GOING TO LEAVE THE
22 D.S.S. CASE ONGOING. I WILL GRANT THAT MOTION.

23 NOW THE, ALL OF YA'LL HAVE HAD THE
24 OPPORTUNITY TO REVIEW THE AFFIDAVIT OF THE GUARDIAN AD LITEM.
25 MRS. CHANDLER, ANYTHING ELSE THAT YOU WANT TO PUT ON THE

1 RECORD WITH REGARD TO YOUR AFFIDAVIT?

2 MRS. CHANDLER: NO, SIR, YOUR
3 HONOR. I KNOW THE COURT'S HAD AN OPPORTUNITY TO READ MY
4 AFFIDAVIT. I THINK THAT MY POSITION HAS BEEN CLEARLY STATED. I
5 DO THINK THAT BASED UPON MY INVESTIGATION, SPECIFICALLY MY
6 CONVERSATION WITH DR. EKON,* WHO WAS THE PEDIATRICIAN WHO
7 EXAMINED THE MINOR CHILD, I BELIEVE THAT BASED UPON HER
8 FINDINGS, WHICH WERE THAT SHE COULD NOT CONCLUSIVELY SAY
9 THAT THE INJURY ON THE MINOR CHILD'S ARM CAME FROM A BURN.
10 BASED UPON THAT, I THINK THAT VISITATION SHOULD BE
11 REINSTATED.

12 THE COURT: PURSUANT TO THE
13 PREVIOUS ORDER?

14 MRS. CHANDLER: THAT IS RIGHT,
15 PURSUANT TO THE PREVIOUS ORDER VISITATION WAS SUPERVISED BY
16 MR. BUBBA GREEN. I BELIEVE THAT THERE WILL BE SOME OBJECTION
17 TO THAT, AND I AM HOPING, OR I'M PREPARED TO OFFER SOME
18 ALTERNATIVE FOR SUPERVISORS IF THE COURT DEEMS THAT
19 NECESSARY.

20 THE COURT: MR. GREEN, WOULD YOU
21 STAND FOR ME, PLEASE, SIR? WHAT THE GUARDIAN IS
22 RECOMMENDING IS THAT -- ONCE AGAIN, THIS IS ALL ON A TEMPORARY
23 BASIS AND WILL BE WITHOUT PREJUDICE TO ANY OF YA'LL AT THE
24 FINAL HEARING - IS THAT YOUR DAUGHTER BE ALLOWED TO HAVE
25 TH4E VISITATION THAT WAS PREVIOUSLY ORDERED UNDER THE

1 ORIGINAL TEMPORARY ORDER ASSUMING YOU ARE STILL IN AGREEMENT
2 TO SUPERVISE, SIR. AND I'M ASSUMING THAT'S THE REASON MR.
3 GREEN IS A PARTY TO THIS ACTION, SO THE COURT HAS JURISDICTION
4 OVER HIM?

5 MRS. CHANDLER: YES, SIR.

6 THE COURT: BE GLAD TO HEAR YOU,
7 SIR, WHETHER YOU WOULD STILL BE WILLING TO SUPERVISE THE
8 VISITATION IF I WERE TO REINSTATE VISITATION BETWEEN YOUR
9 GRANDDAUGHTER AND YOUR DAUGHTER, SIR.

10 MR. GREEN; YES, SIR, I WOULD, YOUR
11 HONOR. I WOULD ASK THAT THE VISITATION BE MODIFIED VERY
12 SLIGHTLY IN THAT I DO NOT HAVE TO PHYSICALLY SPEND THE NIGHT
13 IN THE CONDOMINIUM WITH THEM. PREVIOUSLY I'VE EITHER SPENT
14 THE NIGHT OR HAVE STAYED THERE UNTIL THE CHILD HAS GONE TO
15 SLEEP.

16 THE COURT: SIR, A LOT CAN HAPPEN
17 AFTER THE CHILD GOES TO SLEEP.

18 MR. GREEN: I'M TEN MINUTES AWAY,
19 YOUR HONOR. BUT I'LL ACCEPT WHATEVER YOU REQUIRE. I WOULD
20 ASK THAT AS A MODIFICATION, BUT IF YOU REQUIRE OTHERWISE I'LL
21 BE GLAD TO ACCEPT IT, SIR.

22 THE COURT: FIRST OF ALL, SIR, I
23 APPRECIATE YOU BEING THERE WITH YOUR GRANDCHILD. I KNOW IT'S
24 AN INCONVENIENCE FOR YOU, SIR. BUT IF I UNDERSTAND THE
25 GUARDIAN CORRECTLY YOU WANT 24 HOUR SUPERVISION, CORRECT,

1 MA'AM?

2 MRS. CHANDLER: YOUR HONOR, WHAT
3 WAS IN PLACE BEFORE IS THAT DURING THE DAY I BELIEVE THAT IT
4 WASN'T AS CLOSELY SUPERVISED, BUT THAT HE HAD TO BE IN THE
5 HOME AT NIGHTTIME AND IT WAS SUPERVISED AT NIGHT.

6 THE COURT: BE GLAD TO HEAR YOU
7 ON IT, MRS. FREE.

8 MRS. FREE: YES, YOUR HONOR. THE
9 REASON WHY WE'RE HERE IS BECAUSE THERE HAVE BEEN AT LEAST 13
10 INJURIES WHICH ARE DOCUMENTED IN THE D.S.S. FILE---

11 THE COURT: WELL THERE'S 13
12 UNEXPLAINED. . . DON'T KNOW IF THEY'RE INJURIES, OR WHAT. BUT
13 ANYWAY, GO AHEAD.

14 MRS. FREE: ---THAT HAVE OCCURRED
15 WHILE IN THE CUSTODY OF MRS. AIMEE GREEN. AND IN THIS COURT
16 TRANSCRIPT, YOUR HONOR, WHEN HE WAS REQUIRED TO VISIT===

17 THE COURT: HOLD ON ONE SECOND.
18 MRS. GREEN, LISTEN TO ME VERY, VERY CLOSELY. IF THERE'S ONE
19 THING THAT REALLY, REALLY UPSETS ME IT'S WHEN PEOPLE ARE
20 SHAKING THEIR HEADS AND MAKING NOISES WHEN SOMEBODY ELSE IS
21 TRYING TO TALK. I WANT THE RECORD TO REFLECT THAT YOU WERE
22 OVER THERE SHAKING YOUR HEAD, THIS THAT AND THE OTHER. I'LL
23 GIVE YOU AN OPPORTUNITY IN JUST A MINUTE, MA'AM, BUT YOU'RE
24 NOT, NO ONE IN THIS COURTROOM WILL MAKE ANY TYPE OF FACIAL
25 EXPRESSION, REMARK, OR ANYTHING ELSE WHILE ANOTHER PERSON IS

1 SPEAKING. ARE WE CLEAR, MA'AM?

2 MRS. GREEN: YES, SIR.

3 THE COURT: THANK YOU SO MUCH.

4 YES, MA'AM?

5 MRS. FREE: IN THE COURT TRANSCRIPT

6 MR. GREEN READILY ADMITTED HE WASN'T EVEN SUPERVISING WHEN
7 HE WAS COURT ORDERED TO DO IT, TO SUPERVISE WHEN HE HAD THIS
8 IN PLACE PRIOR. AND I ALSO, TOO, HAVE SOMEWHAT OF AN ISSUE
9 AND A CONCERN THAT THESE INJURIES HAVE BEEN OCCURRING OVER
10 THREE YEARS, INCLUDING A METHADONE OVERDOSE. AND IT'S MY
11 UNDERSTANDING THE GUARDIAN HASN'T EVEN REVIEWED THE FILE
12 FOR THE LAST THREE YEARS PRIOR TO MAKING HER RECOMMENDATION
13 TODAY, TO GO BACK TO THIS VISITATION THAT WAS BEFORE. AND
14 SINCE THEN WE HAVE THE TWO ADDITIONAL BURNS THAT HAVE
15 OCCURRED.

16 SO, YOUR HONOR, IN AN ABUNDANCE OF CAUTION --
17 THE RECORD IS SO FULL OF INJURY AFTER INJURY - IN AN ABUNDANCE
18 OF CAUTION---

19 THE COURT: I'M DEALING WITH TWO
20 SINCE THE LAST ORDER, CORRECT? FROM THE ORIGINAL TEMPORARY
21 ORDER WHEN JUDGE MORRIS GAVE HER THAT VISITATION, CORRECT?

22 MRS. FREE: YES, SIR. SO WE'D ASK -
23 MR. GREEN, IT APPEARS THAT HE'S NOT WANTING TO EXERCISE
24 SUPERVISION LIKE THE COURT ORDER REQUIRES. THIS CHILD'S COMING
25 BACK HURT EACH TIME. SO, YOUR HONOR, WE ASK IN AN

1 ABUNDANCE OF CAUTION IF THERE'S VISITATION ALLOWED THAT IT BE
2 SUPERVISED BY SOMEBODY OTHER THAN MR. GREEN, OR AT THE
3 VISITATION FACILITY "WHERE THERE IS ROOM," JUST TO KEEP THESE
4 INJURIES FROM REOCCURRING. AND THE PROBLEM IS THAT MRS. GREEN
5 TAKES METHADONE TREATMENTS EVERY DAY. SHE COMES WIRED IN
6 THE MORNING AND SLEEPS THE WHOLE AFTERNOON, SO THIS CHILD'S
7 JUST LEFT TO ROAM WHILE MR. GREEN'S NOT EVEN AT THE HOUSE.

8 SO THAT'S OUR CONCERN, AND WHY WE ASK THAT
9 VISITATION BE SUPERVISED BY SOMEBODY OTHER THAN MR. GREEN,
10 AND AT A VISITATION FACILITY. THANK YOU.

11 MR. GREEN: MAY I RESPOND, YOUR
12 HONOR?

13 THE COURT: YES, SIR.

14 MR. GREEN: YOUR HONOR, I THINK I
15 MADE A STATEMENT AND JUDGE MORRIS ACCEPTED IT, THAT IN HIS
16 RULING OF JULY OF '08, HE INSTRUCTED D.S.S. TO CLOSE THE CASE
17 OUT AT THE END OF SIX MONTHS---

18 THE COURT: SIR, I'M MORE
19 CONCERNED WITH JULY THE 10TH WHEN VISITATION WAS GIVEN TO
20 HER AND WHAT'S HAPPENED SINCE THEN. I'M NOT GOING BACK TO
21 REHASH - THIS WHOLE CASE, SIR, I'VE GOT A ROOM FULL OF PEOPLE
22 OUT THERE AND I'M ALREADY AN HOUR AND A HALF BEHIND
23 SCHEDULE. I WANT TO KNOW, SIR, WHETHER YOU CAN DO FULL
24 SUPERVISION PURSUANT TO JUDGE MORRIS'S ORDER OF JANUARY THE
25 20TH?

1 MR. GREEN: YES, SIR. THE ANSWER IS
2 UNEQUIVOCALLY YES, SIR, I CAN. I WOULD SIMPLY SAY THAT WHAT
3 MRS. FREE HAS JUST SAID REFLECTED VERY POORLY ON ME. SHE
4 TALKED ABOUT THESE INJURIES. THERE IS A LOT OF DISAGREEMENT
5 ABOUT THESE INJURIES, ESPECIALLY THIS SECOND BURN. THERE WAS
6 NO SECOND BURN.

7 THE COURT: AND ONCE AGAIN, SIR,
8 THAT'S WHY YA'LL ARE GOING TO HAVE A TWO, THREE, FOUR DAY
9 TRIAL ON ALL THAT SO YA'LL CAN GET ALL OF THAT OUT. BUT RIGHT
10 NOW -- THIS IS WHAT I HAVE A REAL PROBLEM WITH, YA'LL - EXCUSE
11 ME, LET EVERYBODY FINISH BEFORE I MAKE MY REMARKS. YES, SIR,
12 ANYTHING ELSE? YOU ARE WILLING TO DO THE VISITATION; IS THAT
13 CORRECT, SIR?

14 MR. GREEN: YES, SIR, WHATEVER
15 REQUIREMENTS YOU PLACE UPON ME I'LL COMPLY WITH.

16 THE COURT: MRS. GREEN, ANYTHING
17 ELSE YOU WANT TO PUT ON THE RECORD, MA'AM?

18 MRS. GREEN; YOUR HONOR, I JUST
19 FEEL THAT MY VISITATION SHOULD BE RESTORED TO WHAT IT WAS
20 BEFORE THESE FAULT ALLEGATIONS WERE MADE AGAINST ME, WHICH
21 INITIALLY RESULTED IN ME NOT SEEING MY CHILD IN THREE, ALMOST
22 FOUR MONTHS.

23 THE COURT: DON'T PAINT IT YOU'RE
24 YOUR LILY-WHITE, THOUGH, MA'AM, ALL RIGHT?

25 MRS. GREEN: I UNDERSTAND, THANK

1 YOU.

2 THE COURT: YES, SIR, MR. RAY,
3 ANYTHING ELSE YOU WANT TO PUT ON THE RECORD, SIR?

4 MR. RAY: JUST IF YOU DO RESTORE
5 AIMEE'S VISITATIONS, YOU KNOW, THIS IS MY WEEKEND TO GET HER,
6 I'D JUST LIKE IT TO STAY LIKE THAT.

7 THE COURT: I UNDERSTAND, SIR. ALL
8 RIGHT. THE SECOND SUPPLEMENTAL ORDER OF JUDGE SPROTT
9 SUSPENDING HER VISITATION KEPT AS IS; IS THAT CORRECT?

10 MRS. FREE: YES, YOUR HONOR.

11 THE COURT: ALL RIGHT. AS I SEE IT,
12 OTHER THAN THAT ONE TIME VISITATION, HIS VISITATION IS EVERY
13 OTHER SATURDAY FROM TWELVE O'CLOCK NOON UNTIL SIX P.M. ON
14 SUNDAY; IS THAT CORRECT?

15 MRS. FREE: YES, YOUR HONOR.

16 THE COURT: WHAT I'M GOING TO DO
17 THEN IS ON THE WEEKENDS MR. RAY DOES NOT HAVE HIS VISITATION,
18 I'M GOING TO GIVE HER THE SAME VISITATION; FROM SATURDAY AT
19 NOON UNTIL SUNDAY AT SIX, WHICH IS WHAT HIS IS, CORRECT?

20 THE COURT: ALTHOUGH I DON'T WANT
21 TO GET INTO IT, I RECKON I HAVE TO BECAUSE OTHERWISE WE'LL BE
22 BACK HERE BEFORE THIS COURT ON AN EMERGENCY HEARING AS FAR
23 AS CHRISTMAS.

24 MRS. GREEN: MY VISITATION WAS
25 EVERY OTHER WEEKEND AND EVERY WEDNESDAY FROM EIGHT IN THE

1 MORNING UNTIL SIX AT NIGHT. AND JOHNNY'S WAS EVERY OTHER
2 WEEKEND.

3 THE COURT: I UNDERSTAND, MA'AM.
4 I'M GOING TO RULE WHAT I THINK'S IN THE BEST INTEREST OF THIS
5 CHILD. BECAUSE I THINK A LOT OF PEOPLE HAVE GOTTEN THE BEST
6 INTEREST OF THIS CHILD CONFUSED WITH WHAT THEIR BEST INTEREST
7 IS. WHAT I'M GOING TO DO IS THIS; I'M GOING TO ALLOW CHRISTMAS,
8 AS I SEE IT RIGHT NOW MR. RAY IF I KEPT THE PRESENT SITUATION, HE
9 WOULD HAVE THE CHILD FROM SATURDAY CHRISTMAS DAY UNTIL
10 SUNDAY AT TWO O'CLOCK. IS THAT RIGHT?

11 MRS. COBB: HE'D GET HER FROM
12 TWELVE UNTIL SIX ON SUNDAY.

13 THE COURT: HE'LL GET HER AT
14 TWELVE O'CLOCK ON CHRISTMAS DAY UNTIL SIX O'CLOCK ON SUNDAY,
15 THE DAY AFTER CHRISTMAS. WHAT I'M GOING TO DO IS I'M GOING TO
16 CHANGE THAT CHRISTMAS WEEKEND SLIGHTLY. I'M GOING TO GIVE
17 HIM AT FOUR O'CLOCK ON CHRISTMAS DAY UNTIL SIX O'CLOCK ON THE
18 26TH. I'M GOING TO GIVE MRS. GREEN VISITATION FROM SUNDAY THE
19 26TH AT SIX UNTIL MONDAY NIGHT THE 27TH AT SIX.

20 MRS. COBB: DAYCARE IS GOING ON---

21 THE COURT: THEY'VE GOT SCHOOL
22 DURING CHRISTMAS? WELL, PEOPLE, WE'VE GOT A CHILD AND WE'VE
23 GOT TO ARRANGE THINGS FOR THE BEST INTEREST OF THIS CHILD.
24 AFTER MONDAY THEN AT SIX O'CLOCK IT GOES BACK TO THE
25 VISITATION THAT I'VE JUST ORDERED. HOPEFULLY THIS WILL ALL

1 HELP YA'LL GET THIS CASE SETTLED QUICKLY.

2 NOW, IN REGARD TO ANY CONTEMPT ACTIONS, THAT'S
3 HOW I'M RULING ON THE TEMPORARY MATTER. ANY QUESTIONS?

4 MRS. CHANDLER: YES, SIR, YOUR HONOR, THE
5 ISSUE---

6 THE COURT: --- AND MR. GREEN IS TO
7 SUPERVISE 100% OF THE TIME THAT CHILD IS WITH MRS. GREEN. IF
8 THERE'S ANY VIOLATION OF THAT ORDER A RULE TO SHOW CAUSE
9 CAN BE BROUGHT ON AN EMERGENCY BASIS.

10 MR. WADE GREEN: A QUESTION, YOUR
11 HONOR?

12 THE COURT: LET ME FINISH RULING FIRST, SIR.
13 IN REGARD TO THE CONTEMPT MATTERS AS FAR AS MRS. COBB'S
14 CONTEMPT ACTION AGAINST MRS. GREEN AND MR. RAY, I FIND THAT
15 SHE HAS MET HER BURDEN OF PROOF BY A CLEAR PREPONDERANCE OF
16 THE EVIDENCE, THAT THEY HAVE WILLFULLY VIOLATED THE PRIOR
17 ORDER OF THIS COURT. JUDGE HENDERSON GAVE THEM TIME TO GET
18 IN COMPLIANCE. WHAT YA'LL HAVE GOT TO UNDERSTAND IS THIS;
19 ANYTHING OVER AND ABOVE THAT YOU DO FOR THAT CHILD IS ALL
20 FINE, WELL, AND GOOD. BUT THE ORDER IS AN ORDER AND IT SAYS
21 YOU ARE TO PAY THIS AMOUNT OF MONEY PER WEEK SO MRS. COBB
22 KNOWS THAT IT'S GOING TO BE THERE EVERY WEEK.

23 SO I'M GOING TO FIND BOTH OF YA'LL IN WILLFUL
24 CONTEMPT. I'M GOING TO INSTITUTE THE SIX MONTHS THAT JUDGE
25 HENDERSON IMPOSED ON THERE PREVIOUSLY. I'M GOING TO ALLOW

1 TO PURGE UPON BRINGING ALL ARRANGES CURRENT BY 12 O'CLOCK
2 NOON THIS FRIDAY. IF THEY MISS ONE PAYMENT IN THE NEXT THREE
3 MONTHS A BENCH WARRANT SHALL BE ISSUED AND YOU WILL BE
4 BROUGHT BACK TO THIS COURT FOR A VIOLATION AND WILL HAVE TO
5 SERVE THE SIX MONTHS TIME.

6 I ALSO FIND MR. RAY IN WILLFUL CONTEMPT
7 FOR NOT RETURNING THE CLOTHES AS AN ADDITIONAL PURGE ON
8 THAT HE IS TO RETURN THAT CLOTHING TO MS. COBB BY 5 O'CLOCK
9 ON FRIDAY. AS FAR AS MR. COBB'S, MR. RAY'S CONTEMPT ACTION
10 AGAINST MS. COBB, I DO NOT FIND THAT HE HAS MET HIS BURDEN
11 AND I DO NOT FIND HER IN CONTEMPT, HOWEVER, COURT ORDERS
12 ARE ISSUED TO BE FOLLOWED. ANY OTHER FUTURE CONTEMPT
13 ACTIONS WILL BE LOOKED AT EXTREMELY CLOSE BY THIS COURT.

14 IT IS TIME TO PUT ALL THIS FOOLISHNESS
15 BEHIND US AND ALL FOUR OF Y'ALL START WORKING TOGETHER FOR
16 THIS WONDERFUL, BEAUTIFUL CHILD THAT THE TWO OF Y'ALL
17 BROUGHT INTO THIS WORLD SO THAT SHE CAN GET WHAT SHE'S
18 ENTITLED TO. THERE IS NO DOUBT IN MY MIND THAT THE TWO OF
19 Y'ALL LOVE THIS CHILD MORE THAN ANYTHING IN THE WORLD. BUT
20 WHAT FUTURE DOES THIS CHILD HAVE UNLESS THE TWO OF Y'ALL
21 GET YOUR ACTS TOGETHER AND DO WHAT YOU'RE SUPPOSED TO DO
22 AND GET YOUR CHILD BACK. THAT'S WHY WE ARE HERE. SO THAT'S
23 WHY WE ARE HERE.

24 I'M GOING TO GIVE EACH THREE OF Y'ALL—I'M
25 NOT GOING TO REQUIRE IT BE ATTACHED TO THE ORDER BUT THIS

1 IS SOMETHING THAT I WANT TO GIVE TO YOU, ALL FOUR OF YA'LL., SO
2 THAT YOU'LL KNOW WHAT THIS IS ALL ABOUT.

3 THIS IS CALLED THE BILL OF RIGHTS OF A CHILD IN A
4 DIVORCE. NOW YOU CAN CALL IT WHATEVER YOU WANT TO, BUT THIS
5 IS GOING TO BE CALLED THE BILL OF RIGHTS OF A CHILD IN A
6 CUSTODY ACTION. NUMBER ONE; TO BE TOLD THAT MY MOTHER AND
7 FATHER STILL LOVE ME AND WILL NEVER DIVORCE ME. NUMBER TWO;
8 TO BE TOLD THAT THE PROBLEMS OF THE DIVORCE BETWEEN ALL OF
9 THEM IS NOT MY FAULT, AND NOT BE TOLD ABOUT THE ADULT'S
10 PROBLEMS THAT CAUSED IT.

11 NUMBER THREE; TO BE CONSIDERED AS A HUMAN
12 BEING AND NOT CONSIDERED AS ANOTHER PIECE OF PROPERTY TO BE
13 FOUGHT FOR, BARGAINED OVER, OR THREATENED. NUMBER FOUR; TO
14 HAVE DECISIONS ABOUT ME BASED ON WHAT IS IN MY BEST INTEREST,
15 NOT ON PAST WRONGS, HURT FEELINGS, OR MY PARENT'S NEEDS.
16 NUMBER FIVE; TO BE ALLOWED TO LOVE BOTH MY FATHER, AND MY
17 MOTHER, AND MY AUNT, AND MY GRANDPARENTS, WITHOUT BEING
18 FORCED TO CHOOSE OR TO FEEL GUILTY.

19 NUMBER SIX; TO KNOW BOTH MY FATHER, MY
20 MOTHER, MY AUNT, MY GRANDPARENTS THROUGH REGULAR AND
21 FREQUENT INVOLVEMENT IN MY LIFE. NUMBER SEVEN; TO HAVE THE
22 FINANCIAL SUPPORT OF BOTH MY FATHER AND MY MOTHER, FINANCIAL
23 SUPPORT. THAT'S WHY I'VE RULED THE WAY THAT I'VE RULED IN THE
24 CONTEMPT ACTION. NUMBER EIGHT; TO BE SPARED HEARING BAD OR
25 HURTFUL COMMENTS ABOUT EITHER OF MY PARENTS WHICH HAVE NO

1 USEFUL PURPOSE.

2 AND IF IT'S NOT IN THERE, I ALSO WANT A
3 RESTRAINING ORDER AGAINST ALL OF THESE INDIVIDUALS AS FAR AS,
4 NUMBER ONE, THEY ARE NOT TO DISCUSS THIS LITIGATION OR ALLOW
5 ANY PERSONS IN THEIR PRESENCE TO DISCUSS THIS LITIGATION IN
6 FRONT OF THIS WONDERFUL LITTLE GIRL. ALSO, THAT NONE OF THE
7 PARTIES ARE TO MAKE ANY DEROGATORY REMARKS ABOUT ANY OF
8 THE PARTIES THAT ARE ALLOWED, OR ALLOW A THIRD PERSON TO
9 MAKE DEROGATORY REMARKS ABOUT THE OTHERS IN THE PRESENCE
10 OF THAT CHILD.

11 NUMBER NINE; TO BE A CHILD, AND NOT TO BE
12 ASKED TO TELL A LIE, OR ACT AS A SPY OR A MESSENGER. NUMBER
13 TEN; TO BE ALLOWED TO HAVE AFFECTION FOR ALL OF THE PEOPLE
14 WHO MAY COME INTO MY LIFE WITHOUT BEING FORCED TO CHOOSE OR
15 TO FEEL GUILTY.

16 THIS IS WHAT IT'S ALL ABOUT, GENTLEMEN. WE'VE
17 GOT THIS LIFE AND WE'RE TRYING - THERE'S NO DOUBT IN MY MIND
18 THERE'S NOT A PERSON IN THIS ROOM THAT DOESN'T LOVE THIS
19 CHILD. BUT YA'LL HAVE GOT TO PUT ALL THIS PERSONAL STUFF
20 BEHIND YA'LL AND MOVE ON AND DO WHAT IS IN HER BEST INTEREST.
21 ANYTHING FURTHER FROM YOU, MRS. FREE?

22 MRS. FREE: JUST THE ISSUE OF
23 ATTORNEY'S FEES AND COSTS FOR MY CLIENT.

24 THE COURT: WHAT I'M GOING TO DO,
25 MA'AM, IS I'M GOING TO FIND THAT YOU ARE ENTITLED TO FEES. AS

1 FAR AS THE AMOUNT AND HOW THEY ARE TO BE PAID, I'M GOING TO
2 RESERVE THAT FOR THE TRIAL JUDGE AT THE FINAL HEARING. ALL
3 RIGHT. YES, MA'AM, I'M GOING TO GO AHEAD AND AWARD THE
4 ATTORNEY'S FEES THAT ARE THERE. AS FAR AS PAYMENT OF THE
5 SAME, I'LL LET THE TRIAL JUDGE DECIDE HOW TO ALLOCATE PAYMENT
6 OF THOSE. ANYTHING ELSE?

7 MRS. FREE: NO, SIR.

8 THE COURT: ANYTHING ELSE, MR. RAY?

9 MR. RAY: YES, SIR. I DON'T THINK WE
10 SHOULD BE ABLE TO HAVE TO PAY HER ATTORNEY FEES IF WE CAN'T
11 AFFORD A LAWYER OURSELVES. WE SHOULDN'T HAVE TO PAY THEM.

12 THE COURT: I UNDERSTAND, SIR. AND
13 WHEN YOU GET THE WRITTEN ORDER YOU CAN FOLLOW THE
14 APPROPRIATE PROCEDURES IF YOU'RE NOT SATISFIED WITH MY RULING.
15 ANYTHING FURTHER FROM YOU, MRS. GREEN?

16 MRS. GREEN: IS IT POSSIBLE FOR US
17 TO GET A COURT-APPOINTED ATTORNEY IN A CASE LIKE THIS?

18 THE COURT: NO, MA'AM, NOT THAT I'M
19 AWARE OF. THIS IS A PRIVATE CUSTODY ACTION. ANYTHING FURTHER
20 FROM YOU, MR. GREEN?

21 MR. WADE GREEN: JUST A
22 CLARIFICATION, YOUR HONOR, AS TO MY RESPONSIBILITIES AS FAR AS
23 SUPERVISION ARE AS PREVIOUSLY ORDERED BY JUDGE MORRIS, IS
24 THAT THE CASE?

25 THE COURT: YOU ARE TO BE PRESENT

1 AT ALL TIMES.

2 MR. WADE GREEN: THAT MEANS IN THE
3 DAYTIME ALSO WHEN THE NORMAL ACTIVITIES ARE GOING ON?

4 THE COURT: YES, SIR, AND I WILL
5 HAVE THIS CAVEAT. YOU ARE TO SUPERVISE, OR YOU ARE TO FURNISH
6 TO MRS. CHANDLER ANY OTHER ADULT SUPERVISION. IF SHE DEEMS IT
7 APPROPRIATE, FINE. IF SHE DOESN'T, IT'S NOT FINE. BUT IT'S GOING
8 TO BE EITHER YOU OR SOMEONE APPROVED BY MRS. CHANDLER TO
9 SUPERVISE THE ENTIRE TIME. ANYTHING ELSE?

10 MR. WADE GREEN: NO, SIR.

11 THE COURT: MRS. HODGES?

12 MRS. HODGES: NO, SIR.

13 THE COURT: MRS. CHANDLER?

14 MRS. CHANDLER: NO, SIR, YOUR

15 HONOR.

16 THE COURT: MRS. FREE IF YOU'D
17 PLEASE BE SO KIND AS TO PREPARE THAT ORDER.

18 -----END OF HEARING-----

19

20 *PHONETIC

21

22

23

CERTIFICATE

I, THE UNDERSIGNED, MEG A. MOLLOHAN, OFFICIAL COURT REPORTER FOR THE FIFTH 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 OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE FAMILY COURT FOR THE STATE OF SOUTH CAROLINA.

5/2/11

Meg A. Mollohan

MEG A. MOLLOHAN,

COURT REPORTER

South Carolina Senate Judiciary Committee

Memorandum

To: Judge Timothy H. Pogue, Mr. James L. Guy
Cc: Paula G. Benson
From: Matthew A. Abee
Date: 11/20/2012
Re: JMSC Complaint: Portions of the Transcript Referenced by Mr. James L. Guy

The following pages and lines have been referenced by Mr. James L. Guy in his complaint to the Judicial Merit Selection Commission regarding Judge Timothy H. Pogue:

1. Page 8, Lines 1-13 (Part 1, 9:29-10:00)

THE COURT: HOLD ON ONE SECOND. SIR, I KNOW YOU'RE NOT -I WANT THE RECORD TO REFLECT THAT MR. GREEN IS TALKING WITH MS. GREEN. SIR, THERE' S NOT TO BE ANY COMMUNICATIONS BETWEEN THE TWO OF YA'LL WHATSOEVER, SIR. SHE IS REPRESENTING HERSELF, YOU ARE REPRESENTING YOURSELF. AM I CLEAR ON THAT, SIR?

MR. GREEN: YES, SIR. APOLOGIZE, YOUR HONOR.

THE COURT: MA'AM, NOW YOU NEED TO ANSWER FOR ME, MA'AM.

MS. GREEN; YES, SIR.

THE COURT: THANK YOU VERY MUCH. YOU MAY PROCEED, MRS. FREE.

2. Page 12, Lines 1-9 (Part 1, 14:37-14:57)

A. YEAH, YOU SENT SOME STUFF WITH YOUR FATHER THE
OTHERDAY---

Q. OK, LET ME ASK---

THE COURT: HOLD ON ONE SECOND MA'AM.
WHEN YOU'RE ASKING A QUESTION LET HER RESPOND TO THE
QUESTION FULLY BEFORE YOU ASK THE NEXT QUESTION. MY COURT
REPORTER CANNOT TAKE TWO PEOPLE TALKING OVER EACH OTHER.
ASK YOUR QUESTION, LET HER ANSWER FULLY, THEN ASK YOUR NEXT
QUESTION.

3. Page 14, Lines 24-25; Page 15, Lines 1-7 (Part 1, 18:23-18:42)

THE COURT: THANK YOU. MR. GREEN, ANY
QUESTIONS, SIR?

MR. GREEN: YES, SIR, A COUPLE.

THE COURT: AND HOW DO THEY RELATE TO
WHETHER HE'S PAID CHILD SUPPORT OR SHE'S PAID CHILD SUPPORT?

MR. GREEN: THEY DON'T RELATE TO THE
CHILD SUPPORT.

THE COURT: THANK YOU, SIR. MRS.
MATTHEWS. ANY QUESTIONS?

4. Page 15, Lines 15-25 (Part 1, 18:52-19:14)

MR. RAY: CAN I ASK HER ANOTHER QUESTION?

THE COURT: NO, SIR, YOU HAD YOUR OPPORTUNITY TO ASK HER QUESTIONS. I TOLD YOU, SIR, YOU WERE TO BE HELD TO THE SAME STANDARD AS ANY OTHER LICENSED ATTORNEY SINCE YOU ELECTED TO REPRESENT YOURSELF. YOU'VE HAD THE OPPORTUNITY TO ASK HER QUESTIONS, TO ASK WHAT YOU WANTED TO ASK HER, AND NOW SHE'S FINISHED HER TESTIMONY. MRS. FREE?

5. Page 19, Lines 9-16 (Part 1, 25:00-25:29)

THE COURT: I DON'T KNOW WHY YOU SHOULD BE CONCERNED ABOUT WHETHER HE'S PAID CHILD SUPPORT OR NOT. AND, MR. COBB, I JUST WANT TO MAKE SURE THAT YOU FULLY UNDERSTAND, SIR, I TOLD YOU THAT THIS WAS ALSO YOUR OPPORTUNITY TO GIVE ME ANY TESTIMONY THAT YOU HAD IN REGARD TO YOUR ACTION AGAINST MRS. COBB. DID YOU UNDERSTAND THAT, SIR? YOU BROUGHT A RULE TO SHOW CAUSE, YOU WANT ME TO HOLD HER IN COURT FOR FAILING TO DO SOME THINGS, CORRECT?

6. Page 25, Lines 8-13 (Part 1, 32:58-33:17)

Q. HAVE THEY GIVEN YOU ANYTHING EVEN VERBALLY?

THE COURT: SIR, YOU SAID ONE QUESTION, NOW YOU'VE ASKED ABOUT FOUR OR FIVE, THE COURT WILL TAKE NOTICE THAT ATTACHED TO THE ORDER IS THE MEDICAL EMERGENCY PROVISION OF JUDGE MORRIS'S ORDER. MRS. HODGES, ANYTHING?

7. Page 26, Lines 15-20 (Part 1, 34:50-35:07)

BUT I WOULD UKE TO HAVE A CHANCE TO TAKE UP FOR MYSELF---

THE COURT: NO, MA'AM, NO, MA'AM. THIS COURT HAD ONE HOUR SET ASIDE FOR THIS HEARING. AND THERE ARE THREE ACTIONS THAT ARE BEFORE THIS COURT AS I EXPLAINED TO START WITH.

8. Page 34, Lines 2-7 (Part 2, 9:26-9:41)

THE COURT: NO, SIR, NO, SIR. THERE'S NO INFORMATION WHATSOEVER THAT THIS COURT NEEDS TO KNOW EXCEPT THAT THE COURT NEEDS TO KNOW WHETHER SHE VIOLATED THE ORDER AND WHETHER THE ORDER SAID THAT SHE TO TAKE A TEN HAIR STRAND TEST OR WHETHER SHE WAS JUST TO TAKE A TEST, SIR.

9. Page 36, Lines 1-4 (Part 2, 12:00-12:13)

BEACH TRIP. HE SPECIFICALLY SAID THAT, AND IF THE COURT
REPORTER MISSED IT, IT'S PROBABLY IN THE REPORT---

THE COURT: SIR, YOU'RE TESTIFYING,
YOU'RE NOT ASKING A QUESTION. ASK HER A QUESTION, SIR.

10. Page 46, Lines 20-25 (Part 2, 26:46-27:11)

I'M NOT GOING BACK TO
REHASH- THIS WHOLE CASE, SIR, I'VE GOT A ROOM FULL OF PEOPLE
OUT THERE AND I'M ALREADY AN HOUR AND A HALF BEHIND
SCHEDULE. I WANT TO KNOW, SIR, WHETHER YOU CAN DO FULL
SUPERVISION PURSUANT TO JUDGE MORRIS'S ORDER OF JANUARY THE
20TH?

11. Page 47, Lines 21-24 (Part 2, 28:35-28:44)

NOT SEEING MY CHILD IN THREE, ALMOST
FOUR MONTHS.

THE COURT: DON'T PAINT IT YOU'RE
YOUR LILY-WHITE, THOUGH, MA'AM, ALL RIGHT?

The remaining portions of the transcript are attached to the information provided to the Commission.