

APPENDIX 20

Excerpt from Transcript of the Transfer Hearing
(transcribed from proceedings on June 25, 2003)

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STATE OF SOUTH CAROLINA

IN THE FAMILY COURT

COUNTY OF CHESTER

SOUTH CAROLINA DEPT.)
OF JUVENILE JUSTICE)
PLAINTIFF,)

-VS-

TRANSCRIPT OF RECORD

CHRISTOPHER PITTMAN,)
DEFENDANT.)

JUNE 25TH, 2003
CHESTER, SOUTH CAROLINA

B E F O R E:

HONORABLE WALTER B. BROWN, JR., JUDGE

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

JOHN JUSTICE, ESQUIRE,
ATTORNEY FOR THE PLAINTIFF

YALE ZAMORE, ESQUIRE
ATTORNEY FOR THE DEFENDANT

MILTON HAMILTON, ESQUIRE
GUARDIAN AD LITEM

MEG A. MOLLOHAN,
COURT REPORTER

1 SITUATION LIKE THIS, AND THE SOLICITOR IF HE ARGUES THAT IS
2 CORRECT, I DO ASK THE COURT TO TAKE INTO CONSIDERATION WE ARE
3 DEALING WITH A CHILD AND SOMEONE WHO IS ARGUABLY LESS MATURE
4 AS WELL THAN HE HOPEFULLY IS AT THIS POINT. AND SOME DEGREE
5 OF CORRECTION IN ONE'S THINKING SHOULD BE TAKEN INTO
6 CONSIDERATION BEFORE RENDERING A FINAL JUDGMENT.

7 I DO REALIZE ALL THAT'S GOING TO BE DETERMINED HERE
8 IS WHICH COURT IS GOING TO TRY THE CASE; JUVENILE COURT OR
9 CIRCUIT COURT. AND I DO AGREE THAT UNDER THE PREVAILING LAW,
10 MORE OF THE FACTORS MENTIONED BY THE SUPREME COURT IN THAT
11 CASE SPEAK TO THE SOLICITOR'S ISSUE THAN SPEAK TO MINE, BUT I
12 DO ASK THE COURT TO TAKE INTO CONSIDERATION ALL OF THESE
13 THINGS AND TO NOTE AT THE VERY LEAST IN THE BEST INTEREST OF
14 THIS YOUNG MAN HE WOULD BE BETTER OFF IN THE DEPARTMENT OF
15 JUVENILE JUSTICE.

16 AND THAT AT THE AGE OF 12 — AND I KNOW THERE'S
17 CASE LAW IN THIS STATE, TOO, WITH REGARD TO 12 YEAR-OLDS,
18 JUDGE, AND WITH REGARD TO TRANSFERS OF 12 YEAR-OLDS, AND IF
19 THE SOLICITOR REFERS TO ANY OF THAT HE'S RIGHT AGAIN, IT'S THERE
20 — BUT I DO ASK THE COURT TO TAKE INTO CONSIDERATION THAT THE
21 CIRCUMSTANCES RECORDED BY DR. HARTT WHICH INDICATE CONFLICT
22 BETWEEN THIS YOUNG MAN AND HIS FATHER, COUPLED WITH AN
23 UNPLEASANT SITUATION THAT DEVELOPED APPARENTLY ON THE
24 SCHOOL BUS, COUPLED WITH THE THREAT OF RETURNING TO THE
25 FATHER, COUPLED WITH THE FACT THAT THIS YOUNG MAN WAS

1 REMOVED FROM A MENTAL HEALTH INSTITUTION AND PLACED IN THE
2 CUSTODY OF THE GRANDPARENTS, THAT NOT ALL OF THE
3 CIRCUMSTANCES HEREIN WOULD LIE ENTIRELY AT THE DOORSTEP OF
4 THIS YOUNG MAN, BUT MIGHT LIE ELSEWHERE. THIS IS NOT A TRIAL, I'M
5 NOT GOING ANY FARTHER IN THAT DIRECTION AT THIS POINT.

6 BUT I DO ASK THE COURT TO NOTE THAT THERE ARE
7 POTENTIAL MITIGATING CIRCUMSTANCES HERE AND POTENTIALLY SOME
8 MENTAL HEALTH ISSUES HERE EVEN IF THEY DON'T NECESSARILY
9 RELATE TO THE QUESTION OF GUILT. AND THAT WOULD BE AN
10 APPROPRIATE FACTOR TO BE CONSIDERED WITH REGARD TO
11 TRANSFER. THANK YOU, YOUR HONOR.

12 THE SOLICITOR: PLEASE THE COURT? YOUR HONOR,
13 WHEN IT COMES TO THIS MATTER IN THE INTEREST OF CHRISTOPHER
14 FRANK PITTMAN, THERE'S NOT A WINNER IN THIS ROOM. EVERYBODY
15 INVOLVED IN THIS CASE IS A LOSER. I THINK I CAN SAY WHAT MR.
16 ZAMORE ALLUDED TO; THAT IN 25 YEARS OF PROSECUTING I DON'T
17 KNOW OF A SADDER SET OF CIRCUMSTANCES THAN WE'RE FACING
18 HERE TODAY.

19 THE LAW LIMITS OUR OPTIONS. THERE ARE BASICALLY
20 THREE WAYS THIS CASE COULD COME OUT. ONE IS IF THIS YOUNG MAN
21 WERE TO BE INNOCENT AND FOUND INNOCENT BY THE FACT-FINDING
22 BODY, BE IT THE FAMILY COURT OR GENERAL SESSIONS, HE WOULD BE
23 FREE TO RETURN TO FLORIDA IMMEDIATELY. I WOULD SUBMIT THAT'S A
24 REMOTE AT BEST POSSIBILITY, WHICH LEAVES THE OTHER TWO.

25 THAT HE'S TRIED AND CONVICTED EITHER IN FAMILY COURT

1 OR IN THE COURT OF GENERAL SESSIONS. NOW THE EFFECT OF THOSE
2 TWO OPTIONS START OUT THE SAME; NO MATTER WHICH FORUM HE'S
3 CONVICTED IN HE'S REMANDED TO THE DEPARTMENT OF JUVENILE
4 JUSTICE UNTIL APPROXIMATELY HIS 21ST BIRTHDAY, BE IT A FAMILY
5 COURT COMMITMENT OR A GENERAL SESSIONS SENTENCE. IT'S MY
6 UNDERSTANDING THAT'S HOW THE NEXT SEVEN YEARS WOULD BE
7 SPENT.

8 THE DIFFERENCE LIES IN WHAT HAPPENS AT AGE 21. I
9 SUBMIT THAT WE'RE IN THE BUSINESS OF REHABILITATION, WE'RE IN
10 THE BUSINESS OF DETERRENTS, WE'RE IN THE BUSINESS OF
11 RESTORATIVE JUSTICE. BUT MOST OF ALL WE'RE IN THE BUSINESS OF
12 PROTECTING THE PUBLIC. AND YOU HAVE A SITUATION WHERE THE
13 TWO OPTIONS DEPEND ON WHICH FORUM THIS CASE ENDS UP IN BY
14 RELEASING THIS YOUNG MAN TOTALLY WITHOUT RESTRAINT AT AGE 21
15 OR SENTENCING HIM TO THE DEPARTMENT OF CORRECTIONS AT THAT
16 POINT FOR 30 YEARS TO LIFE.

17 AND WHEN YOU LOOK AT THE CIRCUMSTANCES OF THE
18 CRIME, THE ABSOLUTE COLD-BLOODEDNESS OF THE ACTIONS ON
19 NOVEMBER 29TH, OF WAITING OUT HIS OWN GRANDPARENTS,
20 PRESUMABLY THE PEOPLE TO WHOM HE IS THE CLOSEST, BECAUSE OF
21 SOME INFRACTION AT SCHOOL AND THE DISCIPLINE THAT FLOWED
22 THEREFROM, WAITING THEM OUT FOR THEM TO GO TO BED AND GO TO
23 SLEEP AND THEN ENTER THEIR ROOM WITH A LOADED 410 SHOTGUN,
24 APPARENTLY STICKING THE BARREL INTO THE MOUTH OF HIS
25 GRANDFATHER AND PULLING THE TRIGGER AND THEN FIRING INTO THE

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BACK OF HIS GRANDMOTHER'S SKULL, AND THEN FOR GOOD MEASURE
SETTING THE HOUSE ON FIRE TO DESTROY EVIDENCE AND VEIL HIS
CRIME, THEN WENT AFTER AND TRIED TO LAY THE BLAME ON SOME
MYSTERIOUS INTRUDER. ANYBODY WHO CAN DO THAT AT AGE 12, IF
RELEASED AT AGE 21 THE PUBLIC WOULD HAVE NO GUARANTEE
WHATSOEVER OF SAFETY; BE IT THE PUBLIC OF CHESTER COUNTY, THE
STATE OF FLORIDA, OR WHEREVER HE MIGHT TREAD.

THE OPTIONS WHILE BOTH UNDESIRABLE, THE OPTION IN
FAVOR OF PUBLIC SAFETY IS THE ONE I URGE UPON THIS COURT.
THANK YOU.

THE COURT: THANK YOU, SIR. THANK YOU,
GENTLEMEN. I'M GOING TO TAKE THIS MATTER UNDER ADVISEMENT
AND HOPEFULLY WILL BE ABLE TO BE IN TOUCH WITH BOTH OF YOU BY
FAX WITHIN JUST THE NEXT COUPLE OF DAYS AS TO WHAT MY DECISION
MAY BE WITH REGARD TO THE WAIVER. GOOD LUCK TO YOU, SON.

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

*PHONETIC