

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2006-CP-10-322

IN THE MATTER OF THE CARE AND TREATMENT OF
MICHAEL HARGROVE

Michael A. Hargrove, Appellant,

v.

State of South Carolina, Respondent.

RECORD ON APPEAL

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Deaton Law Firm, L.L.C.
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North Charleston, South Carolina 29406
(843) 225-5723
Attorney for Appellant

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Attorney for Respondent

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
MICHAEL HARGROVE,)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2006-CP-10-00322

**ORDER DENYING 2010
ANNUAL REVIEW TRIAL**

FILED
2012 JAN 11 10 59 AM
JULIE J. ANDERSON
CLERK OF COURT

This matter came before the Court on petition of the Respondent, Michael Hargrove, for an order finding that there is probable cause to believe that Respondent's mental abnormality or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence, and for an order requiring a trial on the issue pursuant to S.C. Code Ann. Section 44-48-110. An Annual Review hearing was held pursuant to that statute on December 15, 2011. Respondent was present along with his attorney Rad S. Deaton, of Charleston. The State of South Carolina was represented by Senior Assistant Attorney General James G. Bogle, Jr.

In a Section 44-48-110 probable cause hearing, the committed person has the burden of showing the Court that probable cause exists to believe his mental condition has so changed that he is safe to be at released. *In the Matter of the Care and Treatment of Tucker*, 353 S.C. 466, 578 S.E.2d 719 (2003).

In this case Respondent exercised his right to obtain an independent evaluation, and testimony on his behalf was received from psychiatrist Thomas V. Martin, M.D. A copy of Dr. Martin's Forensic Psychiatric Summary, dated July 10, 2010, was entered into evidence. Dr. Martin testified Respondent's diagnosis was paraphilia, not otherwise specified (NOS), in recovery. He did not find antisocial personality disorder, instead finding antisocial personality "traits."

In response the State presented testimony from Dr. Marie E. Gehle, Chief Psychologist at the Department of Mental Health, who authored the Department's Annual Review Treatment Report on Respondent, dated December 17, 2010, which was also entered into evidence. She also diagnosed Respondent with paraphilia, NOS, but also with antisocial personality disorder. In addition, Respondent's score on the STATIC 99R, an actuarial instrument widely used in the field of sexual recidivism and the sexually violent predator field, was a 9, which placed him in a high risk to sexually reoffend. She testified that while Respondent contended he had completed all treatment assignment, her review of many of those showed lack of depth of detail and emotion. She also found Respondent still minimized significant elements of his offenses and denied past sexual behaviors.

Based on the record and the testimony, the Court hereby finds and concludes that the Respondent has not made sufficient progress in treatment at the Sexually Violent Predator Treatment Program where he has been since his commitment on or about November 7, 2006, to justify his release or a trial on that issue.

The Court has considered the showing made in respect to this matter and finds and concludes that the Respondent has failed to show probable cause that his mental abnormality or personality disorder has so changed such that he is safe to be at large and, if released, is not likely to commit acts of sexual violence. His petition is denied and no order requiring a trial shall be ordered on that issue.

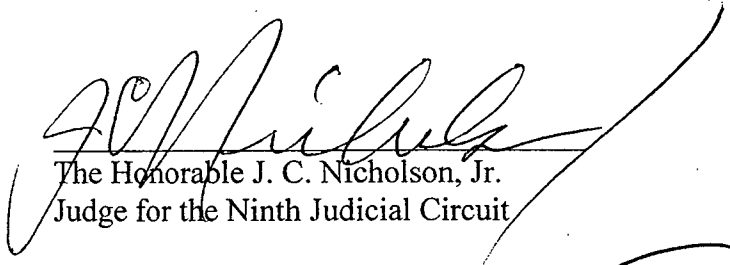
Accordingly,

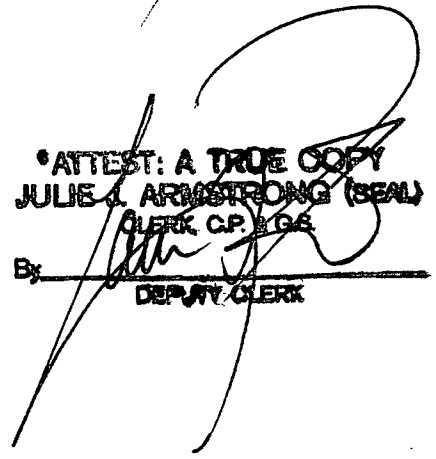
THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the Respondent shall continue to be confined in a secure facility of the Department of Mental Health for long term control, care and treatment pursuant to the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

IT IS FURTHER ORDERED that the Respondent continues under the jurisdiction of this Court.

AND IT IS SO ORDERED.

1/12 2012
2011
Charleston, South Carolina


The Honorable J. C. Nicholson, Jr.
Judge for the Ninth Judicial Circuit

ATTEST: A TRUE COPY
JULIE L. ARMSTRONG (SEAL)
CLERK, C.P. & G.S.
By 
DEPUTY CLERK

cc to [unclear]
11-15-12

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
MICHAEL HARGROVE,)
PETITIONER.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2006-CP-42-00322

ORDER TO DENYING 2012 PETITION
FOR RELEASE/ANNUAL REVIEW

FILED
2012 NOV 15 PM 4:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____


The Respondent State of South Carolina, by and through the South Carolina Attorney General's Office, moveD pursuant to S. C. Code Ann. Section 44-48-130, for an Order denying the Annual Review/Petition for Release. This Court agrees, and makes the following findings of fact:

1. The matter is before the court on an Annual Review/Petition for Release, under S. C. Code Ann. Section 44-48-110.
2. Petitioner was committed to the Department of Mental Health (hereafter, DMH) under the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.* on or about November 7, 2006.
3. Petitioner petitioned for release in his 2010 Annual Review, without the approval of the Director of the Department of Mental Health. An annual review hearing was conducted on December 15, 2011, and testimony was received from Dr. Marie E. Gehle of DMH on behalf of the State, and from Dr. Thomas V. Martin for the defense. The Court concluded that there was insufficient basis to conclude Petitioner's mental abnormality had so changed that he was safe to be at large and no longer likely to engage in acts of sexual violence. Petitioner's Annual Review was denied, and he was ordered to

1 of 3
[Signature]

remain in the custody of the Department of Mental Health, by order filed January 11, 2012.

4. Pursuant to Petitioner's Annual Review and Notice of Right to Petition for Release, Election to Waive of Exercise Rights, dated on or about October 11, 2012, Petitioner again sought release without the approval of the Director of the Department of Mental Health. The accompanying Annual Review Treatment Report by psychologist Dr. Marie E. Gehle concluded that there is insufficient basis to conclude Petitioner's mental abnormality had so changed that he was now safe to be at large and no longer likely to engage in acts of sexual violence.
5. S. C. Code Ann. Section 44-48-130 provides that if a person has previously filed a petition for release without the approval of the Director of the Department of Mental Health, and the Court determined following a hearing that the petitioner's condition had not changed so he was safe to be at large and, if released, was not likely to commit acts of sexual violence, then the Court must deny any subsequent petition for release as frivolous, without a hearing, unless the subsequent petition contains facts upon which a Court could find the condition had changed so that a hearing was warranted.
6. Given Petitioner's prior petition for release without the approval of the Director of the Department, the denial of that petition after a hearing, and the lack of evidence of sufficient progress in treatment to show that his mental abnormality has so changed that he is safe to be at large, Petitioner's pending

2013
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No.	2012-213697
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RECEIVED
JUN 28 2013
SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF
MICHAEL HARGROVE

Michael A. Hargrove, Appellant,

v.

State of South Carolina, Respondent.

RECORD ON APPEAL

Rad S. Deaton, Esquire
Deaton Law Firm, L.L.C.
2170 Ashley Phosphate Road, Suite 404
North Charleston, South Carolina 29406
(843) 225-5723
Attorney for Appellant

Deborah R.J. Shupe, Senior Asst. Deputy Attorney General

Alan Wilson Attorney General P.O. Box 11549 Columbia, South Carolina 29201 (803) 734-1173 Attorney for Respondent
--

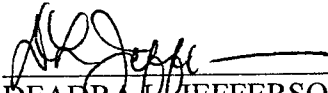
petition for release is frivolous, and should be denied as provided for in S. C.

Code Ann. Section 44-48-130.

Accordingly,

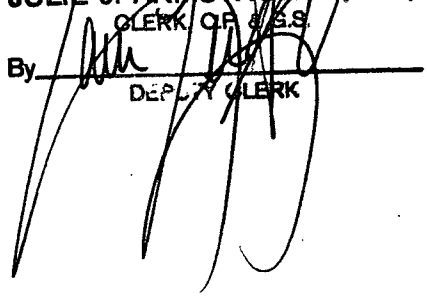
IT IS HEREBY ORDERED that the petition for release/annual review be and hereby is denied. Respondent shall remain in the custody of the Department of Mental Health.

AND IT IS SO ORDERED.

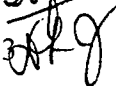


DEADRA C. JEFFERSON
Chief Administrative Judge for the Ninth
Judicial Circuit Court of Common Pleas

11/8, 2012
Charleston, South Carolina

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF S.S.
By 

DEPUTY CLERK

3013


STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
MICHAEL HARGROVE,)
PETITIONER.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2006-CP-42-00322

MOTION TO DENY 2012 PETITION FOR
RELEASE/ANNUAL REVIEW

FILED
OCT 26 PM 2:00
SOUTH CAROLINA
COURT

To: Rad S. Deaton, Attorney for Petitioner.

PLEASE TAKE NOTICE that the Respondent State of South Carolina, by and through the South Carolina Attorney General's Office, hereby moves pursuant to S. C. Code Ann. Section 44-48-130, for an Order denying the Annual Review/Petition for Release. The basis of this motion is as follows:

1. The matter is before the court on an Annual Review/Petition for Release, under S. C. Code Ann. Section 44-48-110.
2. Petitioner was committed to the Department of Mental Health (hereafter, DMH) under the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.* on or about November 7, 2006.
3. Petitioner petitioned for release in his 2010 Annual Review, without the approval of the Director of the Department of Mental Health. An annual review hearing was conducted on December 15, 2011, and testimony was received from Dr. Marie E. Gehle of DMH on behalf of the State, and from Dr. Thomas V. Martin for the defense. The Court concluded that there was insufficient basis to conclude Petitioner's mental abnormality had so changed that he was safe to be at large and no longer likely to engage in acts of sexual violence. Petitioner's Annual Review was denied, and he was ordered to

remain in the custody of the Department of Mental Health, by order filed January 11, 2012 (*see attached EXHIBIT 1*).

4. Pursuant to Petitioner's Annual Review and Notice of Right to Petition for Release, Election to Waive of Exercise Rights, dated on or about October 11, 2012, Petitioner again seeks release without the approval of the Director of the Department of Mental Health. The accompanying Annual Review Treatment Report by psychologist Dr. Marie E. Gehle concludes that there is insufficient basis to conclude Petitioner's mental abnormality has so changed that he is now safe to be at large and no longer likely to engage in acts of sexual violence (**EXHIBIT 2**).
5. S. C. Code Ann. Section 44-48-130 provides that if a person has previously filed a petition for release without the approval of the Director of the Department of Mental Health, and the Court determined following a hearing that the petitioner's condition had not changed so he was safe to be at large and, if released, was not likely to commit acts of sexual violence, then the Court must deny any subsequent petition for release as frivolous, without a hearing, unless the subsequent petition contains facts upon which a Court could find the condition had changed so that a hearing was warranted.

6. Given Petitioner's prior petition for release without the approval of the Director of the Department of Mental Health, the denial of that petition, and the lack of evidence of sufficient progress in treatment to show that his mental abnormality has so changed that he is safe to be at large, Petitioner's pending petition for release is frivolous, and the State submits S. C. Code Ann. Section

44-48-130 mandates denial of the petition for release without a hearing on the matter.

WHEREFORE based on the foregoing, the State submits that the petition for release should be summarily denied in its entirety.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.

Senior Assistant Attorney General
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BY: 

JAMES G. BOGLE, JR.
ATTORNEY FOR
RESPONDENT STATE OF
SOUTH CAROLINA

October 23, 2012
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 MICHAEL HARGROVE.)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO. 2006-CP-10-00322

**ORDER DENYING 2010
 ANNUAL REVIEW TRIAL**

2012 JAN 11 9H59AM
 JULIE J. ARSHTONG
 CLERK OF COURT

FILED

This matter came before the Court on petition of the Respondent, Michael Hargrove, for an order finding that there is probable cause to believe that Respondent's mental abnormality or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence, and for an order requiring a trial on the issue pursuant to S.C. Code Ann. Section 44-48-110. An Annual Review hearing was held pursuant to that statute on December 15, 2011. Respondent was present along with his attorney Rad S. Deaton, of Charleston. The State of South Carolina was represented by Senior Assistant Attorney General James G. Bogle, Jr.

In a Section 44-48-110 probable cause hearing, the committed person has the burden of showing the Court that probable cause exists to believe his mental condition has so changed that he is safe to be at released. *In the Matter of the Care and Treatment of Tucker*, 353 S.C. 466, 578 S.E.2d 719 (2003).

In this case Respondent exercised his right to obtain an independent evaluation, and testimony on his behalf was received from psychiatrist Thomas V. Martin, M.D. A copy of Dr. Martin's Forensic Psychiatric Summary, dated July 10, 2010, was entered into evidence. Dr. Martin testified Respondent's diagnosis was paraphilia, not otherwise specified (NOS), in recovery. He did not find antisocial personality disorder, instead finding antisocial personality "traits."

In response the State presented testimony from Dr. Marie E. Gehle, Chief Psychologist at the Department of Mental Health, who authored the Department's Annual Review Treatment Report on Respondent, dated December 17, 2010, which was also entered into evidence. She also diagnosed Respondent with paraphilia, NOS, but also with antisocial personality disorder. In addition, Respondent's score on the STATIC 99R, an actuarial instrument widely used in the field of sexual recidivism and the sexually violent predator field, was a 9, which placed him in a high risk to sexually reoffend. She testified that while Respondent contended he had completed all treatment assignment, her review of many of those showed lack of depth of detail and emotion. She also found Respondent still minimized significant elements of his offenses and denied past sexual behaviors.

Based on the record and the testimony, the Court hereby finds and concludes that the Respondent has not made sufficient progress in treatment at the Sexually Violent Predator Treatment Program where he has been since his commitment on or about November 7, 2006, to justify his release or a trial on that issue.

1
EXH. 1

The Court has considered the showing made in respect to this matter and finds and concludes that the Respondent has failed to show probable cause that his mental abnormality or personality disorder has so changed such that he is safe to be at large and, if released, is not likely to commit acts of sexual violence. His petition is denied and no order requiring a trial shall be ordered on that issue.

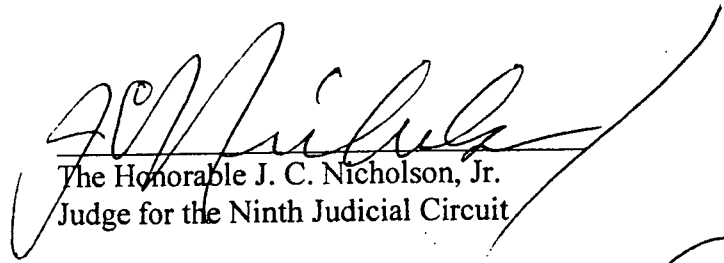
Accordingly.

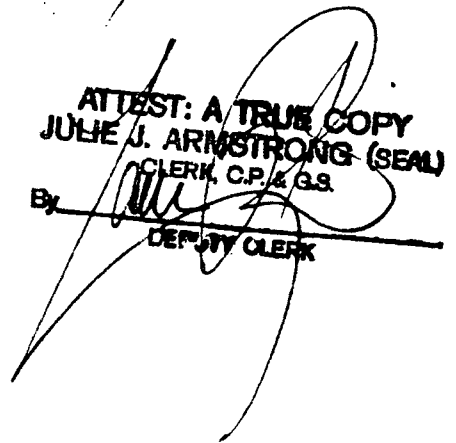
THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the Respondent shall continue to be confined in a secure facility of the Department of Mental Health for long term control, care and treatment pursuant to the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10, *et seq.*

IT IS FURTHER ORDERED that the Respondent continues under the jurisdiction of this Court.

AND IT IS SO ORDERED.

11/12 2012
2011
Charleston, South Carolina


The Honorable J. C. Nicholson, Jr.
Judge for the Ninth Judicial Circuit

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & G.S.
By 
DEPUTY CLERK

**SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR PROGRAM**

**ANNUAL REVIEW
Pursuant to §44-48-110**

Name: MICHAEL A. HARGROVE
SCDMH #: 8306096
SCDC #: 107605
Date of Birth: December 21, 1955
Date of Commitment: November 7, 2006
Date of Admission: November 9, 2006
County: Charleston
Review Period: December 17, 2010 to September 20, 2012
Date of Report: September 27, 2012

DIAGNOSES Paraphilia, Not Otherwise Specified
Antisocial Personality Disorder

REFERRAL INFORMATION

Michael A. Hargrove is a 56-year-old male who was committed to the Sexually Violent Predator Program (SVPP) of the South Carolina Department of Mental Health (SCDMH) after adjudication as a Sexually Violent Predator (SVP), pursuant to statute.

In accordance with §44-48-110, the purpose of the current Annual Review is to assess whether Mr. Hargrove's "mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence."

NOTIFICATION

The nature and purpose of this evaluation were explained to Mr. Hargrove at the beginning of the interview. He was notified that the information obtained during this evaluation would not remain confidential, and that anything he disclosed could be included in a report to the Court, the Attorney General's office, his attorney, and the SVPP treatment team. Mr. Hargrove demonstrated an adequate understanding of the purpose of the evaluation and the limits of confidentiality and agreed to proceed with the evaluation.

SOURCES OF INFORMATION

1. Legal records, including police reports, statements of victims and witnesses, arrest warrants, and indictments;
2. Letter from Solicitor Charles Molony Condon, Ninth Judicial Circuit, to the Probation and Parole Board, South Carolina Department of Corrections, dated February 18, 1986;
3. Letter from Solicitor Condon to Chief Walter Gay, Charleston County Police Department, dated February 18, 1986;
4. Documents from the United States Department of Justice, Federal Bureau of Investigation Identification Division listing the criminal history of Mr. Hargrove,

EXH. 2

- dated March 6, 1984;
5. Sexual Predator Synopsis Form, dated December 8, 2005;
 6. Petition Pursuant to the Sexually Violent Predator Act;
 7. Records from South Carolina Department of Corrections (SCDC), including the following cited reports;
 - a. Psychological Evaluation by Clay P. Drummond, Ph.D., dated May 27, 1987;
 - b. Psychological Evaluation by Mack M. Warren, dated July 22, 1992;
 8. Precommitment Evaluation by Pamela Crawford, M.D., dated June 13, 2006;
 9. National Crime Information Center (NCIC) criminal history report;
 10. Records from the Sexually Violent Predator Program;
 11. Interview of Mr. Hargrove on December 17, 2010, for approximately 2 hours, for the purpose of the 2010 annual review;
 12. Consultation with Michael Wheeler, therapist, SVPP, on September 10, 2012;
 13. Interview of Mr. Hargrove on August 29, 2012, for approximately 1 hour and 45 minutes, for the purpose of the 2010 annual review;

BRIEF PERSONAL HISTORY

The following history is quoted from the 2006 precommitment evaluation,

Michael Hargrove was born on December 21, 1955 to Betty Joan Rudd Hargrove and Ruben Henry Hargrove in Charleston County, South Carolina. He was raised with his brother, George Hargrove and his sister, Mary Green, in a working class home. Mr. Hargrove's father was an alcoholic who drank liquor on a daily basis.

Mr. Hargrove's parents divorced when he was fourteen. After the divorce, his mother went to work in a dress factory in Summerville. His mother remarried and had a daughter with her new husband, Lawrence Riley. Mr. Hargrove's mother and half sister were killed in a car accident in 1979.

Mr. Hargrove dropped out of school in the eighth grade. He reports he left school to get work to help support his family. He reports a history of shoplifting as a young child. At the age of thirteen or fourteen, he and several other boys broke into a neighbor's car and went "joy riding." Mr. Hargrove reports he was arrested at the age of fourteen or fifteen for breaking curfew. Mr. Hargrove was arrested at the age of sixteen for stealing a chainsaw. He was sentenced to one year probation for this offense. Mr. Hargrove reports a history of being suspended from school on one occasion.

Mr. Hargrove held a job at a furniture company from 1973 to 1980. With the exception of a short period of time when he escaped from prison, Mr. Hargrove has been incarcerated since 1981. Mr. Hargrove has never married. He has no children.

Mr. Hargrove began drinking alcohol at the age of fifteen after the death of his mother and sister. He reports drinking as much as a fifth of liquor a day. He denies a history of blackouts, withdrawal symptoms, and increased tolerance. Prior to his arrest, Mr. Hargrove smoked marijuana two or three times a week. He reports smoking marijuana in prison up until 1993 or 1994.

Mr. Hargrove has no history of childhood sexual abuse. He was introduced to sex at the age of thirteen by a fourteen year old male friend. He and his friend looked at pornographic material together and his friend performed oral sex on him. Mr. Hargrove describes himself as bisexual. He has had sexual intercourse with one woman on three occasions when he was an adolescent. Mr. Hargrove has been sexually active with men while in prison. He had one male sex partner for six years from 1991 to 1998. He estimates he has had between fifteen and twenty male sexual partners while in prison. Mr. Hargrove denies sexual interest in children and all other paraphilias.

LEGAL HISTORY

Mr. Hargrove's criminal history dates back to 1974, when he was 19 years old. He has been charged with at least 24 offenses; 10 of these charges are sexually related. He has been convicted of at least 16 offenses; 6 of these convictions are for sexually related offenses. Mr. Hargrove's criminal history includes violent and nonviolent crimes. It is known that he has shot two people, killing one of them. Both of these incidents are sexually related offenses. Also in his history is an escape from prison, during which he committed multiple offenses, including a sexual assault. Mr. Hargrove has sexually assaulted adolescent and adult males, who were strangers at the time of the assault. Physical violence has been involved in each of his known sexual offenses.

In 1974, Mr. Hargrove was charged with Grand Larceny. The disposition of this charge is not listed on his criminal history report.

On August 8, 1979, he was arrested for Assault and Battery with Intent to Kill. He was released on bond. He was indicted on Assault and Battery with Intent to Kill, Carrying a Pistol, Assault with Intent to Commit Criminal Sexual Conduct in the First Degree, Assault with Intent to Commit Criminal Sexual Conduct in the Second Degree, and Assault with Intent to Commit Criminal Sexual Conduct in the Third Degree. Mr. Hargrove shot this male victim in the shoulder with a "small caliber pistol" after attempting to sexually assault him. He was convicted of two counts Assault and Battery of a High and Aggravated Nature. Sentencing was "deferred" on one count and he received 3 years incarceration suspended, 3 years probation, and a \$3000 fine suspended. As part of the sentence, he was sent for a 60-day evaluation at the Receipt and Evaluation Center, SCDC. Prior to the evaluation, he was arrested for Possession of a Stolen Motor Vehicle (April 7, 1980). According to his criminal history report, he was "turned over to other agency; for trial." He was released to probation on October 29, 1980.

On May 12, 1981, he was arrested for Assault with a Deadly Weapon. He was convicted of Assault with Intent to Kill. He fired several shots at the male victim after the victim refused to have sex with him. He was sentenced to 9 years incarceration. He began his prison term on October 28, 1981. Mr. Hargrove has two convictions in Florida that occurred between the time of his arrest and sentencing for the previous charge. The charges stem from incidents that occurred in June 1981 in Daytona Beach. He was charged with Fraud – Illegal Use of Credit Cards, Vehicle Theft, and Pass Forged – Credit Cards. He was convicted of Larceny – Credit Card and Vehicle Theft. He was sentenced to time served.

On March 27, 1983, Mr. Hargrove escaped from prison. Mr. Hargrove committed numerous offenses during the period of his escape. He was apprehended on or about April 12, 1983. He was charged with Escape, Failure to Stop for a Police Vehicle, Resisting Arrest, Grand Larceny of an Auto, Unlawful Possession of Legal Liquor, Possession of Paraphernalia, Forgery – four counts, Criminal Sexual Conduct in the First Degree, and Common Law Robbery. He was indicted in Charleston County on charges of Kidnapping, Criminal Sexual Conduct, Impersonality a Law Enforcement Officer, Assault and Battery of a High and Aggravated Nature, Receiving Stolen Goods, Blue Light, and Resisting Arrest. He was indicted on additional charges in Richmond County.

Mr. Hargrove was convicted of at least 7 of these offenses. He was sentenced to 30 years incarceration for the Criminal Sexual Assault and 10 years incarceration for the Common Law Robbery, consecutive to each other and consecutive to any term of incarceration being served when he escaped and committed new offenses. Mr. Hargrove was also sentenced to 6 months for Escape (consecutive), 105 days for Multiple Traffic Offenses, 30 days for Assault, 30 days for Liquor Possession, and 15 days for Narcotic Equipment Possession. He was returned to SCDC on April 14, 1983.

The victim of the sexual assault and robbery referenced above was a 15-year-old male. Reports indicate that Mr. Hargrove stopped the victim, presenting himself as a police officer. He ordered the boy into the stolen car and held him at gunpoint. Mr. Hargrove began driving and forced the victim to drink a large quantity of bourbon whiskey. He stopped the car and forced the victim to perform oral sex and he robbed him his money (\$500). Mr. Hargrove then beat the victim and lured him in front of the vehicle. He then hit the victim with the car, knocking him to the ground.

On the day of the above incident (April 8, 1983), officer passed a vehicle matching the description of the vehicle used that sexual assault. Officers attempted to stop the vehicle and the car "sped away at a high rate." Several officers pursued the vehicle "with blue lights and sirens activated." Mr. Hargrove lost control of the vehicle. The officers approached the vehicle and "observed the suspect drop his left arm towards the floor board of the vehicle." The officer opened the door and "saw a revolver in a holster [sic]. When officers attempted to restrain him, Mr. Hargrove resisted. The officer discharged his gun in the struggle to arrest Mr. Hargrove. No one was struck by the bullet.

While serving the above sentence, Mr. Hargrove was indicted for offenses that occurred in 1979 and 1980, but went unsolved. He was indicted for Murder. According to the indictment, Mr. Hargrove "willfully and of his malice aforethought kill and murder David John by means of gunshot wound to the chest." The incident occurred on or about January 1, 1979. According to court documents, on January 5, 1979, the body of the deceased was found "in a field approximately 250 yards off of Greenwood Road in the Parkers Ferry area of Charleston County." According to the precommitment evaluation,

Mr. Hargrove confessed to Lieutenant Ronald R. Perry of the Charleston County Police. The victim, David John, a high school senior had been walking from a New Year's Eve party when Mr. Hargrove approached him. Mr. Hargrove told Lt. Perry that he saw the victim walking down the road in West Ashley. Mr. Hargrove told Lt. Perry that he pulled his car over next to the victim, told him he was a police officer

and ordered him into his car claiming the victim was violating curfew. Mr. Hargrove told Lt. Perry that he demanded sex from the victim and the victim refused. He then told Lt. Perry that he shot the victim in the arm and accidentally killed him. He told Lt. Perry that he then stripped the victim of his clothes in an effort to conceal the victim's identity and carried him around the trunk of his car for several days before disposing of his body in a wooded area. In reference to this case, Mr. Hargrove told this evaluator that he had killed the victim, but the killing had been accidental. He told this evaluator that he and the victim had had a sexual relationship prior to the killing. He said that on the night he killed the victim, that they had been taking drugs and having sex. He said that while they were in the act of sex, the victim suddenly "freaked out" and grabbed the rifle belonging to Mr. Hargrove. Mr. Hargrove said they struggled with the weapon and it accidentally went off killing the victim. He related that the victim was found naked because they had been having sex shortly before he killed him. Mr. Hargrove does not dispute what he told Lt. Perry. He told this evaluator he cannot recall what he said to the lieutenant, but "probably would have said anything" because Solicitor Charlie Condon was considering seeking the death penalty in his case.

According to a 1992 SCDC psychological evaluation, Mr. Hargrove "finally admitted to this offense in 1985 when he planned to collect a \$1000 reward during a period when he was hospitalized and believe[d] he was going to die, and he wanted the money to help his sister out of a financial bind." Solicitor Condon wrote another letter in commendation of Charleston officers in their work on the case State vs. Michael Hargrove. He said, "As you may know, this case involved the eight year old unsolved killing of a local Middleton High School student." Solicitor Condon wrote another letter to the parole board in February 1986 recommending Mr. Hargrove "under no circumstances should ever be released." He said, "My only regret in the prosecution of these cases against him is that there was insufficient evidence to put him under a death sentence." According to his criminal history report, Mr. Hargrove was convicted of Voluntary Manslaughter in 1985. He was sentenced to 30 years incarceration.

On the same sentencing date as the Manslaughter conviction, Mr. Hargrove was convicted of two counts of Armed Robbery for an incident that occurred on or about March 3, 1980. According to police report, Mr. Hargrove, armed with a handgun, robbed an adult male of a briefcase that contained \$4000 and an adding machine. He was sentenced to 30 years incarceration on the first count and 25 years incarceration on the second count.

While serving his prison sentence, Mr. Hargrove was convicted of a crime that he committed while incarcerated. He was convicted of two counts of Smuggling Contraband and sentenced to five years incarceration for each charge.

INSTITUTIONAL ADJUSTMENT AT SCDC

Mr. Hargrove was convicted of several disciplinary infractions while incarcerated at SCDC. He was convicted of possession of contraband (1983, 1995), inciting/creating a disturbance (1983), class I escape (1983), false statement to harm (1985, 1991), gambling and loan sharking (1995), any act defined as misdemeanor (1998), and violation of write/post (2002). According to SCDC reports, he was infraacted for fraud in 1984, for "committing fraud of approximately \$15,000.00 from the relatives of another inmate."

He was convicted of two counts of Smuggling Contraband in criminal court during his incarceration. He was sentenced to 5 years incarceration for each count. The offenses occurred in 1986.

PREVIOUS SEX OFFENDER TREATMENT

According to SCDC records, Mr. Hargrove did not complete any prison or outpatient sex offender treatment programs. He reported he participated in treatment, but was transferred to another prison before completing the treatment program.

PREVIOUS EVALUATIONS AND DIAGNOSES

Mr. Hargrove underwent an independent evaluation with Pamela Crawford, M.D. to determine whether he met criteria for commitment under the Sexually Violent Predator Act in 2006. In that evaluation he was diagnosed with Paraphilia, Not Otherwise Specified and Antisocial Personality Disorder. Dr. Crawford opined:

Mr. Hargrove has a history of multiple sexual assaults of attempted sexual assaults. Each of these incidents has involved acts of extreme violence, one which resulted in the death of the victim. One of these incidents occurred while Mr. Hargrove was on probation. Another occurred after Mr. Hargrove had escaped from prison. Mr. Hargrove has not completed sex offender treatment. He does not take responsibility for his actions. Actuarial data support the opinion of this evaluator that Mr. Hargrove is in the category of sex offender whose members have the highest likelihood of detected sexual recidivism.

PREVIOUS PSYCHOLOGICAL ASSESSMENT

According to a psychological evaluation conducted at SCDC in 1987, Mr. Hargrove "functions in at least the average intelligence range." In regard to personality characteristic, he was described as,

Sociopathic personality pretty well describes him. Test data indicates almost no capacity for empathy with either males or females with an actual revulsive "ugh" reaction to the "mother" care on the Rorschach test. He has a capacity for violence, as reflected by his Rorschach responses, but in the confines of strict security is able to keep these under control, although he tends to continue to have a need to manipulate even in this environment. His personality facts seems such that under considerably less security than he now is, he would not demonstrate the control that he does as reflected by his escape and new charges in 1983.

A psychological evaluation conducted at SCDC in 1992, described Mr. Hargrove as,

... an overweight male who communicates with a good vocabulary and limited affect. His attitude was cooperative, and he readily acknowledged his history of drug abuse, homosexuality and violent behavior. However, his adjustment to prison in recent years is described as excellent with no major disciplinary problems, and he indicates concern for social problems within the institution. He appears to be of about average intellect and his reading ability was measured at the eighth grade level using the WRAT-R. He was administered the MMPI, and this personality test depicted him as

oppositional in the passive sense. His masculine identity is a source of conflict as he is more interested in aesthetics and other more feminine activities such as cooking and literature without the strong action orientation that most men possess. The subscales indicate a low energy level typical in persons who are mildly depressed, and there was also an elevation on the subscale indicating authority problems. Low self-esteem appears to be a primary source of anger and resentment in this case, and there are indications that Mr. Hargrove does not feel connected to or involved with conventional business and social activities. Although he is emotionally immature, Mr. Hargrove has made significant movement towards involving himself in the social and administrative system at Allendale, and he has indicated an interest in the rights and privileges of others. This may be the first step for him towards learning to deal with others in a more equitable fashion and not feeling alienated from the social system....

PREVIOUS PHYSIOLOGICAL ASSESSMENT

Mr. Hargrove underwent a penile plethysmograph (PPG) in August 2009. The following opinions were offered in the report:

The circumference of Mr. Hargrove's penis increased more during presentation of stimuli depicting violent sexual activity with prepubescent males than during presentation of stimuli depicting consensual sexual activity with adult females.

This relatively larger increase in penile circumference is statistically significant. These findings suggest Mr. Hargrove became significantly more physiologically aroused by stimuli depicting violent sexual activity with prepubescent males than by stimuli depicting consensual sexual activity with adult females.

RISK ASSESSMENT

The Static-99R is an instrument designed to assist in the prediction of sexual and violent recidivism for sexual offenders. The recidivism estimates were derived from new charges and reconvictions of groups of individuals; as such, these estimates do not directly correspond to the recidivism risk of an individual offender. Mr. Hargrove's score on the Static-99R (9) places him in the High-risk category relative to other adult male sex offenders. Mr. Hargrove's status as an adjudicated SVP indicates that he has been deemed sufficiently high risk to warrant indefinite detention. Therefore, his score on the Static-99R was compared to a reference group identified as "high risk/need." On average, 52.4% (range = 45.9 - 58.8) of high-risk sex offenders with this score sexually recidivated within five years; and 61.9% (range = 52.2 - 70.7) of high-risk sex offenders with this score sexually recidivated within ten years.

RESIDENTIAL FUNCTIONING & BEHAVIOR

Mr. Hargrove was admitted to the SVPP on November 9, 2006. He is housed on the SVPP's unit at Geo Care. He currently serves as the President of the unit governance. Mr. Hargrove has been diagnosed with and treated with several chronic medical conditions. He is diagnosed with hepatitis B, cirrhosis of the liver, end stage liver disease, bursitis of the right shoulder, osteoarthritis, hypertension, hyperlipidemia, and gastroesophageal reflux disease. He is treated with medications. In addition, he recently began taking an antidepressant medication as he said he was feeling down and was referred to the

psychiatrist. Mr. Hargrove does not have any recent behavioral infractions.

SVPP TREATMENT SUMMARY

Mr. Hargrove continues to participate in sex offender treatment. His therapist said he has shown remorse about "his crimes." He has not discussed specifics of his offenses or his arousal pattern in recent times. His therapist said it is expected that this to be discussed in group regularly. Mr. Hargrove has updated many of his treatment assignments.

The following was noted in the 2010 annual review evaluation,

Mr. Hargrove has been actively participating in sex offender treatment groups since his admission in 2006. I reviewed drafts of his treatment assignments in May 2010, at the request of his treatment team. I found his assignments to be superficial, lacking depth of details and descriptions of his related thoughts and feelings. He was advised to work on his assignments to address these concerns. It was noted in June 2010 that he complained about having to "do over" after "having completed the old and new program." He had a negative attitude and objected when others made positive comments or offered encouragement. In July, he was asked to present his disclosure (i.e. provide his history of sexual offenses). Mr. Hargrove "refused." He said that he wanted his revised assignments sent back to me for review and said that he has already talked about his offense history. In the next group session, Mr. Hargrove stated that would present his assignments in group. In August, it was noted that he "is very cautious in expressing his emotion. He tends to intellectualize his feelings."

Mr. Hargrove recently submitted a revised disclosure in group. The assignment was "disorganized and not presented in a way that a stranger could easily understand." It has been noted that Mr. Hargrove is quite entertaining and "likes to be the center of attention." In a recent group, another resident made a presentation to the group and Mr. Hargrove "got very jealous at not being the center of attention." He appeared angry and he challenged the other resident, saying, "How many assignments have you completed? I've been here 10 years, what do you know?"

It was noted in group documentation that Mr. Hargrove actively participates in group discussions. He often provides relevant feedback to others. It was noted that Mr. Hargrove "can be charming and very funny at times."

MENTAL STATUS EXAMINATION & INTERVIEW

Mr. Hargrove is a 56-year-old male whose hygiene and grooming appeared adequate. He was alert, oriented, and demonstrated appropriate eye contact during the interview. His speech was normal in rate, volume, and tone. His thought processes were logical, linear, and goal-directed. His affect was euthymic, and he was cooperative with the evaluation. He described his current mood as, "good." He denied symptoms of mental illness, and no overt symptoms were observed. He denied recent or current suicidal or homicidal ideation.

Mr. Hargrove denied problems related to appetite, sleep, or energy. He said he has been doing well since being transferred to the SVPP unit at Geo Care in May 2011. He said he gets along well with the other residents and he "likes to be with the older guys" because "there is no arguing or fussing over stuff." He said he is "easy" to get along with because he

shows other respect and helps them when he can.

Mr. Hargrove said he was committed to the SVPP "for treatment of the sexual abuse behavior." He said when he was in prison, he believed he should be released to the community. He said, "After I got committed, it was still a good year before I thought I needed to be here." He said he "could see" he "needed" treatment because he was drinking and using drugs to deal with the deaths of people he knew. When asked what he needed treatment for, he said, "for several things. One was the sexual abuse behavior." He elaborated, "My behavior got so bad that I went out and forced people, hurt people, forced them to have sex. I need to learn coping skills."

Mr. Hargrove said he believes he is ready for release to the community. He said, "I think I learned enough to recognize a lapse before a relapse." He said his risk factors for sexual offending include, alcohol, drugs, going to clubs, cruising around especially in known prostitution areas, being lonely, bored, angry." He said if he is bored, he could "fall right in" and he described the "slippery slope" of offending behavior.

Mr. Hargrove said he does not currently masturbate and has not for the last 3 to 4 years. He said this is because he has pain in his "groin area." He denies having any sexual arousal. He denied having any recent deviant sexual fantasies. He then said he had deviant sexual fantasies "a couple months ago, maybe." He explained that he thinking about what he "would like to do with" a man. He said it was deviant in that he feels like he "shouldn't be thinking about it."

Mr. Hargrove said he offended because of "low self esteem" and not caring about himself. He explained that at age 10 he began a sexual relationship with 13-year-old male. He said he consented to and enjoyed the sexual activity. He described having a positive interpersonal relationship with the male. He said, "He was like the only friend I had." He said he was raised to believe homosexuality was wrong and this caused him some cognitive dissonance. He said he realized this was sexual abuse a year or two into his commitment. When asked how this related to his sexual offending, he said, "As I child, I sometime think 'did he force himself on me or did I let him do it?' What I was doing was forcing myself on them." He said both situations used force. He then said, "Maybe I misspoke... to me it is a form of sexual abuse."

When asked again why he sexually offended, Mr. Hargrove said, "I think at that time, I was trying to find some type of control and release my anger. I had so much anger in me because of things that had happened." He indicated he was referring to anger about the deaths of his mother and half-sister. When asked what he meant by control, he said, "I feel like I was trying to control something. A mixture of control and a whole lot of anger, just exploding. I had so much built up in me."

Mr. Hargrove gave an account of one of his offenses. He said he drank and ate at a diner where he saw a "nice looking man." He said, "I gave him some drinks, talked to him trying to get him comfortable enough to go outside with me. Got him outside to smoke some pot." He said he convinced the man to "drive around" with him to continue smoking pot. He said he pulled over and put his hand on the man's leg. The man said he "didn't do that" and Mr. Hargrove tried a second and third time. He said the man then hit him. He said they fought

in the car. The man got out of the car. He kicked the car. Mr. Hargrove said he then also got out of the car. He recalled, "I had the pistol. I shot in the air." He said he shot the pistol because he was "hoping to scare him off." He said the man ran away. I asked why he shot more rounds and he said, "I don't know. I just pointed the gun out and shot." I asked Mr. Hargrove why after he was rejected, he tried a second and third time to engage the man in sex. He said, "I was hoping he would say 'go ahead' or give in or something." When asked what he felt at the time, he said, "probably upset, mad" about "not having sex." When asked if he was upset about anything else, he said, "no."

Mr. Hargrove said the offense against the "off duty sailor" was "the same thing" as that described above. He said after he attempted to engage in sex and they fought, the man jumped out of the car and ran into the woods. Mr. Hargrove said he had a gun but did not use it.

Mr. Hargrove said the third offense occurred when he escaped from prison. He said he told the boy he was a cop. He said he "gave him some liquor to drink, pot to smoke" in attempt to "get him drunk enough" to "rob him." He said,

I was giving him a blowjob. His pants were down. When his pants were down, I robbed him. When he pulled his pants back up he noticed he had been robbed. We started fighting... He was hollering, "give me my money back." I told him if he got out of the car and came around to the driver's side window, I would give him his money back. I was holding the money out the car. He came around and put the money back in my pocket. I hit the gas and he ran in front of the car and I hit him. He came back to the window and asked if I would just drop him off at the Catalina Hotel... and I did.

Mr. Hargrove indicated the victim consented to oral sex. When asked if the victim consented, he said, "Yeah, well in the beginning." When asked what he meant, he said it was "just a figure of speech." I questioned him about the fact that he did not admit to committing any sexually related offense. He said, "I did leave out a part. I forced him to give me a blow job." He said he forced him by holding a pellet gun "on him." Mr. Hargrove said he did not ask the victim to perform oral sex on him. He said, "I don't remember asking him. I just remember telling him" and indicated he told him while pointing a pellet gun at him. He said he did not give the victim a chance to consent to the sexual act; when asked why, he said, "I don't know." When asked if he found it more arousing to force the victim, rather than him consenting, Mr. Hargrove said, "I think so." He indicated "having control of the situation" increased his arousal. When asked if he was controlling in everyday life, he said, "At one time I did. I don't see that anymore." He indicated he changed through "insight and treatment" over the "last 4 years."

Mr. Hargrove said he has one off the record victim. He said in 1976 or 1977, he met a man at a club and convinced him to go to a hotel with him. He said the man was not gay and "wasn't into it." Mr. Hargrove said, "I pulled out a gun and laid it on the nightstand. He just got undressed and got in the bed... We had sex... it was over, we got dressed. I put the gun back in my pocket. We went back to the club. I didn't see him no more." Mr. Hargrove said he ejaculated. He said he had a consenting adult partner available at the time. When asked why he offended, he said, "I don't know if it was a lot of anger, hate?" He said the "anger

would go away for a little while” and it would “seem like everything was alright for a little while.”

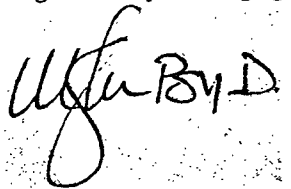
OPINION

Based on evidence that Mr. Hargrove has a mental abnormality or personality disorder and is likely to sexually reoffend, the Court previously determined that he met the criteria as an SVP. He was committed to the SVPP for control, care, and treatment to attempt to help him change such that he would be safe to be at large. His diagnoses of Paraphilia, Not Otherwise Specified and Antisocial Personality Disorder are considered chronic disorders; he has unchangeable risk factors that continue to put him at risk for reoffending; he participates in treatment, though there is no guarantee that such treatment will change his mental abnormality and personality disorder.

Mr. Hargrove has a severe history of sexual violence. In each of his sexual offenses, he significantly harmed or attempted to significantly harm his victims; this includes hitting one victim with an automobile and shooting at three victims, hitting two, and killing one. When he discloses his offenses, he does not actually admit to committing a sexual offense. He only admitted to a sexual offense when explicitly confronted. He denies or minimizes significant elements of his offenses. It is believed that to work on internal change through treatment individuals need to fully assess their past. Mr. Hargrove's minimization and denial of his past sexual behaviors significantly impede his understanding of his risk factors and offense dynamics.

Moreover, on an actuarial measure, his score compares to a group of sexual offenders that, on average, have sexual recidivism rates of over 52% in 5 years and over 61% in 10 years. His score is higher than 99% of offenders in the routine sample.

In consideration of all the available information, it is this examiner's opinion that Mr. Hargrove continues to meet the definition of a Sexually Violent Predator. Mr. Hargrove's present mental condition seriously impairs his ability to control his sexually violent behavior. As such, at this time, there is insufficient basis to opine that his mental abnormality or personality disorder has so changed that he is now safe to be at large and no longer likely to engage in acts of sexual violence.



Marie E. Gehle, Psy.D.
Chief Psychologist

ANNUAL EXAMINATION
ANNUAL REVIEW HEARING
ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE
ELECTION TO WAIVE OR EXERCISE RIGHTS

TO: Michael Hargrove
(Name of Resident)

FROM: Victoria Bourdon, Case Manager
Sexually Violent Predator Program

DATE: June 30, 2009

- A. Pursuant to Section 44-48-110, South Carolina Code of Laws, I am required to arrange for an annual re-examination of your condition and furnish a report of such examination to the Court which committed you, the Attorney General, the Solicitor in whose Circuit you were convicted of the qualifying offense(s) and the multi-disciplinary team. Such examination has been conducted and a report prepared.
- B. Following receipt of the report, the Court which committed you will conduct a hearing to review your status. You may petition for release at the hearing. You have the right to have an attorney represent you at the hearing, but you are not entitled to be present at the hearing. If you are indigent, and so request, the Court will appoint counsel to represent you at the review hearing.
- C. Section 44-48-110 further provides as follows:

The person may retain or, if the person is indigent and so requests, the Court may appoint a qualified expert to examine the person, and the expert shall have access to all medical, psychological, criminal offense and disciplinary records and reports concerning the person.

- D. Pursuant to Section 44-48-110, South Carolina Code of Laws, I am required to notify you on an annual basis of your right to petition the Court which committed you for release at any time, with or without the approval of the Director of the Department of Mental Health.

You have the right to petition the Court for release at any time, with or without the approval of the Department of Mental Health. However, it is important that you understand that if you do petition the Court for release without the approval of the Director of the Department of Mental Health, and the Court finds that either: (1) the petition was frivolous or (2) your condition has not changed so that you (the petitioner) are now safe to be at large, then the Court may deny any subsequent petitions without a hearing unless the petition contains facts upon which a Court could find your condition has so changed as to warrant a hearing.

ACKNOWLEDGMENT AND ELECTION

1. I have received the foregoing Notice.
2. I understand that a hearing will be held to review my status.
3. Please check one (1) box below:
 - I am aware of the fact that I have the right to petition the Court for release at the annual review hearing, but choose to waive that right at this time. ***If waiving right to petition, DO NOT complete # 4 or 5.***
 - I am aware of the fact that I have the right to petition the Court for release at the annual review hearing, and I choose to exercise that right at this time.
4. Please check one (1) box below:

I am aware that I have the right to be represented by counsel at the annual hearing to review the status of my case.

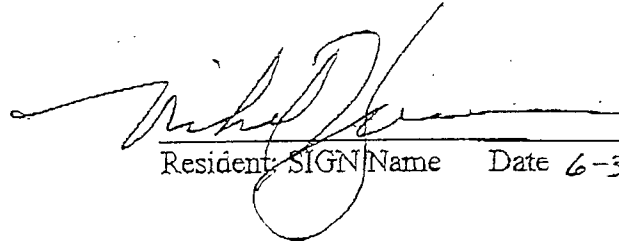
 - I choose to waive that right at this time.
 - I will exercise that right by hiring an attorney to represent me.
 - I want to exercise that right but I am indigent and request the Court to appoint counsel for me.
5. Please check one (1) box below:

I am aware that I have the right to retain my own qualified expert to examine me and that I may present the results of that examination to the Court at the annual review hearing.

 - I choose not to exercise that right at this time.
 - I choose to exercise that right and will hire a qualified expert to examine me.
 - I am indigent and I wish to have the Court appoint a qualified expert to examine me. I understand that the appointment of an expert is discretionary with the Court.

I understand that I have the right to petition the Court for my release at any time. However, I also understand that if I petition for my release without the approval of the State Director of Mental Health, the Court will first make a determination as to whether or not the petition is based upon frivolous grounds. If the Court determines that the petition is based on frivolous grounds or, if I previously unsuccessfully petitioned for release without the approval of the Director of Mental Health and I do not allege facts in my new petition upon which the Court could find my condition has so changed that a hearing is warranted, then the Court may deny my petition without a hearing.

Michael HARGROVE
Resident: PRINT Name


Resident: SIGN Name Date 6-30-09

W. Brandon Lawson 6/30/09
Witness Date

Or, resident refused to sign.

Witness Date

PLEASE NOTE: Please be advised that this document does not constitute a "PETITION FOR RELEASE." If you choose to petition the Court for release at your annual review hearing, a separate written "Petition for Release" must be submitted to the Court, regardless of whether the Director of the Department of Mental Health is recommending release or further treatment, along with any supporting documentation, by you or your legal counsel.

**SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM**

ANNUAL TREATMENT REVIEW SUMMARY

In Accordance With 44-48-110

Name: Hargrove, Michael
DOB: December 21, 1955
SCDMH #: 830-6069
SCDC #: 107605
Date of Commitment: November 7, 2006
Date of Admission: November 9, 2006
County: Charleston
Date of Report: January 11, 2010

DIAGNOSIS:

AXIS I: Paraphilia, Not Otherwise Specified.
AXIS II: Antisocial Personality Disorder.

SOURCES OF INFORMATION:

1. Sexually Violent Predator Treatment Program (SVPTP) treatment records.
2. SVPTP medical records.
3. Legal records, including court order, arrest warrants, police incident reports and statements.
4. Interview of Mr. Hargrove.
5. Consultation with treatment team.

PERTINENT DATA: Mr. Hargrove is a 53-year-old male who was committed to the Sexually Violent Predator Treatment Program of the South Carolina Department of Mental Health after adjudication as a Sexually Violent Predator (SVP) pursuant to statute.

In accordance with §44-48-110, the purpose of the current Annual Evaluation is to assess whether Mr. Hargrove's "mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence."

LEGAL HISTORY: Records indicate that in 1984 Mr. Hargrove pleaded guilty to Criminal Sexual Conduct with a Minor 2nd Degree. His victim was a 15-year-old boy. The assault occurred in Charleston County on April 8, 1983 within two weeks of Mr. Hargrove's escape from prison. Mr. Hargrove impersonated a police officer, held the boy at gunpoint in a vehicle he had stolen and forced the victim to perform oral sex. He then beat the boy and knocked him down with the stolen car after the boy escaped from Mr. Hargrove's vehicle. Records indicate

Resident's Name Hargrove, Michael
SCDMH# 830-6069

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that in 1986 Mr. Hargrove pleaded guilty to Voluntary Manslaughter for a 1979 incident involving a 19-year-old male whom Mr. Hargrove shot and killed after sexually assaulting him. Mr. Hargrove impersonated a police officer in order to convince the male victim to get into his car. In 1981, Mr. Hargrove was convicted of Assault and Battery with Intent to Kill and sentenced to nine years in prison. The young male victim was on active duty with the U.S. Navy when Mr. Hargrove accosted him and shot at him three times after the man refused to have sex with him. In 1980, Mr. Hargrove was convicted of Assault and Battery of a High and Aggravated Nature (ABHAN). The original charge was Assault with Intent to Commit Criminal Sexual Conduct. Mr. Hargrove shot a young male victim after first attempting to sexually assault him. He was sentenced to 3 years probation.

ACTUARIAL RISK ASSESSMENT: The RRASOR is an actuarial risk assessment instrument. Comprised of items statistically associated with sexual recidivism, it estimates the probability that a convicted sex offender will commit a future sex offense as indexed by official records (i.e., arrests, convictions, admissions). Mr. Hargrove's score on the RRASOR is a 4. This score is equal to or greater than the scores obtained by 98% of the sex offenders in the instrument's normative sample. Approximately 33% of sex offenders with this score sexually recidivated within 5 years; approximately 49% of sex offenders with this score sexually recidivated within 10 years.

MENTAL STATUS EXAMINATION AND INTERVIEW: Mr. Hargrove entered the examination room without incident displaying normal gait and posture. He was neat and showed adequate concern for his personal appearance and hygiene. He was alert, oriented, and attentive. His speech was normal in volume and rate. His thought process was goal-directed. He showed no evidence of delusions or other psychotic thought content. He denied experiencing auditory or visual hallucinations. His intellectual functioning appeared to fall within the average range. His memory for remote and recent events appeared to be intact. His affect was appropriate. He described his mood as "good." He denied having suicidal or homicidal thoughts or plans.

Mr. Hargrove reported he was committed to the SVPTP because "I believe it's because I have problems with self control, basically sexual offenses....I have a history of sex offenses and I'm here for treatment." When asked what he believes is unfair or inappropriate about his commitment, he stated, "nothing." Regarding his progress in treatment, he stated, "I think I've progressed quite well, understanding my risk factors, the particulars of why I've done the things I've done." He stated that the treatment team is "still putting together a packet of personalized treatment that has to do with normative sexual views and interests." When asked if he has any behavioral or emotional problems, he responded, "The only problem that I still find myself working on is anger issues. In here, I attribute that to stretching myself out and getting overloaded helping the new guys coming in here...it really upsets me to hear them blame the court or others and not take responsibility and then others try to verbally destroy the program."

Resident's Name Hargrove, Michael
SCDMH# 830-6069

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When asked if there was anything deviant about his sexuality in the past, he replied, "Yes, seeing someone and thinking the thoughts of what I wanted to do to this person and what I was going to do to this person to allow me to control the situation....growing up in a church family, we were taught that homosexuals were going to hell and I had to hide my homosexuality." Regarding his current sexuality, he stated, "It took me 51 years to be able to sit in a public group and say I am a homosexual and am satisfied with that. It felt like a burden lifted off of me." Mr. Hargrove identified his risk factors for sexual re-offending as, "If I got bored to the point that I wanted to go out riding around or going to a nightclub in a gay environment and pick up someone...one of the stupidest things would be to start drinking (alcohol). It's the key that unlocks the door to let the demons out." He identified coping strategies to reduce his risk of re-offense as, "stay busy, keep a daily planner, paint artwork on canvas, to keep mindful of where I'm at and who I'm around." Mr. Hargrove was able to explain excuses, justifications, and cognitive distortions he used during his sexual offending. He was asked to rate his likelihood of future sexual offending on a scale from zero to ten, and he reported, "I could sit here and say I never will but it's like an alcoholic or drug addict -- you take it day by day, hour by hour...I have a support team put together who know about my crimes and what my issues are."

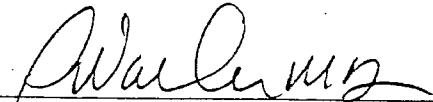
SVPTP TREATMENT SUMMARY: Mr. Hargrove was committed to the SVPTP on November 7, 2009. He was diagnosed with Paraphilia Not Otherwise Specified and Antisocial Personality Disorder. In February 2008, the SVPTP adopted the Rockwood Model as its method for providing sex offender treatment to its residents. The Rockwood Model consists of 17 components that, according to the developers of the treatment model, represent the main areas to be targeted in treatment designed to reduce sexual reoffending.

Mr. Hargrove's case manager, Victoria Bourdon, reported that Mr. Hargrove continues to work on the following areas: "anger and coping skills, deviant sexual arousal as noted in PPG[,] and intimacy issues." A PPG (Penile Plethysmograph) conducted in the SCDMH lab on September 14, 2009 using the Marshall stimulus set indicated that Mr. Hargrove continues to experience statistically significant deviant sexual arousal to stimuli depicting violent sexual activity with prepubescent males. A repeat PPG performed by William Burke, PhD, on October 30, 2009 indicated that Mr. Hargrove did not reach the minimum arousal required for a valid profile.

OPINION: Based on evidence that Mr. Hargrove has a mental abnormality or personality disorder and is likely to sexually re-offend, the Court previously determined that he met the ~~criteria as a sexually violent predator. He was committed to the SVPTP for control, care, and~~ treatment to attempt to help him change such that he would be safe to be at large. His diagnoses of Paraphilia Not Otherwise Specified and Antisocial Personality Disorder are considered to be chronic, there is no guarantee that such treatment would make him safe to be at large, and he has

Resident's Name Hargrove, Michael
SCDMH# 830-6069


unchangeable risk factors that continue to put him at risk for re-offending. The gravity of harm done to his past victims is especially concerning. As such, at this time, there is insufficient basis to opine that his mental abnormality or personality disorder has so changed that he is now safe to be at large and no longer likely to engage in acts of sexual violence.



Peggy C Wadman, MD, MPH
Forensic Medical Director

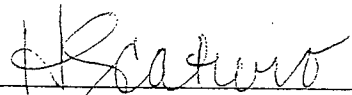
1/11/2010
Date

Reviewed by:



Cindy Helff, MHP
SVPTP Program Manager I

1/11/10
Date



Holly Scaturo, RN, MSN
Director of Forensic Services
Sexually Violent Predator Treatment Program

1/11/10
Date

Resident's Name
SCDMH#

Hargrove, Michael
830-6069

4

ATTACHMENT 1

ANNUAL EXAMINATION
ANNUAL REVIEW HEARING
ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE
ELECTION TO WAIVE OR EXERCISE RIGHTS

TO: Michael Hargrove
(Name of Resident)

FROM: Eve Bedford, Case Manager
Sexually Violent Predator Program

DATE: 6-1-, 2010

- A. Pursuant to Section 44-48-110, South Carolina Code of Laws, I am required to arrange for an annual re-examination of your condition and furnish a report of such examination to the Court which committed you, the Attorney General, the Solicitor in whose Circuit you were convicted of the qualifying offense(s) and the multi-disciplinary team. Such examination has been conducted and a report prepared.
- B. Following receipt of the report, the Court which committed you will conduct a hearing to review your status. You may petition for release at the hearing. You have the right to have an attorney represent you at the hearing, but you are not entitled to be present at the hearing. If you are indigent, and so request, the Court will appoint counsel to represent you at the review hearing.
- C. Section 44-48-110 further provides as follows:

The person may retain or, if the person is indigent and so requests, the Court may appoint a qualified expert to examine the person, and the expert shall have access to all medical, psychological, criminal offense and disciplinary records and reports concerning the person.

- D. Pursuant to Section 44-48-110, South Carolina Code of Laws, I am required to notify you on an annual basis of your right to petition the Court which committed you for release at any time, with or without the approval of the Director of the Department of Mental Health.

You have the right to petition the Court for release at any time, with or without the approval of the Department of Mental Health. However, it is important that you understand that if you do petition the Court for release without the approval of the Director of the Department of Mental Health, and the Court finds that either: (1) the petition was frivolous or (2) your condition has not changed so that you (the petitioner) are now safe to be at large, then the Court may deny any subsequent petitions without a hearing unless the petition contains facts upon which a Court could find your condition has so changed as to warrant a hearing.

ACKNOWLEDGMENT AND ELECTION

1. I have received the foregoing Notice.
2. I understand that a hearing will be held to review my status.
3. Please check one (1) box below:
 - I am aware of the fact that I have the right to petition the Court for release at the annual review hearing, but choose to waive that right at this time. *****If waiving right to petition, DO NOT complete # 4 or 5.*****
 - I am aware of the fact that I have the right to petition the Court for release at the annual review hearing, and I choose to exercise that right at this time.
4. Please check one (1) box below:

I am aware that I have the right to be represented by counsel at the annual hearing to review the status of my case.

 - I choose to waive that right at this time.
 - I will exercise that right by hiring an attorney to represent me.
 - I want to exercise that right but I am indigent and request the Court to appoint counsel for me.
5. Please check one (1) box below:

I am aware that I have the right to retain my own qualified expert to examine me and that I may present the results of that examination to the Court at the annual review hearing.

 - I choose not to exercise that right at this time.
 - I choose to exercise that right and will hire a qualified expert to examine me.
 - I am indigent and I wish to have the Court appoint a qualified expert to examine me. I understand that the appointment of an expert is discretionary with the Court.

I understand that I have the right to petition the Court for my release at any time. However, I also understand that if I petition for my release without the approval of the State Director of Mental Health, the Court will first make a determination as to whether or not the petition is based upon frivolous grounds. If the Court determines that the petition is based on frivolous grounds or, if I previously unsuccessfully petitioned for release without the approval of the Director of Mental Health and I do not allege facts in my new petition upon which the Court could find my condition has so changed that a hearing is warranted, then the Court may deny my petition without a hearing.

Michael HARGROVE
Resident: PRINT Name

Michael Hargrove 6-1-10
Resident: SIGN Name Date

Eric H Bedford LISW-CP 6/1/10
Witness Date

Or, resident refused to sign.

Witness Date

PLEASE NOTE: Please be advised that this document does not constitute a "PETITION FOR RELEASE." If you choose to petition the Court for release at your annual review hearing, a separate written "Petition for Release" must be submitted to the Court, regardless of whether the Director of the Department of Mental Health is recommending release or further treatment, along with any supporting documentation, by you or your legal counsel.



January 7, 2011

The Honorable Kristi Lea Harrington
Chief Administrative Judge
Ninth Judicial Circuit
PO Box 998
Moncks Corner, SC 29461

Re: Hargrove, Michael
Case No: 06-CP-10-322

Dear Judge Harrington:

Mr. Michael Hargrove was committed to the South Carolina Department of Mental Health, Sexually Violent Predator Treatment Program, on November 7, 2006, pursuant to SC Code of Laws §44-48-100, Sexually Violent Predator Act.

Pursuant to SC Code of Laws §44-48-110, "The court shall conduct an annual hearing to review the status of the committed person." Therefore, please find enclosed the required documents in order to conduct such a hearing:

1. Annual Examination, Annual Review Hearing, Annual Notice of Right to Petition for Release, Election to Waive or Exercise Rights form. *(Please be advised that the defendant is exercising waiving refusing his right to petition the Court for release.*
2. Annual Treatment Review Summary, dated December 17, 2010.

Based on our re-evaluation of Mr. Hargrove, it is our recommendation, to the Courts, that Mr. Hargrove remain in inpatient treatment in the South Carolina Department of Mental Health, Sexually Violent Predator Treatment Program.

The Attorney General's Office will contact you if a hearing needs to be scheduled to address Mr. Hargrove's Right to Petition for Release.

If I can be of further assistance to the Court, please feel free to contact me or Ms. Cathy B. Garner, Paralegal, (803) 935-5540.

Respectfully,



Holly Scaturro
Director
Sexually Violent Predator Treatment Program
(803) 935-5530

- c James Bogle, Assistant Attorney General
Scarlett Wilson, Solicitor, Ninth Judicial Circuit
Rad S. Deaton, Attorney at Law
Julie J. Armstrong, Clerk of Court, Charleston County
Geoffrey R. McKee, Ph.D., Multidisciplinary Team

**SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR PROGRAM**

**ANNUAL REVIEW
In Accordance With §44-48-110**

Name:	MICHAEL A. HARGROVE
SCDMH #:	8306096
SCDC #:	107605
Date of Birth:	December 21, 1955
Date of Commitment:	November 7, 2006
Date of Admission:	November 9, 2006
County:	Charleston
Date of Evaluation	December 17, 2010
Date of Report:	December 17, 2010

DIAGNOSES: **Paraphilia, Not Otherwise Specified
Antisocial Personality Disorder**

REFERRAL INFORMATION:

Michael A. Hargrove is a 55-year-old male who was committed to the Sexually Violent Predator Program (SVPP) of the South Carolina Department of Mental Health (SCDMH) after adjudication as a Sexually Violent Predator (SVP), pursuant to statute.

In accordance with §44-48-110, the purpose of the current Annual Review is to assess whether Mr. Hargrove's "mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence."

NOTIFICATION:

The nature and purpose of this evaluation were explained to Mr. Hargrove at the beginning of the interview. He was notified that the information obtained during this evaluation would not remain confidential, and that anything he disclosed could be included in a report to the Court, the Attorney General's office, his attorney, and the SVPP treatment team. Mr. Hargrove demonstrated an adequate understanding of the purpose of the evaluation and the limits of confidentiality and agreed to proceed with the evaluation.

SOURCES OF INFORMATION:

1. Legal records, including police reports, statements of victims and witnesses, arrest warrants, and indictments;
2. Letter from Solicitor Charles Molony Condon, Ninth Judicial Circuit, to the Probation and Parole Board, South Carolina Department of Corrections, dated February 18, 1986;
3. Letter from Solicitor Condon to Chief Walter Gay, Charleston County Police Department, dated February 18, 1986;
4. Documents from the United States Department of Justice, Federal Bureau of Investigation Identification Division listing the criminal history of Mr. Hargrove, dated March 6, 1984;
5. Sexual Predator Synopsis Form, dated December 8, 2005;
6. Petition Pursuant to the Sexually Violent Predator Act;
7. Records from South Carolina Department of Corrections (SCDC), including the following cited reports;

- a. Psychological Evaluation by Clay P. Drummond, Ph.D., dated May 27, 1987;
- b. Psychological Evaluation by Mack M. Warren, dated July 22, 1992;
8. Precommitment Evaluation by Pamela Crawford, M.D., dated month, year;
9. National Crime Information Center (NCIC) criminal history report;
10. Records from the Sexually Violent Predator Program;
11. Interview of Mr. Hargrove on December 17, 2010, for approximately 2 hours;

LEGAL HISTORY:

Mr. Hargrove's criminal history dates back to 1974, when he was 19 years old. He has been charged with at least 24 offenses; 10 of these charges are sexually related. He has been convicted of at least 16 offenses; 6 of these convictions are for sexually related offenses. Mr. Hargrove's criminal history includes violent and nonviolent crimes. It is known that he has shot two people, killing one of them. Both of these incidents are sexually related offenses. Also in his history is an escape from prison, during which he committed multiple offenses, including a sexual assault. Mr. Hargrove has sexually assaulted adolescent and adult males, who were strangers at the time of the assault. Physical violence has been involved in each of his known sexual offenses.

In 1974, Mr. Hargrove was charged with Grand Larceny. The disposition of this charge is not listed on his criminal history report.

On August 8, 1979, he was arrested for Assault and Battery with Intent to Kill. He was released on bond. He was indicted on Assault and Battery with Intent to Kill, Carrying a Pistol, Assault with Intent to Commit Criminal Sexual Conduct in the First Degree, Assault with Intent to Commit Criminal Sexual Conduct in the Second Degree, and Assault with Intent to Commit Criminal Sexual Conduct in the Third Degree. Mr. Hargrove shot this male victim in the shoulder with a "small caliber pistol" after attempting to sexually assault him. He was convicted of two counts Assault and Battery of a High and Aggravated Nature. Sentencing was "deferred" on one count and he received 3 years incarceration suspended, 3 years probation, and a \$3000 fine suspended. As part of the sentence, he was sent for a 60-day evaluation at the Receipt and Evaluation Center, SCDC. Prior to the evaluation, he was arrested for Possession of a Stolen Motor Vehicle (April 7, 1980). According to his criminal history report, he was "turned over to other agency; for trial." He was released to probation on October 29, 1980.

On May 12, 1981, he was arrested for Assault with a Deadly Weapon. He was convicted of Assault with Intent to Kill. He fired several shots at the male victim after the victim refused to have sex with him. He was sentenced to 9 years incarceration. He began his prison term on October 28, 1981. Mr. Hargrove has two convictions in Florida that occurred between the time of his arrest and sentencing for the previous charge. The charges stem from incidents that occurred in June 1981 in Daytona Beach. He was charged with Fraud – Illegal Use of Credit Cards, Vehicle Theft, and Pass Forged – Credit Cards. He was convicted of Larceny – Credit Card and Vehicle Theft. He was sentenced to time served.

On March 27, 1983, Mr. Hargrove escaped from prison. Mr. Hargrove committed numerous offenses during the period of his escape. He was apprehended on or about April 12, 1983. He was charged with Escape, Failure to Stop for a Police Vehicle, Resisting Arrest, Grand Larceny of an Auto, Unlawful Possession of Legal Liquor, Possession of Paraphernalia, Forgery – four counts, Criminal Sexual Conduct in the First Degree, and Common Law Robbery. He was indicted in Charleston County on charges of Kidnapping, Criminal Sexual Conduct, Impersonality a Law Enforcement Officer, Assault and Battery of a High and Aggravated Nature, Receiving Stolen Goods, Blue Light, and Resisting Arrest. He was indicted on additional charges in Richmond County.

Mr. Hargrove was convicted of at least 7 of these offenses. He was sentenced to 30 years incarceration for the Criminal Sexual Assault and 10 years incarceration for the Common Law Robbery, consecutive to each other and consecutive to any term of incarceration being served when he escaped and committed new offenses. Mr. Hargrove was also sentenced to 6 months for Escape (consecutive), 105 days for Multiple Traffic Offenses, 30 days for Assault, 30 days for Liquor Possession, and 15 days for Narcotic Equipment Possession. He was returned to SCDC on April 14, 1983.

The victim of the sexual assault and robbery referenced above was a 15-year-old male. Reports indicate that Mr. Hargrove stopped the victim, presenting himself as a police officer. He ordered the boy into the stolen car and held him at gunpoint. Mr. Hargrove began driving and forced the victim to drink a large quantity of bourbon whiskey. He stopped the car and forced the victim to perform oral sex and he robbed him his money (\$500). Mr. Hargrove then beat the victim and lured him in front of the vehicle. He then hit the victim with the car, knocking him to the ground.

On the day of the above incident (April 8, 1983), officer passed a vehicle matching the description of the vehicle used that sexual assault. Officers attempted to stop the vehicle and the car "sped away at a high rate." Several officers pursued the vehicle "with blue lights and sirens activated." Mr. Hargrove lost control of the vehicle. The officers approached the vehicle and "observed the suspect drop his left arm towards the floor board of the vehicle." The officer opened the door and "saw a revolver in a holster [sic]. When officers attempted to restrain him, Mr. Hargrove resisted. The officer discharged his gun in the struggle to arrest Mr. Hargrove. No one was struck by the bullet.

While serving the above sentence, Mr. Hargrove was indicted for offenses that occurred in 1979 and 1980, but went unsolved. He was indicted for Murder. According to the indictment, Mr. Hargrove "willfully and of his malice aforethought kill and murder David John by means of gunshot wound to the chest." The incident occurred on or about January 1, 1979. According to court documents, on January 5, 1979, the body of the deceased was found "in a field approximately 250 yards off of Greenwood Road in the Parkers Ferry area of Charleston County." According to the precommitment evaluation,

Mr. Hargrove confessed to Lieutenant Ronald R. Perry of the Charleston County Police. The victim, David John, a high school senior had been walking from a New Year's Eve party when Mr. Hargrove approached him. Mr. Hargrove told Lt. Perry that he saw the victim walking down the road in West Ashley. Mr. Hargrove told Lt. Perry that he pulled his car over next to the victim, told him he was a police officer and ordered him into his car claiming the victim was violating curfew. Mr. Hargrove told Lt. Perry that he demanded sex from the victim and the victim refused. He then told Lt. Perry that he shot the victim in the arm and accidentally killed him. He told Lt. Perry that he then stripped the victim of his clothes in an effort to conceal the victim's identity and carried him around the trunk of his car for several days before disposing of his body in a wooded area. In reference to this case, Mr. Hargrove told this evaluator that he had killed the victim, but the killing had been accidental. He told this evaluator that he and the victim had had a sexual relationship prior to the killing. He said that on the night he killed the victim, that they had been taking drugs and having sex. He said that while they were in the act of sex, the victim suddenly "freaked out" and grabbed the rifle belonging to Mr. Hargrove. Mr. Hargrove said they struggled with the weapon and it accidentally went off killing the victim. He related that the victim was found naked because they had been having sex shortly before he killed him. Mr. Hargrove does not dispute what he told Lt.

Perry. He told this evaluator he cannot recall what he said to the lieutenant, but "probably would have said anything" because Solicitor Charlie Condon was considering seeking the death penalty in his case.

According to a 1992 SCDC psychological evaluation, Mr. Hargrove "finally admitted to this offense in 1985 when he planned to collect a \$1000 reward during a period when he was hospitalized and believe[d] he was going to die, and he wanted the money to help his sister out of a financial bind." Solicitor Condon wrote another letter in commendation of Charleston officers in their work on the case State vs. Michael Hargrove. He said "As you may know, this case involved the eight year old unsolved killing of a local Middleton High School student." Solicitor Condon wrote another letter to the parole board in February 1986 recommending Mr. Hargrove "under no circumstances should ever be released." He said, "My only regret in the prosecution of these cases against him is that there was insufficient evidence to put him under a death sentence." According to his criminal history report, Mr. Hargrove was convicted of Voluntary Manslaughter in 1985. He was sentenced to 30 years incarceration.

On the same sentencing date as the Manslaughter conviction, Mr. Hargrove was convicted of two counts of Armed Robbery for an incident that occurred on or about March 3, 1980. According to police report, Mr. Hargrove, armed with a handgun, robbed an adult male of a briefcase which contained \$4000 and an adding machine. He was sentenced to 30 years incarceration on the first count and 25 years incarceration on the second count.

While serving his prison sentence, Mr. Hargrove was convicted of a crime that he committed while incarcerated. He was convicted of two counts of Smuggling Contraband and sentenced to five years incarceration for each charge.

INSTITUTIONAL ADJUSTMENT AT SCDC:

Mr. Hargrove was convicted of several disciplinary infractions while incarcerated at SCDC. He was convicted of possession of contraband (1983, 1995), inciting/creating a disturbance (1983), class I escape (1983), false statement to harm (1985, 1991), gambling and loan sharking (1995), any act defined as misdemeanor (1998), and violation of write/post (2002). According to SCDC reports, he was infractioned for fraud in 1984, for "committing fraud of approximately \$15,000.00 from the relatives of another inmate."

He was convicted of two counts of Smuggling Contraband in criminal court during his incarceration. He was sentenced to 5 years incarceration for each count. The offenses occurred in 1986.

PREVIOUS SEX OFFENDER TREATMENT:

According to SCDC records, Mr. Hargrove did not complete any prison or outpatient sex offender treatment programs. He reported he participated in treatment, but was transferred to another prison before completing the treatment program.

PREVIOUS EVALUATIONS AND DIAGNOSES:

Mr. Hargrove underwent an independent evaluation with Pamela Crawford, M.D. to determine whether he met criteria for commitment under the Sexually Violent Predator Act in 2006. In that evaluation he was diagnosed with Paraphilia, Not Otherwise Specified and Antisocial Personality Disorder. Dr. Crawford opined:

Mr. Hargrove has a history of multiple sexual assaults of attempted sexual assaults. Each of these incidents has involved acts of extreme violence, one which resulted in the death

of the victim. One of these incidents occurred while Mr. Hargrove was on probation. Another occurred after Mr. Hargrove had escaped from prison. Mr. Hargrove has not completed sex offender treatment. He does not take responsibility for his actions. Actuarial data support the opinion of this evaluator that Mr. Hargrove is in the category of sex offender whose members have the highest likelihood of detected sexual recidivism.

In regard to Mr. Hargrove's sexual history, Dr. Crawford reported:

Mr. Hargrove has no history of childhood sexual abuse. He was introduced to sex at the age of thirteen by a fourteen year old male friend. He and his friend looked at pornographic material together and his friend performed oral sex on him. Mr. Hargrove describes himself as bisexual. He has had sexual intercourse with one woman on three occasions when he was an adolescent. Mr. Hargrove has been sexually active with men while in prison. He had one male sex partner for six years from 1991 until 1998. He estimates he has had between fifteen to twenty male sexual partners while in prison. Mr. Hargrove denies sexual interest in children and all other paraphilias.

PREVIOUS PSYCHOLOGICAL ASSESSMENT:

According to a psychological evaluation conducted at SCDC in 1987, Mr. Hargrove "functions in at least the average intelligence range." In regard to personality characteristic, he was described as,

Sociopathic personality pretty well describes him. Test data indicates almost no capacity for empathy with either males or females with an actual revulsive "ugh" reaction to the "mother" card on the Rorschach test. He has a capacity for violence, as reflected by his Rorschach responses, but in the confines of strict security is able to keep these under control, although he tends to continue to have a need to manipulate even in this environment. His personality facts seems such that under considerably less security than he now is, he would not demonstrate the control that he does as reflected by his escape and new charges in 1983.

A psychological evaluation conducted at SCDC in 1992, described Mr. Hargrove as,

... an overweight male who communicates with a good vocabulary and limited affect. His attitude was cooperative, and he readily acknowledged his history of drug abuse, homosexuality and violent behavior. However, his adjustment to prison in recent years is described as excellent with no major disciplinary problems, and he indicates concern for social problems within the institution. He appears to be of about average intellect and his reading ability was measured at the eighth grade level using the WRAT-R. He was administered the MMPI, and this personality test depicted him as oppositional in the passive sense. His masculine identity is a source of conflict as he is more interested in aesthetics and other more feminine activities such as cooking and literature without the strong action orientation that most men possess. The subscales indicate a low energy level typical in persons who are mildly depressed, and there was also an elevation on the subscale indicating authority problems. Low self-esteem appears to be a primary source of anger and resentment in this case, and there are indications that Mr. Hargrove does not feel connected to or involved with conventional business and social activities. Although he is emotionally immature, Mr. Hargrove has made significant movement towards involving himself in the social and administrative system at Allendale, and he has indicated an interest in the rights and privileges of others. This may be the first step for him towards learning to deal with others in a more equitable fashion and not feeling alienated from the social system....

PREVIOUS PHYSIOLOGICAL ASSESSMENT:

Mr. Hargrove underwent a penile plethysmograph (PPG) in August 2009. The following opinions were offered in the report:

The circumference of Mr. Hargrove's penis increased more during presentation of stimuli depicting violent sexual activity with prepubescent males than during presentation of stimuli depicting consensual sexual activity with adult females.

This relatively larger increase in penile circumference is statistically significant. These findings suggest Mr. Hargrove became significantly more physiologically aroused by stimuli depicting violent sexual activity with prepubescent males than by stimuli depicting consensual sexual activity with adult females.

RISK ASSESSMENT:

The Static-99R is an instrument designed to assist in the prediction of sexual and violent recidivism for sexual offenders. The recidivism estimates were derived from new charges and convictions of groups of individuals; as such, these estimates do not directly correspond to the recidivism risk of an individual offender. Mr. Hargrove's score on the Static-99R (9) places him in the High risk category relative to other adult male sex offenders. Mr. Hargrove's status as an adjudicated SVP indicates that he has been deemed sufficiently high risk to warrant indefinite detention. Therefore, his score on the Static-99R was compared to a reference group identified as "high risk/need." On average, 52.4% (range = 45.9 - 58.8) of high-risk sex offenders with this score sexually recidivated within five years; and 61.9% (range = 52.2 - 70.7) of high-risk sex offenders with this score sexually recidivated within ten years.

RESIDENTIAL FUNCTIONING & BEHAVIOR:

Mr. Hargrove was admitted to the SVPP on November 9, 2006. He is housed on the SVPP's Edisto unit at Broad River Correctional Institution. Mr. Hargrove has been diagnosed with and treated with several chronic medical conditions. He is diagnosed with hepatitis B, cirrhosis of the liver, end stage liver disease, bursitis of the right shoulder, osteoarthritis, hypertension, hyperlipidemia, and gastroesophageal reflux disease. He is prescribed omeprazole, furosemide, spironolac, cyanocobalamin, folic acid, lactulose, tramadol, and Vistaril.

According to staff members, Mr. Hargrove is viewed as superficially cooperative. He is thought to have abused the power he had as a worker in the unit canteen, by giving snacks to people he likes and threatening others. He is thought to have a close relationship with one resident. This has been brought to his attention as a concern that he and the other resident were involved in a romantic or sexual relationship. Mr. Hargrove is viewed by staff members to be "very possession and jealous" over the other residents relationship with anyone else on the unit. Mr. Hargrove denies sexual or romantic involvement with this resident and claims to have limited his contact with the other resident. Mr. Hargrove does not have any recent behavioral infractions.

SVPP TREATMENT SUMMARY:

Mr. Hargrove has been actively participating in sex offender treatment groups since his admission in 2006. I reviewed drafts of his treatment assignments in May 2010, at the request of his treatment team. I found his assignments to be superficial, lacking depth of details and descriptions of his related thoughts and feelings. He was advised to work on his assignments to address these concerns. It was noted in June 2010 that he complained about having to "do over" after "having completed the old and new program." He had a negative attitude and objected when others made positive comments or offered encouragement. In July, he was asked to present his disclose (i.e. provide his history of sexual offenses). Mr. Hargrove "refused." He said

that he wanted his revised assignments sent back to me for review and said that he has already talked about his offense history. In the next group session, Mr. Hargrove stated that would present his assignments in group. In August, it was noted that he "is very cautious in expressing his emotion. He tends to intellectualize his feelings."

Mr. Hargrove recently submitted a revised disclosure in group. The assignment was "disorganized and not presented in a way that a stranger could easily understand." It has been noted that Mr. Hargrove is quite entertaining and "likes to be the center of attention." In a recent group, another resident made a presentation to the group and Mr. Hargrove "got very jealous at not being the center of attention." He appeared angry and he challenged the other resident, saying, "How many assignments have you completed? I've been here 10 years, what do you know?"

It was noted in group documentation that Mr. Hargrove actively participates in group discussions. He often provides relevant feedback to others. It was noted that Mr. Hargrove "can be charming and very funny at times."

MENTAL STATUS EXAMINATION & INTERVIEW:

Mr. Hargrove is a 55-year-old male whose hygiene and grooming appeared adequate. He was alert, oriented, and demonstrated appropriate eye contact during the interview. His speech was normal in rate, volume, and tone. His thought processes were logical, linear, and goal-directed. His affect was euthymic, and he was cooperative with the evaluation. He described his current mood as, "my overall mood, I am in a good mood." He denied symptoms of mental illness, and no overt symptoms were observed. He denied recent or current suicidal or homicidal ideation. He stated he is not prescribed any psychiatric medications.

Mr. Hargrove said his court case this week was postponed until the beginning of year, so there would be funds to pay for Dr. Martin. He indicated that Dr. Martin evaluated him several months ago and is apparently going to recommend his release.

Mr. Hargrove said he has been told he completed the Rockwood Model program. He said he was told this in 2008 by Rachel Kelly. They met and she told him that he would be released in a couple months. He said he then met with Chad Lominick, who told him his discharge was delayed. He said he is still active in treatment. He has been several different therapists. Now he is working with Dr. Smith. He said he did a lot of considerable work with Victoria Bourdan. He said he is doing his disclosure "the fifth time."

Mr. Hargrove denied any behavioral infractions since he was admitted to the program. He said he gets along well with others in the program. He said he "looks at the glass half full, no matter how back it gets." "I just like to focus on the program, I like to encourage the other guys."

Mr. Hargrove said his first sexual offense occurred in approximately 1979. He said, "I had went out riding around. I ended up at a place called the While Horse Inn and Restaurant. I met a guy in the bar and asked him if he wanted to smoke some reefer, marijuana. We went to the car and rode around. I made some sexual advances on him. He said he did not do those kinds of things." He said "tried to force myself on him." He said they struggled and the guy "got shot in the shoulder." He said the guy got out of the car. He said the guy was "kicking the car and talking a lot of stuff. I got out. I had a pistol and I started waiving it around. The guy started to run away." Mr. Hargrove shot the gun. The next day he was arrested. He said he did not know he shot the man, at the time. He said he was heavily intoxicated. He said he rubbed the man on the crotch area. He said "I don't think it got that far," when asked if he tried to undo his pants or progress

the sexual assault further. He did not recall if he spent time in jail for this, but believed he received five years probation and a fine.

In 1980, Mr. Hargrove said, "I was riding around in North Charleston in a known prostitution area." He said he picked up a guy, they rode around, smoked pot, and he tried to make sexual advances on man. Mr. Hargrove said he had a gun in his car during this incident. He said the guy refused the sexual advances and ran off. He said he was charged with Assault with Intent to Kill. I asked him why he was charged with "intent to kill." He said, "I am thinking...I had the pistol. I was waiving it around. I didn't shoot it or anything. I think I pulled it out." I informed him that the report said he also shot at this victim, which he denied. When I clarified, he said "I knew I had a pistol. I did not remember if I discharged it or not. If the report said I did, then I did."

Mr. Hargrove said that after "6 to 9 months at Kirkland," he was transferred to Goodman for a work release program. He stayed there for one year. He said he was randomly drug tested and found positive for alcohol. He was then transferred to Walden Farm, a higher security prison. He said he was there "maybe a couple months" before he walked away. He said he was drunk. He described having the privilege to get a pass, leave the grounds to go across the street to have dinner.

Mr. Hargrove said he did not have a plan when he escaped prison. He said he thought about turning back, but thought he might get shot. He went to a place he worked and stole a vehicle. He then went to Charleston. He said he went to the prostitution area "to turn a trick or rob a trick to get some money." He approached someone, who asked if he was a cop. Mr. Hargrove told him he was a cop. The guy got in. He said they smoked some "reefer", but did not remember where he got it from. They parked. He said, "while performing oral sex, I got in his wallet and got his money...stuck it under the car seat." He said the guy realized his money was gone and got very upset. They fought in the car. He said, "I guess I went ballistic, crazy, whatever. I had a pellet gun, pellet pistol. I pulled that out. It really didn't faze him. He grabbed the gun." Mr. Hargrove said he forced the man to give him oral sex. The guy continued to ask for the money. Mr. Hargrove said he was going to give him the money, but the guy ran in front of the car and Mr. Hargrove hit him with the car. He said "I remember thinking this was stupid what I was doing. I am not doing this again. Two days later, I am out doing it again." He clarified that he meant "what I was out doing to people."

Mr. Hargrove began crying at this point. He recalled the guy was probably hurt, but did not know the extent. He said he drove the man back to his hotel, as he had requested. He did not give him the money. He was arrested a couple days later. He said he "had to get something to drink. Stay in the hotel...figure out what I was going to do." He said he was convicted of 30 years for Criminal Sexual Conduct and 10 years for strong arm robbery, consecutive. He said at a later hearing, "I got six months for the escape."

Mr. Hargrove said he is gay, but it took him "50 years to admit" that. He said he lived "two lives." He said he had "different clothes, different friends...in Charleston and the small town he grew up in." He said there was "no reason" to go out and force people to have sex.

Of the 1979 killing, Mr. Hargrove said, "the event started December 31, 1978, by the following morning David was dead." He said "I knew him briefly. I used to pick him up by the old mall in Charleston. I picked him up sometimes. I picked him up that night." He said prior to picking up David, he had to take his sister to the hospital because her water broke. He said, "we went to a club." He said they "partied." They joined up with some friends and ended up at a house on John's Island. He said there were lots of alcohol and drugs. He said it was New Year's Eve, so

"we were drinking, smoking pot, taking pills." He stated that in the morning, he and David left the party and returned to his apartment at his Grandmother's home. He said they "probably" had sex. He said at some point, David "flipped out." He said that David started hitting him and "beating on" him. Mr. Hargrove said there was a "22 caliber rifle" in the corner of the bedroom. He said they fought over the rifle. Mr. Hargrove said he was holding the rifle and David was holding the barrel yelling "you won't do it. You won't shoot." He said David pulled on the barrel and the gun discharged. He said "I got scared." He said he tried to wake David up, but he realized he was dead. Mr. Hargrove put his body in the car and went to John's Island "where we was last seen." He said he left the body in the woods. He said the body was discovered the next day. He said "it was on the news. I kept quiet. I was already in prison before I confessed." He said "this was on my mind day and night." He said he began heavier use of drugs and alcohol. Mr. Hargrove continued to cry in the interview "to take somebody's life. Take the body and leaving it in the woods is not right."

Mr. Hargrove stated that "his blood and my blood" was all over the place. He said his grandmother came to his apartment to see why he was not up for work. He said his grandmother opened the door and saw the blood everywhere and called his brother. Mr. Hargrove was out disposing of the body and after went to the hospital to get his lip stitched. Mr. Hargrove said his brother went out on the property around the house looking for him. He reported that they did not call the police, to his knowledge. He stated that they cleaned up the room. He said he remembered "coming home a couple days later." He said his grandmother questioned him about what happened. He said he lied to her. He said "I think I went to stay at a friend's house for a couple days." He said his grandmother thought he was involved in drug dealing and he was putting her life in danger because of this. Mr. Hargrove said the relationship with David was a secret and he was never questioned in relation to the murder. He said he plea bargained and got 30 years concurrent to his other sentences.

When asked to talk about his deviant sexual interests in the past, Mr. Hargrove talked about having a relationship with a "known lesbian." He said they were both being "pushed" to get married. He said he had to get drunk or high to have sex with her. They talked about getting married, but the girl said that she would not marry him until he could have sex with sober. He said "I don't know. Something happened. I couldn't."

Mr. Hargrove said he had an early sexual partner, Barry. He said he was approximately 10 and Barry was around 13. He said they had sex "every time" they were together. He said they would tell their families they were going hunting and would go somewhere to have sex. He said this relationship was "steady" until Barry left town at age 17. Mr. Hargrove said the relationship continued "off and on" for many years. He reported they engaged in oral sex and intercourse. He said the relationship "even continued" when Barry was married with two kids.

Mr. Hargrove estimated he has had "75 to 100" sexual partners. He said "maybe 10 to 15" were more than one night sexual encounters. He said he had romantic relationships with "5 or 6" people. He reported 3 were women. He said "probably 50 times" he paid for sex. He reported he has prostituted himself. He said he did it "for the excitement," not the money.

He denied having any infractions for sexual misconduct in prison. He admitted to several sexual relationships in the prison. He denied forcing anyone to have sex with him. He denied any sexual relations in the SVPP. He denied being engaged in a romantic relationship on the unit.

Of his risk factors, Mr. Hargrove said Alcohol, drugs "caused me to have a lot of cognitive thinking... mostly getting lonely. Bored. I find myself getting bored and lonely with my life.

Cruising around going to high risk areas and going to gay clubs....I am sure there is a whole lot more, it just not coming to me right now....I used to have a lot of spare time...I used to get real bored. I got in the habit of have a drink, have some sex, go back to work." He said he wasn't "about" the sex or "looking to have a climax" but it was about "looking for companionship or looking for someone to love."

Mr. Hargrove said, "I think I am" ready for discharge. He said he can recognize risk factors and he does not believe he would reoffend. He said this is not something to which you can say "I am healed." He said he would see a therapist as soon as he could after discharge.

Mr. Hargrove rated his risk of re-offense as a "3, maybe, 3, 4, I say 3." He explained he rated himself this because, "you never say never. I don't intend to. I don't need to." He said he thinks about all the harm he has caused others and he "hates" himself for this.

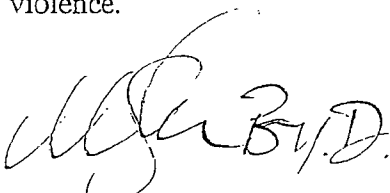
OPINION:

Based on evidence that Mr. Hargrove has a mental abnormality or personality disorder and is likely to sexually reoffend, the Court previously determined that he met the criteria as an SVP. He was committed to the SVPP for control, care, and treatment to attempt to help him change such that he would be safe to be at large. His diagnoses of Paraphilia, Not Otherwise Specified and Antisocial Personality Disorder are considered chronic disorders; he has unchangeable risk factors that continue to put him at risk for reoffending; he has not completed treatment and there is no guarantee that such treatment would make him safe to be at large.

Mr. Hargrove has a severe history of sexual violence. In each of his sexual offenses, he significantly harmed or attempted to significantly harm his to his victims; this includes shooting two victims, killing one. On an actuarial measure, his score compares to a group of sexual offenders that, on average, have reoffense rates of over 52% in 5 years and over 61% in 10 years.

Mr. Hargrove has participated in treatment for four years. He contends that he has *completed* all the treatment assignments; however, his treatment assignments, which are meant to help facilitate internal change, lack depth of detail and emotion. In addition, Mr. Hargrove denies or minimizes significant elements of his offenses. It is believed that to work on internal change through treatment individuals need to fully assess their past. Mr. Hargrove's minimization and denial of his past sexual behaviors significantly impede his progress on changing his mental abnormality and personality disorder.

In consideration of all the available information, it is this examiner's opinion that Mr. Hargrove continues to meet the definition of a Sexually Violent Predator. Mr. Hargrove's present mental condition seriously impairs his ability to control his sexually violent behavior. As such, at this time, there is insufficient basis to opine that his mental abnormality or personality disorder has so changed that he is now safe to be at large and no longer likely to engage in acts of sexual violence.



Marie E. Gehle, Psy.D.
Chief Psychologist

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February 1, 2011

Via Facsimile (843) 719-4724 and U.S. MAIL

The Honorable Kristi Lea Harrington
Chief Judge for Administrative Purposes
Ninth Judicial Circuit
P.O. Box 998
Moncks Corner, South Carolina 29461

Re: In the Matter of the Care and Treatment of Michael Hargrove
2006-CP-10-322

Dear Judge Harrington:

I am in receipt of a letter from Assistant Attorney General Jim Bogle with an enclosed Order purporting to waive Mr. Hargrove's annual hearing.

I have spoken with my client and reviewed the Petition. It is my understanding that my client does not freely and voluntarily waive his annual review hearing and the "wrong box" was simply checked by the person assisting him with the completion of the form. The Petition indicates that "***If waiving right to petition, DO NOT complete #4 or 5.***" My client completed #4 and #5, thus evincing his intention to proceed with his annual review hearing.

Should the necessity for a hearing to determine whether my client voluntarily waived his right to an annual review hearing arise, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,


Rad S. Deaton
RSD/grc

Cc: James G. Bogle, Jr., Assistant Attorney General (Via facsimile only – 803-253-6283)
Holly Scaturro, Director, Sexually Violent Predator Treatment Program (Via facsimile only – 803-935-5544)

ANNUAL EXAMINATION
ANNUAL REVIEW HEARING
ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE
ELECTION TO WAIVE OR EXERCISE RIGHTS

TO: Michael Hargrove
(Name of Resident)

FROM: Michael Wheeler, Case Manager
Sexually Violent Predator Program

DATE: 09/26, 2011

- A. Pursuant to Section 44-48-110, South Carolina Code of Laws, I am required to arrange for an annual re-examination of your condition and furnish a report of such examination to the Court which committed you, the Attorney General, the Solicitor in whose Circuit you were convicted of the qualifying offense(s) and the multi-disciplinary team. Such examination has been conducted and a report prepared.
- B. Following receipt of the report, the Court which committed you will conduct a hearing to review your status. You may petition for release at the hearing. You have the right to have an attorney represent you at the hearing, but you are not entitled to be present at the hearing. If you are indigent, and so request, the Court will appoint counsel to represent you at the review hearing.
- C. Section 44-48-110 further provides as follows:

The person may retain or, if the person is indigent and so requests, the Court may appoint a qualified expert to examine the person, and the expert shall have access to all medical, psychological, criminal offense and disciplinary records and reports concerning the person.

- D. Pursuant to Section 44-48-110, South Carolina Code of Laws, I am required to notify you on an annual basis of your right to petition the Court which committed you for release at any time, with or without the approval of the Director of the Department of Mental Health.

You have the right to petition the Court for release at any time, with or without the approval of the Department of Mental Health. However, it is important that you understand that if you do petition the Court for release without the approval of the Director of the Department of Mental Health, and the Court finds that either: (1) the petition was frivolous or (2) your condition has not changed so that you (the petitioner) are now safe to be at large, then the Court may deny any subsequent petitions without a hearing unless the petition contains facts upon which a Court could find your condition has so changed as to warrant a hearing.

ACKNOWLEDGMENT AND ELECTION

1. I have received the foregoing Notice.
2. I understand that a hearing will be held to review my status.
3. Please check one (1) box below:
 - I am aware of the fact that I have the right to petition the Court for release at the annual review hearing, but choose to waive that right at this time. *****If waiving right to petition, DO NOT complete # 4 or 5.*****
 - I am aware of the fact that I have the right to petition the Court for release at the annual review hearing, and I choose to exercise that right at this time.
4. Please check one (1) box below:

I am aware that I have the right to be represented by counsel at the annual hearing to review the status of my case.

 - I choose to waive that right at this time.
 - I will exercise that right by hiring an attorney to represent me.
 - I want to exercise that right but I am indigent and request the Court to appoint counsel for me.
5. Please check one (1) box below:

I am aware that I have the right to retain my own qualified expert to examine me and that I may present the results of that examination to the Court at the annual review hearing.

 - I choose not to exercise that right at this time.
 - I choose to exercise that right and will hire a qualified expert to examine me.
 - I am indigent and I wish to have the Court appoint a qualified expert to examine me. I understand that the appointment of an expert is discretionary with the Court.

I understand that I have the right to petition the Court for my release at any time. However, I also understand that if I petition for my release without the approval of the State Director of Mental Health, the Court will first make a determination as to whether or not the petition is based upon frivolous grounds. If the Court determines that the petition is based on frivolous grounds or, if I previously unsuccessfully petitioned for release without the approval of the Director of Mental Health and I do not allege facts in my new petition upon which the Court could find my condition has so changed that a hearing is warranted, then the Court may deny my petition without a hearing.

Michael HARGROVE
Resident: PRINT Name

Michael Hargrove 9/26/11
Resident: SIGN Name Date

Michael Hargrove 9/26/11
Witness Date

Or, resident refused to sign.

Witness Date

*****PLEASE NOTE: Please be advised that this document does not constitute a "PETITION FOR RELEASE." If you choose to petition the Court for release at your annual review hearing, a separate written "Petition for Release" must be submitted to the Court, regardless of whether the Director of the Department of Mental Health is recommending release or further treatment, along with any supporting documentation, by you or your legal counsel.*****

**SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR PROGRAM**

**ANNUAL REVIEW
Pursuant to §44-48-110**

Name: MICHAEL A. HARGROVE
SCDMH #: 8306096
SCDC #: 107605
Date of Birth: December 21, 1955
Date of Commitment: November 7, 2006
Date of Admission: November 9, 2006
County: Charleston
Review Period: December 17, 2010 to September 20, 2012
Date of Report: September 27, 2012

DIAGNOSES Paraphilia, Not Otherwise Specified
Antisocial Personality Disorder

REFERRAL INFORMATION

Michael A. Hargrove is a 56-year-old male who was committed to the Sexually Violent Predator Program (SVPP) of the South Carolina Department of Mental Health (SCDMH) after adjudication as a Sexually Violent Predator (SVP), pursuant to statute.

In accordance with §44-48-110, the purpose of the current Annual Review is to assess whether Mr. Hargrove's "mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence."

NOTIFICATION

The nature and purpose of this evaluation were explained to Mr. Hargrove at the beginning of the interview. He was notified that the information obtained during this evaluation would not remain confidential, and that anything he disclosed could be included in a report to the Court, the Attorney General's office, his attorney, and the SVPP treatment team. Mr. Hargrove demonstrated an adequate understanding of the purpose of the evaluation and the limits of confidentiality and agreed to proceed with the evaluation.

SOURCES OF INFORMATION

1. Legal records, including police reports, statements of victims and witnesses, arrest warrants, and indictments;
2. Letter from Solicitor Charles Molony Condon, Ninth Judicial Circuit, to the Probation and Parole Board, South Carolina Department of Corrections, dated February 18, 1986;
3. Letter from Solicitor Condon to Chief Walter Gay, Charleston County Police Department, dated February 18, 1986;
4. Documents from the United States Department of Justice, Federal Bureau of Investigation Identification Division listing the criminal history of Mr. Hargrove,

EXH. 2

- dated March 6, 1984;
5. Sexual Predator Synopsis Form, dated December 8, 2005;
 6. Petition Pursuant to the Sexually Violent Predator Act;
 7. Records from South Carolina Department of Corrections (SCDC), including the following cited reports;
 - a. Psychological Evaluation by Clay P. Drummond, Ph.D., dated May 27, 1987;
 - b. Psychological Evaluation by Mack M. Warren, dated July 22, 1992;
 8. Precommitment Evaluation by Pamela Crawford, M.D., dated June 13, 2006;
 9. National Crime Information Center (NCIC) criminal history report;
 10. Records from the Sexually Violent Predator Program;
 11. Interview of Mr. Hargrove on December 17, 2010, for approximately 2 hours, for the purpose of the 2010 annual review;
 12. Consultation with Michael Wheeler, therapist, SVPP, on September 10, 2012;
 13. Interview of Mr. Hargrove on August 29, 2012, for approximately 1 hour and 45 minutes, for the purpose of the 2010 annual review;

BRIEF PERSONAL HISTORY

The following history is quoted from the 2006 precommitment evaluation,

Michael Hargrove was born on December 21, 1955 to Betty Joan Rudd Hargrove and Ruben Henry Hargrove in Charleston County, South Carolina. He was raised with his brother, George Hargrove and his sister, Mary Green, in a working class home. Mr. Hargrove's father was an alcoholic who drank liquor on a daily basis.

Mr. Hargrove's parents divorced when he was fourteen. After the divorce, his mother went to work in a dress factory in Summerville. His mother remarried and had a daughter with her new husband, Lawrence Riley. Mr. Hargrove's mother and half sister were killed in a car accident in 1979.

Mr. Hargrove dropped out of school in the eighth grade. He reports he left school to get work to help support his family. He reports a history of shoplifting as a young child. At the age of thirteen or fourteen, he and several other boys broke into a neighbor's car and went "joy riding." Mr. Hargrove reports he was arrested at the age of fourteen or fifteen for breaking curfew. Mr. Hargrove was arrested at the age of sixteen for stealing a chainsaw. He was sentenced to one year probation for this offense. Mr. Hargrove reports a history of being suspended from school on one occasion.

Mr. Hargrove held a job at a furniture company from 1973 to 1980. With the exception of a short period of time when he escaped from prison, Mr. Hargrove has been incarcerated since 1981. Mr. Hargrove has never married. He has no children.

Mr. Hargrove began drinking alcohol at the age of fifteen after the death of his mother and sister. He reports drinking as much as a fifth of liquor a day. He denies a history of blackouts, withdrawal symptoms, and increased tolerance. Prior to his arrest, Mr. Hargrove smoked marijuana two or three times a week. He reports smoking marijuana in prison up until 1993 or 1994.

Mr. Hargrove has no history of childhood sexual abuse. He was introduced to sex at the age of thirteen by a fourteen year old male friend. He and his friend looked at pornographic material together and his friend performed oral sex on him. Mr. Hargrove describes himself as bisexual. He has had sexual intercourse with one woman on three occasions when he was an adolescent. Mr. Hargrove has been sexually active with men while in prison. He had one male sex partner for six years from 1991 to 1998. He estimates he has had between fifteen and twenty male sexual partners while in prison. Mr. Hargrove denies sexual interest in children and all other paraphilias.

LEGAL HISTORY

Mr. Hargrove's criminal history dates back to 1974, when he was 19 years old. He has been charged with at least 24 offenses; 10 of these charges are sexually related. He has been convicted of at least 16 offenses; 6 of these convictions are for sexually related offenses. Mr. Hargrove's criminal history includes violent and nonviolent crimes. It is known that he has shot two people, killing one of them. Both of these incidents are sexually related offenses. Also in his history is an escape from prison, during which he committed multiple offenses, including a sexual assault. Mr. Hargrove has sexually assaulted adolescent and adult males, who were strangers at the time of the assault. Physical violence has been involved in each of his known sexual offenses.

In 1974, Mr. Hargrove was charged with Grand Larceny. The disposition of this charge is not listed on his criminal history report.

On August 8, 1979, he was arrested for Assault and Battery with Intent to Kill. He was released on bond. He was indicted on Assault and Battery with Intent to Kill, Carrying a Pistol, Assault with Intent to Commit Criminal Sexual Conduct in the First Degree, Assault with Intent to Commit Criminal Sexual Conduct in the Second Degree, and Assault with Intent to Commit Criminal Sexual Conduct in the Third Degree. Mr. Hargrove shot this male victim in the shoulder with a "small caliber pistol" after attempting to sexually assault him. He was convicted of two counts Assault and Battery of a High and Aggravated Nature. Sentencing was "deferred" on one count and he received 3 years incarceration suspended, 3 years probation, and a \$3000 fine suspended. As part of the sentence, he was sent for a 60-day evaluation at the Receipt and Evaluation Center, SCDC. Prior to the evaluation, he was arrested for Possession of a Stolen Motor Vehicle (April 7, 1980). According to his criminal history report, he was "turned over to other agency; for trial." He was released to probation on October 29, 1980.

On May 12, 1981, he was arrested for Assault with a Deadly Weapon. He was convicted of Assault with Intent to Kill. He fired several shots at the male victim after the victim refused to have sex with him. He was sentenced to 9 years incarceration. He began his prison term on October 28, 1981. Mr. Hargrove has two convictions in Florida that occurred between the time of his arrest and sentencing for the previous charge. The charges stem from incidents that occurred in June 1981 in Daytona Beach. He was charged with Fraud - Illegal Use of Credit Cards, Vehicle Theft, and Pass Forged - Credit Cards. He was convicted of Larceny - Credit Card and Vehicle Theft. He was sentenced to time served.

On March 27, 1983, Mr. Hargrove escaped from prison. Mr. Hargrove committed numerous offenses during the period of his escape. He was apprehended on or about April 12, 1983. He was charged with Escape, Failure to Stop for a Police Vehicle, Resisting Arrest, Grand Larceny of an Auto, Unlawful Possession of Legal Liquor, Possession of Paraphernalia, Forgery - four counts, Criminal Sexual Conduct in the First Degree, and Common Law Robbery. He was indicted in Charleston County on charges of Kidnapping, Criminal Sexual Conduct, Impersonality a Law Enforcement Officer, Assault and Battery of a High and Aggravated Nature, Receiving Stolen Goods, Blue Light, and Resisting Arrest. He was indicted on additional charges in Richmond County.

Mr. Hargrove was convicted of at least 7 of these offenses. He was sentenced to 30 years incarceration for the Criminal Sexual Assault and 10 years incarceration for the Common Law Robbery, consecutive to each other and consecutive to any term of incarceration being served when he escaped and committed new offenses. Mr. Hargrove was also sentenced to 6 months for Escape (consecutive), 105 days for Multiple Traffic Offenses, 30 days for Assault, 30 days for Liquor Possession, and 15 days for Narcotic Equipment Possession. He was returned to SCDC on April 14, 1983.

The victim of the sexual assault and robbery referenced above was a 15-year-old male. Reports indicate that Mr. Hargrove stopped the victim, presenting himself as a police officer. He ordered the boy into the stolen car and held him at gunpoint. Mr. Hargrove began driving and forced the victim to drink a large quantity of bourbon whiskey. He stopped the car and forced the victim to perform oral sex and he robbed him his money (\$500). Mr. Hargrove then beat the victim and lured him in front of the vehicle. He then hit the victim with the car, knocking him to the ground.

On the day of the above incident (April 8, 1983), officer passed a vehicle matching the description of the vehicle used that sexual assault. Officers attempted to stop the vehicle and the car "sped away at a high rate." Several officers pursued the vehicle "with blue lights and sirens activated." Mr. Hargrove lost control of the vehicle. The officers approached the vehicle and "observed the suspect drop his left arm towards the floor board of the vehicle." The officer opened the door and "saw a revolver in a holster [sic]. When officers attempted to restrain him, Mr. Hargrove resisted. The officer discharged his gun in the struggle to arrest Mr. Hargrove. No one was struck by the bullet.

While serving the above sentence, Mr. Hargrove was indicted for offenses that occurred in 1979 and 1980, but went unsolved. He was indicted for Murder. According to the indictment, Mr. Hargrove "willfully and of his malice aforethought kill and murder David John by means of gunshot wound to the chest." The incident occurred on or about January 1, 1979. According to court documents, on January 5, 1979, the body of the deceased was found "in a field approximately 250 yards off of Greenwood Road in the Parkers Ferry area of Charleston County." According to the precommitment evaluation,

Mr. Hargrove confessed to Lieutenant Ronald R. Perry of the Charleston County Police. The victim, David John, a high school senior had been walking from a New Year's Eve party when Mr. Hargrove approached him. Mr. Hargrove told Lt. Perry that he saw the victim walking down the road in West Ashley. Mr. Hargrove told Lt. Perry that he pulled his car over next to the victim, told him he was a police officer

and ordered him into his car claiming the victim was violating curfew. Mr. Hargrove told Lt. Perry that he demanded sex from the victim and the victim refused. He then told Lt. Perry that he shot the victim in the arm and accidentally killed him. He told Lt. Perry that he then stripped the victim of his clothes in an effort to conceal the victim's identity and carried him around the trunk of his car for several days before disposing of his body in a wooded area. In reference to this case, Mr. Hargrove told this evaluator that he had killed the victim, but the killing had been accidental. He told this evaluator that he and the victim had had a sexual relationship prior to the killing. He said that on the night he killed the victim, that they had been taking drugs and having sex. He said that while they were in the act of sex, the victim suddenly "freaked out" and grabbed the rifle belonging to Mr. Hargrove. Mr. Hargrove said they struggled with the weapon and it accidentally went off killing the victim. He related that the victim was found naked because they had been having sex shortly before he killed him. Mr. Hargrove does not dispute what he told Lt. Perry. He told this evaluator he cannot recall what he said to the lieutenant, but "probably would have said anything" because Solicitor Charlie Condon was considering seeking the death penalty in his case.

According to a 1992 SCDC psychological evaluation, Mr. Hargrove "finally admitted to this offense in 1985 when he planned to collect a \$1000 reward during a period when he was hospitalized and believe[d] he was going to die, and he wanted the money to help his sister out of a financial bind." Solicitor Condon wrote another letter in commendation of Charleston officers in their work on the case State vs. Michael Hargrove. He said, "As you may know, this case involved the eight year old unsolved killing of a local Middleton High School student." Solicitor Condon wrote another letter to the parole board in February 1986 recommending Mr. Hargrove "under no circumstances should ever be released." He said, "My only regret in the prosecution of these cases against him is that there was insufficient evidence to put him under a death sentence." According to his criminal history report, Mr. Hargrove was convicted of Voluntary Manslaughter in 1985. He was sentenced to 30 years incarceration.

On the same sentencing date as the Manslaughter conviction, Mr. Hargrove was convicted of two counts of Armed Robbery for an incident that occurred on or about March 3, 1980. According to police report, Mr. Hargrove, armed with a handgun, robbed an adult male of a briefcase that contained \$4000 and an adding machine. He was sentenced to 30 years incarceration on the first count and 25 years incarceration on the second count.

While serving his prison sentence, Mr. Hargrove was convicted of a crime that he committed while incarcerated. He was convicted of two counts of Smuggling Contraband and sentenced to five years incarceration for each charge.

INSTITUTIONAL ADJUSTMENT AT SCDC

Mr. Hargrove was convicted of several disciplinary infractions while incarcerated at SCDC. He was convicted of possession of contraband (1983, 1995), inciting/creating a disturbance (1983), class I escape (1983), false statement to harm (1985, 1991), gambling and loan sharking (1995), any act defined as misdemeanor (1998), and violation of write/post (2002). According to SCDC reports, he was infraacted for fraud in 1984, for "committing fraud of approximately \$15,000.00 from the relatives of another inmate."

He was convicted of two counts of Smuggling Contraband in criminal court during his incarceration. He was sentenced to 5 years incarceration for each count. The offenses occurred in 1986.

PREVIOUS SEX OFFENDER TREATMENT

According to SCDC records, Mr. Hargrove did not complete any prison or outpatient sex offender treatment programs. He reported he participated in treatment, but was transferred to another prison before completing the treatment program.

PREVIOUS EVALUATIONS AND DIAGNOSES

Mr. Hargrove underwent an independent evaluation with Pamela Crawford, M.D. to determine whether he met criteria for commitment under the Sexually Violent Predator Act in 2006. In that evaluation he was diagnosed with Paraphilia, Not Otherwise Specified and Antisocial Personality Disorder. Dr. Crawford opined:

Mr. Hargrove has a history of multiple sexual assaults of attempted sexual assaults. Each of these incidents has involved acts of extreme violence, one which resulted in the death of the victim. One of these incidents occurred while Mr. Hargrove was on probation. Another occurred after Mr. Hargrove had escaped from prison. Mr. Hargrove has not completed sex offender treatment. He does not take responsibility for his actions. Actuarial data support the opinion of this evaluator that Mr. Hargrove is in the category of sex offender whose members have the highest likelihood of detected sexual recidivism.

PREVIOUS PSYCHOLOGICAL ASSESSMENT

According to a psychological evaluation conducted at SCDC in 1987, Mr. Hargrove "functions in at least the average intelligence range." In regard to personality characteristic, he was described as,

Sociopathic personality pretty well describes him. Test data indicates almost no capacity for empathy with either males or females with an actual repulsive "ugh" reaction to the "mother" card on the Rorschach test. He has a capacity for violence, as reflected by his Rorschach responses, but in the confines of strict security is able to keep these under control, although he tends to continue to have a need to manipulate even in this environment. His personality facts seems such that under considerably less security than he now is, he would not demonstrate the control that he does as reflected by his escape and new charges in 1983.

A psychological evaluation conducted at SCDC in 1992, described Mr. Hargrove as,

... an overweight male who communicates with a good vocabulary and limited affect. His attitude was cooperative, and he readily acknowledged his history of drug abuse, homosexuality and violent behavior. However, his adjustment to prison in recent years is described as excellent with no major disciplinary problems, and he indicates concern for social problems within the institution. He appears to be of about average intellect and his reading ability was measured at the eighth grade level using the WRAT-R. He was administered the MMPI, and this personality test depicted him as

oppositional in the passive sense. His masculine identity is a source of conflict as he is more interested in aesthetics and other more feminine activities such as cooking and literature without the strong action orientation that most men possess. The subscales indicate a low energy level typical in persons who are mildly depressed, and there was also an elevation on the subscale indicating authority problems. Low self-esteem appears to be a primary source of anger and resentment in this case, and there are indications that Mr. Hargrove does not feel connected to or involved with conventional business and social activities. Although he is emotionally immature, Mr. Hargrove has made significant movement towards involving himself in the social and administrative system at Allendale, and he has indicated an interest in the rights and privileges of others. This may be the first step for him towards learning to deal with others in a more equitable fashion and not feeling alienated from the social system....

PREVIOUS PHYSIOLOGICAL ASSESSMENT

Mr. Hargrove underwent a penile plethysmograph (PPG) in August 2009. The following opinions were offered in the report:

The circumference of Mr. Hargrove's penis increased more during presentation of stimuli depicting violent sexual activity with prepubescent males than during presentation of stimuli depicting consensual sexual activity with adult females.

This relatively larger increase in penile circumference is statistically significant. These findings suggest Mr. Hargrove became significantly more physiologically aroused by stimuli depicting violent sexual activity with prepubescent males than by stimuli depicting consensual sexual activity with adult females.

RISK ASSESSMENT

The Static-99R is an instrument designed to assist in the prediction of sexual and violent recidivism for sexual offenders. The recidivism estimates were derived from new charges and reconvictions of groups of individuals; as such, these estimates do not directly correspond to the recidivism risk of an individual offender. Mr. Hargrove's score on the Static-99R (9) places him in the High-risk category relative to other adult male sex offenders. Mr. Hargrove's status as an adjudicated SVP indicates that he has been deemed sufficiently high risk to warrant indefinite detention. Therefore, his score on the Static-99R was compared to a reference group identified as "high risk/need." On average, 52.4% (range = 45.9 - 58.8) of high-risk sex offenders with this score sexually recidivated within five years; and 61.9% (range = 52.2 - 70.7) of high-risk sex offenders with this score sexually recidivated within ten years.

RESIDENTIAL FUNCTIONING & BEHAVIOR

Mr. Hargrove was admitted to the SVPP on November 9, 2006. He is housed on the SVPP's unit at Geo Care. He currently serves as the President of the unit governance. Mr. Hargrove has been diagnosed with and treated with several chronic medical conditions. He is diagnosed with hepatitis B, cirrhosis of the liver, end stage liver disease, bursitis of the right shoulder, osteoarthritis, hypertension, hyperlipidemia, and gastroesophageal reflux disease. He is treated with medications. In addition, he recently began taking an antidepressant medication as he said he was feeling down and was referred to the

psychiatrist. Mr. Hargrove does not have any recent behavioral infractions.

SVPP TREATMENT SUMMARY

Mr. Hargrove continues to participate in sex offender treatment. His therapist said he has shown remorse about "his crimes." He has not discussed specifics of his offenses or his arousal pattern in recent times. His therapist said it is expected that this to be discussed in group regularly. Mr. Hargrove has updated many of his treatment assignments.

The following was noted in the 2010 annual review evaluation,

Mr. Hargrove has been actively participating in sex offender treatment groups since his admission in 2006. I reviewed drafts of his treatment assignments in May 2010, at the request of his treatment team. I found his assignments to be superficial, lacking depth of details and descriptions of his related thoughts and feelings. He was advised to work on his assignments to address these concerns. It was noted in June 2010 that he complained about having to "do over" after "having completed the old and new program." He had a negative attitude and objected when others made positive comments or offered encouragement. In July, he was asked to present his disclose (i.e. provide his history of sexual offenses). Mr. Hargrove "refused." He said that he wanted his revised assignments sent back to me for review and said that he has already talked about his offense history. In the next group session, Mr. Hargrove stated that would present his assignments in group. In August, it was noted that he "is very cautious in expressing his emotion. He tends to intellectualize his feelings."

Mr. Hargrove recently submitted a revised disclosure in group. The assignment was "disorganized and not presented in a way that a stranger could easily understand." It has been noted that Mr. Hargrove is quite entertaining and "likes to be the center of attention." In a recent group, another resident made a presentation to the group and Mr. Hargrove "got very jealous at not being the center of attention." He appeared angry and he challenged the other resident, saying, "How many assignments have you completed? I've been here 10 years, what do you know?"

It was noted in group documentation that Mr. Hargrove actively participates in group discussions. He often provides relevant feedback to others. It was noted that Mr. Hargrove "can be charming and very funny at times."

MENTAL STATUS EXAMINATION & INTERVIEW

Mr. Hargrove is a 56-year-old male whose hygiene and grooming appeared adequate. He was alert, oriented, and demonstrated appropriate eye contact during the interview. His speech was normal in rate, volume, and tone. His thought processes were logical, linear, and goal-directed. His affect was euthymic, and he was cooperative with the evaluation. He described his current mood as, "good." He denied symptoms of mental illness, and no overt symptoms were observed. He denied recent or current suicidal or homicidal ideation.

Mr. Hargrove denied problems related to appetite, sleep, or energy. He said he has been doing well since being transferred to the SVPP unit at Geo Care in May 2011. He said he gets along well with the other residents and he "likes to be with the older guys" because "there is no arguing or fussing over stuff." He said he is "easy" to get along with because he

shows other respect and helps them when he can.

Mr. Hargrove said he was committed to the SVPP "for treatment of the sexual abuse behavior." He said when he was in prison, he believed he should be released to the community. He said, "After I got committed, it was still a good year before I thought I needed to be here." He said he "could see" he "needed" treatment because he was drinking and using drugs to deal with the deaths of people he knew. When asked what he needed treatment for, he said, "for several things. One was the sexual abuse behavior." He elaborated, "My behavior got so bad that I went out and forced people, hurt people, forced them to have sex. I need to learn coping skills."

Mr. Hargrove said he believes he is ready for release to the community. He said, "I think I learned enough to recognize a lapse before a relapse." He said his risk factors for sexual offending include, alcohol, drugs, going to clubs, cruising around especially in known prostitution areas, being lonely, bored, angry." He said if he is bored, he could "fall right in" and he described the "slippery slope" of offending behavior.

Mr. Hargrove said he does not currently masturbate and has not for the last 3 to 4 years. He said this is because he has pain in his "groin area." He denies having any sexual arousal. He denied having any recent deviant sexual fantasies. He then said he had deviant sexual fantasies "a couple months ago, maybe." He explained that he thinking about what he "would like to do with" a man. He said it was deviant in that he feels like he "shouldn't be thinking about it."

Mr. Hargrove said he offended because of "low self esteem" and not caring about himself. He explained that at age 10 he began a sexual relationship with 13-year-old male. He said he consented to and enjoyed the sexual activity. He described having a positive interpersonal relationship with the male. He said, "He was like the only friend I had." He said he was raised to believe homosexuality was wrong and this caused him some cognitive dissonance. He said he realized this was sexual abuse a year or two into his commitment. When asked how this related to his sexual offending, he said, "As I child, I sometime think 'did he force himself on me or did I let him do it?' What I was doing was forcing myself on them." He said both situations used force. He then said, "Maybe I misspoke... to me it is a form of sexual abuse."

When asked again why he sexually offended, Mr. Hargrove said, "I think at that time, I was trying to find some type of control and release my anger. I had so much anger in me because of things that had happened." He indicated he was referring to anger about the deaths of his mother and half-sister. When asked what he meant by control, he said, "I feel like I was trying to control something. A mixture of control and a whole lot of anger, just exploding. I had so much built up in me."

Mr. Hargrove gave an account of one of his offenses. He said he drank and ate at a diner where he saw a "nice looking man." He said, "I gave him some drinks, talked to him trying to get him comfortable enough to go outside with me. Got him outside to smoke some pot." He said he convinced the man to "drive around" with him to continue smoking pot. He said he pulled over and put his hand on the man's leg. The man said he "didn't do that" and Mr. Hargrove tried a second and third time. He said the man then hit him. He said they fought

in the car. The man got out of the car. He kicked the car. Mr. Hargrove said he then also got out of the car. He recalled, "I had the pistol. I shot in the air." He said he shot the pistol because he was "hoping to scare him off." He said the man ran away. I asked why he shot more rounds and he said, "I don't know. I just pointed the gun out and shot." I asked Mr. Hargrove why after he was rejected, he tried a second and third time to engage the man in sex. He said, "I was hoping he would say 'go ahead' or give in or something." When asked what he felt at the time, he said, "probably upset, mad" about "not having sex." When asked if he was upset about anything else, he said, "no."

Mr. Hargrove said the offense against the "off duty sailor" was "the same thing" as that described above. He said after he attempted to engage in sex and they fought, the man jumped out of the car and ran into the woods. Mr. Hargrove said he had a gun but did not use it.

Mr. Hargrove said the third offense occurred when he escaped from prison. He said he told the boy he was a cop. He said he "gave him some liquor to drink, pot to smoke" in attempt to "get him drunk enough" to "rob him." He said,

I was giving him a blowjob. His pants were down. When his pants were down, I robbed him. When he pulled his pants back up he noticed he had been robbed. We started fighting... He was hollering, "give me my money back." I told him if he got out of the car and came around to the driver's side window, I would give him his money back. I was holding the money out the car. He came around and put the money back in my pocket. I hit the gas and he ran in front of the car and I hit him. He came back to the window and asked if I would just drop him off at the Catalina Hotel... and I did.

Mr. Hargrove indicated the victim consented to oral sex. When asked if the victim consented, he said, "Yeah, well in the beginning." When asked what he meant, he said it was "just a figure of speech." I questioned him about the fact that he did not admit to committing any sexually related offense. He said, "I did leave out a part. I forced him to give me a blow job." He said he forced him by holding a pellet gun "on him." Mr. Hargrove said he did not ask the victim to perform oral sex on him. He said, "I don't remember asking him. I just remember telling him" and indicated he told him while pointing a pellet gun at him. He said he did not give the victim a chance to consent to the sexual act; when asked why, he said, "I don't know." When asked if he found it more arousing to force the victim, rather than him consenting, Mr. Hargrove said, "I think so." He indicated "having control of the situation" increased his arousal. When asked if he was controlling in everyday life, he said, "At one time I did. I don't see that anymore." He indicated he changed through "insight and treatment" over the "last 4 years."

Mr. Hargrove said he has one off the record victim. He said in 1976 or 1977, he met a man at a club and convinced him to go to a hotel with him. He said the man was not gay and "wasn't into it." Mr. Hargrove said, "I pulled out a gun and laid it on the nightstand. He just got undressed and got in the bed... We had sex... it was over, we got dressed. I put the gun back in my pocket. We went back to the club. I didn't see him no more." Mr. Hargrove said he ejaculated. He said he had a consenting adult partner available at the time. When asked why he offended, he said, "I don't know if it was a lot of anger, hate?" He said the "anger

would go away for a little while” and it would “seem like everything was alright for a little while.”

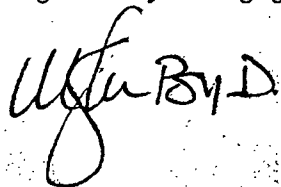
OPINION

Based on evidence that Mr. Hargrove has a mental abnormality or personality disorder and is likely to sexually reoffend, the Court previously determined that he met the criteria as an SVP. He was committed to the SVPP for control, care, and treatment to attempt to help him change such that he would be safe to be at large. His diagnoses of Paraphilia, Not Otherwise Specified and Antisocial Personality Disorder are considered chronic disorders; he has unchangeable risk factors that continue to put him at risk for reoffending; he participates in treatment, though there is no guarantee that such treatment will change his mental abnormality and personality disorder.

Mr. Hargrove has a severe history of sexual violence. In each of his sexual offenses, he significantly harmed or attempted to significantly harm his victims; this includes hitting one victim with an automobile and shooting at three victims, hitting two, and killing one. When he discloses his offenses, he does not actually admit to committing a sexual offense. He only admitted to a sexual offense when explicitly confronted. He denies or minimizes significant elements of his offenses. It is believed that to work on internal change through treatment individuals need to fully assess their past. Mr. Hargrove's minimization and denial of his past sexual behaviors significantly impede his understanding of his risk factors and offense dynamics.

Moreover, on an actuarial measure, his score compares to a group of sexual offenders that, on average, have sexual recidivism rates of over 52% in 5 years and over 61% in 10 years. His score is higher than 99% of offenders in the routine sample.

In consideration of all the available information, it is this examiner's opinion that Mr. Hargrove continues to meet the definition of a Sexually Violent Predator. Mr. Hargrove's present mental condition seriously impairs his ability to control his sexually violent behavior. As such, at this time, there is insufficient basis to opine that his mental abnormality or personality disorder has so changed that he is now safe to be at large and no longer likely to engage in acts of sexual violence.



Marie E. Gehle, Psy.D.
Chief Psychologist

**ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE
ELECTIONS TO WAIVE OR EXERCISE RIGHTS**

TO: Michael Hargrove
Name of Resident

FROM: Michael Wheeler, Case Manager

DATE: 10/11/12, 2012

II. ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE

Pursuant to Section 44-48-110 and 130, South Carolina Code of Laws,

- A. You have the right to petition the Court for release at any time, with or without the approval of the Department of Mental Health. However, it is important that you understand that if you do petition the Court for release without the approval of the Director of the Department of Mental Health, and the Court finds that either: (1) the petition was frivolous or (2) your condition has not changed so that you (the petitioner) are now safe to be at large, then the Court may deny any subsequent petitions without a hearing unless the petition contains facts upon which a Court could find your condition has so changed as to warrant a hearing.

Please initial and check the box below:

MH I am aware of the fact that I have the right to petition the Court for release at any time and I am aware that this document does not constitute a "Petition for Release."

III. ACKNOWLEDGMENT

I have received and reviewed the foregoing ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE form.

Michael Hargrove
Resident: PRINT Name

Michael Hargrove 10-11-12
Resident: SIGN Name Date

[Signature] 10/11/12
Witness Date

Or, resident refused to sign.

Witness Date

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR PROGRAM

ANNUAL EXAMINATION AND REVIEW HEARING NOTICE

TO: Michael Hargrove
Name of Resident

FROM: Michael Wheeler, Case Manager

DATE: 10/17, 2012

I. ANNUAL EXAMINATION AND REVIEW HEARING

Pursuant to Section 44-48-110, South Carolina Code of Laws,

A. You are entitled to an annual re-examination of your condition. A report of such examination is attached and will be furnished to the Court which committed you, the Attorney General, the Solicitor in the Circuit you were convicted of the qualifying offense(s), your attorney (unless you do not have one), and the multi-disciplinary team.

B. The Court conducts an annual hearing to review your status.

Please initial and check one (1) box below:

I am aware that I have the right to an annual hearing to review the status of my case.

I choose to waive my right to an annual hearing. Do NOT complete I. C. or D.

MH I do not waive my right to an annual hearing.

C. You have the right to have an attorney represent you at the hearing, but you are not entitled to be present at the hearing. If you do not have an attorney and are indigent, you may request the Court to appoint an attorney to represent you at the review hearing.

Please initial and check one (1) box below:

I am aware that I have the right to be represented by an attorney at the annual hearing to review the status of my case.

I choose to waive my right to representation by an attorney.

I will exercise my right to counsel by hiring an attorney to represent me.

I want to exercise that right, do not have an attorney, I am indigent, and request the Court to appoint an attorney for me.

RS Rad S. Deaton is my Court appointed attorney.

D. You may retain or, if you are indigent and so request, the Court may appoint a qualified expert to examine you, and the expert shall have access to all your medical, psychological, criminal offense and disciplinary records and reports.

Please initial and check one (1) box below:

I am aware that I have the right to have a qualified expert examine me and that I may present the results of that examination to the Court at the annual review hearing.

I choose not to exercise that right at this time.

I choose to exercise that right and will hire a qualified expert to examine me.

HAH I am indigent and I wish to have the Court appoint a qualified expert to examine me. I understand that the appointment of an expert is discretionary with the Court.

III. ACKNOWLEDGMENT

I have received and reviewed the foregoing ANNUAL EXAMINATION AND REVIEW HEARING form.

Michael Hargrove
Resident: PRINT Name

Michael Hargrove 10-11-12
Resident: SIGN Name Date

[Signature] 10/11/12
Witness Date

Or, resident refused to sign.

Witness Date



ALAN WILSON
ATTORNEY GENERAL

November 1, 2012

The Honorable Deadra L. Jefferson
Chief Administrative Judge
Ninth Judicial Circuit
Charleston County Judicial Center
100 Broad Street, Suite 336
Charleston, South Carolina 29401

Re: In the Matter of the Care and Treatment of Michael Hargrove
Case No. 2006-CP-10-00322

Dear Judge Jefferson:

Enclosed please find the proposed Order to Denying 2012 Petition for Release/Annual Review and a filed copy of the Motion to Deny 2012 Petition for Release/Annual Review regarding the above referenced case. If you find the order appropriate, please sign them and return them to me in the envelope provided.

Thank you for your consideration of this matter.

Very truly yours,

James G. Bogle, Jr.
Senior Assistant Attorney General

JGB:grm
Enclosures
cc: Rad S. Deaton, Esquire (with enclosures) ✓

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
MICHAEL HARGROVE,)
PETITIONER.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NO. 2006-CP-42-00322

ORDER TO DENYING 2012 PETITION
FOR RELEASE/ANNUAL REVIEW

The Respondent State of South Carolina, by and through the South Carolina Attorney General's Office, moved pursuant to S. C. Code Ann. Section 44-48-130, for an Order denying the Annual Review/Petition for Release. This Court agrees, and makes the following findings of fact:

1. The matter is before the court on an Annual Review/Petition for Release, under S. C. Code Ann. Section 44-48-110.
2. Petitioner was committed to the Department of Mental Health (hereafter, DMH) under the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.* on or about November 7, 2006.
3. Petitioner petitioned for release in his 2010 Annual Review, without the approval of the Director of the Department of Mental Health. An annual review hearing was conducted on December 15, 2011, and testimony was received from Dr. Marie E. Gehle of DMH on behalf of the State, and from Dr. Thomas V. Martin for the defense. The Court concluded that there was insufficient basis to conclude Petitioner's mental abnormality had so changed that he was safe to be at large and no longer likely to engage in acts of sexual violence. Petitioner's Annual Review was denied, and he was ordered to

remain in the custody of the Department of Mental Health, by order filed January 11, 2012.

4. Pursuant to Petitioner's Annual Review and Notice of Right to Petition for Release, Election to Waive of Exercise Rights, dated on or about October 11, 2012, Petitioner again sought release without the approval of the Director of the Department of Mental Health. The accompanying Annual Review Treatment Report by psychologist Dr. Marie E. Gehle concluded that there is insufficient basis to conclude Petitioner's mental abnormality had so changed that he was now safe to be at large and no longer likely to engage in acts of sexual violence.
5. S. C. Code Ann. Section 44-48-130 provides that if a person has previously filed a petition for release without the approval of the Director of the Department of Mental Health, and the Court determined following a hearing that the petitioner's condition had not changed so he was safe to be at large and, if released, was not likely to commit acts of sexual violence, then the Court must deny any subsequent petition for release as frivolous, without a hearing, unless the subsequent petition contains facts upon which a Court could find the condition had changed so that a hearing was warranted.
6. Given Petitioner's prior petition for release without the approval of the Director of the Department, the denial of that petition after a hearing, and the lack of evidence of sufficient progress in treatment to show that his mental abnormality has so changed that he is safe to be at large, Petitioner's pending

petition for release is frivolous, and should be denied as provided for in S. C.

Code Ann. Section 44-48-130.

Accordingly,

IT IS HEREBY ORDERED that the petition for release/annual review be and hereby is denied. Respondent shall remain in the custody of the Department of Mental Health.

AND IT IS SO ORDERED.

DEADRA L. JEFFERSON
Chief Administrative Judge for the Ninth
Judicial Circuit Court of Common Pleas

_____, 2012
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2006-CP-10-322

IN THE MATTER OF THE CARE AND TREATMENT OF
MICHAEL HARGROVE

Michael A. Hargrove, Appellant,

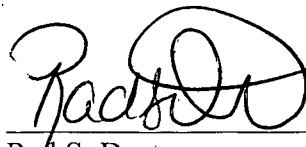
v.

State of South Carolina, Respondent.

CERTIFICATE OF COUNSEL

I certify that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

June 27, 2013



Rad S. Deaton
2170 Ashley Phosphate Road, Suite 404
North Charleston, SC 29406
(843) 225-5723
Attorney for Appellant

RECEIVED
JUN 28 2013
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2006-CP-10-322

RECEIVED

JUN 28 2013

SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF
MICHAEL HARGROVE

Michael A. Hargrove, Appellant,

v.

State of South Carolina, Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Record on Appeal on the State of South Carolina by depositing a copy of same via Federal Express, on June 27, 2013, addressed to its attorney of record, Deborah R.J. Shupe, Senior Assistant Deputy Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, South Carolina 29201.

June 27, 2013



Rad S. Deaton
2170 Ashley Phosphate Road, Suite 404
North Charleston, SC 29406
(843) 225-5723
Attorney for Appellant

Other Counsel of Record:
Deborah R.J. Shupe, Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, South Carolina 29201
(803) 734-1173
Attorney for Respondent

DEATON LAW FIRM, LLC

RAD S. DEATON
ATTORNEY AT LAW

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AFTER HOURS: (843) 557-6852
FAX: (843) 225-3388
E-MAIL: rdeaton@deatonlaw.net

June 27, 2013

VIA FEDERAL EXPRESS

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1205 Pendleton Street
Columbia, SC 29201

RECEIVED
JUN 28 2013
SC Court of Appeals

Re: In the Matter of the Care and Treatment of Michael Hargrove, 06-CP-10-322
Appellate Case No. 2012-213697

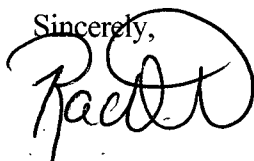
Dear Ms. Kitchings:

Enclosed please find one (1) original, unbound and fourteen (14) copies, bound of the Record on Appeal with the original Certificate of Counsel and the proof of service for filing with regard to the above-referenced case.

By copy of this correspondence, I have served all parties who have served a brief with a copy of same.

I thank you in advance for your cooperation in this matter. If you have any questions or comments concerning this matter, please do not hesitate to contact me.

Sincerely,



Rad S. Deaton
RSD/mcl

Enclosures as stated

Cc: Mr. Michael Hargrove

Deborah R.J. Shupe, Senior Asst. Deputy Attorney General (Via Federal Express)