

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

William P. Keesley, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF DUSTY A. CYR,

APPELLANT

APPELLATE CASE NO. 2012-211486

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON —)

COURT OF COMMON PLEAS
2011-CP-32-02076

IN THE MATTER OF THE)
CARE AND TREATMENT OF)
DUSTY A. CYR —)

TRANSCRIPT OF RECORD

April 9, 2012.

Lexington, South Carolina

B E F O R E:

HON. WILLIAM P. KEESLEY, Judge and a jury.

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

JAMES G. BOGLE, JR., ASSISTANT ATTORNEY GENERAL
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Official Court Reporter

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1 THE COURT: All right. The jury panel's
2 qualified.

3 Ladies and gentlemen, as I told you before the
4 break, we're going to change gears now. We're going to
5 focus on specific cases. And what will be happening is
6 that I will be going through a process that's going to
7 look a lot like what we just did, but it's markedly
8 different.

9 The focus now is changing so that what we're
10 trying to do is obtain from the jury the information that
11 might in any way affect that juror's ability to be a fair
12 and impartial juror on a particular case. So I'm going to
13 be asking you questions about whether you know anybody in
14 the case, whether you have any relationship with anyone in
15 the case, whether you or someone close to you has ever
16 been through any kind of similar experience that might
17 affect your ability to decide the case.

18 Basically if you just keep in mind that the goal
19 of all these questions is for us to have a jury serving
20 that is fair and impartial, I think the questions will
21 make more sense to you.

22 Remember what I told you earlier, that you're
23 under oath, that you have an obligation to be completely
24 truthful and honest with me.

25 And understand, folks, if you have any doubt

1 about whether any of these questions apply to you, you
2 need to discuss it with me and let me resolve the doubt.
3 If you have any doubt at all, you should err on the side
4 of giving us the information and let us decide whether
5 it's important or not.

6 Now, the first case that we're going to qualify
7 a jury to serve on is a case that's captioned In the
8 Matter of the Care and Treatment of Dusty A. Cyr.

9 This is a case that is brought under a statute
10 which is called the Sexually Violent Predator Act, and the
11 jury will be impaneled to hear this case. And I'm going
12 to be asking you questions about various factors.

13 If any of these questions apply to you or you
14 have doubt about whether they apply to you, I need for you
15 to stand and when I call on you, identify yourself, listen
16 carefully to the question that I ask of you and answer
17 that question.

18 There may be times when I limit your responses.
19 I may say, for example, just to answer a question yes or
20 no. If I place limitations on you and you do not feel
21 that you can adequately answer the question within the
22 limitation I place upon you, don't blurt out your answer
23 in front of everybody, otherwise you defeat the purpose of
24 the limitation. Just tell me you want to come down front
25 and give me the full explanation over here on the side.

1 All right. Is Dusty A. Cyr in the courtroom?

2 MS. GOOD: Yes, sir, Your Honor.

3 THE COURT: Mr. Cyr, I need for you to stand,
4 please, sir, and turn so that the jury can see you.

5 Thank you very much, sir. You may be seated.

6 Is there any member of the jury panel who is
7 related by blood or marriage or connected by employment
8 with Mr. Dusty A. Cyr? If so, please stand.

9 (No response.)

10 THE COURT: Mr. Cyr will be represented by
11 Ms. Anna Good.

12 Thank you, Ms. Good.

13 Did you have a witness list?

14 MR. BOGLE: Yes, Your Honor.

15 THE COURT: I might have missed it. I'm sorry.

16 (Pause.)

17 THE COURT: All right. The following person has
18 been designated as a potential witness for the State. If
19 that person is present, I need for her to stand as her
20 name is, Dr. Peggy C. Wadman.

21 Did I mispronounce your name?

22 MR. BOGLE: Wadman.

23 THE COURT: She's over here to my right.

24 Thank you, Doctor. You may be seated.

25 Is there any member of the jury panel who is

1 related by blood or marriage or connected by employment
2 with Dr. Wadman? If so, please stand.

3 (No response.)

4 THE BAILIFF: Your Honor, I think we've got a
5 juror that's coming in late. They went out on break and
6 didn't come back.

7 THE COURT: Just seat him in the back row for
8 now.

9 This case is brought by the State and the State
10 will be represented by Mr. James G. Bogle, Jr. He is a
11 Senior Assistant Attorney General.

12 Mr. Bogle, thank you very much.

13 Do any of you know anything at all about this
14 matter? Do you have any knowledge whatsoever about
15 Mr. Cyr, about the allegations that's been made against
16 him? Do you have any knowledge whatsoever about the
17 underlying factual allegations in the case? Have you
18 heard, seen or read anything about it to the best of your
19 knowledge? If you know anything whatsoever about this
20 case, if so, please stand.

21 (No response.)

22 THE COURT: Are any of you or any of your
23 immediate family members or very close personal friends
24 employed by any prosecution, prosecutorial agency? That
25 would include the Attorney General's office, any

1. solicitor's office, any district attorney's office, any
2. prosecuting office at any level, U.S. Attorney, federal,
3. state or local, military?

4. Yes, ma'am, Ms. Brown.

5. THE JUROR: I work for the Attorney General's
6. office. I work in a separate section, but I have worked
7. in the same agency with Mr. Bogle.

8. THE COURT: Ms. Brown's Juror No. 14.

9. I'm going to have to set you aside on this
10. trial, Ms. Brown. Stay with us for other cases, please.

11. No. 14 is set aside on the first trial.

12. Yes, ma'am, what's your name?

13. THE JUROR: Juror 78, Tannette Jackson. I work
14. for --

15. THE COURT: Hold on just a minute.

16. (Pause.)

17. THE COURT: Ms. Jackson, can I get you to speak
18. up a little bit? We have to take down everything that you
19. say.

20. THE JUROR: Department of Justice, the executive
21. office for the U.S. Attorney, but it's a training center
22. for the National Advocacy Center, not in court.

23. THE COURT: Okay. Are you aware of anything
24. about your employment or your experiences that would
25. affect your ability to be a fair and impartial juror in

1 this case?

2 THE JUROR: No.

3 THE COURT: Do you have any doubt in your mind
4 about that?

5 THE JUROR: No.

6 THE COURT: Thanks very much.

7 Ms. Jackson, Juror No. 78, she's eligible to
8 serve.

9 Are any of you, any of your immediate family
10 members, any of your very close personal friends employed
11 in any field of law enforcement? If so, please stand.

12 Yes, sir, your name?

13 THE JUROR: Mike Powell, Juror No. 124.

14 THE COURT: Hold on just a minute, Mr. Powell.

15 (Pause.)

16 THE COURT: All right, Mr. Powell, No. 124. Go
17 ahead, please.

18 THE JUROR: I work for the County of Sumter
19 Police Department and I recently retired from the state.

20 THE COURT: To the best of your knowledge would
21 that in any way affect your ability to be a fair and
22 impartial juror in this case?

23 THE JUROR: No.

24 THE COURT: Any doubt in your mind?

25 THE JUROR: No.

1 THE COURT: Thanks very much.

2 Mr. Powell is Juror No. 124. He's eligible to
3 serve.

4 Yes, ma'am.

5 THE JUROR: Samantha Sutton, No. 169. I don't
6 know if this counts, but --

7 THE COURT: Hold on just a minute, Ms. Sutton.
8 Let me get to your page.

9 No. 169, Ms. Sutton. Go ahead, please.

10 THE JUROR: My best friend's dad is a solicitor,
11 a detective.

12 THE COURT: Your best friend's father is?

13 THE JUROR: A detective at the Solicitor's
14 office.

15 THE COURT: Okay. Here in Lexington?

16 THE JUROR: I think so.

17 THE COURT: Is there anything about that that
18 affects your ability to be a fair and impartial juror in
19 the case?

20 THE JUROR: No.

21 THE COURT: Any doubt in your mind?

22 THE JUROR: (Shaking head.)

23 THE COURT: You need to say your answers.

24 THE JUROR: No.

25 THE COURT: Thank you.

1 No. 169, Ms. Sutton, is eligible to serve.

2 Are any of you members of or financial
3 contributors to any organization that has as one of its
4 primary purposes the support of law enforcement or victims
5 rights? That would include such organizations as Mothers
6 Against Drunk Driving, Students Against Drunk Driving,
7 Citizens Against Violent Crime, or if you are a volunteer
8 or perform any service for any type of shelter for abused
9 persons. If any of those things apply to you, please
10 stand now.

11 (No response.)

12 THE COURT: Have any of you ever to the best of
13 your recollection discussed a case similar in nature to
14 this case that would in any way affect your ability to be
15 a fair and impartial juror? If so, please stand.

16 (No response.)

17 THE COURT: All right. Do any of you have any
18 connection of any kind with anybody in the case? I've
19 asked you about if you're related by blood or marriage,
20 connected by employment, those kinds of things, but what I
21 need for you to do now is if you've got any connection of
22 any kind with anybody in this case or any entity with
23 which they're affiliated, you need to disclose that to us.

24 So, for example, if you're a neighbor, if you're
25 a friend, if you attend the same church or civic clubs, if

1 you've ever been represented by one of these attorneys, if
2 you've ever been on the opposite side of a case
3 represented by one of these attorneys or anyone with whom
4 they're affiliated, if you've got any connection of any
5 kind with anybody in the case, please stand and let us
6 know about it.

7 Your name, please?

8 THE JUROR: Jennifer Harbin.

9 THE COURT: Hold on just a moment.

10 (Pause.)

11 THE COURT: Ms. Harbin is 67. Go ahead, please.

12 THE JUROR: I went to school with Anna.

13 THE COURT: Okay.

14 THE JUROR: I don't really know her or anything
15 that well.

16 THE COURT: Okay. Is there anything at all
17 about your relationship with her that affects your ability
18 to be a fair and impartial juror?

19 THE JUROR: No, Your Honor.

20 THE COURT: Any doubt in your mind?

21 THE JUROR: None at all.

22 THE COURT: Thanks very much.

23 Ms. Harbin's Juror No. 67. She's eligible to
24 serve.

25 Anybody else?

1 (No response.)

2 THE COURT: All right. Folks, I'm going to try
3 to -- I apologize. What's your name?

4 THE JUROR: No. 118.

5 THE COURT: Ms. Payne, Juror No. 118.

6 What's your situation?

7 THE JUROR: I also know Anna.

8 THE COURT: Okay. Can you -- acquaintance,
9 friend, what?

10 THE JUROR: I think we went to church together.

11 THE COURT: Okay. Is there anything at all
12 about your relationship with her that affects your ability
13 to be a fair and impartial juror in the case?

14 THE JUROR: No, sir.

15 THE COURT: Any doubt in your mind?

16 THE JUROR: No, sir.

17 THE COURT: Thanks very much.

18 Ms. Payne's 118. She's eligible to serve.

19 All right. I'm going to try to lump together
20 now several different questions, so this is a
21 multiple-part question so listen carefully. I'm going to
22 try to approach it from different angles, so listen
23 carefully.

24 This is going to be a whole lot of stuff here
25 encompassed in this one series of inquiries. And once

1 I've finished with the question, if it applies to you, or
2 you have a doubt about whether it applies to you, please
3 stand, but we're going to talk about these things up
4 front. We're not going to talk about them in front of the
5 whole group.

6 If any of you, any of your immediate family
7 members, anybody who is very close to you has ever been
8 the victim of any sort of child molestation or sexual
9 assault as a child or an adult or if any of you, any of
10 your immediate family members, anyone close to you has
11 ever been accused of such an act regardless of whether any
12 charge was ever brought or not, I'll need you to discuss
13 that with me.

14 If any of you, any of your immediate family
15 members, anyone who's very close to you has ever sought
16 assistance from any type of organization dealing with
17 treatment of victims of sexual assault, you'll need to
18 discuss that with me.

19 If any of those things to apply to you, please
20 stand.

21 All right. I need you to form a line for me,
22 please, and we'll bring you down one by one.

23 The attorneys may join me on the side. If Mr.
24 Cyr wants to join us, he may.

25 THE CLERK: Juror 150, Your Honor.

1 THE COURT: Ms. Singleton, what is your
2 situation, please?

3 THE JUROR: My cousin was molested by her
4 father. She still lives down the road from me. He's now
5 deceased, but he did go to court.

6 THE COURT: I'm sorry, he did what?

7 THE JUROR: It did go to court.

8 THE COURT: What happened to him?

9 THE JUROR: I believe there were just some
10 restraints placed on him. He didn't do any time.

11 THE COURT: Okay. Was your cousin a child at
12 the time?

13 THE JUROR: She was a minor.

14 THE COURT: Okay. If there's evidence presented
15 in this case related to child sexual abuse, would that in
16 any way affect your ability to be a fair and impartial
17 juror in this case?

18 THE JUROR: No, sir.

19 THE COURT: You can decide the case without
20 regards to the situation with your cousin?

21 THE JUROR: Uh-huh.

22 THE COURT: Any doubt in your mind about that?

23 THE JUROR: Unh-unh.

24 THE COURT: You need to say yes or no.

25 THE JUROR: Oh, no.

1 THE COURT: Thank you. Please have a seat back
2 there.

3 Ms. Singleton's 150. She's eligible to serve.

4 THE BAILIFF: No. 3, Your Honor.

5 THE COURT: Ms. Ammons?

6 THE JUROR: Yes, sir.

7 THE COURT: What's your situation, please?

8 THE JUROR: Three children that I babysat
9 growing up were sexually abused by their grandfather.

10 THE COURT: Were any charges lodged against him?

11 THE JUROR: Yes, sir. I believe he died in
12 jail.

13 THE COURT: Were you involved in the case in any
14 way?

15 THE JUROR: No. They're just good family
16 friends.

17 THE COURT: If there's evidence presented in
18 this case related to sexual abuse of children, would that
19 in any way affect your ability to be a fair and impartial
20 juror?

21 THE JUROR: Oh, gosh, it would, because I have
22 children.

23 THE COURT: You have some doubt? If you have
24 some doubt, just tell me.

25 THE JUROR: Yes.

1 THE COURT: Okay. I'll set you aside on this
2 case. Don't discuss any of that with your fellow jurors,
3 please, all right?

4 THE JUROR: Yes, sir.

5 THE COURT: Ms. Ammons, Juror No. 3, she's set
6 aside on the first trial.

7 Yes, sir.

8 THE BAILIFF: No. 184, Your Honor.

9 THE COURT: Mr. Wright?

10 THE JUROR: Yes, sir.

11 THE COURT: What's your situation?

12 THE JUROR: My sister was raped about five years
13 ago.

14 THE COURT: Was she a child at the time?

15 THE JUROR: She was under age, yes, sir. She
16 was 16.

17 THE COURT: Did they arrest anybody?

18 THE JUROR: They did.

19 THE COURT: What happened to the person they
20 arrested?

21 THE JUROR: He went to jail.

22 THE COURT: Was she -- you said she was 16?

23 THE JUROR: Yes, sir.

24 THE COURT: Okay. Is there anything at all
25 about that experience that affects your ability to be a

1 fair and impartial juror in this case?

2 THE JUROR: No, sir.

3 THE COURT: So if there's evidence about sexual
4 abuse in this case, would that affect you?

5 THE JUROR: No, sir.

6 THE COURT: Do you have any doubt in your mind?

7 THE JUROR: No, sir, not at all.

8 THE COURT: Thank you.

9 No. 184, Mr. Wright's eligible to serve.

10 Yes, sir.

11 THE BAILIFF: No. 145, Your Honor.

12 THE COURT: Mr. Shealy. What's your situation?

13 THE JUROR: My stepdaughter's 15 and he was 19.

14 He got locked up. It happened in my house.

15 THE COURT: Your 15-year-old stepdaughter was
16 molested by a 19-year-old boy?

17 THE JUROR: Yeah. Well, almost 20.

18 THE COURT: And he went to jail?

19 THE JUROR: Yes.

20 THE COURT: Is he still in jail?

21 THE JUROR: I'm not sure.

22 THE COURT: If there's allegations in this case
23 about sexual abuse, does that in any way affect your
24 ability to be a fair and impartial juror?

25 THE JUROR: Yes.

1 THE COURT: Okay. I'll set you aside on this
2 trial. You need to stay with us, okay?

3 THE JUROR: Yes.

4 THE COURT: Mr. Shealy's 145. He's set aside on
5 the first trial.

6 THE BAILIFF: Sixty-seven, Your Honor.

7 THE COURT: Ms. Harbin. What's your situation?

8 THE JUROR: I was the victim of child
9 molestation.

10 THE COURT: Okay. Was anybody charged?

11 THE JUROR: No.

12 THE COURT: You don't have to tell me who, but
13 was it a relative?

14 THE JUROR: A relative.

15 THE COURT: If there are allegations in this
16 case about sexual abuse, would that affect your ability to
17 be a fair and impartial juror?

18 THE JUROR: (Shaking head.)

19 THE COURT: Okay. I'll set you aside on this
20 trial. You need to stay with us for other trials, though,
21 please. Thank you.

22 THE JUROR: Yes, sir.

23 THE COURT: Sixty-seven, Ms. Harbin, is set
24 aside on this trial.

25 Yes, sir.

1 THE BAILIFF: Fifty-six, Your Honor.

2 THE COURT: Ms. Garcia?

3 THE JUROR: Yes, sir.

4 THE COURT: What's your situation?

5 THE JUROR: Years ago my brother, he had a
6 girlfriend and she was accused for sexual molestation, but
7 it was intent.

8 THE COURT: It was what?

9 THE JUROR: It was on -- it was on, like, his
10 own will.

11 THE COURT: Consent?

12 THE JUROR: Yeah. Like he was 12 and she was
13 21, so -- and she just got off probation.

14 THE COURT: All right. Your brother was 12
15 years old --

16 THE JUROR: Yeah.

17 THE COURT: And there was a sexual relationship
18 with a 21-year-old?

19 THE JUROR: Yeah.

20 THE COURT: She got charged and she got
21 probation?

22 THE JUROR: Yeah.

23 THE COURT: If there's allegations in this case
24 about sexual abuse, would that affect your ability to be a
25 fair and impartial juror?

1 THE JUROR: No, sir.

2 THE COURT: Do you have any doubt in your mind?

3 THE JUROR: No, sir.

4 THE COURT: Thank you.

5 Ms. Garcia's 56. She's eligible to serve.

6 Yes, sir.

7 THE BAILIFF: One eighteen, Your Honor.

8 THE COURT: Ms. Payne. You want to be set aside
9 on this case?

10 THE JUROR: Yes.

11 THE COURT: All right. I'll set you aside.

12 You need a break?

13 THE JUROR: No.

14 THE COURT: Are you sure? I can take you out
15 the back door.

16 THE JUROR: Do you need to know --

17 THE COURT: No, I don't need to know anything.

18 Ms. Payne, you need to stay with us for other
19 cases, though, okay?

20 THE JUROR: Sure.

21 THE COURT: Thank you.

22 Ms. Payne's Juror No. 118. She's set aside on
23 the first trial.

24 I should put on the record that she was crying
25 when she walked up here, had tears rolling down her face.

1 I wasn't going to inquire of her any further.

2 Yes, sir.

3 THE BAILIFF: No. 102, Your Honor.

4 THE COURT: Ms. Mckinzie?

5 THE JUROR: Uh-huh.

6 THE COURT: What's your situation?

7 THE JUROR: I have a cousin that's in prison for
8 statutory rape.

9 THE COURT: Were you involved in this case in
10 any way?

11 THE JUROR: No, I was not.

12 THE COURT: If there are allegations in this
13 case about sexual abuse, would that affect your ability to
14 be a fair and impartial juror?

15 THE JUROR: No, sir.

16 THE COURT: Any doubt in your mind?

17 THE JUROR: No, sir.

18 THE COURT: Thanks very much.

19 Ms. Mckinzie's 102. She's eligible to serve.

20 Yes, sir.

21 THE BAILIFF: Forty-two, Your Honor.

22 THE COURT: Ms. Derrick?

23 THE JUROR: Yes.

24 THE COURT: What's your situation?

25 THE JUROR: At age 17 I was the victim of a

1 attempted sexual assault.

2 THE COURT: You say attempted?

3 THE JUROR: Attempted.

4 THE COURT: Okay.

5 THE JUROR: And I also have a cousin in New
6 Jersey who's serving time for child pornography.

7 THE COURT: Did they bring charges against the
8 person who attempted to assault you?

9 THE JUROR: No, sir.

10 THE COURT: Was it a relative?

11 THE JUROR: No, sir.

12 THE COURT: If there are allegations in this
13 case about sexual abuse, would that in any way affect your
14 ability to be fair and impartial?

15 THE JUROR: Absolutely.

16 THE COURT: Okay. I'm going to set you aside on
17 this trial, but I need you to stay for other cases, okay?

18 Forty-two, Ms. Derrick, is set aside on this
19 trial.

20 Yes, sir.

21 THE CLERK: Twelve, Your Honor.

22 THE COURT: Ms. Boyt?

23 THE JUROR: Yes, sir.

24 THE COURT: What's your situation?

25 THE JUROR: A family member was -- has confided

1 to me that she was sexual assaulted as a child by a family
2 friend, a family acquaintance.

3 THE COURT: Okay. No charges ever brought?

4 THE JUROR: No. No one knows about it I don't
5 think.

6 THE COURT: All right. If there are allegations
7 in this case about sexual abuse, would that affect your
8 ability to be a fair and impartial juror?

9 THE JUROR: I'm not sure, but I'm --

10 THE COURT: You have doubt?

11 THE JUROR: I have doubt.

12 THE COURT: That's fine. I'll set you aside,
13 but you'll stay with us for other cases, okay?

14 No. 12, Ms. Boyt, is set aside on the first
15 trial.

16 THE CLERK: Seventy-five, Your Honor.

17 THE COURT: Mr. Hunter?

18 THE JUROR: Yes, sir.

19 THE COURT: What's your situation?

20 THE JUROR: Well, my wife as a young girl and as
21 a young teenager was molested by the clergy during her
22 family trips with Singing Gospel Christians.

23 THE COURT: Okay.

24 THE JUROR: And I myself as a young male was
25 molested by a family friend.

1 THE COURT: Okay. If there are allegations in
2 this case about sexual assault, would that affect your
3 ability to be a fair and impartial juror?

4 THE JUROR: I don't think so.

5 THE COURT: Do you have any doubt in your mind?

6 THE JUROR: Maybe.

7 THE COURT: I need to set you aside if you've
8 got any doubt. You stay with us for other cases, though,
9 okay?

10 THE JUROR: Yes, sir.

11 THE COURT: No. 75, Mr. Hunter's set aside on
12 this trial.

13 THE CLERK: No. 1, Your Honor.

14 THE COURT: Let's see. You were an add-on. Ms.
15 Amerson?

16 THE JUROR: Yes.

17 THE COURT: Your first name is Paisley?

18 THE JUROR: Paisley, yes, sir.

19 THE COURT: What's your situation?

20 THE JUROR: I'm a registered nurse and I
21 recently -- well, ten years ago was in the emergency room
22 at Lexington. I work at IMC Urgent Care here in
23 Lexington. I've taken care of many patients who came in
24 sexually abused.

25 THE COURT: Okay. If there are allegations in

1 this case of sexual abuse, would that affect your ability
2 to be fair and impartial?

3 THE JUROR: Yes, sir.

4 THE COURT: All right. I'll set you aside on
5 this trial. You stay with us for other trials, though.

6 THE JUROR: Okay. Thank you.

7 THE COURT: No. 1, Ms. Amerson, is set aside on
8 this trial.

9 Have any of you ever been the victim of any type
10 of crime of violence, any type of assault that you haven't
11 already told me about? If so, please stand.

12 (No response.)

13 THE COURT: Are any of you aware of any
14 interest, bias or prejudice that you might have for or
15 against Mr. Cyr, for or against the State, for or against
16 anyone or any entity in the case? If so, please stand.

17 (No response.)

18 THE COURT: Have any of you formed or expressed
19 any opinions about the case? If so, please stand.

20 (No response.)

21 THE COURT: Can each of you give both the State
22 and Mr. Cyr a fair and impartial trial? If you know of
23 any reason why you cannot, please stand now.

24 (No response.)

25 THE COURT: If you have any -- is there anything

1 about the allegations that are raised in this case related
2 to sexual misconduct, is there anything about the case
3 itself that would in any way affect your ability to be a
4 fair and impartial juror or do you have any doubt about
5 your ability to be fair and impartial juror? If so,
6 please stand.

7 (No response.)

8 THE COURT: Further questions from the State?

9 MR. BOGLE: Your Honor, on page two of our voir
10 dire, No. 12.

11 THE COURT: You know, I told you that I had your
12 voir dire, but I don't.

13 MS. GOOD: I have no objection.

14 MR. BOGLE: I guess the ones on the second page,
15 Judge, except for No. 13, you've already cover that, but
16 9, 10, 11, and 12 --

17 MS. GOOD: No objection.

18 THE COURT: I've already asked what would cover
19 nine.

20 Are any of you employed in any capacity or are
21 you a volunteer or serve in any capacity in any sort of
22 prison ministry, prison outreach program, or any type of
23 program that involves assistance for people who are or
24 were incarcerated? If so, please stand.

25 THE CLERK: You have one standing, Your Honor.

1 THE COURT: Yes, ma'am. What's your name,
2 please?

3 THE JUROR: I don't know if this applies. I'm
4 Susan Segroves, 144. I participate in packing prisoner
5 packages for our church, towels, soaps, and things like
6 that.

7 THE COURT: You assist in putting together
8 packages for prisoners?

9 THE JUROR: Yes, sir.

10 THE COURT: Okay. To the best of your knowledge
11 would that in any way affect your ability to be a fair and
12 impartial juror in the case, Ms. Segroves?

13 THE JUROR: No, sir.

14 THE COURT: Any doubt in your mind?

15 THE JUROR: No, sir.

16 THE COURT: No. 144 is eligible to serve. Thank
17 you.

18 Yes, sir.

19 THE JUROR: I need to come up and speak with
20 you, Judge.

21 THE COURT: Sure. Come on up.

22 THE BAILIFF: No. 183, Your Honor.

23 THE COURT: Yes, sir, Mr. Wright.

24 THE JUROR: Yes, sir. My wife's nephew, he's in
25 Lexington County Detention Center. He shot and killed two

1 people. We visit him quite often, every week.

2 THE COURT: Anything about that that would
3 affect your ability to be a fair and impartial juror in
4 this case?

5 THE JUROR: Not a thing, but I just wanted to
6 let you know.

7 THE COURT: Do you have any doubt about your
8 ability to be a fair and impartial juror?

9 THE JUROR: No, sir, none at all.

10 THE COURT: Thanks very much.

11 THE JUROR: Yes, sir.

12 THE COURT: Mr. Wright's Juror No. 183. He's
13 eligible to serve.

14 Have any of you formed or expressed any opinions
15 about the case? If so, please stand.

16 (No response.)

17 THE COURT: All right. Let's see.

18 MR. BOGLE: No. 12, Judge.

19 THE COURT: I haven't finished yet.

20 MR. BOGLE: I'm sorry.

21 THE COURT: Have any of you, any of your
22 immediate family members or anyone very close to you ever
23 been the subject of a civil commitment proceeding, that
24 is, a proceeding to commit that person voluntarily or
25 involuntarily? That would include such things as mental

1 health commitments, commitments related to treatment for
2 alcohol and drug abuse, treatments -- commitments related
3 to treatment for sexual offenses? If any of you, any of
4 your immediate family members or any of your close friends
5 have ever been the subject of such a civil commitment
6 proceeding, whether voluntarily or involuntarily
7 committed, you need to let us know about it and we'll talk
8 about it up front.

9 (No response.)

10 THE COURT: Now, ladies and gentlemen, it is
11 expected or anticipated that during this trial there will
12 be evidence presented related to the conviction of Mr. Cyr
13 for sexual offenses, and in a different type of court, in
14 criminal court. We're in civil court now. This is a
15 civil process that we're in, as I indicated to you
16 earlier, under the statute known as the Sexual Violent
17 Predator Act, and it relates to the issue of commitment
18 for treatment.

19 Is there anything at all if evidence is
20 presented that Mr. Cyr has already been sentenced for the
21 sexual offense and completed that criminal sentence, is
22 there anything at all about that evidence that would
23 affect your ability to be a fair and impartial juror, that
24 is, to follow the law that I instruct you relating to the
25 civil process under the Sexually Violent Predator Act? If

1 there's anything at all about the fact or the evidence
2 that Mr. Cyr has been convicted of sexual offenses and
3 completed his criminal sentence that would affect you,
4 please stand and let me know about it.

5 (No response.)

6 Further questions from the State?

7 MR. BOGLE: No, Your Honor. Thank you.

8 THE COURT: Further questions from the
9 respondent?

10 MS. GOOD: No, sir, Your Honor.

11 THE COURT: Thank you very much. The jury
12 panel's qualified.

13 What was the gentleman's name that came in after
14 the break?

15 THE BAILIFF: Juror No. 90.

16 THE COURT: Mr. Lee is Juror No. 90. He came in
17 late, after the conclusion of the break after we'd already
18 started into the questioning so he's going to be set aside
19 on this trial.

20 All right. We'll do a list of 23.

21 The attorneys, ladies and gentlemen, will be
22 given a list that's randomly picked by computer. There
23 will be 20 names on the initial list. Each side has to
24 strike four names. They may be perfectly happy with all
25 20 names but they have to strike four. That will get us

1 to a jury of 12. And then there will be a separate list
2 of three -- if they're on the same list they'll be 21, 22,
3 23 -- from those three we'll select the alternate. Each
4 side will have one strike.

5 This usually takes about 20 minutes to give the
6 attorneys the list and let them go over it. And while
7 we're doing that we'll turn our attention and qualify you
8 for the second case.

9 (A break in this proceeding was taken while
10 other court proceedings were had.)

11 THE COURT: Ladies and gentlemen, what we're
12 going to do now is we're going to use a different
13 numbering system than we used previously, so you will not
14 know if your name is on this list or not. The attorneys
15 will use the numbers in the left-hand margin and not the
16 juror numbers. We'll alternate between the State and the
17 respondent as we select the jury, and as I told you, each
18 side has to strike four and then one alternate.

19 Madam Clerk.

20 THE CLERK: May it please the Court.

21 We'll use the first one through 20 for the
22 regular jurors and use the printed numbers on the
23 left-hand side, not the juror name and number.

24 Mr. Bogle.

25 MR. BOGLE: Yes. The State would strike No. 9.

1 THE CLERK: State strikes No. 9.

2 MS. GOOD: Respondent strikes No. 15.

3 THE CLERK: Respondent strikes No. 15.

4 MR. BOGLE: The State strikes No. 11.

5 THE CLERK: State strikes 11.

6 MS. GOOD: Respondent strikes No. 18.

7 THE CLERK: Respondent strikes 18.

8 MR. BOGLE: State strikes No. 20.

9 THE CLERK: State strikes 20.

10 MS. GOOD: Respondent strikes No. 14.

11 THE CLERK: Respondent strikes 14.

12 MR. BOGLE: State strikes No. 8.

13 THE CLERK: State strikes 8.

14 MS. GOOD: Respondent strikes No. 13.

15 THE CLERK: Respondent strikes 13.

16 You each get one strike on your alternate, 21
17 through 23.

18 MR. BOGLE: Thank you, Madam Clerk.

19 The State would strike No. 22.

20 THE CLERK: State strikes 22.

21 MS. GOOD: Respondent strikes 21.

22 THE CLERK: Respondent strikes 21.

23 Let's conform you strikes.

24 The State struck No. 8, 9, 11, 20 and alternate

25 22.

1 MR. BOGLE: That's correct, ma'am.

2 THE CLERK: Respondent struck 13, 14, 15, 18,
3 and alternate 21.

4 MS. GOOD: Yes, ma'am.

5 THE COURT: Ladies and gentlemen, if you hear
6 your name called, I need you to gather your personal
7 belongings, come down front and have a seat in the jury
8 box.

9 Madam Clerk.

10 THE CLERK: If it please the Court.

11 No. 144, Susan Segroves (white female); 29,
12 William Cousins (white male); 124 Michael Powell (white
13 male); 98, Thomas Malone (white male); 47, Thomas Eckert
14 (white male); 76, Carla Jackson (white female), 26, Allen
15 Cook (white male); 181, Diana Wood (white female); 65,
16 Sharon Hammond (white female); 155, Mark Smith (white
17 male); 97, Christine Malkin (white female); 59,
18 Vonquintella Golson (black female). And our alternate is
19 53, Jonathan Fleming (black male).

20 (The jury is impaneled at 11:47 a.m)

21 THE COURT: Are there any matters to take up,
22 including composition of the panel, prior to this jury
23 being sworn from the State?

24 MR. BOGLE: No, Your Honor.

25 THE COURT: From the respondent?

1 MS. GOOD: No, sir.

2 THE COURT: Thank you.

3 Mr. Cousins, you're going to be the foreman of
4 the jury. When you come back in, I need you to be the
5 last one to come in. Take the seat on the end of the
6 first row.

7 THE FOREPERSON: Yes, sir.

8 THE COURT: Ms. Fleming, where are you? No, I'm
9 sorry. Mr. Fleming, I apologize. You're the alternate.
10 You stay in one of those two seats on the end of the
11 second row, all right?

12 THE JUROR: Yes, sir.

13 THE COURT: Now, the rest of you may sit
14 anywhere you like in the jury box.

15 I'm going to ask you, however, if you would, if
16 you're like every other jury I have and some of you
17 develop a favorite chair, I really don't want you walking
18 across each other. We had an incident in the old
19 courthouse where a lady broke her ankle. I don't want
20 that happening to you. So when you come in, if you have a
21 favorite chair, space yourself out here, count out and ask
22 your fellow juror if you can slide in and get your
23 favorite chair.

24 I'm not critical of favorite chairs. We all sit
25 in the same pews in church and things like that, so I'm

1 accustomed to it, but it just really concerns me if I see
2 jurors walking across each other.

3 What I'm going to have to do is I'm going to
4 send you back into the jury room for a few minutes and
5 then I'll bring you back out here and tell you what time
6 we'll get started this afternoon. You may get the case
7 this afternoon, it could go into the morning, I don't
8 know, but it should be either this afternoon or tomorrow
9 morning that you get the case to decide.

10 You will be subject to being called on that
11 third case if it goes. We'll just have to see how things
12 play out.

13 Now, do not discuss this case in any way at all.
14 Don't talk about the people involved, don't talk about
15 what kind of case it's alleged to be. Don't talk about
16 the case at all.

17 If you have cell phones, make sure they're
18 turned off and don't use them during this break. I'll
19 give you instruction before I let you go about cell phone
20 use and computer use and things like that.

21 All right. If you would, just follow the
22 bailiff and he'll escort you back there into the jury
23 room.

24 (The jury left open court at approximately 11:50
25 a.m.)

1 THE COURT: The Court has designated Juror No.
2 29, Mr. Cousins, as the foreman of the jury.

3 (WHEREUPON, STATE'S Exhibits Nos. 1, 2, 3 were
4 pre-marked for identification only.)

5 (A break in this proceeding was taken while
6 other court proceedings were had.)

7 THE COURT: Bring the jury in.

8 (The jury came into open court at approximately
9 12:35 p.m.)

10 THE COURT: Ladies and gentlemen, the first
11 order of business is that I have to have you placed under
12 the oath of a trial jury so I need you to stand, please,
13 and raise your right hand. The clerk will administer your
14 oath.

15 (WHEREUPON, the jury was sworn at 12:37 p.m.)

16 THE COURT: Ladies and gentlemen, I'm going to
17 take about seven minutes and give you some instructions
18 that I have to give before I let you go for your lunch
19 break. You'll be on your own for lunch.

20 I need you back in this jury room at 2 o'clock,
21 so you'll -- don't come into the courtroom. You'll come
22 around to the glass doors. They'll show you where to
23 report and the bailiff will escort you back here into the
24 jury room. We plan to start the case as close to 2 as we
25 possibly can with you. I'll be meeting with the lawyers a

1 little bit before that.

2 Now, before I let you go I have to explain to
3 you that you are not to discuss this case in any way among
4 yourselves until I tell you to. Don't discuss the people
5 involved, the type of case it's alleged to be, or anything
6 else related to this case.

7 If anybody attempts to contact you and discuss
8 the case with you, you must report that to me so that I
9 can deal with it.

10 You're not to discuss this case with anybody
11 else, any family members, friends, anybody at all until
12 you have been seated on any jury and discharge your duties
13 as a juror on any case that you might be called on this
14 week.

15 So, as an example of what I mean, you can tell a
16 friend or a spouse or a business associate that you're on
17 jury duty and that you've gotten drawn on a case but you
18 cannot tell them what kind of case it's about, who's in
19 it, anything like that. You can't talk about the case.

20 I don't expect media coverage of this trial but
21 I learned a long time ago that I can never tell which
22 cases the media will pick up and which they won't. So if
23 there is any media coverage of the trial, get away from it
24 and report to me at the first opportunity what you may
25 have seen, heard or read through the media if you are

1 exposed to any media coverage.

2 Now, I need to give you an instruction and at
3 the end of this instruction I'm going to read to you
4 something that the Supreme Court indicates that we have to
5 read to the juries now. I won't read it to you but this
6 one time, but this instruction that I'm going to read to
7 you goes along with what I just told you and also with
8 another concept, and the concept is that it's improper for
9 a juror to do what we called independent investigation.

10 And to tell you what I'm talking about there, in
11 the old days I used to tell people in wreck cases or say a
12 slip and fall where somebody tripped in a parking lot or
13 something like that, I said don't go out there and look
14 around. That's pretty much all I had to tell the jury was
15 not to go to the scene and investigate. Occasionally I'd
16 have to tell them don't go to a law library and look up
17 law because we had that happen a few times. That's
18 improper. The judge tells the jury the law. If there's
19 the need for a jury to go out to a scene, there's a
20 procedure for that to be done and has all the protections
21 built into it that you would expect.

22 Well, all that changed dramatically when smart
23 phones came along and Internet access became so readily
24 available to everyone. And this has really mushroomed and
25 so as a proactive measure to avoid things that have

1 happened in other states, the Chief Justice has come out
2 with some pretty definitive guidelines for what jurors are
3 not supposed to do. And basically they're just common
4 sense.

5 Don't go on the Internet and look up law. Don't
6 go on the Internet and try to do some sort of word search
7 to find out anything about anybody who's in a case.

8 Don't do independent investigation. Don't try
9 to figure it out on your own. There's a real danger in
10 that of a miscarriage of justice. So please don't do any
11 independent investigation.

12 Now, we also have had situations in other
13 states, I don't think we've had any in South Carolina, but
14 we've had situations in other states where people were
15 using social media to communicate things, just like we all
16 do, if you're on Facebook or if you have a Twitter account
17 or anything like that. You know, you get on there and you
18 put down how your day's going or what's happened and all
19 that. So a lot of people didn't see anything wrong with
20 putting that "judge is an idiot" or what just happened in
21 court or what kind of case they're in. Well, you can
22 comment about me, but wait until the case is over.

23 What I need for you to understand is that
24 putting something on Facebook about being on this jury is
25 just as egregious as if you were to walk out that door and

1 start talking to a crowd of people. So don't put any
2 Twitter postings, Facebook postings, any of those -- in
3 the old days, MySpace, I don't know if that's still around
4 or not -- but don't do that. Just use your common sense.

5 So I have to read this to you now and it's going
6 to be a little bit more explicit, but it says that until
7 your jury service is concluded, you're not to discuss the
8 case with others, including other jurors, except as
9 authorized by the Court. You're not to read or listen to
10 any news reports about the case. You're not to use a
11 computer, a cell phone or any other electronic device with
12 communication capabilities while attending the trial or
13 during deliberations. You may use those devices during
14 lunch breaks or extended breaks, but not to obtain or
15 disclose information that's prohibited. You're not to use
16 a cell phone, a computer or any other electronic device
17 with communication capabilities or any other method to
18 obtain or disclose information about the case when you're
19 not in court. And information about a case includes but
20 is not limited to the following types of things:
21 Information about a party, a witness, an attorney or a
22 court officer; any news accounts of the case; any
23 information collected through juror research on any topics
24 that are raised or testimony offered by any witness; or
25 any information collected through juror research on any

1 other topic that the juror might think would be helpful in
2 deciding the case.

3 All right. Now, with those admonitions, I'm
4 going to ask you to go to lunch. Be back here, please, at
5 2 o'clock. And the bailiff will show you where to report.

6 Thank you very much.

7 (The jury left open court at approximately 12:44
8 p.m.)

9 THE COURT: When you leave, please be very
10 careful that you don't have any contact with the jurors.
11 If you go to a local restaurant, make sure you look around
12 and check and make sure if there's a juror in earshot.

13 The best thing to do is not to talk about the
14 case or anybody in it, either one of these cases, until
15 you've cleared the courthouse grounds.

16 You may think the jurors have all cleared out
17 and gone, but I tell you from experience, jurors don't
18 always leave. Some jurors don't eat lunch. They may be
19 at various places in common areas that you would not
20 expect them to be. So just be careful as you leave.

21 I need to talk to the lawyers briefly on the
22 second case and I need you all back in one hour.

23 Thank you.

24 Court's in recess until 1:45 p.m.

25 (A lunch break was taken.)

1 THE COURT: All right. Do we have some pretrial
2 issues?

3 MR. BOGLE: Judge, there were two motions in
4 limine by the State. I believe they've been taken care
5 of.

6 The first one had to do with not questioning or
7 allowing any mention of the exact type of place where he's
8 going to go, it being the former death row, he being in a
9 prison, about the conditions, the issue being that where
10 he's going to be is not what the issue before the Court
11 is. The issue before the Court and the jury is does he
12 have a mental abnormality, is he likely to reoffend.

13 So the only "where" we talked about is if he's
14 sent to a place operated by the Department of Mental
15 Health, it would be a confined location. I think we
16 agreed prior to trial that we weren't going to go there.

17 MS. GOOD: I have no objection to that, Your
18 Honor.

19 THE COURT: All right. And what's the other
20 one?

21 MR. BOGLE: The other one had to do with whether
22 or not the respondent testified and tried to invoke
23 self-incrimination. I want a jury charge on that issue.
24 I don't believe the respondent will testify so that kind
25 of renders the second motion moot.

1 MS. GOOD: That's correct, Your Honor.

2 THE COURT: All right.

3 MR. BOGLE: That, and I believe Ms. Good has
4 something about the PPG.

5 Judge, I have had marked certified copies of the
6 three sentencing sheets, indictments, and arrest warrants
7 for each of the qualifying convictions in this case. I
8 plan to introduce those through Dr. Wideman's testimony.
9 If there's an objection then we can deal with it then or
10 do you want to do it now?

11 MS. GOOD: Yes, sir. I have several motions,
12 Your Honor.

13 The first motion I have is a motion for a bench
14 trial. Your Honor, my client would like to have a bench
15 trial.

16 Pursuant to the Sexual Violent Predator Act,
17 Section 44-48-90(B), within 30 days after determination of
18 the probable cause hearing, which in this case was
19 October 14th of 2010, the Attorney General or the person
20 may request in writing that the trial be before a jury.
21 Then it goes on to specifically that if no request is
22 made, the trial must be before a judge in the county where
23 the offense was committed.

24 Your Honor, due to this occasion -- the Attorney
25 General has not put in writing within 30 days that he

1 would like a jury trial. In fact, the first time anything
2 was ever sent to my office was after Dr. Wideman's
3 evaluation, which was on December 12th, 2011, and in that
4 letter -- which I can give you the original, Your Honor --
5 there was no mention of them requesting a jury trial.

6 In addition, the first time it was ever in
7 writing was January 24th when Mr. Bogle emailed Judge
8 McMahon's law clerk requesting to put it on the jury
9 docket, Your Honor. That is well outside of the 30 days.

10 And according to the statute, it makes it sound,
11 Your Honor, that if no request is made, the trial must be
12 in front of a trial judge in the county, which means it
13 must be a bench trial, Your Honor, so at this time we're
14 asking that we move forward with a bench trial.

15 THE COURT: What's the State's --

16 MR. BOGLE: Thank you, Your Honor.

17 In this case I believe all the time limits have
18 been kept as far as -- as near as possible. Once the
19 evaluation came out, we sent an order, a consent order, to
20 Ms. Good about allowing for extra -- up to at least 60
21 days to get an independent evaluation. I believe that was
22 done.

23 In a case of this nature, Your Honor, this was
24 filed as a non-jury matter. It was then filed -- a
25 request for jury trial with the Clerk of Court -- I'm

1 looking for my copy here, I'm not finding it, but that's
2 the standard practice of our office.

3 In any event, either party in the Court of
4 Common Pleas does have the right to a jury trial, and the
5 State would insist on a jury trial in a case of this
6 nature.

7 MS. GOOD: Your Honor, we'd go on the record
8 that I've never received a request for a jury trial, and
9 according to the statute it says it must be made before
10 the judge in the county, and no request was made.

11 MR. BOGLE: We also have the day certain trial
12 order signed by Judge McMahon on January 25th of 2012, set
13 for today's date.

14 THE COURT: Mr. Cyr --

15 THE APPLICANT: Yes, sir.

16 THE COURT: -- do you understand what your
17 lawyer has asked me to do?

18 THE APPLICANT: Yes, sir.

19 THE COURT: Do you understand that a bench trial
20 means that I would hear the facts and rule on the case and
21 you would not get a jury trial on this?

22 THE APPLICANT: Yes, sir.

23 THE COURT: Now, I've looked through the file
24 and I do not see a demand for a jury trial in the file.

25 Having a jury trial is a substantial right. Do

1 you understand that?

2 THE APPLICANT: Yes, sir.

3 THE COURT: And in reviewing the file -- I
4 honestly didn't have any independent recollection of it,
5 but in reviewing the file I see that I'm the judge who
6 signed the probable cause order. So I've already reviewed
7 the records and at some point in the past, June of last
8 year it looks like, I made a determination that there was
9 probable cause for the proceeding to go forward.

10 MS. GOOD: Your Honor, I would like to put on
11 the record that he did consent to the probable cause and
12 didn't actually go through a hearing.

13 THE COURT: Okay. So you understand I've
14 already made a probable cause determination on the case?

15 THE APPLICANT: Yes, sir.

16 THE COURT: Do you want a jury trial? Do you
17 want to talk to your attorney?

18 THE APPLICANT: Yes, sir.

19 THE COURT: All right. We're at ease.

20 (A break was taken.)

21 MS. GOOD: Your Honor, I've talked to my client.
22 He does want to proceed with a bench trial.

23 THE COURT: All right. Raise your right hand,
24 please, Mr. Cyr.

25 DUSTY CYR, after being duly sworn, testified as

1 follows:

2 THE COURT: Thank you. You can have a seat.

3 You sure you want to do this without a jury?

4 THE APPLICANT: Yes, sir.

5 THE COURT: Is it your own decision made of your
6 own free will?

7 THE APPLICANT: Yes, sir.

8 THE COURT: Are you taking any kind of
9 medication today?

10 THE APPLICANT: No, sir.

11 THE COURT: Have you ever been diagnosed as
12 being incompetent or having any problem making decisions?

13 THE APPLICANT: No, sir.

14 THE COURT: This decision about going forward
15 without a jury, is it your own decision made of your own
16 free will?

17 THE APPLICANT: Yes, sir.

18 THE COURT: Has anybody forced you, threatened
19 you, exercised any kind of undue influence over you to get
20 you to waive your right to a jury trial?

21 THE APPLICANT: No, sir.

22 THE COURT: Are you fully satisfied with your
23 lawyer?

24 THE APPLICANT: Yes, sir.

25 THE COURT: Has she done anything to improperly

1 influence you to make this decision?

2 THE APPLICANT: No, sir.

3 THE COURT: So it's your own decision made of
4 you own free will?

5 THE APPLICANT: Yes, sir.

6 THE COURT: And you're certain one hundred
7 percent that you want to do this without a jury?

8 THE APPLICANT: Yes, sir.

9 THE COURT: All right. Anything else from the
10 State?

11 MR. BOGLE: Just that as Your Honor knows, our
12 practice is to file a request for a jury trial in all
13 these cases and request trials by jury. I can only assume
14 that we've done that in the instant case because that's
15 our normal practice. Like you, I'm not finding a copy of
16 a request for jury trial in our file.

17 At the same time, in all the proceedings leading
18 up to this, setting a trial date, coordinating with
19 Ms. Ellis and also Judge McMahon, it was everybody's
20 intention and understanding this was going to be a jury
21 trial.

22 We have a jury already selected. It seems kind
23 of awkward at this point to go forward without one.

24 The State would certainly like this matter put
25 before a jury because we feel it's in the best interest of

1 Lexington County, for the citizens of Lexington County to
2 decide what the appropriate situation should be for
3 Mr. Cyr.

4 We've done bench trials in the past. We started
5 doing jury trials in the last two years that I know of.
6 It's just a matter making sure that the people of
7 Lexington County as opposed one person make that opinion,
8 or make that decision.

9 The State would like a jury trial. I understand
10 we did not -- I cannot find one filed in the time that
11 she's talking, but all the preparation for this trial has
12 been with a jury trial in mind, so I'm kind of caught off
13 guard right now.

14 THE COURT: All right... Well, I reviewed the
15 file and I hope I haven't overlooked anything. I do not
16 see any kind of request for a jury trial filed either by
17 the State or the respondent and the statute does use
18 mandatory language. I would tend to err on the side of
19 granting a jury trial, but the respondent indicates that
20 he does not want one.

21 I find beyond a reasonable doubt that his
22 decision about waiving his right to trial by jury is made
23 freely, knowingly, voluntarily, and intelligently upon the
24 advice of counsel with whom he's fully satisfied. He's
25 not under any type of duress or improper influence. He

1 understands it is a substantial right.

2 And the order setting the day certain does not
3 mention jury or non-jury, and we have both courts going on
4 this week.

5 If you need additional time to plan your
6 strategy I'd be happy to let you have it, but I'm going to
7 grant the motion.

8 What's your next motion?

9 MS. GOOD: I think the rest of them can just be
10 handled throughout the trial, Your Honor, objections and
11 motions.

12 THE COURT: None of them are going to relate to
13 deadlines, are they?

14 MS. GOOD: No, sir.

15 THE COURT: Okay. I note the State's objection.

16 MR. BOGLE: Thank you, Your Honor.

17 THE COURT: Would you bring the jury in, please.

18 (The jury came into open court at approximately
19 2:07 p.m.)

20 THE COURT: Ladies and gentlemen, after going
21 over some issues with the attorneys, Mr. Cyr has elected
22 to waive his right to a jury trial and let me decide it as
23 the judge.

24 I hope you don't feel inconvenienced. We had to
25 get to this point to make this decision.

1 And what I need to do now is I will stay here
2 and hear the rest of the case. I think it will go a
3 little bit faster with just have the judge hearing it.

4 So I do expect that what will happen is that we
5 may well have to bring some of you or all of you back
6 later in the week.

7 Now, the other jury's already been selected for
8 the next case. It's scheduled to start in the morning at
9 9:30 and it should take a couple of days.

10 If we bring a jury back on Wednesday for either
11 check court or for that third case that I have, or both,
12 then you'll probably have to come back in, but I won't
13 know anything until we get further into the week.

14 I apologize to you for the inconvenience, but
15 you've helped us move the case along whether you realize
16 it or not.

17 So what I need you to do is to call tonight
18 after 6 and follow the instructions for the balance of the
19 panel not selected on any jury. That's what you'll be in,
20 the balance of the panel.

21 There will be a message for that second jury
22 they're calling in to make sure to come in at 9:30, so
23 there will be a separate message and then there will be a
24 message for the balance of the panel. It will probably
25 tell you to call back Tuesday after 6.

1 So thank you very much, but you're free to go.

2 (The jury was excused and left open court at
3 approximately 2:09 p.m.)

4 THE COURT: All right. I'll give you all a few
5 minutes if -- you're ready?

6 MR. BOGLE: We're ready.

7 MS. GOOD: Ready.

8 THE COURT: All right. Do you wish to make
9 opening statements?

10 MR. BOGLE: Not quite as long, Judge, but --

11 THE COURT: Okay.

12 MR. BOGLE: -- very briefly.

13 As Your Honor knows, this is a sexually violent
14 predator case. We've got Dr. Peggy Wadman here to testify
15 and the gist of her testimony is going to be that
16 respondent suffers from at least one mental abnormality,
17 he also suffers from at least one personality disorder,
18 and both of these, along with his convictions for three
19 sexually violent crimes, make him so likely a risk to
20 reoffend in a sexual violent manner that he needs to be
21 civilly committed to the Department of Mental Health's
22 secured facility for long-term control, care, and
23 treatment.

24 That's what the case is about. We have
25 presented to Your Honor during the course of this trial

1 certified copies of three convictions and, of course, our
2 primary witness, our only witness will be Dr. Wadman.

3 I'd like Your Honor to also be aware of the fact
4 that Mr. and Mrs. Clemens are seated behind me on the
5 first row right here. They are the parents of two of the
6 victims in this case. They've been keeping up with this
7 case throughout Mr. Cyr's imprisonment as well as our
8 office notified them about the upcoming trial. They're
9 here to watch as well.

10 THE COURT: All right. Well, I know the statute
11 requires notice. I appreciate that being followed through
12 on.

13 All right. Ms. Good, do you have any opening
14 statement?

15 MS. GOOD: No, sir, Your Honor.

16 THE COURT: All right. Call your witness,
17 please, sir.

18 MR. BOGLE: I'd call Dr. Peggy Wadman.

19 THE COURT: Would you come around, please,
20 Doctor.

21 DR. PEGGY WADMAN, after being duly sworn,
22 testified as follows:

23 THE WITNESS: It's Peggy, P-E-G-G-Y, Wadman,
24 W-A-D-M-A-N.

25 DIRECT EXAMINATION

1 BY MR. BOGLE:

2 Q Dr. Wadman, what is your current employment right
3 now?

4 A I'm employed by the South Carolina Department of
5 Mental Health as their forensic medical director, and
6 that's over the whole state.

7 Q Okay. Prior to that, did you hold any other
8 positions with the Department of Mental Health?

9 A Yes. Well, recently we split the SVP program, the
10 sexually violent predator program, out of forensics and
11 into its own standalone program. So I'm still the
12 forensic medical director and I was the sexually violent
13 predator treatment program medical director also, but I'm
14 no longer the medical director of that program since it's
15 been separated into a separate program.

16 Q Okay. Doctor, what professional and educational
17 degrees do you hold?

18 A I completed a bachelor's degree and then went on and
19 had a career and then came back and went to medical school
20 and got an M.D. and then did my master's in public health
21 and graduated from the USC School of Medicine.

22 I did a residency, a four-year residency in
23 general adult psychiatry and then I went on to do a
24 forensic fellowship, which is a one-year fellowship and
25 specialty training.

1 I'm board certified in both adult and forensic
2 psychiatry.

3 Q Now, as a psychiatrist, how long have you been
4 licensed to practice psychiatry in the state of South
5 Carolina?

6 A Since 1997.

7 Q And by board certified, what steps have to be
8 undertaken by a person to become board certified in
9 forensic psychiatry?

10 A It's a series -- it's an exam, an oral exam and a
11 written exam for the adult psychiatry and it was a written
12 exam for the forensic psychiatry program. It's a rigorous
13 program, lots of study. And I don't know what the pass
14 rate is now, but when I did my orals it was about
15 50 percent.

16 Q Okay. Now, Doctor, have you been previously
17 recognized as an expert witness in the fields of
18 psychiatry and forensic psychiatry by the circuit courts
19 of South Carolina?

20 A Yes, probably more than a hundred times.

21 MR. BOGLE: Okay. At this time, Your Honor, I'd
22 like to have Dr. Peggy Wadman recognized as an expert
23 witness in the field of psychiatry and forensic
24 psychiatry.

25 THE COURT: Voir dire?

1 MS. GOOD: No, sir, Your Honor. No objection.

2 THE COURT: She is so recognized. You may
3 continue.

4 BY MR. BOGLE:

5 Q Now, Dr. Wadman, either currently or in the past, has
6 your job required that you evaluate people under South
7 Carolina's Sexually Violent Predator law?

8 A Yes, those pre-commitment evaluations.

9 Q Like the one here?

10 A Yes, that's correct.

11 Q Okay. About how many of these evaluations have you
12 done?

13 A I've done almost 60.

14 Q And of these evaluations, about what percentage or
15 what proportion have you found did not fit the criteria
16 for being a sexually violent predator?

17 A Approximately between 78 and 80 percent I did not
18 think met the criteria, which means somewhere between 20
19 and 22 percent I believe I thought did meet the criteria.

20 Q Okay. Now, pursuant to a court order, did you
21 evaluate Dusty Cyr pursuant to the Sexually Violent
22 Predator Act?

23 A Yes, I did.

24 Q As part of that evaluation, did you meet with and
25 interview Mr. Cyr?

1 A Yes, I did.

2 Q Is the man you met with present in the courtroom
3 today?

4 A Yes. He's sitting with his attorney there.

5 MR. BOGLE: Okay. Let the Court recognize that
6 she's identified the respondent.

7 THE COURT: So noted.

8 BY MR. BOGLE:

9 Q Now, in addition to meeting with Mr. Cyr, did you
10 receive a file of information on him?

11 A Yes, I did.

12 Q And generally speaking, what type of information is
13 in that file?

14 A The information in the file would be such things as a
15 copy of the arrest records, the warrants, the sentencing
16 sheets, the -- anything from the South Carolina Department
17 of Corrections which would be his -- what he's done since
18 he's been in prison.

19 There would also have been any victim
20 statements, and in his case with the -- or along with the
21 victim or parent statements, there was information from
22 the examinations of the children. They underwent forensic
23 examinations to determine whether they had been sexually
24 abused.

25 Q Now, why is it necessary -- well, let me back up and

1 ask you this. Is the type of information that you looked
2 at, that you reviewed in preparation for this case and in
3 evaluating Mr. Cyr, is this typical information relied
4 upon by other experts in your field?

5 A Yes, it is.

6 Q And, Doctor, did you consider and rely upon this
7 information in addition to whatever testing or scoring and
8 meeting with Mr. Cyr that you did, did you consider and
9 rely upon this information in forming an opinion about
10 him?

11 A Yes, I did.

12 Q Now, were you satisfied you received enough
13 information to render an opinion?

14 A Yes.

15 Q Is there anything out there that you wanted to get
16 but couldn't get and its absence might affect your
17 opinion?

18 A I would have liked to have gotten the information
19 from his first set of victims, the little boys up in
20 Connecticut, but I got enough as far as the charges and
21 the description of the charges to consider that, so I felt
22 like I had enough.

23 Q Okay. Now, based upon your interview of Mr. Cyr and
24 your review of the information we've talked about so far,
25 was he convicted of a sexually violent offense?

1 A Yes, more than one.

2 Q Okay. Would you please tell the jury -- let me show
3 you first, I hand you a certified copy of Indictment No.
4 2005-GS-32-1306, a sentencing sheet, indictment, and
5 arrest warrant for lewd act upon a minor child in
6 Lexington County. Is that a document that you reviewed in
7 preparation for this case?

8 A Yes, it is.

9 Q Is that a -- is lewd act upon a child a sexually
10 violent crime under the law?

11 A Yes, it is.

12 Q Okay. That is marked at this time State's Exhibit
13 No. 1.

14 I'd like to also show you State's Exhibit No. 2,
15 a certified copy of the sentencing sheet, the indictment,
16 and the arrest warrant on Indictment No. 2005-GS-32-1307,
17 also committing a lewd act upon a minor child. Did you
18 review and look at that document as well, or those
19 documents?

20 A Yes, I did.

21 Q Okay. And finally I'd like to hand you a copy of --
22 or hand you State's Exhibit No. 3. This is a certified
23 copy from the Clerk's office of Indictment No.
24 2005-GS-32-1308, the sentencing sheet, the indictment, and
25 the arrest warrant for the crime of lewd act upon a minor

1 child. Is that also a document that you looked at?

2 A Yes, this was.

3 Q Now, are all of these crimes, each one of those for
4 lewd act upon a minor child, is that a sexually violent
5 crime in South Carolina under our statute?

6 A Yes, it is.

7 Q Was it necessary for you to review the actual copies
8 of the charging and conviction documents in order to form
9 your opinion?

10 A Yes, it was.

11 Q Why is that necessary?

12 A It's important to understand that, first of all, the
13 nature of the charge and then also the details of the
14 charge and the age of the children in forming a diagnosis
15 and an opinion.

16 MR. BOGLE: Your Honor, at this time I'd like to
17 introduce into evidence State's Exhibits 1, 2, and 3, the
18 certified copies from the Clerk's office of the
19 convictions for lewd act upon a child, all of which
20 happened on April 5, 2005, in this courtroom or in
21 Lexington County courthouse. These certified copies
22 consist of the sentencing sheet, the indictment, and the
23 related arrest warrant.

24 THE COURT: Is there any objection?

25 MS. GOOD: Not to these, no, sir.

1 THE COURT: Mark those in evidence, please.

2 (WHEREUPON, STATE'S Exhibits Nos. 1, 2, 3 were
3 admitted into evidence.)

4 BY MR. BOGLE:

5 Q Now, Dr. Wadman, in order to form an opinion about
6 Mr. Cyr, was it necessary to study the details of these
7 sexually violent crimes?

8 A Yes, it was.

9 Q And why is that?

10 A It's very important to understand exactly what
11 happened with the child and the nature of the offense and
12 what actions he took against this child.

13 Q Okay. And did you also include within your interview
14 of Mr. Cyr, ask him any questions about these specific
15 offenses, these three offense?

16 A Yes. It's also important to talk in detail with the
17 person that I'm evaluating to find out what their side of
18 the story is and to see what they may have learned from
19 it. If they pleaded guilty or were found guilty and at
20 one time they said they were guilty, then it's important
21 to see if that person has developed any insight into their
22 offense pattern or, you know, how they feel about it
23 today, which is, you know, about seven years later.

24 Q Okay. Well, Doctor, let's talk about the first one.
25 Indictment No. 1307, would you please tell the judge about

1 the details of that crime and what it was you found
2 significant and why.

3 MS. GOOD: Your Honor, I'm going to object to
4 this line of questioning.

5 Under the Sexually Violent Predator Act, they
6 have to prove that he suffers from a mental abnormality or
7 personality disorder that makes him more likely to engage.
8 They haven't gotten to the point of showing that he has
9 any of that, Your Honor. In fact, the details also don't
10 go to the fact of whether he has a mental abnormality or a
11 personality disorder. They go towards trying to prejudice
12 Your Honor towards the facts of the case.

13 MR. BOGLE: Your Honor, in a number of cases
14 from our Supreme Court and our Court of Appeals, including
15 the Corley case from 2003 of the Supreme Court, there was
16 an attempt to stipulate as to the conviction without going
17 into the details. The Court held that under Rule 401 it's
18 relevant material; under Rule 403, the prejudicial value
19 was not outweighed by the probative value. And in order
20 for us to prove that he is a sexually violent predator as
21 defined in Section 44-48-30 Subsections 1(A), evidence has
22 to be presented that would detail exactly what was in the
23 psychiatrist's mind, what details about the crime she
24 found significant in order to make her evaluation. This
25 was also ratified in the case of Luckabaugh and in the

1 case of the matter of Ettel. This issue's been presented.

2 I have a memorandum of law about the details
3 that was emailed to your law clerk. I can present another
4 copy if the Court would like one.

5 THE COURT: Anything else in response?

6 MS. GOOD: Yes, sir, Your Honor.

7 Our position is that in the indictments that
8 were put into the record and handed to Your Honor, Your
9 Honor, there are the details that are needed for the
10 indictment for that. He pled guilty to those and those
11 details are sufficient to -- for the doctor to use to
12 determine whether he has a mental abnormality or
13 personality disorder.

14 THE COURT: The objection's overruled. The
15 witness has testified that it's necessary for experts in
16 her field to evaluate this information and to rely upon it
17 in making their conclusions.

18 I can accept or reject the opinions given by the
19 expert, but I think it's proper evidence.

20 Go ahead.

21 MR. BOGLE: Thank you, Your Honor.

22 THE COURT: Furthermore, I mean, it's already in
23 the record. I would read it anyway. Go ahead.

24 MR. BOGLE: Thank you, Judge.

25

1 BY MR. BOGLE:

2 Q Dr. Wadman, would you tell the judge about the
3 underlying details of the first crime, Indictment 1307,
4 the crime that occurred on or about August 1 of 2000? The
5 victim was named and identified in the indictment by name.
6 Would you please tell the judge about the details of that
7 crime and what you found significant and how the
8 respondent reacted when you talked to him about it?

9 A Okay. The first victim, according to the sentencing
10 sheet there, so she would have been five years old at the
11 time this happened.

12 She was in some type of a shed or some type of
13 utility area. Mr. Cyr asked the other adult that was
14 present to go and get something, and after he had gone, he
15 took the little girl and made her lay down and he
16 basically thrust his pelvis and genital area against her
17 genital area. She described it as "humped," he humped
18 her. She told the psychologist who interviewed her that
19 he got off when she threatened to go tell her mother.

20 She didn't go tell her mother, she was really
21 scared, and she didn't tell until about four years later
22 when she told a guidance counselor at school during a
23 class that was discussing this sort of thing.

24 She, again, was five years old when that
25 occurred.

1 When I asked him about that in the examination
2 that we had in October, October 25th, 2011, he said --
3 regarding her he said he, quote, "Ain't never did nothing
4 to her. I pretend like I was a vampire and kiss on her."

5 So he said it didn't happen and she described to
6 her guidance counselor and to the forensic psychologist
7 and interviewer what had happened to her, her memory.

8 Q And the sentencing sheet, State's Exhibit 1, shows
9 that this was a guilty plea for the crime. Is that the
10 block that's checked right up there?

11 A Yes.

12 Q Okay. Let's talk about the second one then, Dr.
13 Wadman.

14 A Okay.

15 Q Indictment No. 2005-1307. Would you please tell the
16 judge what details about that crime were significant to
17 you in forming your opinion about Mr. Cyr?

18 THE COURT: I thought that was 1307.

19 MR. BOGLE: I'm sorry, Judge. That's 1306.

20 THE COURT: Go ahead.

21 THE WITNESS: Okay. I apologize, Your Honor,
22 but I made one error.

23 The first victim, the little girl was ten years
24 old when that happened.

25 BY MR. BOGLE:

1 Q Okay. So the indictment we're talking about, No.
2 1306, the victim was ten years old?

3 A Yes. Okay. I'm sorry, Mr. Bogle, I got the
4 indictments confused in the order.

5 What I just described occurred to victim two --

6 Q Okay.

7 A -- which is the second set of indictments and arrest
8 warrants, the five-year-old.

9 Q The five-year-old?

10 A The five-year-old.

11 Q Okay. The humping and the vampire stuff?

12 A Yes, exactly.

13 Q Okay. So that applies to the five-year-old which is
14 the second indictment?

15 A Yes.

16 Q All right. What about the first indictment?

17 MS. GOOD: Just for clarification, which
18 indictment is that?

19 MR. BOGLE: That would be 1307.

20 THE WITNESS: The first one you presented me
21 with. Let me make sure. Sorry about that.

22 MR. BOGLE: I might have given you the wrong
23 one.

24 BY MR. BOGLE:

25 Q All right. This is 1307, State's Exhibit No. 2.

1 A Okay. 1307, State's Exhibit No. 2, refers to what I
2 just told you, that she was five years old when this
3 occurred and that he basically thrust his pelvis and
4 genital area against hers and she told later.

5 Q Okay. Now, let me then hand you State's Exhibit 1.
6 I apologize for getting them out of order. This is
7 Indictment No. 2005-1306.

8 A Let me make sure on this.

9 Okay. In this one, this little girl was ten
10 years old at the time that it occurred and she was 14 --
11 these all got reported at the same time, after the
12 five-year-old, who was by then nine, told the guidance
13 counselor.

14 This is a ten-year-old little girl who told her
15 mother that Mr. Cyr tried to put his hand down the back of
16 her pants five or six times when he was baby-sitting her
17 and she reported that she stopped him from doing this but
18 that on more than one occasion he laid her down and humped
19 her as well. And that happened on more than one occasion.

20 Q Okay. And what was his reaction when you tried to
21 talk about -- and this was a guilty plea as well, was it
22 not?

23 A Yes. And he -- regarding that victim -- just one
24 second.

25 Regarding that victim, he said that he -- he

1 told me that he would be on drugs all the time, "I'd be
2 high." This is his quote, "She would sit on my lap and
3 rub around, I felt her butt. She was rocking back and
4 forth on me, and I'm only human. I'd get aroused when she
5 was on me riding me, I'm only human."

6 Q Okay. Now, I'd like to show you Exhibit No. 3,
7 Indictment 2005-1308, the third of the indictments.

8 A Okay. Yes. This was the seven-year-old girl.

9 Q What details about that offense did you discover that
10 are significant to you?

11 A Okay. The seven-year-old, the mother reported to the
12 police on January 25th, 2005, that her daughter had told
13 her that Mr. Cyr, who was at that time the boyfriend of
14 the victim's aunt, so the aunt's boyfriend, had touched
15 her vaginal area in a sexual manner on more than one
16 occasion between July 1st, 2004 and December 31st, 2004.

17 During the forensic interview with a child
18 psychologist, the seven-year-old girl said that Mr. Cyr
19 touched her genital area with his hand on top of her
20 clothes more than once and that these incidents occurred
21 in her mother's bedroom.

22 And Mr. Cyr told me that he never sexually
23 touched victim three to get aroused. He said he used to
24 give her baths. He denied her claim that he fondled her
25 vaginal area while in her mother's bedroom.

1 Q Okay. Was there any significance to you in
2 evaluating Mr. Cyr when he would be found guilty of or
3 plead guilty to these things and yet deny that they
4 happened when he talked to you; was that significant?

5 A Yes. One of the things I look for is some measure of
6 insight into why something happened or how it came about.
7 And I also try to ascertain whether they've learned
8 anything after spending, you know, so many years in prison
9 about their offense pattern or why this happened. And so
10 I found it significant that he either denied, minimized or
11 blamed it on the victim..

12 One of the things about pedophilia -- and later
13 on I have diagnosed him with pedophilia -- one of the
14 things about pedophiles is that they do tend to blame the
15 victims, like it was somehow the victim's fault; like the
16 little girl who was five, seven, ten years old really
17 wanted to have sex with him; that they knew what they were
18 doing; that they were a willing participant. That's just
19 what we call a cognitive distortion. That's one of the
20 things that we address in treatment.

21 Q Was -- in addition to these crimes, was substance
22 abuse and the use of illegal substances, or legal
23 substances, a problem with Mr. Cyr that you felt it worth
24 your while to look into?

25 A Yes.

1 Q What did you find out that was significant to you?

2 A Well, you know, it wasn't just these offenses. He
3 also had other offenses.

4 Q In order to form your opinion about him, did you also
5 look at other crimes besides what I've talked about in
6 Lexington County?

7 A Yes, I did.

8 Q Did you investigate some crimes that occurred in
9 Connecticut?

10 A Yes.

11 Q Do you want to go into those right now?

12 A Yes. That would be good because it puts things in
13 perspective.

14 He was -- this occurred -- after he was
15 incarcerated for the sexual offenses against the three
16 little girls here in Lexington County, he was indicted for
17 sexual assault in the first degree and sexual assault in
18 the second degree for sex crimes that he committed against
19 related male children in Connecticut, and that was from
20 approximately 1996 to 1998. He would have been about 14
21 to 16 years old at the time. They could have started as
22 early as 1994 when he was approximately 12 or 13.

23 He was temporarily transferred to Connecticut
24 from September 7th, 2006 to April 27th, 2007, and again,
25 that was after he had already been incarcerated for the

1 little girls he faced charges in Connecticut. And
2 ultimately he was convicted of three counts, three, of
3 risk of injury to a child. And in Connecticut they
4 sentenced him to a total of 15 years, suspended after six
5 years served with 15 years' probation and asked that the
6 sentences run concurrently with the South Carolina
7 sentence.

8 In addition, they put some stringent guidelines
9 on him. He was ordered to have no contact with children
10 under the age of 16; not to work, volunteer or frequent
11 places where children were most likely to be; to get prior
12 approval from probation for a place of residence; to
13 participate in sex offender evaluation and treatment, that
14 would include a polygraph; and to register with the sex
15 offender registry.

16 The victims in that case were his sister's
17 little boys. They were ages three, four, and five when
18 the abuse began and his sister told police that Mr. Cyr --

19 MS. GOOD: Objection, Your Honor. This is
20 hearsay, what his sister said.

21 MR. BOGLE: Your Honor, in order for her to
22 express her opinion, and she's made it very clear up to
23 now about what happened, it's necessary for her to go into
24 the details of the crime which includes the details of
25 what claims were made, what the incident reports show, the

1 investigative reports by the police and things like that.
2 And the details of the underlying crimes have been upheld
3 in cases such as the Ettel case and the Corley cases I
4 mentioned earlier.

5 THE COURT: I don't have a foundation.

6 BY MR. BOGLE:

7 Q Let me back up and ask you this. Was it necessary
8 for you to look into the details, the underlying details,
9 what statements were given by the victims or the victims'
10 parents in order to form your opinion?

11 A Yes, it was.

12 Q Why is that?

13 A Because if there was force or coercion or injury to
14 the child, that goes sort of to the heart of what he may
15 be sexually aroused by.

16 Also, just the fact that they were males. In
17 the South Carolina case they were females. The fact that
18 he also had male victims was significant because that
19 increases his risk at least two-fold to have male victims.

20 Q And is this type of analysis, the requirements you
21 look into these things, looking at the underlying details,
22 is this typical of the analysis done by experts in your
23 field?

24 A Yes, it is.

25 MR. BOGLE: Your Honor, I'd like to continue.

1 MS. GOOD: Still object, Your Honor. There
2 hasn't been any foundation of what she looked at.

3 THE COURT: I don't know what she got it from.

4 BY MR. BOGLE:

5 Q Well, what was the source of your information?

6 A Okay. Let me just look real quick because it would
7 have been a statement to the police. Let me find that.

8 One was a South Carolina Department or Division
9 of Victim Services, victim registration form by the
10 mother. That's in relation to one, two, three victims in
11 which she described -- it says, "In the space below,
12 please give your statement of the crime, your description
13 of what happened. This is very important because it may
14 be the only statement of the crime other than the
15 offender's statement," and she had to sign it and date it
16 and it was stamped received by the SCDC Victim's Services.

17 Q This relates to the Connecticut crimes?

18 A Yes.

19 Q Okay.

20 MS. GOOD: Your Honor --

21 BY MR. BOGLE:

22 Q What other information did you have --

23 THE COURT: Hold on a second.

24 MS. GOOD: May I ask to see what she's looking
25 at?

1 THE WITNESS: Yes.

2 THE COURT: Are you finished? Have you not seen
3 these before?

4 MS. GOOD: I'm not quite sure what she's looking
5 at. I just wanted to make sure.

6 THE COURT: All right. Let's take a little
7 break and let y'all look at it.

8 Doctor, you can step down, but you can't discuss
9 your testimony with anybody.

10 We're at ease for a few minutes.

11 (A break was taken.)

12 THE COURT: All right. Anything else on the
13 objection?

14 MS. GOOD: Your Honor, I do want to make sure, I
15 still do object to this, Your Honor, as the fact that
16 these are not certified copies of anything from
17 Connecticut. In addition, nothing from Connecticut has
18 been put in the record regarding indictments or warrants
19 regarding the details of the case.

20 MR. BOGLE: Our response would be that -- and
21 this comes from the Corley case and some of the others,
22 the Ettel case as well -- in order for her to render an
23 opinion about whether or not Mr. Cyr fits the definition
24 of a sexually violent predator, she has to study and be
25 aware of other crimes. Not just sexual crimes, but also

1 nonsexual crimes. We'll talk about that later on. So
2 these are part of the case, part of the expert opinion
3 necessary for her to study, to be aware of in order to
4 form an opinion as to whether or not he fits the criteria.

5 THE COURT: She said that these are records from
6 the South Carolina Division of Victim's Services.

7 MR. BOGLE: The documents she was looking at --
8 well, we got interrupted. There's two sets of documents
9 she has and I can have her explain what they are.

10 THE COURT: Go ahead.

11 BY MR. BOGLE:

12 Q The first one -- okay. Dr. Wadman, the first
13 document you were looking at was a Victim's Services
14 document you said?

15 A It was the South Carolina Department of Corrections,
16 Division of Victim's Services, victim registration form.

17 Q Okay. And who is that document purportedly filled
18 out by? Who fills out that document?

19 A It could be just about anybody, but this is the
20 person requesting notification, and in this case it was
21 the mother, the victim's mother.

22 Q The three boys' mother?

23 A The three boys, the mother of the three boys.

24 Q Okay. And was that part of the records you received
25 from our office, from the Department of Corrections in

1 order to perform this evaluation, do this evaluation?

2 A Yes.

3 Q How many sheets of paper are we talking about there?

4 A That's three sheets of paper there.

5 And then I also have other documents from the
6 State of Connecticut Superior Court. I have a document,
7 JDCR-71, that basically talks about his offense and --
8 that's that.

9 Then I have a letter from the State of
10 Connecticut, 2007, to the warden at Ridgeland just
11 basically saying he's going to be transferred for trial.

12 I also have a sentencing sheet from the State of
13 Connecticut Superior Court showing what he was convicted
14 of and what he was ordered to do.

15 So I have -- I also have an Agreement on
16 Detainers form IX that talks about his disposition, what
17 he was sentenced to, and the special conditions of his
18 sentence.

19 Q And was it necessary for you to review all these
20 documents in order to form an accurate picture, or at
21 least to form an opinion about Mr. Cyr with regard to this
22 case, to review all these documents?

23 A Yes, it was.

24 Q Okay. And along the same lines, is it necessary --
25 we'll get into this later, though -- is it necessary for

1 you to review other crimes he's convicted of even if
2 they're not sexual in nature?

3 A Yes. It's important to look at as much information
4 as I can about the whole of his life. Not just legal and
5 sexual behavior but -- you know, it's important for me to
6 get as much information from the time he was born to the
7 present time to understand him as a whole.

8 MR. BOGLE: Thank you, Your Honor. We'd
9 request she be allowed to continue her testimony.

10 MS. GOOD: Note our prior objection, Your Honor.

11 THE COURT: Tell me your objection again. I'm
12 not sure where we are right now.

13 MS. GOOD: My objection, Your Honor, is to the
14 details of the Connecticut case and the fact that the
15 details that she is getting is from the mother of the
16 victims on a form that's not been certified nor have any
17 indictments or warrants from the State of Connecticut even
18 been introduced that are certified to show what the
19 details of that case were. She is basing it purely on
20 hearsay from someone she's never spoken to, including the
21 fact that nothing has been put in the record regarding
22 what those actual charges were and what the details of
23 those charges were through the court system that he pled
24 guilty to.

25 MR. BOGLE: Judge, if we fall back on the case

1 I've already cited and also the White case, an Appeals
2 Court case in 2007 about how relevant past criminal
3 history is. And I also understand that as a general rule,
4 that expert witnesses in order to form their opinions are
5 allowed to rely upon information which may involve hearsay
6 or which may not necessarily be admissible standing alone.

7 THE COURT: What's the cite for your Corley
8 case?

9 MR. BOGLE: John Phillip Corley, state Supreme
10 Court, 2003.

11 I'm sorry, Judge, I've got photocopies here, but
12 not a --

13 THE COURT: I've got a 2005 case, In the Matter
14 of the Care and Treatment of John Phillip Corley.

15 MR. BOGLE: That would be him.

16 I've got John Phillip, 2003, No. 577 SE2nd 451.
17 And that was by the Supreme Court.

18 THE COURT: 2005 was the review, annual review?

19 MR. BOGLE: Yes, sir.

20 MS. GOOD: Your Honor, I would like to point out
21 that the Corley case, the 2003 case, that the probative
22 values are the details as presented in the indictments.
23 In this case there is no indictments regarding the
24 Connecticut case.

25) MR. BOGLE: I think that would go to the weight

1 as opposed to admissibility, Your Honor. We've got all we
2 could get from Connecticut, so that's the only information
3 we have. And the doctor has to testify based on what
4 she's reviewing.

5 THE COURT: All right. The Corley case doesn't
6 really get into the evidentiary issues to the same exact
7 weight these are being presented to the Court.

8 MR. BOGLE: It may be the Ettel case would be
9 the one that's a better submission, Your Honor. I have a
10 copy that I can hand up.

11 THE COURT: All right. The Ettel case,
12 E-T-T-E-L, which is a 2008 case from the Court of Appeals,
13 and the Corley case, a 2003 case from the South Carolina
14 Supreme Court, they dealt with evidentiary issues.

15 In Ettel, the doctor had done an interview with
16 Ettel and Mr. Ettel had admitted three sexual offenses
17 that did not result in convictions. The Ettel case points
18 out that the statute provides that experts are allowed to
19 have reasonable access to the person for the purpose of
20 examination as well as access to all relevant medical,
21 psychological, criminal offense, and disciplinary records
22 and reports.

23 In Corley, what the respondent in that case was
24 attempting to do was to stipulate to the convictions so
25 that he admitted the convictions and it appeared to be a

1 strategic effort to keep the State from going into the
2 specifics of the convictions. And again, I don't think
3 that really is on all fours of what I have before me here.

4 The objection is hearsay. It is true that the
5 South Carolina Rules of Evidence allow for an expert to
6 rely upon hearsay if it is the type of hearsay that is
7 customarily relied upon by experts in the field in
8 formulating their opinions. In this instance, you
9 probably have double or triple hearsay because I don't
10 know -- I haven't seen these records, I don't know what's
11 in them. I don't know who told the mother what facts.

12 It is relevant and it is -- on one level the
13 hearsay objection would not be problematic because experts
14 can testify about hearsay. And she has been testifying --
15 some of the testimony has been in without objection about
16 prior convictions and the age of the children in
17 Connecticut and things of that nature.

18 MR. BOGLE: I think --

19 THE COURT: Go ahead. I'm sorry.

20 MR. BOGLE: I think what's important here is
21 that she's looking for a pattern of sexual assaults, of
22 sexual abuse --

23 THE COURT: Yes, but you're looking at the
24 ultimate issue and I'm looking at the evidentiary ruling.

25 MR. BOGLE: Yes, sir. It's just in order to

1 prove whether or not he's a sexually violent predator we
2 have to look at patterns, we have to look at things that
3 are consistent with people of this nature.

4 THE COURT: I don't disagree with you. That's
5 why I said it's relevant. But what I'm saying, she's
6 objecting to the documents that the witness is relying
7 upon.

8 MR. BOGLE: Right. And these documents are
9 filled out by the mother of the victim, okay, mailed to
10 the Department of Corrections.

11 THE COURT: Well, you just told me that, but I
12 didn't know that before.

13 MR. BOGLE: Well, I can -- she identified them
14 right before the break what they were. I can show them to
15 Your Honor if need be.

16 BY MR. BOGLE:

17 Q Dr. Wadman, just to be clear --

18 THE COURT: Hold on a second. I'm just going to
19 go ahead and make the ruling.

20 MR. BOGLE: All right.

21 THE COURT: The ruling is there's not a
22 sufficient foundation.

23 You can go ahead and make your proffer, put
24 whatever you want in the record and you mark whatever
25 exhibits you want to mark. If there's an objection, you

1 can mark them for ID.

2 MR. BOGLE: Okay. Well, there's no exhibits to
3 be introduced along these lines.

4 THE COURT: Okay.

5 BY MR. BOGLE:

6 Q My question for Dr. Wadman -- I guess this might be
7 part of the proffer -- was it necessary for you to explore
8 the details of the Connecticut crimes as well as the South
9 Carolina crimes?

10 A Yes, it was.

11 Q Why was it necessary to look at the Connecticut
12 crimes? What about them was significant to you?

13 THE COURT: Before you get into this, I accept
14 all that. It's the documents that are problematic.

15 Go ahead.

16 BY MR. BOGLE:

17 Q What documents did you look at in order to derive
18 information about the Connecticut crimes?

19 A I looked at the mother's statement to the -- on the
20 victim registration form, which was -- she did a statement
21 for each of her three boys who were sexually molested by
22 Mr. Cyr and those were dated April 14th, 2009. And then I
23 looked at a letter dated May 22nd, 2007, to the warden at
24 Ridgeland, Charles Anthony Burdon, and it was from a Betty
25 Carson, ID records specialist in the State of Connecticut

1 just basically saying that he had been temporarily
2 transferred and that he had received a six-year sentence
3 to be served concurrent with the South Carolina sentence.
4 And in that sentence, he was ordered to register with the
5 sex offender registry and have sex offender treatment.

6 I also looked at a sentencing sheet from the
7 State of Connecticut Superior Court and that was showing
8 the counts that he was convicted of, the number of years
9 he was ordered to serve. And then I looked at the State
10 of Connecticut Superior Court forms for each of those
11 counts showing that he -- what he had been indicted for.

12 Q Okay. Just for the record, if we could have the
13 court reporter mark -- if you could hand me that stack
14 right there. If you could mark, ma'am, just for the
15 purposes of this part of the argument, I guess, as part of
16 this proffer, the first exhibit is going to be the
17 statements written by the mother of the three boys.

18 And the second document --

19 THE COURT: Hold on a second.

20 There's an objection to that which has been
21 sustained.

22 All right. Go ahead.

23 MR. BOGLE: The second document is one, two,
24 three, four pages, and this is the sentencing sheets from
25 the State of Connecticut.

1 THE COURT: Are you offering or trying to offer
2 those into evidence?

3 MR. BOGLE: Not into evidence, Your Honor, but
4 as a proffer.

5 THE COURT: Mark those as Court's exhibits then.
6 Is there an objection to them?

7 MS. GOOD: Not as to what he actually pled to,
8 no, sir, the actual charge.

9 THE COURT: All right. She's not objecting to
10 them.

11 MR. BOGLE: Then I move to introduce them --

12 MS. GOOD: They can't be introduced as evidence
13 because they're not certified copies, but if she relied on
14 them I have no problem.

15 THE COURT: All right. So mark it as a Court's
16 exhibit, then.

17 MR. BOGLE: The Court's exhibit will be the four
18 sentencing sheets.

19 (WHEREUPON, The Court's Exhibit No. 1 was marked
20 for purposes of the record.)

21 MR. BOGLE: Finally, we have a letter from
22 Bonnie Bentley, Assistant State's Attorney, Judicial
23 District of Windham, Connecticut. It's an Agreement on
24 Detainers Form 9. This just reflects basically the
25 disposition of the three guilt convictions in Connecticut

1 with the special conditions Dr. Wadman talked about like
2 no contact with children, things like that.

3 I would like to introduce it into evidence. If
4 not, it's being put in -- I'd like to introduce her
5 testimony on the issue.

6 THE COURT: She's already testified. I don't
7 think there was an objection.

8 Go ahead. Is there an objection?

9 MS. GOOD: Your Honor, I don't object to her
10 testifying, but I do object to the record being put in as
11 there's been no foundation of who signed it or where it's
12 from, but I have no objection to her testifying.

13 THE COURT: Mark it as a Court's exhibit,
14 please.

15 (WHEREUPON, The Court's Exhibit No. 2 was marked
16 for purposes of the record.)

17 MR. BOGLE: And, Judge, just so I'm clear, and I
18 apologize for going through this, the first document which
19 is marked State's Exhibit No. 4 was the written statement
20 by the mother about the three boys. It's three pages.

21 THE COURT: Right.

22 MR. BOGLE: This is not introduced into evidence
23 as an exhibit, but we'd like Dr. Wadman's testimony about
24 these crimes to be considered as part of the overall
25 opinion. So how would you like this marked, leave it like

1 it is, State's 4?

2 THE COURT: Mark it for ID. You offered that
3 into evidence, she objected, I've ruled there's a lack of
4 foundation.

5 MR. BOGLE: Thank you.

6 THE COURT: The documents that are marked as
7 Court's exhibits, the Court does not -- the trial judge
8 won't review those. Those will just be there in case it's
9 an appellate issue. The one marked for identification
10 likewise is just to preserve it for appellate review, the
11 documents, but I'm going to consider everything the
12 witness testifies about --

13 MR. BOGLE: I understand.

14 THE COURT: -- as evidence as long as I haven't
15 sustained the objection.

16 (WHEREUPON, STATE'S Exhibit No. 4 was marked for
17 identification only.)

18 BY MR. BOGLE:

19 Q Dr. Wadman, these Connecticut offenses, these
20 occurred when the respondent was much younger than when he
21 committed the offense in South Carolina?

22 A They occurred when he was approximately 14 to 16
23 years old.

24 Q Okay. And then his age when he committed the crimes
25 in South Carolina, was it older than that?

1 A Yes. He would have been approximately 18.

2 Q Is past criminal behavior important when predicting
3 or considering whether or not there's a possibility for
4 future criminal behavior?

5 A Yes. One of the biggest risk factors for reoffending
6 is your history of offending. So the past is the best
7 predictor of the future.

8 Q Now, the victims in the 2005 Lexington County
9 offenses are all girls?

10 A Yes.

11 Q The victims according to your research in the
12 Connecticut offenses are boys. Is the difference in sexes
13 significant to you in making your opinion, and if so, why?

14 A Yes, it is. We've found that people who are
15 diagnosed with pedophilia who have male victims are much
16 more likely to reoffend if they have male victims than if
17 they have female victims.

18 Q Doctor, let me back up a little bit in your report.

19 Was it also necessary for you to look into and
20 talk with the respondent and find out as much as you could
21 about his social history; for example, school history,
22 educational history, any things he did as a kid or younger
23 that before he got convicted and went to the Department of
24 Corrections?

25 A Yes, it is.

1 Q Why is that important?

2 A One of the things that we look for, we're looking for
3 a mental abnormality and/or personality disorder.

4 Personality disorders are formed between the
5 ages of one and 18. So we have to look at their behavior
6 and their actions and their upbringing and all of that to
7 determine whether they have a personality disorder that
8 they carry forward into adulthood.

9 In his case, he gave a lot of information about
10 what he was like as a child and adolescent and the
11 antisocial and conduct disorder behavior that he engaged
12 in when he was younger.

13 He was expelled in the ninth grade for fighting.
14 He gave a history consistent with severe conduct disorder.

15 He said he engaged in gang activity. He
16 shoplifted frequently. He was often truant from school.

17 He participated in vandalism. Specifically he
18 said one time that he and fellow gang members broke into
19 the Connecticut State Fairgrounds and spray painted all
20 the barns, broke the windows, and flung the hay around.

21 He participated in animal cruelty. He said one
22 time he put his cat in the microwave oven and blew it up
23 in the microwave. He blamed it on being high on acid or
24 LSD.

25 He said that he participated in burglaries of

1 houses, he said, quote, "for just something to do," but he
2 was never caught. Some of his fellow gang members were
3 arrested and convicted of burglary but he wasn't.

4 He said he shoplifted frequently -- I said
5 that -- but he said once he stole a lawnmower from Lowe's
6 in broad daylight from the store.

7 So those were all significant to look at because
8 it shows, especially when you look at his behavior in
9 adulthood, that he meets the criteria for antisocial
10 personality order and antisocial personality disorder is
11 in itself a risk factor for sexual reoffense when they've
12 had sexual offenses.

13 Q Was it also important to you to look at substance
14 abuse, marijuana, alcohol, any type of substance abuse and
15 how that played in his personality or to his actions?

16 A Yes. Because substance, use of substances can
17 disinhibit people and especially it can affect their
18 behavior and make them more impulsive. They lose their
19 judgment, you know, when they're high.

20 He said that he started smoking marijuana,
21 drinking alcohol and using crack cocaine on the same day
22 when he was 13 years old. He said he's done every drug
23 out there except heroin and Ecstasy. He's abused crack
24 and powder cocaine, marijuana, LSD, mushrooms, angel dust,
25 pills and crystal methamphetamine. And he said his drug

1 of choice was crystal meth.

2 He continued to abuse illicit drugs when he was
3 incarcerated. And he asked me during the evaluation if I
4 was going to drug test him because he just wanted to let
5 me know that he was going to fail it because he had smoked
6 marijuana the evening before while in the special
7 management unit at Lee Correctional Institution.

8 He also said that he had huffed paint, gas,
9 rubber cement, and had huffed it until he got real
10 light-headed and he vomited one time. That's significant
11 because huffing causes brain damage. It can cause brain
12 damage.

13 He has a strong family history of substance use.
14 Two of his uncles and a cousin died from heroin overdoses
15 and he said some of his cousins are heroin addicts.

16 Q Now, in addition to looking at these things, was it
17 also necessary to look at his disciplinary history while
18 he's confined at the Department of Corrections?

19 A Yes.

20 Q Why is that important to you?

21 A Well, because it shows whether a person can manage
22 their behavior. And that's a big thing with this Act and
23 with decisions to put people in. Because if they can't
24 manage their behavior in prison, then what's to expect
25 them -- you know, how do we expect them to manage their

1 behavior outside of prison? Because prison has rules and
2 it's a contained environment. And so it was important to
3 look at that.

4 And his disciplinary record did show that he was
5 convicted of at least 20, maybe 21 major infractions
6 during his incarceration, and two of those were for
7 exhibitionism and public masturbation. And those both
8 occurred last year in 2011. And in both of those
9 incidences he was exposing himself and masturbating in
10 front of female staff.

11 Q Okay. What about weapons? Any weapons' issues while
12 he was in prison?

13 A Yes. He had at least five possession of weapons and
14 he said -- when I asked him about that he said he made,
15 quote, "some of the baddest knives in SCDC." He said he
16 would fashion knives out of various materials and he sold
17 them for \$5 to \$25 each because he didn't want to ask his
18 mother and father for money. And so he made a lot of the
19 knives that they would confiscate in prison, that's what
20 he said.

21 Q Now, you mentioned his being disciplined for sexual
22 misconduct in prison. Was there some statement he made to
23 you about the pink uniforms or something like? Could you
24 explain what that is and why it was significant to you?

25 A Yes. He -- let me see.

1 Q Page 7.

2 A Okay. Yes. One of the things about the females that
3 he masturbated in front of, he said that he, you know, he
4 felt like he was -- that the one, especially the second
5 one that he did it to would enjoy watching him masturbate
6 because he felt like other inmates had masturbated in
7 front of her and she had not reported them so he was upset
8 that she had reported him.

9 And he -- on June 11th after he -- June 9th of
10 2011, after he was allowed to change from a pink
11 uniform -- and they put the inmates in pink uniforms when
12 they have sexual misconduct. He told a mental health
13 staff member that he would never go back in that thing
14 again and he was charged with exhibitionism and public
15 masturbation 12 days later and was placed back in a pink
16 uniform.

17 And so one of the things that was significant
18 about Mr. Cyr is that, you know, people do things in
19 childhood and adolescence that doesn't necessarily mean
20 that they're going to continue a pattern of misbehavior,
21 but his pattern has continued in prison. And as recently
22 as last June, he was being charged with public
23 masturbation and sexual misconduct. So he just has shown
24 a pattern throughout his life with that.

25 Q Now, Doctor, did you score Mr. Cyr on something

1 called a Static-99R?

2 A Yes, I did.

3 Q First off, tell the judge what the Static-99R is and
4 how it's used.

5 A Okay. One of the things that we do -- and this is
6 across the United States, actually around the world -- in
7 evaluating risks of sexual reoffense, especially over the
8 past decade, they've become very good at looking at risk
9 factors and tying risk factors to sexual reoffense.

10 And so one of the actual assessments that we
11 rely on is the Static-99R. It's basically a ten-item risk
12 assessment scale and he scored -- his score on that was a
13 six. And then they ask you to rate that: Is that low,
14 moderate or high risk, and his was in the high risk.

15 And essentially when you look at the data on
16 that, his score of a six would place him in the top two
17 percent of male sex offenders who have been convicted of
18 sex crimes. People who -- they compare men who have been
19 convicted of sex crimes against each other. So it's not
20 men in the general population, it's just sex offenders.
21 And he scored in the top two percent.

22 Q Now, is this score a way to evaluate or predict or
23 best estimate his likelihood to reoffend?

24 A It's one -- one way. You know, all these pieces are
25 important. This is an important piece. You know, the PPG

1 testing we did is an important piece. His background is
2 an important piece. His conduct in prison is an important
3 piece. The fact that he didn't complete sex offender
4 treatment in prison and he was ordered in his Connecticut
5 sentence to complete sex offender treatment and he has not
6 had any sex offender treatment.

7 Q Let's talk about that. You mentioned a Static-99R,
8 okay?

9 You mentioned something a minute ago called the
10 PPG. What does the PPG stand for?

11 MS. GOOD: Your Honor, I'm going to object to
12 the PPG. This is a tool that's used for treatment
13 purposes, not for a diagnostic tool, and what we're here
14 for today is whether he's diagnosed with a mental
15 abnormality or personality disorder that leads to any
16 propensity to do sexually violent crimes in the future.

17 PPG, Your Honor, does not diagnose anything.
18 It's just used as a treatment tool. It's not accepted in
19 the forensic psychiatry community as something that can be
20 used in court, Your Honor, because there is no norm for
21 it. Each doctor uses their own norm or creates their own
22 norms for this thing and there's nothing that is standard
23 across the board for it to be used.

24 MR. BOGLE: If I could, Your Honor, just lay a
25 foundation as to what it is.

1 THE COURT: All right. I have to allow him to
2 establish his foundation and make his offer.

3 BY MR. BOGLE:

4 Q Doctor, you referred to something called the PPG.
5 What does that stand for? What does that acronym stand
6 for?

7 A It's a penile plethysmograph.

8 Q Okay. And in cases of this some nature, does the
9 Department of Mental Health -- is there a certain person
10 in the state of South Carolina that you have to run the
11 PPG on people?

12 A We are sending our PPGs down to William Burke, Dr.
13 William Burke in Summerville, South Carolina. He's been
14 doing these for more than 25 years and is a recognized
15 expert in the state.

16 Q Okay. Basically, for the record, how does the -- in
17 general terms, how does the PPG work?

18 A Well, in the PPG there's a gauge that's called the
19 strain gauge that's placed on the penis. The newer
20 Limestone plethysmographs also have respiration traces,
21 they have a pressure seat so that if somebody's trying to
22 suppress a sexual respond it will show that suppressing of
23 their response by the way that they're shifting in the
24 seat. It also has something that tests the heart rate.

25 But the biggest thing that it does is it

1 measures the stretch, the amount of -- I'm blanking on the
2 word -- the amount of hardness to the penis when they're
3 exposed to different sets or scenarios; some with female
4 children, female infants, male infants, male children,
5 adult females, males. And if they have more than five
6 millimeter of stretch on the gauge, then that's what's
7 called statistically significant.

8 Q Is there a strong relationship to the degree of a
9 person's sexual arousal to basically -- what it is that's
10 making this sexual arousal to the type of sexual interest
11 that he or she might have? Or that he might have. We're
12 talking about men here. Is there a connection between the
13 two?

14 A Well, it can -- it does several things. One, it is
15 correct, it is used in treatment to see how they're
16 responding to treatment. But it also can confirm
17 somebody's arousal pattern. So if they had female
18 victims, female child victims, male child victims, it is
19 significant if they light up to that on the PPG.

20 Q When they see what -- in other words, to make it --
21 you used the phrase "light up," to use your phrase. In
22 other words, the PPG is trying to see if they get an
23 erection when they're exposed to certain images?

24 A Yes. So, in his case -- ~~When they see~~
25 MS. GOOD: Objection, Your Honor. This is

1 getting into his case versus a foundation.

2 And I would like to add to my objection, Your
3 Honor, that they haven't put anything into the record
4 regarding what Dr. Burke's norm was, how he came to his
5 conclusions, nor is there any report that I've ever been
6 given that the expert has reviewed regarding the PPG, Your
7 Honor.

8 THE COURT: All right.

9 MR. BOGLE: In response, I'm referring to the
10 paragraph in Dr. Wadman's report at page eight where she
11 describes the PPG given to Mr. Cyr by Dr. William Burke in
12 Summerville on November 18th, 2011. She's testified to
13 that.

14 THE COURT: We do not have a jury and obviously
15 I have to allow you to develop your record. Normally if
16 we had a jury trial I'd send the jury out and all this
17 would be said in front of me but the jury may or may not
18 hear it depending on the ruling.

19 So from this point forward until you stop I want
20 you to be making a proffer -- I mean until you tell me if
21 you want to stop.

22 MR. BOGLE: Okay.

23 THE COURT: Tell me what you want to proffer
24 with relation to the PPG testing.

25 MR. BOGLE: All right.

1 BY MR. BOGLE:

2 Q Now, let me start with this. You described what the
3 PPG is.

4 MR. BOGLE: I would like to incorporate her
5 testimony thus far into this proffer.

6 THE COURT: Sure.

7 BY MR. BOGLE:

8 Q Okay. Is the PPG the standalone thing in your
9 diagnosis of Mr. Cyr?

10 A No.

11 Q Is it a part -- is it one of the tools that you used
12 to develop a diagnosis of Mr. Cyr?

13 A Yes, it is.

14 Q Is it a tool that is used by the Department of Mental
15 Health in many other cases?

16 A Yes.

17 Q Is Dr. Burke a recognized expert as far as developing
18 and utilizing and administering the PPG?

19 A Yes.

20 MS. GOOD: Objection, Your Honor. Just for
21 purposes of the proffer, I don't think she can testify as
22 to whether he's an expert or not.

23 THE COURT: This is a proffer.

24 Go ahead.

25 BY MR. BOGLE:

1 Q Okay. Does your agency with some frequency send
2 patients to Dr. Burke for PPGs?

3 A Yes, we do.

4 Q And is this done in the pre-commitment evaluation
5 stage, like right now with Mr. Cyr?

6 A Yes.

7 Q Is it also done after a person's been committed and
8 been undergoing treatment to see how well they react to
9 treatment?

10 A Yes.

11 Q As a measure of their progress, if you will?

12 A Yes, that's done also.

13 Q Okay. In this particular case, as far as you were
14 informed, you received that type of information from Dr.
15 Burke about what the results were?

16 A Yes, I did.

17 Q Okay. And the question being, did he have some kind
18 of arousal, sexual arousal, when showed certain images?

19 A Yes, he did. And he actually sent the results of the
20 graph to show the actual, you know, what it measured. And
21 this is standardized. This is used throughout the United
22 States, this Real Child Voice's stimulus set results, and,
23 you know, so we're not the only ones who use this.

24 Q What type of images did he get aroused to that you
25 found significant?

1 A Well, in this one, this would only be voices, the
2 voices of children, male children, female children,
3 adults, you know, males, females, and they would be
4 talking in sexually suggestive ways or making statements
5 that would -- it would measure whether somebody's aroused
6 to that.

7 Q Okay. So sometimes -- so what you're saying is that
8 sometimes it's voices, you hear recordings?

9 A Uh-huh.

10 Q Sometimes you look at pictures?

11 A Yes. The Marshall set would be the pictures.

12 Now, usually what will happen is if somebody
13 doesn't respond to the voices, then he'll follow up with
14 the Marshall set, which is the images, to see if the
15 person has a preference. So if the voices don't do it,
16 then he wants to see if the images do it.

17 But in the case in which somebody would have a
18 robust arousal to the voices, then there would be no need
19 to do the follow-up of the Marshall set.

20 Q Okay. In this particular case, what was significant
21 about the report that Dr. Burke generated or the images
22 or voices that Dr. Burke played for the respondent?

23 A Okay. What was significant is that Mr. Cyr had a
24 robust deviant sexual response to both male children and
25 female children.

1 Q Now, why is that significant to you in your overall
2 diagnosis, Doctor?

3 A Because that fits his known abuse pattern. So we
4 know that he sexually abused three little boys. We know
5 -- or he was convicted of that. We know that he sexually
6 abused three little girls. And so it shows that he
7 continues to have significant deviant sexual arousal to
8 both male and female children.

9 Q Okay. And again, was the PPG result a major point of
10 your -- a major contributor to the diagnosis? Was it part
11 of the overall picture? How did it fit into your
12 diagnosis?

13 A It was basically a confirmation of his diagnosis; in
14 other words, he already met the criteria for the
15 diagnosis. But when people go through the PPG and they
16 respond in a robust manner to deviant sexual scenes or
17 events with children, then it's almost -- it's a
18 confirmation of the diagnosis.

19 Q Okay. Would you characterize it as a part of your
20 diagnosis?

21 A Yes.

22 MR. BOGLE: Okay. Your Honor, that concludes
23 the proffer that we have right now.

24 I would like to move that what I asked her about
25 the PPG be admissible.

1 I cite to you the case of In the Matter of
2 Halgren, H-A-L-G-R-E-N, found at 132 Pacific 3rd 714 at
3 page 719, a 2006 case from the state of Washington, which
4 is the original state that brought us the Sexually Violent
5 Predator Act.

6 In that particular -- that Supreme Court held
7 that PPG testing is regarded as an effective method for
8 diagnosing and treating sex offenders and will be
9 admissible in circumstances where it is part of a
10 diagnostic process.

11 So we also have other citations and articles,
12 Law Review articles, medical journals and the like that
13 approve of saying that the whole point here is it's not
14 the standalone basis for her diagnosis. It is a part of
15 it. If anything, it confirms the direction she was
16 already heading in based upon his conviction pattern.

17 So, Your Honor, I'd ask that the testimony that
18 she's presented right now be considered part of the record
19 as admissible testimony about the PPG.

20 THE COURT: Ms. Good.

21 MS. GOOD: Your Honor, I still object to the
22 fact that there's been still no testimony regarding what
23 Dr. Burke's norm is, what he considers prepubescent
24 children, what's the age of the children, the voices he
25 became aroused to. There's no foundation that his norm is

1 the same as the doctor's in Washington's norm is. There's
2 nothing in the record that Dr. Wadman can testify to
3 regarding how Dr. Burke came to these conclusions.

4 THE COURT: Anything else?

5 MR. BOGLE: Judge, you should understand that
6 while the PPG's admissibility in this context hasn't come
7 up yet, the PPG was mentioned when courts were reviewing
8 testimony by experts in the Luckabaugh case, a Supreme
9 Court case from 2002; the Billy Ray Tucker case, an annual
10 review appeal from the Supreme Court in 2003.

11 The Tucker case also mentioned the Static-99 as
12 well as the PPG.

13 So it's been mentioned in cases when they're
14 reviewing the testimony of the expert, what the expert
15 contended as to whether or not they've proven their case.
16 It wasn't challenged directly like we have here, but it
17 was mentioned in that context.

18 THE COURT: Well, often times when you get into
19 these types of areas you're having rulings where the
20 evidence is allowed and it's allowed due to the objections
21 are appearing toward the weight of the evidence and not
22 the admissibility of the evidence. We may be somewhat
23 close to that here. Again, I'm going to fall back on a
24 foundation issue. I sustain the objection.

25 MS. GOOD: Thank you, Your Honor.

1 MR. BOGLE: Thank you, Your Honor.

2 THE COURT: I need to know whenever she gives
3 her ultimate opinions, whether if you factor out the PPG
4 her opinion would still be the same.

5 MR. BOGLE: Okay.

6 BY MR. BOGLE:

7 Q Let me ask you this, Doctor. To your knowledge,
8 based upon your interview with Mr. Cyr, review of
9 documents, the things you looked at, has Mr. Cyr taken any
10 responsibility for his sexual offenses?

11 A No. I found what he did is he minimized his sexual
12 offenses. And I think I told you what he told me about
13 the three female victims.

14 On his male victims, he did say that it had
15 occurred with the two older victims, who were then four
16 five years old, he said, "Oh, it just consisted of rubbing
17 our things together. It was not an everyday thing."

18 He did engage -- he denied engaging in oral or
19 anal sex with them.

20 And he -- about the male cousins he said, quote,
21 "I don't know what possessed me to do anything like that.
22 I was a little horn-ball back then. I was sleeping with
23 the little girl next door who was the same age."

24 Q Doctor, again, another question: Has Mr. Cyr shown
25 any appreciation for the harm that he caused his victims?

1 A I do not believe that he did.

2 MS. GOOD: I'm sorry. Could you repeat that
3 question?

4 BY MR. BOGLE:

5 Q Has Mr. Cyr shown any responsibility for the harm
6 that he caused his victims?

7 A I don't believe he did.

8 Q Now, Doctor, based upon your examination of Mr. Cyr,
9 in ruling out the PPG, if you rule that out, based upon
10 your examination of Mr. Cyr and a review of his records
11 and the fact that we've been discussing with the exception
12 of the PPG, do you have an opinion to a reasonable degree
13 of medical certainty as to whether or not Mr. Cyr has a
14 mental abnormality or a personality disorder?

15 A Yes, I do. I believe he has both.

16 Q Okay. What is his mental abnormality?

17 A His mental abnormality is pedophilia which would be
18 both based on his convictions and -- and in that
19 pedophilia diagnosis, that means that he experiences
20 recurrent intense fantasies, urges, and/or behavior
21 involving sexual arousal to prepubescent children, that's
22 children who have not reached puberty, and I believe that
23 he meets that diagnosis.

24 He also clearly meets the diagnosis for
25 poly-substance dependence in a controlled environment.

1 And while that is not a diagnosis that would get him into
2 the program as a standalone, it's important because it
3 doesn't -- it predisposes him -- we don't know if it
4 predisposes him to commit the acts, but what we do know is
5 that substance abuse is associated with decreased
6 self-control, disinhibition, and irresponsible social
7 behavior and has played a role in many of his past sexual
8 acts with children.

9 The fact that he has continued to abuse illicit
10 substances while he's been incarcerated -- he did complete
11 a nine-week substance group while incarcerated, and when I
12 asked him what he'd learned, he said, "Nothing really. I
13 just knew it would look good for me." It shows me that he
14 really hasn't learned anything about his substance
15 addiction. So that would be a risk factor.

16 He also, I believe, has some type of mood
17 disorder, and I gave him a provisional diagnosis of
18 bipolar disorder. That's a psychiatric diagnosis that
19 describes a variety of mood disorders and it's defined by
20 the presence of one or more episodes of abnormally
21 elevated energy levels. Sometimes people can be depressed
22 with it, sometimes they can just be what's called
23 hypomanic or just a little up.

24 And the reason I say that is because he has been
25 treated for a mood disorder while he's been in SCDC. He

1 has been prescribed different mood stabilizers and
2 medications, and at the time that I evaluated him, he was
3 prescribed the mood stabilizer Depakote.

4 He does have a documented history of mood
5 swings, some depressive episodes of suicidal gestures
6 while in prison. And he also has had periods of
7 hypersexuality and impulsivity.

8 So it's unclear how much of this is related to
9 his personality disorder and how much is related to his
10 abuse of illicit substances because he has abused
11 substances while he's been incarcerated. So, you know, it
12 would be important to sort of tease that out to see how
13 much of it is an actual mood disorder.

14 And then, in addition, he meets the diagnostic
15 criteria for antisocial personality disorder. And what
16 that means is that he has a long-term maladaptive pattern
17 of behavior that includes disregard for and violation of
18 the rights of others and manifests itself in periodic
19 failure to conform to social norms, impulsivity,
20 irresponsibility, and lack of concern for the welfare of
21 others. So that disorder in itself predisposes him -- it
22 puts him at increased risk of reoffending sexually.

23 Q In your report you describe the pedophilia as being a
24 non-exclusive type. What does that mean, non-exclusive
25 type?

1 A That means that he's also sexually attracted to adult
2 females.

3 Q Okay.

4 A So children and females. And that's not unusual.
5 You can either be a pedophile that's exclusively sexually
6 attracted to children or you can be a pedophile that is
7 attracted to both.

8 Q Okay. And how does this pedophilia play into his
9 sexual offending?

10 A Well, the fact that he acted on his impulses.

11 You know, there are a lot of pedophiles out
12 there and there are people that live with pedophilia their
13 entire lives and never sexually offend against a child.
14 They have the fantasies, they have the urges, but they
15 never have the behavior. They just somehow manage it.

16 But when people cross over and they actually act
17 out their urges and their fantasies, that's when there's a
18 problem. And he -- Mr. Cyr did that not just once, I mean
19 he did that continually, first with three little boys when
20 he was 14 to 16 years old and then later on with the
21 little girls.

22 Q Do you have an opinion, Doctor, again to a reasonable
23 degree of medical certainty, as to whether this pedophilia
24 and the other diagnoses you've given Mr. Cyr, do they
25 affect his emotional or volitional capacity so that's he

1 predisposed to commit future sexually violent offenses?

2 A I believe that he is.

3 Q Do you have an opinion again to a reasonable degree
4 of medical certainty as to whether he has a propensity to
5 be dangerous and to commit future sexually violent
6 offenses?

7 A I believe that he does.

8 Q Again, all of these opinions -- I'm asking these
9 opinions ruling out the use of the PPG. Are your answers
10 still the same?

11 A Yes, they're still the same.

12 Q Do you have an opinion again to a reasonable degree
13 of medical certainty as to whether this propensity to
14 commit future sexually violent offenses is of such a
15 degree that it poses a menace to the health and safety of
16 others?

17 A Yes.

18 Q Does it?

19 A Yes.

20 Q Okay. Does he have -- again the same kind of opinion
21 standard -- does he have a serious difficulty controlling
22 his behavior, controlling these propensities?

23 A Yes. And he showed that when he was incarcerated
24 with all of his disciplinary infractions.

25 Q Does the pedophilia and the other diagnoses that you

1 gave, again to a reasonable degree of medical certainty,
2 do these make him likely to engage in acts of sexual
3 violence unless he's confined for long-term control, care
4 and treatment?

5 A Yes, I believe it does.

6 Q Do you have an opinion, again to a reasonable degree
7 of medical certainty and excluding the PPG results, as to
8 whether or not Mr. Cyr meets the legal criteria to be
9 found a sexually violent predator?

10 A I believe that he does.

11 Q Has he been convicted of sexually violent crimes in
12 South Carolina?

13 A Yes, he has.

14 Q And does he have a relevant mental abnormality and a
15 personality disorder that you have diagnosed him with?

16 A Yes. He has both.

17 Q Okay. If he is committed for treatment, would he
18 have the right to petition for release?

19 A Yes, once a year.

20 Q Has he had any sex offender treatment to your
21 knowledge?

22 A No, he hasn't.

23 Q Okay. Has he completed his South Carolina sentence
24 for the crimes committed down here?

25 A Yes, he has.

1 Q Has he completed his Connecticut sentence for the
2 crimes committed up there? Again, you said he was serving
3 concurrent time down here. Is there any time left on the
4 Connecticut sentence?

5 A I'm not certain, but it's my understanding that he
6 has approximately six months left on that sentence and
7 then after that he would have the probation.

8 Q Now, based upon your analysis of Mr. Cyr, again
9 excluding the PPG, would probation and outpatient sex
10 offender treatment be appropriate for this man?

11 A I don't believe that it would, and that's on several
12 fronts.

13 First of all, his level of impulsivity, his
14 abuse of substances. If he were going to be in a program,
15 he would not be allowed to use any substances, and so he's
16 continued. He doesn't have his substance abuse under
17 control. And just based on his history, you know, of
18 impulsivity and lack of not conforming to rules even
19 within the prison, I don't think he's a good candidate for
20 outpatient treatment.

21 Q If he was released by the Court today, who would be
22 at risk?

23 MS. GOOD: Objection, Your Honor. She can't
24 testify who would be at risk. That's entirely
25 speculation.

1 THE COURT: Rephrase your question, please.

2 BY MR. BOGLE:

3 Q Who would be at risk to injury if Mr. Cyr was
4 released without further treatment?

5 MS. GOOD: Same objection, Your Honor.

6 MR. BOGLE: I think based upon her diagnoses and
7 the pattern of behavior she's seen she can identify the
8 victim pool.

9 THE COURT: You're asking her her opinion as an
10 expert and if it's based on some sort of scientific
11 evaluation or professional evaluation I will allow it, but
12 if you're just asking her -- it's such an awkward
13 question.

14 MR. BOGLE: Let me rephrase it one other way,
15 Judge.

16 THE COURT: All right.

17 BY MR. BOGLE:

18 Q Based upon your experience in this field working with
19 these type of people, people committed to the program,
20 people you evaluated that did not get committed, are you
21 able to develop an opinion as to who would be at risk if
22 he was released without any further treatment?

23 MS. GOOD: Same objection, Your Honor.

24 THE COURT: You may answer the question, if you
25 can.

1 THE WITNESS: This is how I would say it. I
2 think given his past offense history against prepubescent
3 girls and boys, that if he were to reoffend, and I think
4 he's at high risk of reoffending, that he could reoffend
5 against either boys or girls.

6 BY MR. BOGLE:

7 Q Is his level of risk to reoffend, in your opinion to
8 a reasonable degree of medical certainty, high enough that
9 he should be committed to a secure place for his treatment
10 as opposed to being released out into the street?

11 A I believe at this time that he should be committed
12 for treatment.

13 MR. BOGLE: Thank you, Doctor. Please answer
14 any questions that counsel may have or the judge may have.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MS. GOOD:

18 Q Dr. Wadman, I want to start off first, you said
19 you've testified more than a hundred times in forensic
20 cases in South Carolina courts. Since you have been with
21 the Department of Mental Health, how many times have you
22 testified?

23 A Over a hundred times.

24 Q And how many times of that has been for the State?

25 A Most of those times would have been for the State.

1 Q So are you saying you have testified for the defense
2 in this type of hearing?

3 A Yes.

4 Q And how many times do you think you've testified for
5 the defense?

6 A Maybe about five or six.

7 Q Just five out of the hundred times?

8 A Yes.

9 Q Okay. I'm going to try to go through this the same
10 way you testified just to try to keep us on the same
11 track.

12 A Okay.

13 Q You started out, of course, with the indictments and
14 sentencing sheets for South Carolina. As a result of
15 those, on the sentencing sheets, were you aware of how --
16 you were aware that Mr. Cyr actually pled guilty to those
17 charges, correct?

18 A That's correct.

19 Q So would you not consider that taking responsibility
20 for his actions?

21 A No, because he was charged with much more serious
22 offenses. And so had he been convicted of the more
23 serious offenses, he may have gotten a lot more time. So
24 I think that that would just be smart for him to plead as
25 a plea bargain from what I understand, plead guilty to the

1 lesser offenses.

2 Q So you don't even take in the minute possibility that
3 he could be taking responsibility for his actions?

4 A Well, I do, but that's the purpose of asking him in
5 the evaluation to see what he says about it, about whether
6 he's taking responsibility of it. And from what he told
7 me, he was still blaming the victims and minimizing and
8 not taking responsibility, and those are risk factors.

9 Q And how long -- your report is approximately ten
10 pages long. How long was your actual interview with
11 Mr. Cyr?

12 A We met for two hours.

13 Q So in two hours you were able to get through
14 everything you needed to diagnose somebody with several
15 disorders, bipolar disorder.

16 In your normal course of practice as a medical
17 doctor, when you are meeting with somebody for the first
18 time and you were doing therapy, have you ever done
19 therapy with somebody?

20 A Yes, I have.

21 Q How long does it normally take you to develop an
22 opinion on their mental history?

23 A It depends. You know, you could have an impression
24 within five minutes and within an hour. Usually initial
25 assessments are an hour long.

1 Q And so you can tell within an hour if somebody has a
2 problem?

3 A Not always. But, you know, usually, though, when
4 you're assessing somebody just cold, you know, if somebody
5 comes into your office, you don't have all these
6 documents. So even though I spent two hours with him, I
7 spent hours reviewing the documents and, you know, going
8 through the case and then the other assessments that we
9 did.

10 Q So is it fair to say that before you ever met with
11 Mr. Cyr you went through several hours of documents and
12 you had already formed an opinion as to what you thought
13 of Mr. Cyr?

14 A No. What I usually do is I usually try not to go
15 through everything first. I just kind of see what they
16 were charged with or convicted of and I read a little bit
17 about the ages so I can ask them about that. And then
18 while I'm interviewing him, I actually will -- most of the
19 times what I'll do is I'll actually read it to him to see
20 what he says when we're reading it. But I will have an
21 idea about the general case because I don't -- I always
22 want to make sure that I don't form an opinion before I go
23 in.

24 Q And with the South Carolina cases, you've reviewed
25 everything and you're aware of Mr. Cyr's social history.

1 How old was he when those cases occurred?

2 A He -- they said he was between 14 and 16 years old.

3 Q And you're aware of what his birthday is?

4 A Yes. His birthday is.

5 Q And so that would make him 30 years old today,

6 correct?

7 A Yes, he's 30.

8 Q And can you explain to me when you're -- as your
9 history of your education through medical school and
10 psychology and psychiatry, isn't it true that teenagers
11 and adolescent children, their brains are not fully
12 developed and they may act differently than somebody would
13 as, say, a 30-year-old?

14 A Yes, that's true.

15 Q And can you explain that in a little more detail?

16 A Well, sure.

17 You know, as kids are growing up they do a lot
18 of stupid things and that they're very impulsive, they
19 don't make good decisions.

20 In the research on sex offenses, you know, a lot
21 of kids who commit sex offenses when they're younger, they
22 don't commit sex offenses when they're older.

23 The concerning thing about Mr. Cyr is the sexual
24 misconduct charges that he got when he was in prison.

25 Those are actually counted, they're actually scored as new

1 sex offenses. Because, you know, you're not supposed to
2 when you're an inmate publicly masturbate and expose
3 yourself to female staff.

4 So the fact that he did that -- and he did it
5 not just once but twice, he got caught twice -- is that --
6 and in addition to the other things that he did with the
7 gang activity in prison, the making weapons, selling
8 weapons, using drugs, all of that shows that, you know,
9 even as a 29-year-old he was doing that. So, you know,
10 his brain by now is developed and so he shouldn't really
11 have been doing those things.

12 If it was just a childhood thing or an
13 adolescent thing he would have learned and modified his
14 behavior when he was in prison and he didn't, and that was
15 another concern.

16 Q Okay. Let me ask you this. Regarding -- you said
17 there was 21 convictions while he was in the Department of
18 Corrections, only two of which were sexual in nature.

19 Isn't it true from what you've reviewed, the
20 documents to form your opinion, that the first one was
21 actually while he was taking a shower?

22 A He knew that she was there.

23 Q How are you aware that he knew she was there?

24 A He -- let me just go to that.

25 Okay. The first one he told me that he

1 wasn't -- he says, "I wasn't jacking off to her, okay?"

2 He said he -- but he did intend for the female officer to
3 see him masturbating in the June 21st incident --

4 Q Which is not the shower incident, correct?

5 A I don't know if he was in the shower or not without
6 looking back at the incident report.

7 Q Well, on page seven of your report you have that on
8 January 7th was the one when he was in the shower.

9 A In the shower, right.

10 Q So that one he never intended for anybody ever to see
11 him, correct?

12 A He said he didn't intend.

13 Q And do you do a lot of work with inmates?

14 A I do some.

15 Q Okay. And when you interview inmates and males who
16 have been incarcerated for a long time, it's not odd to
17 find that they masturbate while in prison, correct?

18 A No.

19 Q So that is a normal thing for men who are stuck in
20 prison?

21 A To masturbate, yes.

22 Q And as far as you're aware he's never tried to act
23 out or assault anybody in prison sexually, correct?

24 A As far as I know, no.

25 Q And regarding the other disciplinary infractions

1 while in the Department of Corrections, regarding about
2 him making weapons, he never tried to use any of those
3 weapons, did he?

4 A Let me look at this disciplinary record, because he
5 did -- he was sanctioned for fighting on more than one
6 occasion.

7 Q Those are specifically in his disciplinary report as
8 fighting without a weapon, correct?

9 A I'd have to look.

10 He had -- I don't see anywhere he had fighting
11 with a weapon.

12 Q All right. I want to go back to the sexual offenses.

13 From your knowledge and from the pleas that he's
14 entered in Connecticut and in South Carolina, the last
15 time he's done anything sexually was in 2000, correct, the
16 year 2000?

17 A As far as being convicted in a court --

18 Q Right.

19 A -- of a sex offense would have been in 2005.

20 Q That's when he --

21 A Was convicted, yes.

22 Q But the actual incidents happened in 2000, correct?

23 A That was the last conviction with a child, in 2000.

24 Q And that was when he was 18 years old, right?

25 A Yes.

1 Q And from 2000 until 2005 when he was convicted, he
2 had no -- he'd grown older past the teenage years and he
3 hadn't had any sexual offenses during those times, had he?

4 A He had no known sex offenses during that time.

5 Q So, in fact, it's been 12 years since he'd actually
6 had any sex offenses? As he's gotten older, he hasn't
7 committed them?

8 A Except for the one in prison which is counted as a
9 sex offense.

10 Q Right, the masturbating?

11 A Yes.

12 Q I want to go to the ones in Connecticut. You said he
13 was 14 years old when those occurred, correct?

14 A I believe that he was between 14 and 16. It occurred
15 over a two or three-year period.

16 Q And you testified that to come to your conclusions
17 you look at the whole of his life. Did anything stand out
18 to you as important as to what happened directly before
19 those offenses when he was 14 years old?

20 A Yes. He was also -- he was sexually abused. He
21 reported being sexually abused as a child. Let me go back
22 to that.

23 Q That was when he was 11 or 12 years old, correct?

24 A He may have been 10. Just a minute and I'll get that
25 for you.

1 Okay. One of the things that happened is it
2 seems like he was coerced into participating in sexual
3 activity with a seven-year-old female cousin, so he would
4 have been eight when that happened. His older cousins
5 made them take their clothes off and hump each other. So
6 he was sexualized at an early age.

7 He told me this happened about three or four
8 times. There was never any penetration, but then
9 afterwards his older cousins would tell on them and they
10 would get a whipping. So they would coerce them into
11 doing this and then they'd get in trouble.

12 He also told me that he was sexually abused by
13 his paternal uncle when he was ten years old over a period
14 of months. He said his uncle fondled his genitals and
15 made Mr. Cyr fondle the uncle's genitals. And he said his
16 uncle actually served time in prison for sexually abusing
17 his own sons and one of his daughters.

18 Q So that was when he was about ten years old?

19 A Ten years old, yes.

20 Q And then three years later when he was 13 right
21 before the 14-year-old incident, didn't his brother
22 tragically die in a car accident?

23 A Yes, one of his brothers died in a car accident.

24 Q And in your medical opinion as someone who has been
25 educated as to the brain development of teenagers in

1 sexual offense-type cases, is that not important to you
2 that all those things happened in a short period of time
3 right before he acted out sexually at the age of 14?

4 A Is it important to me?

5 Q Yes.

6 A All of that is taken into account.

7 Not every person who is sexually abused as a
8 child becomes a sexual abuser themselves. So the fact
9 that he did become a sexual abuser is significant. And
10 then the fact that as he got older he continued the
11 behavior was significant.

12 And again, you know, he was a victim also and
13 then he ended up victimizing other children, male and
14 female.

15 And had he gone to prison and, you know, grown
16 up or become a model citizen, as probably the majority of
17 people in prison don't have these types of disciplinary
18 infractions, then I would have more -- you know, I would
19 have taken that more into consideration, the whole brain
20 development thing.

21 But he continued just to act out, to violate the
22 rules, to commit acts that on the streets would have sent
23 him -- you know, probably gotten him arrested, continued
24 to abuse substances and continued to sexually act out,
25 because he did know that he was -- that the female was

1 watching him when he masturbated in front of her. It's a
2 clear violation.

3 Q My question to you is, though, the sexual abuse by
4 his uncle followed closely by the death of his brother at
5 the age of 20 when he was 13 years old, do you not take
6 that into consideration as a reason he might have acted
7 out as a 14-year-old? Is it not unusual for 14-year-olds
8 to act out in different ways when that type of tragedy
9 happened in a short period of time?

10 A Yes, I think that that could have been a significant
11 factor, yes.

12 Q Regarding the Connecticut sentence, you said you're
13 aware that he received six years with 15 years probation.
14 Can you go through again what the conditions of that
15 probation is?

16 A Yes. From the sentencing sheet it said that he is to
17 have no contact with children under the age of 16. He is
18 not to work, volunteer, or frequent places where children
19 are most likely to be. He has to get prior approval from
20 Probation for a place of residence. He has to participate
21 in sex offender evaluation and treatment, to include a
22 polygraph, and he has to register with the sex offender
23 registry.

24 Q So part of that probation will include sex offender
25 evaluation and treatment, correct?

1 A I don't know. I don't know how they do that in
2 Connecticut.

3 Q That's fair.

4 And you also have no idea how he would react to
5 any sex offender treatment, would you?

6 A No, I don't.

7 Q Because he wasn't -- let me ask you this. With the
8 prison system, is sex offender treatment given in every
9 prison that somebody's in? Are you aware?

10 A No. They can request sex offender treatment.

11 The problem was with Mr. Cyr is he spent so much
12 time in special management units and the high lockup,
13 maximum security, because of all of the things that were
14 going on with him, that that would have disqualified him.

15 Q So he wouldn't even have been given the opportunity
16 to have sex offender treatment while in prison?

17 A Not in the high management units that he was held in.

18 Q In fact, during his social history and during this
19 entire interview with you, he was very forthcoming with
20 you, correct?

21 A He was about everything except his offenses.

22 Q Which he pled guilty to?

23 A Yes.

24 Q Regarding the substance abuse, you said it can
25 disinhibit and make somebody more impulsive, correct?

1 Since he's been incarcerated he has been medicated now for
2 his bipolar or mood depressions or any type of mental
3 abnormalities he's having, correct?

4 A It was spotty. He would take the medication for a
5 couple of weeks and then he'd stop it and then a few weeks
6 later he'd come back and want to take it again and then
7 he'd stop it. So he has never really had a long period of
8 compliance.

9 Now I will say that I don't know what's occurred
10 with his medication since approximately January or
11 February.

12 Q And medication for these types of disorders actually
13 helps prevent impulsivity and not seeing the rights of
14 others and trying to violate others, correct?

15 A It can in certain cases. It can if it's a primary
16 mood disorder that's contributing to it and it can if they
17 take it.

18 From what I could tell from the record, he
19 doesn't have a history of taking medications as
20 prescribed. So it would have to be voluntary on his part.

21 Q And you had mentioned during one part of your
22 testimony regarding huffing causing brain damage, you have
23 no proof that Mr. Cyr has ever had any brain damage from
24 huffing or anything like that, correct?

25 A No.

1 Q And you did say also that things people do as a child
2 doesn't mean that they do as adults, correct?

3 A That's true.

4 Q From the time he turned 18 years old until he was
5 incarcerated for this, you didn't see any problems sexual
6 assault-wise from Mr. Cyr, did you?

7 A Well, all I can say is that he wasn't arrested or
8 convicted of any other sex offenses.

9 Q So after he got out of the teen years he hasn't been
10 arrested or anything for any other sex offenses?

11 A Yes.

12 Q I want to go to your Static-99. You said you got a
13 six on the Static-99. Can you tell me how you got the
14 six?

15 A Yes. He actually could -- he could possibly be a
16 seven.

17 Okay. Do you have the coding for it? Do you
18 know how to code it?

19 Q No. If you could explain it to me.

20 A Okay. So you give points and so one of the things
21 that they revised about the Static was age at release. It
22 used to just be one point or no points. So now they
23 actually say if you're between 18 and 34.9 you get a one.

24 Q Okay.

25 A Okay. And then after that they start subtracting.

1 So if you're over 60 you actually get a minus three, so it
2 lowers your risk that much, but his age plays against him.

3 Q So he got a one for that?

4 A He got a one for that.

5 Two, ever lived with a lover for at least two
6 years. He had lived with somebody I think for about five,
7 Sharon, so he gets a zero. He gets a zero for index
8 nonsexual violence.

9 Prior nonsexual violence, any convictions.
10 That's violence, nonsexual violence, any convictions, so
11 he gets a "no" on that, because he was never arrested or
12 convicted for anything violent.

13 On prior sex offenses he gets a three and that's
14 because he had six-plus charges and four-plus convictions,
15 so each of those are separate convictions. So he had six
16 convictions and he had more than six charges so he gets a
17 three for that.

18 Q Why does he get a three?

19 A Because that is where you score them.

20 Q So you're counting each one as separate even though
21 he pled to them all the same day?

22 A Yes, they're all counted -- it's how many. That's
23 how they score it. It just increases their risk.

24 Q Okay.

25 A So then for prior sentencing dates he got a zero

1 because he had three or less.

2 He had two prior arrests, one for nonpayment of
3 child support. He also was arrested for carrying a weapon
4 on school grounds, but that was dismissed so we didn't
5 count that.

6 Any convictions for noncontact sex offenses.
7 Prison convictions, you know, prison misconduct, sexual
8 misconduct, public masturbation counts in that, in the
9 scoring in the manual, so he got a one for that.

10 Q So you didn't count that as his six-plus charges or
11 four convictions?

12 A No. So he gets a one for that.

13 Any unrelated victims, he gets a one for that,
14 because one of the females was unrelated to him. Any
15 stranger victims, he gets a zero. And any male victims he
16 gets a one.

17 So, really, when you add that up it's seven, but
18 it was -- really it's a seven. I was going back and forth
19 about the conviction for the noncontact sex offense with
20 the prison, but when I went back right before this hearing
21 we do score that, so he got a one. So really he's higher
22 than a six.

23 Q So it's fair to say then that your opinion changes
24 over time, in the past five months that you've done this
25 report?

1 A No, it didn't change. He's a high risk. Anything
2 over six is high. It doesn't matter how high, it's just
3 high.

4 Q You said that six and above is in the top two
5 percent. What would an eight be?

6 A It would be in the top two percent.

7 Q All right. So six and up, despite that six is closer
8 to the average of ten which is five, is actually high risk
9 instead of just towards more average?

10 A Yes. When they do the statistical analysis on it and
11 they slot them into categories, a six will get somebody
12 into the highest two percent.

13 MS. GOOD: And, Your Honor, right here I'm going
14 to ask on the -- would you like me to proffer any
15 questions on the PPG or what is your ruling on that?

16 THE COURT: Well, I sustained the objection, but
17 if you want to offer anything in the record I won't stop
18 you.

19 MS. GOOD: No, sir.

20 THE COURT: If you want to preserve anything in
21 case it's reviewed and the Supreme Court you think would
22 benefit from it.

23 BY MS. GOOD:

24 Q In fact, with the Connecticut cases --

25 THE COURT: Is this proffer?

1 MS. GOOD: No, sir, I'm moving on. I'm not
2 going to -- I just didn't know if you wanted questions for
3 purposes of proffer.

4 THE COURT: Okay.

5 BY MS. GOOD:

6 Q Regarding the Connecticut charges, he also pled
7 guilty to those charges, correct?

8 A Reduced. They were reduced charges.

9 Q So he never made any of the victims go through a
10 trial or anything of that nature and have to relive what
11 happened?

12 A I'm not really sure how to answer that. I mean, he
13 pled guilty to reduced charges, which was in his favor.
14 So I didn't ask him specifically if he did that to spare
15 his victims or if he did that out of self-preservation, so
16 I really couldn't answer that.

17 Q Regarding the pedophilia, you said they act on
18 impulses. In fact, isn't it true that 14, 16, 18-year-old
19 teens are still very impulsive human beings?

20 A I would say that, yes, teenagers are impulsive but
21 they're not all sexually impulsive against little
22 children. That would be unusual.

23 Q And you said with pedophilia that they have recurring
24 fantasies of children. Not once did Mr. Cyr ever tell you
25 that he had a fantasy about a child during your two-hour

1 interview, did he?

2 A No.

3 Q You said they also have urges regarding children.

4 Not once did he ever tell you he had urges regarding
5 children, did he?

6 A Not current urges.

7 Q And this is as a 30-year-old versus a 14-year-old?

8 A Yes. Not as a current -- not current urges.

9 Q You said with the poly-substance dependency that you
10 diagnosed him with, you said it's not a diagnosis for the
11 sexually violent predator program; is that correct?

12 A That's correct.

13 Q In fact, you don't even know if that predisposes him
14 to any sexually abuse-type cases, do you?

15 A I know that it's disinhibiting and that it was tied
16 to his previous offenses.

17 Q And you said you believe he has a mood disorder,
18 correct? You don't know if he has one?

19 A No, I don't.

20 Q And, in fact, for the mood disorder that you believe
21 he had, he was actually taking a mood stabilizer,
22 Depakote, when you interviewed him?

23 A Yes. He was taking a very low dose, what I would
24 consider a subtherapeutic dose of Depakote.

25 Q But that's what the prison had said he needed?

1 A Yes, that's correct.

2 Q Okay. And you said you're unclear how his mood
3 disorder is related to his substance abuse.

4 A No. It's -- I'm unclear as to whether he has a
5 primary mood disorder because he's continued to abuse
6 substances and he also has a personality disorder.

7 And people with antisocial personality disorder
8 can be very impulsive and act out. They're basically -- I
9 would describe it as an opportunist who takes advantage of
10 people and opportunities to take advantage of people.

11 And so I don't know how much of his current
12 behavior is as a result of his antisocial personality
13 disorder coupled with the substance abuse, he continues to
14 abuse substances. If you take away the substances and
15 control for his antisocial personality disorder, it's
16 interesting to see if he still has the mood lability.

17 Q But as long as he is on medication you're not as
18 concerned, correct?

19 A No, I didn't say that. You know, I haven't seen him
20 on a therapeutic dose of medication to know what that
21 would do for him.

22 Q And you were asked by Mr. Bogle that in your opinion
23 is he prone to reoffend and you were asked about excluding
24 the PPG. Mr. Bogle never asked you your medical opinion
25 excluding the PPG and excluding the details from the

1 Connecticut case. Does your opinion change if you exclude
2 the details of the boys in the Connecticut case?

3 A The details?

4 Q Yes.

5 A No. Because the fact he was convicted of three sex
6 offenses against three little boys is still significant.

7 Q But you didn't take the account of the details into
8 account at all for purposes of your diagnosis and opinion?

9 A No. The fact that he had male victims, male child
10 victims is significant in itself.

11 Q And you said that you don't believe that he is a good
12 candidate for outpatient therapy, but you've never seen
13 him in outpatient therapy, have you?

14 A No.

15 Q And you're not aware if he would even do well in sex
16 offender therapy as he has not been able to do that while
17 in prison, correct?

18 A What he told me was that he had participated, for
19 instance, in substance abuse treatment. I said, "Well,
20 what did you learn from that?" "Well, nothing." And he
21 just did it because he thought it would make him look
22 good.

23 You know, that's concerning. I mean, he has a
24 substance abuse problem that's caused him in part or
25 however much it caused or led to the trouble that he got

1 himself in here when he's been incarcerated and he showed
2 me that he didn't take treatment seriously and that he was
3 doing it to make himself look good.

4 I think that he needs treatment and I think that
5 given his past behavior and having to be housed in special
6 management units, which are for the worst of the worst
7 criminals in SCDC's system, that the best place to do that
8 and the right place to do that is in a secure environment.

9 Q Just to wrap up here, both of his Connecticut and his
10 South Carolina cases, they were all done when he was a
11 teenager, correct?

12 A Yes.

13 Q And then there was a five-year period where he
14 actually began to grow up and you said he was living with
15 a woman his age, a lover, correct?

16 A That's my understanding.

17 Q And during that time period he had no sexual assault
18 problems or arrests that you're aware of, correct?

19 A I'm not aware of any arrests, but I'm not aware of
20 his other behavior either. I don't know what his behavior
21 was.

22 Q So after he moved out of the teen years he didn't
23 have any problems and then now he's how old, 30, correct?

24 A I wouldn't say he didn't have any problems. I'd say
25 that there's a void of information there.

1 We go from him -- we go up to him being or
2 having these charges when he was 18 to landing in prison
3 in 2005 and then we can document his behavior from 2005 to
4 the present.

5 So based on his behavior from birth to 18 and
6 his continued similar behavior minus the children --
7 because there's no children in prison -- from 2005 to
8 2012, which was similar to his behavior as a youth, I
9 would -- if I had to hedge my bet, I would say that he
10 didn't have a perfect four years there, but I don't have
11 any documentation of his behavior during those four years.

12 Q And during the entire seven years in prison he
13 actually only had two sexual-in-nature disciplinary
14 conduct, one of which admittedly is in your report as he
15 was in the shower and didn't even intend for anybody to
16 see him, correct?

17 A I do work in the prisons. Most inmates do not have
18 sexual misconduct or public masturbation charges. Most of
19 them do not.

20 So it's only -- I would say -- you know, it's
21 like saying he only -- it would be like saying that "I
22 only killed one person." Most people don't kill people.
23 Or "I only sexually offended against six children." I
24 just -- I don't think that saying "only" to sex charges in
25 prison is really the right way to put it.

1 Q And you did testify that it's normal for males in
2 prison to masturbate?

3 A In private.

4 MS. GOOD: No further questions, Your Honor.

5 THE COURT: Thank you. Redirect.

6 MR. BOGLE: No, Your Honor. Thank you.

7 THE COURT: Thank you, Doctor. You may step
8 down.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: Any further evidence from the State?

11 MR. BOGLE: We would ask that Dr. Wadman be
12 excused.

13 Nothing further from the State, Your Honor. The
14 State would rest.

15 THE COURT: All right. Does the respondent wish
16 to offer any testimony or evidence?

17 MS. GOOD: If I may talk to my client real
18 quick, Your Honor.

19 THE COURT: Court's in recess for ten minutes.

20 (A break was taken.)

21 THE COURT: Do you wish to offer any evidence?

22 MS. GOOD: No, sir, Your Honor.

23 THE COURT: All right. Mr. Cyr, you're still
24 under oath. You realize that?

25 THE APPLICANT: Yes, sir.

1 THE COURT: Okay. Now, your lawyer tells me
2 that you do not wish to testify or have any evidence
3 offered in your behalf; is that correct?

4 THE APPLICANT: Yes, sir.

5 THE COURT: Now you can have a seat. I need to
6 ask you some questions.

7 You understand that you have a right to testify
8 if you wish to testify?

9 THE APPLICANT: Yes, sir.

10 THE COURT: And the State has the entire burden
11 of proof and the State has got to prove their case beyond
12 a reasonable doubt against you. Do you understand that?

13 THE APPLICANT: Yes, sir.

14 THE COURT: But you are offered an opportunity
15 to testify yourself or call witnesses or present evidence
16 to explain or contradict or show your side or put a
17 different light on it, however you wish to look at it. Do
18 you understand?

19 THE APPLICANT: Yes, sir.

20 THE COURT: This basically now is going to be
21 your only trial on this. If the case goes against you --
22 I'm certainly not making any rulings, but if the case went
23 against you, then you'd have a right to appeal. But if
24 the appeal went against you, basically you're going to
25 have annual reviews, but this is really your only

1 opportunity that you're going to have to deal with these
2 specific issues that are here now. Do you understand
3 that?

4 THE APPLICANT: Yes, sir.

5 THE COURT: Are you sure you want to go forward
6 with this case without offering any evidence?

7 THE APPLICANT: Yes, sir.

8 THE COURT: Is that your own decision made of
9 your own free will?

10 THE APPLICANT: Yes, sir.

11 THE COURT: Are you still fully satisfied with
12 your lawyer?

13 THE APPLICANT: Yes, sir.

14 THE COURT: And there's been some mention about
15 different diagnoses of you that don't have anything to do
16 with sexual offenses, but I asked you this question
17 earlier. Has anybody ever diagnosed you or have you ever
18 had any problem with making important decisions concerning
19 your rights or signing documents or anything like that?

20 THE APPLICANT: No, sir. I was diagnosed in the
21 penitentiary with depression.

22 THE COURT: Okay.

23 THE APPLICANT: That was the only other
24 diagnosis.

25 THE COURT: But you don't take medication for

1 that?

2 THE APPLICANT: I do. I have took it on many
3 occasions.

4 THE COURT: Okay. Do you feel like today -- are
5 you sure today that you're clearheaded and you know what
6 you're doing?

7 THE APPLICANT: Yes, sir.

8 THE COURT: Any doubt about it?

9 THE APPLICANT: No, sir.

10 THE COURT: Okay. Do you all wish to make
11 closing arguments?

12 MS. GOOD: Yes, sir.

13 MR. BOGLE: Very briefly, Your Honor.

14 As Your Honor knows, the statute requires us to
15 prove beyond a reasonable doubt several things: First,
16 has the respondent been convicted of a sexually violent
17 crime. And I believe there's no question that that's
18 happened. We have three convictions here in Lexington
19 County for lewd act upon a child. These are sexually
20 violent crimes as set forth in the statute.

21 The second issue is whether or not he suffers
22 from a mental abnormality or a personality disorder that
23 makes him likely to reoffend in a sexually violent manner
24 unless he's confined for long-term control, care and
25 treatment.

1 You've heard the testimony from an expert
2 witness, a witness qualified by Your Honor to give an
3 expert opinion. She found a mental abnormality:
4 Pedophilia, non-exclusive. She also found a personality
5 disorder, antisocial personality disorder. She found
6 another mental abnormality related to the poly-substance
7 abuse, the abuse of marijuana and drugs of all types and
8 things like that. So he has the requisite mental
9 abnormality.

10 The question now is: Do all of these factors
11 add up to make it likely beyond a reasonable doubt to show
12 that he is likely to engage in acts of sexual violence
13 unless he's confined for long-term control, care and
14 treatment?

15 We would submit that looking at the total
16 picture, excluding the evidence which Your Honor kept out
17 in reference to the PPG, if you look at all the risk
18 factors that are present, the lack of sex offender
19 treatment in prison, and you've got to think that -- I
20 understand it's not offered for everybody in prison, but
21 you've got to ask for it Dr. Wadman said, and he was in
22 the kind of high security where he couldn't have gotten it
23 anyway. And you don't get in high security without
24 getting yourself into it. It doesn't happen accidentally.

25 So he hasn't had sex offender treatment. He

1 does take medications for different things, but he'll just
2 not take them when he feels like it.

3 He has a history, a lifelong history going back
4 many, many years of acting on impulse, just doing bad
5 things, from microwaving the cat to burglary to
6 shoplifting to petty theft leading up to the abuse of the
7 three small boys in Connecticut, the convictions there for
8 the harmful act on a child and then the three counts of
9 lewd act on a child here, two victims which were cousins
10 to him, one was not a relative, which again is another
11 risk factor.

12 So if you add up all the risk factors which Dr.
13 Wadman found and she plugged them into that statistically
14 acceptable scoring mechanism, the Static-99R, he was by
15 the industry, her industry, to predict he's in the high --
16 he's in the two percent, the worst of the worst if you
17 will, as far as likelihood to reoffend in a sexually
18 violent manner.

19 So looking at all the evidence, Your Honor, even
20 giving credit for some undocumented times when he didn't
21 offend and some times where he was in jail or something
22 like that, or his youth at the time he committed the
23 offenses, I would submit that the case has been proven
24 beyond a reasonable doubt that he is a sexually violent
25 predator. He's got the mental abnormality, he's got the

1 right kind of convictions, the evidence seems to be quite
2 solid that he's likely to reoffend unless he's confined
3 for this treatment.

4 Thank you, Judge.

5 THE COURT: Thank you.

6 All right. Ms. Good, do you wish to make a
7 closing statement?

8 MS. GOOD: Yes, sir, Your Honor.

9 I'm going to start out that the State has not
10 proven beyond a reasonable doubt that he suffers from any
11 mental abnormality or personality disorder that's going to
12 predispose him to engage in acts of sexual violence if not
13 confined.

14 Dr. Wadman testified to the pedophilia, Your
15 Honor. She gave that based on something that he did when
16 he was 14 years of age after being molested by his uncle
17 and then right after the death of his brother. It was a
18 very difficult time for him, Your Honor, and she testified
19 that sometimes children act out when that happens.

20 Regarding the pedophilia, she never had any
21 statements of recurrent urges or fantasies from Mr. Cyr
22 that she based those on. She based it purely on something
23 that a 14-year-old child did, Your Honor.

24 And then it goes on to the 18-year-old, and
25 since that time after he was 18 years old he was in a

1 social environment, he developed -- she testified
2 regarding children's brains develop differently -- and
3 after 18 he became an adult, Your Honor, and there were no
4 sexual assault problems with him. That she testified he
5 was living with an adult woman, Your Honor, when he was
6 arrested for these offenses here in Lexington County.

7 She also testified regarding the poly-substance
8 abuse, Your Honor, and she testified that that's not a
9 diagnosis that's used for the sexually violent program.
10 She doesn't even know if it predisposes him to any sexual
11 assault-type cases, Your Honor.

12 And then she went on with the antisocial where
13 she just said there's a long-term pattern of violation of
14 rights of others. She bases that long-term pattern on
15 some disciplinary infractions while in prison, Your Honor.

16 Of the 21 convictions he has in prison, not one
17 of them is for fighting with a knife or anything of a
18 violent nature. It was two sexual offenses, one of which
19 is while he was in the shower not intending for anybody to
20 see. And she testified it's normal for inmates to
21 masturbate while in private, Your Honor. And I would
22 submit to you that while in the shower while in prison is
23 not exactly the most private area, it is private, Your
24 Honor. So he really only has one sexual offense of
25 masturbation while in prison, which she testified that

1 inmates do do.

2 He's now 30 years old, Your Honor, which is very
3 different from a child whose brains develop very
4 differently, from the fact that he was 14 during a
5 traumatic time in his life and 18 years old to now being
6 30 years old.

7 She couldn't even testify that whether he would
8 respond to sex offender treatment or not. In fact, she
9 testified not everybody is even offered sex offender
10 treatment in prison and where he was located in prison he
11 wouldn't have been able to have it, so therefore he's
12 never even had the ability to do sex offender treatment,
13 Your Honor, and that's one of the conditions she testified
14 that he would do while on 15 years of monitored probation
15 in Connecticut.

16 So we would ask that you find that the State has
17 not proved beyond a reasonable doubt that there is any
18 mental abnormality or personality disorder that makes him
19 likely to engage in acts of sexual violence now that he is
20 this age and he has developed differently as he was as a
21 14 or 18-year-old.

22 THE COURT: Thank you very much.

23 Madame Court Reporter, can I see all the
24 exhibits that were entered into the record, not counting
25 the Court's exhibits or the ID?

1 (Pause.)

2 THE COURT: All right. If there's nothing
3 further, the Court renews the findings beyond a reasonable
4 doubt that the defendant freely, voluntarily, knowingly
5 and intelligently waived his right to a jury trial.

6 The Court finds beyond a reasonable doubt
7 that -- I say the defendant -- Mr. Cyr, the respondent --
8 the Court finds beyond a reasonable doubt that Mr. Cyr,
9 the respondent, has made a free, knowing, voluntary and
10 intelligent decision to waive his rights regarding
11 presentation of evidence and his right to testify.

12 He's made all decisions upon the advise of
13 counsel with whom he's fully satisfied.

14 Having reviewed the evidence, the Court finds
15 beyond a reasonable doubt that the State has established
16 that Mr. Cyr was convicted of sexually violent offenses
17 involving lewd acts upon children 14 years of age or
18 under, all of them were under 14 years of age and three in
19 Lexington County.

20 The Court finds beyond a reasonable doubt that
21 the State has established that Mr. Cyr suffers from a
22 mental abnormality or personality disorder that makes him
23 likely to engage in acts of sexual violence if not
24 confined in a secure facility for long-term control, care
25 and treatment. He has serious difficulty in controlling

1 behavior. He has a mental condition that affects his
2 emotional and volitional capacity and predisposes him to
3 commit sexually violent offenses and causes him serious
4 difficulty in controlling his behavior; that he's likely
5 to engage in acts of sexual violence; that is, that he has
6 the propensity to commit sexual acts of violence to such a
7 degree as to pose a menace to the health and safety of
8 others and so that he is dangerous to others.

9 Mr. Cyr, if you wish to appeal the decision of
10 the Court, you must do so in writing. You need to
11 instruct your lawyer to file a notice of intent to appeal.

12 If you cannot afford an attorney one will be
13 appointed for you to represent you at the appellate stage,
14 but it has to be done in writing and you've got a short
15 time frame so I would recommend to you that you file your
16 appeal. Do you understand?

17 THE APPLICANT: Yes, sir.

18 THE COURT: Mr. Bogle, I think I need a written
19 order since it was a bench trial.

20 MR. BOGLE: Yes, sir. I'll bring one over
21 tomorrow.

22 THE COURT: Thank you very much.

23 We'll do a written order and I'll send that to
24 your attorney, Mr. Cyr. Make sure you get it.

25 Thank you.

1 MS. GOOD: Thank you, Your Honor.

2 MR. BOGLE: Thank you, Your Honor.

3 (The proceedings were concluded.)

4 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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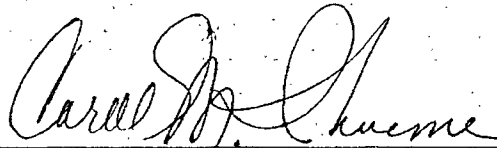
1 CERTIFICATE OF REPORTER

2
3
4 STATE OF SOUTH CAROLINA)5 COUNTY OF LEXINGTON)
6
7

8 I, CAROL M. THUEME, RPR, Official Court Reporter for
9 the 11th Judicial Circuit of the State of South Carolina,
10 do hereby certify that the foregoing is a true, accurate
11 and complete Transcript of Record of the proceedings had
12 and evidence introduced in the trial of the captioned
13 case, relative to appeal, in the Court of Common Pleas for
14 Lexington County, South Carolina, on the 9th day of April,
15 2012.

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

18
19
20 August 20, 2012

21 
22

23 CAROL M. THUEME, RPR
24 Circuit Court Reporter
25

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
DUSTY A. CYR,)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT
CASE NO. 2011-CP-32-02076

2012 APR 10 3 10 46

ORDER OF COMMITMENT

The trial of this case was held in the County of Lexington in the Court of Common Pleas the week of April 9, 2012. The Respondent was personally present and represented by Anna R. Good, Esquire. Senior Assistant Attorney General James G. Bogle, Jr. represented the State.

The Respondent moved for a bench trial. An examination of the court file showed no request for a jury trial filed by the State or the Respondent, and S. C. Code Ann. Section 44-48-90(B) states that within thirty days of the probable cause hearing conducted pursuant to Section 44-48-80, either party may request a jury trial in writing; if this is not done the trial shall be before a judge. The Court first determined from Respondent that he was willing to go forward without a jury, and that he was competent to make such a decision, had consulted with his attorney, and was satisfied with her advice. The motion to proceed with a bench trial was then granted.

At the close of the State's case the Respondent announced he would present no evidence. The Court determined from the Respondent that he freely, voluntarily, intelligently and without coercion waived his rights, including but not limited to the right to testify and present evidence, that he was making this decision after consultation with his attorney, and that he was satisfied with the services of his attorney.

The Court further verified from the Respondent that he was not under the influence of any substance, such as prescription medications, at this time, nor did he suffer from any other impairment that might prevent him from understanding his rights and these proceedings.

Based on the testimony and evidence presented, the Court finds beyond a reasonable doubt, pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100, that (1) the Respondent has been convicted in Lexington County of three sexually violent crimes, specifically three counts of Lewd Act on a Minor on three different victims; (2) that he has been diagnosed with a mental abnormality, pedophilia nonexclusive, and a personality disorder, antisocial personality disorder, that affect his emotional or volitional capacity so that he is likely to commit future sexually violent offenses; (3) that as a result Respondent has a propensity to commit future sexually violent offenses of such a degree that there exists a menace to the health and safety of others; (4) that Respondent has serious difficulty in controlling his behavior; and (5) that Respondent's mental abnormality and personality disorder make him likely to engage in acts of sexual violence, unless he is confined in a secure facility for long-term control, care, and treatment.

The State has thus proven beyond a reasonable doubt that Respondent, Dusty A. Cyr, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

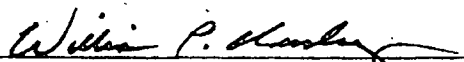
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment; and

(b) Respondent is to be detained in the Lexington County Detention Center and transported, as soon as possible, by the Sheriff of Lexington County to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Sheriff is to transport Respondent on such scheduled date as the Sheriff's Office (or the Detention Center) coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.

April 10, 2012
Lexington, South Carolina


The Honorable William P. Keesley
Judge for the Eleventh Judicial Circuit
Court of Common Pleas

2012 APR 10 A 10:46

FILED

#2

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

VS

AKA:

Race: White Sex: Male Age: 27DOB: 1-1-78

Address:

City, State & Zip

DL# SC

SID#

2005

-GS-

INDICTMENT/CASE#:

32 1306

AW#:

H-612566

Date of Offense:

8-1-00

S.C. Code §:

16-15-140

CDR Code #:

2141618

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALdisposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Committing or Attempting Lewd Act upon Child 14 y.o.in violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2141618☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed 10 years and/or to pay a fine of \$ 100, provided that upon the service of 10 days/months/years and/or payment of \$ 100, plus costs and assessments as applicable; the balance is suspended with probation for 10 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/5/05☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ 100 plus 20% fee: \$ 20

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100
\$14-1-211(A)(2) (DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$ 35.13 (Public Def/Prob)	\$500
\$73.3, 1B TP (Law Enforce. Funding)	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100
\$50-21-114 (BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$ <u>1225</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ 100 beginning\$ 100 paid to Public Defender FundOther: Agreement with wife victim☐ Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

A TRUE COPY

Tex. Co. C.C.C.P. G.S. & E.O.
Pink - Defendant

SCCA/217 (7/2003)

White - Clerk Green - Corrections

4-9-12

#1

17

Sally Henry

WITNESSES

LCSD
Peake, D. R.
Dusty Alan Cyr

DOCKET NO. 2005 -GS-32-1306

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

March TERM 2005

THE STATE

vs.

Dusty Alan Cyr

A-2005-32-00317

3/3/2005 12:33 PM

ARREST WARRANT NUMBER

H6125656 *SATY*

TRUE BILL
ACTION OF GRAND JURY

Lisa M. Kerns

Foreperson of Grand Jury
Date: *4-4-05*

VERDICT

Foreperson of Petit Jury

Date:

CDR# 2468

Indictment for

**Committing or Attempting Lewd Act Upon
Child under Sixteen**

§16-15-140

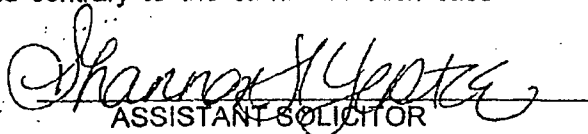
DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
INDICTMENT FOR
Committing or Attempting Lewd Act Upon Child under
Sixteen
§16-15-140

At a Court of General Sessions, convened on March 2005, the Grand Jurors of Lexington County present upon their oath:

That Dusty Alan Cyr did in Lexington County on or about or between August 01, 2000 and August 01, 2000, being a person over the age of fourteen, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, or its parts, of a child under the age of sixteen years, to wit: Minor 2, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or of the child, to wit: the defendant got on top of her and began thrusting his pelvis and genital area against the victim's genital area, in violation of § 16-15-140 of the Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

A TRUE COPY


Lex. Co. C.C.C.P., G.S. & F.C.

ARREST WARRANT

H-612566 H-612566

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

THE STATE
against

DUSTY ALAN CYR

Address: _____

WEST COLUMBIA, SC 29172

Phone: _____ SSN: _____

Sex: M Race: W Height: 6-0 Weight: 142DL State: SC DL #: _____DOB: _____ Agency ORI#: 3200Prosecuting Agency: L. C. S. D.Prosecuting Officer: D. R. PEAKEOffense: COMM. LEWD ACT UPON CHILD

Offense Code: _____

Code/Ordinance Sec. 16-15-140 2968

This Warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant DUSTY ALAN CYR
on 1-21-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

GARY REINHART
521 GIBSON ROAD
LEXINGTON, SC 29072
951-2542

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618Personally appeared before me the affiant D. R. PEAKE who
being duly sworn deposes and says that defendant DUSTY ALAN CYR
did within this county and state on 08/01/2000 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:

DESCRIPTION OF OFFENSE:

COMMITTING OR ATTEMPTING LEWD ACT UPON CHILD UND
FOURTEENI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:THAT AROUND THE DATE OF 08-01-2000, THE DEF, DUSTY ALAN CYR,
18 YRS OF AGE, DID INTENTIONALLY AND IN A LEWD MANNER COMMIT A
SEXUAL ACT UPON THE BODY OF A TEN YEAR OLD FEMALE VICTIM. THE
DEF. LAID THE VICTIM DOWN, GOT ON TOP OF HER AND BEGAN TO
HUMP HER THRUSTING HIS PELVIS AND GENITAL AREA AGAINST THE
VICTIM'S GENITAL AREA. THE DEF COMMITTED THIS ACT TO AROUSE AND
SATISFY HIS SEXUAL DESIRES. ALL OCCURRED AT
IN THE PELION AREA OF LEXINGTON COUNTY, SC.

Signature of Affiant

Affiant's Address LCSO521 GIBSON ROADAffiant's Telephone LEXINGTON, SC 29072359-8230

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 08/01/2000 defendant DUSTY ALAN CYR
did violate the criminal laws of the State of South Carolina (or Ordinance of LEXINGTON)
☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE:

16-15-140

COMMITTING OR ATTEMPTING LEWD ACT UPON CHILD UNDER
FOURTEENHaving found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me _____)

on 01/20/2005 _____)Judge's Address 231 WEST CHURCH ST.BATESBURG, SC 29006

Signature of Issuing Judge _____)

Judge's Telephone 359-8330Judge Code: 041Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

VS.

AKA:

Race: WhiteSex: MaleAge: 23

SS#:

Address

City, State, Zip

DL# SCWEST LAK, SC 29712

#

2005

-GS-

INDICTMENT/CASE#:

32-1307

A/W#:

H 612565

Date of Offense:

8-1-00

S.C. Code §:

16-15-140

CDR Code #:

2141618☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO Committing or Attempting Lewd Act upon Child ≤ 14 YOAin violation of § of the S.C. Code of Laws, bearing CDR Code # 214168☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____, plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/5/05☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: No contact w/ victim☐ Appointed PD or appointed other counsel, \$35.13 TP Requires \$500 be paid to Clerk during probation.

Recipient:

*Fine:

\$14-1-206 (Assessments: 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

\$35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

\$50-21-114 (BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

\$	\$
\$100	\$100
\$100	\$
\$12	\$
\$500	\$
\$25	\$
\$100	\$
\$50	\$
\$40/ea	\$
\$	\$
\$	\$
\$120	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

PRESIDING JUDGE

Judge Code:

Sentence Date:

STATES
EXHIBIT

A TRUE COPY

White - Clerk

Green - Corrections

4-9-12

#2

Pink - Defendant

SCCA/217 (7/2003)

WITNESSES

LCSD
Peake, D. R.
Dusty Alan Cyr

DOCKET NO. 2005 -GS-32- 1307

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

March TERM 2005

THE STATE
vs.
Dusty Alan Cyr

A-2005-32-00317

3/3/2005 1:44 PM

ARREST WARRANT NUMBER

H612565

TRUE BILL ACTION OF GRAND JURY

Lisa M. Kerns
Foreperson of Grand Jury
Date: 4-4-05 FORELADY

VERDICT

Foreperson of Petit Jury

Date:

CDR# 2468

Indictment for

Committing or Attempting Lewd Act Upon
Child under Sixteen

§16-15-140

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
) INDICTMENT FOR
COUNTY OF LEXINGTON) Committing or Attempting Lewd Act Upon Child under
) Sixteen

§16-15-140

At a Court of General Sessions, convened on March 2005, the Grand Jurors of Lexington County present upon their oath:

That Dusty Alan Cyr did in Lexington County on or about or between August 01, 2000 and August 01, 2000, being a person over the age of fourteen, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, of Minor 1, a minor under the age of sixteen years, to wit: the defendant got on top of her and began thrusting his pelvis and genital area against the victim's genital area of a minor child; with the intent to arouse, appeal to, and gratify the lust, passions and sexual desires of himself or said child, which is in violation of § 16-15-140 of the Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

A TRUE COPY


Lex. Co. C.C.C.P., G.S. & F.C.

ARREST WARRANT

H-612565 H-612565

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

 THE STATE
against

DUSTY ALAN CYR

Address: WEST COLUMBIA, SC 29172

Phone: _____ SSN: _____

Sex: M Race: W Height: 6-0 Weight: 142DL State: SC DL #: _____DOB: _____ ORI#: 3200Prosecuting Agency: L. C. S. D.Prosecuting Officer: D. R. PEAKEOffense: COMM. LEWD ACT UPON CHILDOffense Code: 2468
Code/Ordinance Sec. 16-15-140
 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant DUSTY ALAN CYR
 on 1-21-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 GARY REINHART
 521 GIBSON ROAD
 LEXINGTON, SC 29072
 951-2542

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 618

 Personally appeared before me the affiant D. R. PEAKE who
 being duly sworn deposes and says that defendant DUSTY ALAN CYR
 did within this county and state on 08/01/2000 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars:

 DESCRIPTION OF OFFENSE: COMMITTING OR ATTEMPTING LEWD ACT UPON CHILD UNDER
FOURTEEN

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 THAT AROUND THE DATE OF 08-01-2000, THE DEF, DUSTY ALAN CYR,
 18 YRS OF AGE, DID INTENTIONALLY AND IN A LEWD MANNER COMMIT A
 SEXUAL ACT UPON THE BODY OF A FIVE YEAR OLD FEMALE VICTIM. THE
 DEF. LAID THE VICTIM DOWN, GOT ON TOP OF HER AND BEGAN TO HUMP
 HER THRUSTING HIS PELVIS AND GENITAL AREA AGAINST THE VICTIM'S
 GENITAL AREA. THE DEF COMMITTED THIS ACT TO AROUSE AND SATISFY
 HIS SEXUAL DESIRES. ALL OCCURRED AT _____ IN THE
 PELVIC AREA OF LEXINGTON COUNTY, SOUTH CAROLINA.

Signature of Affiant

 Affiant's Address LCSD
521 GIBSON ROAD
 Affiant's Telephone LEXINGTON, SC 29072
359-8230

 STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 08/01/2000 defendant DUSTY ALAN CYR
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below.

 DESCRIPTION OF OFFENSE: 16-15-140
COMMITTING OR ATTEMPTING LEWD ACT UPON CHILD UNDER
FOURTEEN

 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
 defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
 the defendant at the time of its execution, or as soon thereafter as is practicable.

 Sworn to and subscribed before me
 on 01/20/2005

 Signature of Issuing Judge
 Judge Code: 041

 Judge's Address 231 WEST CHURCH ST.
BATESBURG, SC 29006
 Judge's Telephone 359-8230

 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

NC v. Alford

Q

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

2005

INDICTMENT/CASE#

1308

AKA:

Dusty A. Cyr

AW#:

H-080335

Date of Offense:

8-4-04 to 1-21-05

Race: White

Sex: Male

Age: 23

S.C. Code §:

16-15-140

DOB:

SS#:

CDR Code #:

214618

City, State, Zip

West Columbia, SC 29172

DL#

SID#

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ READS

TO: Committing or Attempting Lewd Act upon Child 14 years

in violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code #

214618

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 4/5/05☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION; ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: Penalty as sex offender - Nocurrent wife victim☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

21001515

Sentence Date:

4/5/05

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$100 \$100.00

\$14-1-211(A)(1) (Conv. Surcharge)

\$100 \$

\$14-1-211(A)(2) (DUI Surcharge)

\$12 \$

\$56-5-2995 (DUI Assessment)

\$500 \$

\$35.13 (Public Def/Prob)

\$25 \$25.00

\$73.3, 1B TP (Law Enforce. Funding)

\$100 \$

\$33.7, 1B TP (Drug Court Surcharge)

\$50 \$

\$50-21-114 (BUI Breath Test Fee)

\$40/ea \$

\$56-5-2942(J) (Vehicle Assessment)

\$3% to County (if paid in installments)

TOTAL

\$125.00

Berk A. Priggen
Clerk of Court/ Deputy Clerk

Court Reporter: Coconut Hanson

STATE'S
EXHIBIT

A TRUE COPY

White - Clerk: Green - Corrections

Lex. Co. C.C.C.P. G.S. & F.O.

Pink - Defendant

SCCA/217(7/2003)

Sally Denny
WITNESSES

SCON
Frazier, W J

DOCKET NO. 2005-GS-32-1808

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

March TERM 2005

THE STATE
vs.
Dusty Alan Cyr

AN 2005-32-00489 3/3/2005 11:58 AM

ARREST WARRANT NUMBER

ACTION OF GRAND JURY
TRUE BILL

Lisa M. Harris
Foreperson of Grand Jury
Date: 4-4-05 FOREMAN

VERDICT

Foreperson of Petit Jury

Date:

as chief

CDR# 2468

Indictment for
Committing or Attempting Lewd Act Upon
Child under Sixteen

§16-15-140

DONALD V. MYERS, SOLICITOR

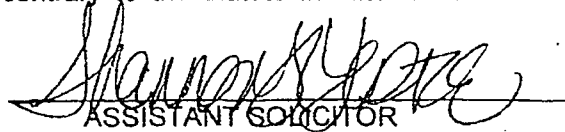
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Committing or Attempting Lewd Act Upon Child under
Sixteen
§16-15-140

At a Court of General Sessions, convened on March 2005, the Grand Jurors of Lexington County present upon their oath:

That Dusty Alan Cyr did in Lexington County on or about or between August 04, 2004 and January 21, 2005, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, of Minor 3, a minor under the age of sixteen years, to wit: the defendant did fondle the vaginal area of a minor child; with the intent to arouse, appeal to, and gratify the lust, passions and sexual desires of himself or said child, which is in violation of § 16-15-140 of the Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

A TRUE COPY


Lex. Co. C.C.C.P., G.S. & F.C.

ARREST WARRANT 2005-1037

H-080335

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
South Congaree

THE STATE
against

Dusty Alan Cyr

Address: West Columbia, SC 29123

Phone: SSN:

Sex: m Race: w Height: 600 Weight: 142

DL State: DL#:

DOB: Agency ORI#: sc0321000

Prosecuting Agency: South Congaree Police Department

Prosecuting Officer: W.J. Frazier

Offense: Lewd Act on a Minor

Offense Code: 2468

Code/Ordinance Sec. 16-15-140

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☒ Municipality of
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant DUSTY ALAN CYR
on 01-31-2005

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
South Congaree)

AFFIDAVIT

Personally appeared before me the affiant Peggy Davis, who
being duly sworn deposes and says that defendant Dusty Alan Cyr
did within this county and state on _____ violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of South Congaree)
in the following particulars:
DESCRIPTION OF OFFENSE: Lewd Act On a Minor Under sixteen 16-15-140

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
In that between the dates of August 4, 2004 and January 21, 2005, while at _____, in the town of South Congaree,
county and state aforesaid, one Dusty Alan Cyr; on at least one occasion; did fondle the vaginal area of a minor child; age 7; with
the intent of sexual arousal; all of which constitutes the crime of Lewd Act on a Minor Under Sixteen; and is in violation of the
South Carolina code of laws of 1976 as amended. The foregoing is based on an investigation by the South Congaree Police
Department.

Sworn to and subscribed before me)
on 01-31-05)
Signature of Issuing Judge (L.S.)

Signature of Affiant Peggy Davis
Affiant's Address 118 Chappel Rd.
West Columbia SC 29172
Affiant's Telephone 803-873-9614

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of)
South Congaree)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on _____ defendant Dusty Alan Cyr
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of South Congaree) as set forth below:
DESCRIPTION OF OFFENSE: Lewd Act On a Minor Under sixteen 16-15-140

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.) Judge's Address 119 West Berry Rd
West Columbia, SC 29172
Judge's Telephone
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF VICTIM SERVICES
VICTIM REGISTRATION FORM

To register for notification to receive information when the convicted offender receives a temporary, provisional, or final release from custody or if the offender escapes from custody, complete this form. Submit the form as directed below.

Person Requesting Notification: Shirley Church Relation to Victim: mother

Mailing Address: _____

City: Minerva State: NY Zip: 12851

Work Telephone: W1 Home Telephone: H1

Telephone: W2 633-86 Home Telephone: H2

Victim's Name: Minor 4

Age of Victim: 18 yrs. old

Name of Offender: Dusty A. Cyr # 308472

The following information will assist in identifying the correct offender from the large population serving time at the Dept. of Corrections. Complete as much as you can.

Charge: _____ Charge Pleaded To: Lewd Act / child SI

Date of Sentencing: 4-5-2005 Or Convicted Of: _____

County Sentenced From: Lexington

Length of Sentence: 10 years Date of _____ Social Security Number: _____

In the space below, please give your statement of the crime, your description of what happened. This is very important because it may be the only statement of the crime other than the offender's statement. This information is held confidential by SC Code of Laws Section 16-3-1530. Add one additional page if needed.

When my son was between the ages of 3-5. Dusty
would touch Minor 4 and try to get him to touch him
back. Dusty also performed oral sex on my son and
would try to trick Minor 4 into doing the same by tell
him to close his eyes that he had something for him
Minor 4 told me that this was happening almost on a
daily basis.

RECEIVED
APR 20 2009

SCDC
VICTIM SERVICES

STATE'S
EXHIBIT

MAIL TO: Division of Victim Services
S.C. Department of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
Telephone: 803-896-1733 or Toll Free: 800-835-0304

4-9-12 #4

Signature: Shirley Church
Date: 4/14/09

IT IS EXTREMELY IMPORTANT TO REPORT TELEPHONE NUMBER OR ADDRESS CHANGES.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF VICTIM SERVICES
VICTIM REGISTRATION FORM

To register for notification to receive information when the convicted offender receives a temporary, provisional, or final release from custody or if the offender escapes from custody, complete this form. Submit the form as directed below.

Person Requesting Notification: Shirley Church Relation to Victim: mother

City: Minerva State: NY Zip: 12851

Work Telephone: W1 NONE W2 _____ Home Telephone: H1 _____ H2 _____

Victim's Name: _____ Minor _____
Age of Victim: 20

Name of Offender: Dusty A. Cyr #308472

The following information will assist in identifying the correct offender from the large population serving time at the Dept. of Corrections. Complete as much as you can.

Charge: _____ Charge Plead To _____
Or Convicted Of: Leust Act/Child SI

Date of Sentencing: 4-5-2005 County Sentenced From: Lexington

Length of Sentence: 10 years Date of Birth: _____ Social Security Number: _____

In the space below, please give your statement of the crime, your description of what happened. This is very important because it may be the only statement of the crime other than the offender's statement. This information is held confidential by SC Code of Laws Section 16-3-1530. Add one additional page if needed.

When my child was about the age of 5, Dusty Cyr (my brother) sexually molested my son. He would touch him and in turn have my son touch him back. Dusty also performed oral sex on my son and when he tried to get him to do it back my son would not.

RECEIVED
APR 20 2009

SCDC
VICTIM SERVICES

Shirley Church
Signature
4/14/09
Date

MAIL TO: Division of Victim Services
S.C. Department of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
Telephone: 803-896-1733 or Toll Free: 800-835-0304

IT IS EXTREMELY IMPORTANT TO REPORT TELEPHONE NUMBER OR ADDRESS CHANGES.

S. CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF VICTIM SERVICES
VICTIM REGISTRATION FORM

To register for notification to receive information when the convicted offender receives a temporary, provisional, or final release from custody or if the offender escapes from custody, complete this form. Submit the form as directed below.

Person Requesting Notification: Shirley Church

Mr.

Relation to Victim: mother

Minor 6

Victim's Name: _____

Age of Victim: 15

City Minerva State: NY Zip: 12851

Work Telephone: W1 _____
W2 _____

Home Telephone: H1 _____
H2 _____

Name of Offender: Dusty A. Cyr - 308472

The following information will assist in identifying the correct offender from the large population serving time at the Dept. of Corrections. Complete as much as you can.

Charge: _____ Or Charged To / Convicted Of: Sex Act / Child SI

Date of Sentencing: 4-5-2005 County Sentenced From Lexington

Length of Sentence: 10 years Date of Birth: _____ Social Security Number: _____

In the space below, please give your statement of the crime, your description of what happened. This is very important because it may be the only statement of the crime other than the offender's statement. This information is held confidential by SC Code of Laws Section 16-3-1530. Add one additional page if needed.

I am led to believe the sexual abuse started when ^{Minor 6} was still in diapers till around the age of 4. Dusty did the same to ^{Minor 6} as my mother 2 boys but grew violent. He tried penetrating ^{Minor 6} and when ^{Minor 6} would cry and say he was telling Dusty would push him into picker bushes to hurt him and told him if he told anyone he would hurt him worse and cut his throat and jerk off with his blood. All of this led to mental anguish on ^{Minor 6} and is being medicated and has to go to counseling and a psychiatrist.

RECEIVED
APR 20 2009

Signature

Date

Shirley Church
4/14/09

MAIL TO: Division of Victim Services
S.C. Department of Corrections
P. O. Box 21787
Columbia, SC 29221-1787
Telephone: 803-896-1733 or Toll Free: 800-835-0304

SCDC
VICTIM SERVICES

IT IS EXTREMELY IMPORTANT TO REPORT TELEPHONE NUMBER OR ADDRESS CHANGES.

06/13/2007 14:21 8180 77 9
05/22/07 10:05 FAX 1850770a-68

LIEBER
DANIELSON SUPERIOR COURT

MITTIMUS JO-CR-38 Rev. 4-07
C.G.S. §§ 18-23, 18-23, 18-65, 18-65a, 18-73, 18-75,
18-82, 54-2a, 54-64b, 54-62a, 54-65b, 54-97, 54-98,
Pr. Sec. 43-17 to 43-20, 44-10, 44-10A

INSTRUCTIONS TO CLERK
Prepare a separate Mitimus for each file.
TO OFFICER
Original to receiving facility; return copy to court.

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



☒ JUDGMENT ☐ CONTINUANCE
☐ FAILURE TO MEET CONDITIONS
OF RELEASE UNDER 54-2a
TO: Any Proper Officer

REVISED 4343688

DATE OF DISPOSITION
3/23/07

DOCKET NO. CR06-129758T	NAME OF DEFENDANT Dusty Cyr	DATE OF BIRTH	DATE SENTENCE TO BEGIN (If different)
NAME AND LOCATION OF RECEIVING FACILITY Walker CI	INMATE NO. (if available)	NAME AND LOCATION OF COURT GAIL 120 School St., Danielson, CT	
☒ CRIME(S) CONVICTED	1ST COUNT - STATUTE NO. 53-21 (a) (2)	DATE OF OFFENSE 1998	2ND COUNT - STATUTE NO. 53-21 (a) (2)
☐ CRIME(S) CHARGED	3RD COUNT - STATUTE NO. 53-21 (a) (2)	DATE OF OFFENSE 1998	4TH COUNT - STATUTE NO.
	5TH COUNT - STATUTE NO.	DATE OF OFFENSE	6TH COUNT - STATUTE NO.

JUDGMENT MITTIMUS

Whereas by a judgment of said court, said defendant was convicted of the above crime(s) and sentenced to imprisonment as follows:

COUNTS AND TERMS (If execution of portion of sentence is suspended, show only time to be served.)						TOTAL EFFECTIVE SENTENCE
First	Second	Third	Fourth	Fifth	Sixth	
3 years concurrent	3 years consecutive	3 years concurrent				6 years

SPECIFY HERE ANY PERTINENT CONDITIONS, IF SENTENCES ARE CONSECUTIVE AND IF PROBATION WAS ORDERED.

8 years esa 3 years Probation 15 years concurrent with S.C. sentence

7 years esa 3 years Probation 15 years consecutive to Ct# 1

7 years esa 3 years Probation 15 years concurrent to Ct#1,2

Pretrial detention credits 7/14/06-present

DNA advised Sexual offender type M registration length 10 years

(If a person under the age of 21 receives a reformatory sentence in accordance with section 18-65a or 18-73 of the General Statutes, in no event shall the term be longer than either the maximum term of imprisonment for the crime(s) committed or for a term of more than five (5) years.)

☐ And said defendant pay to the State of Connecticut the amount of fines now unpaid as shown below and be committed to the above facility in default of payment of said fines. (A defendant may not be incarcerated for failing to pay fees or costs.)

COUNTS AND FINES (Show only unpaid portion of fines)						TOTAL UNPAID BALANCE
First	Second	Third	Fourth	Fifth	Sixth	

☐ The Defendant is entitled to sentence credit of

☐ The foregoing credit includes _____ days of credit for pretrial confinement at a police or courthouse lockup.

TRANSFER OR CONTINUANCE

Whereas it is ordered that said case be continued and/or transferred for future proceedings before said court.

☐ Defendant to appear by interactive audiovisual device. (As permitted by Practice Book §§ 44-10 and 44-10A.)

TO BE HELD AT: (Name and address of court)

☐ J.D.

ON (Date)

SURETY BOND AMOUNT

☐ G.A.

ORDER

BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to deliver said defendant to the custody of the Commissioner of Correction and/or the Warden or Administrator at the above facility and said Commissioner and/or Warden or Administrator is hereby commanded to receive and keep said defendant for the period fixed by said order or judgment of the court or until legally discharged, provided that when a defendant has been sentenced to a term of imprisonment and ordered to pay a fine, if the fine has not been paid by the time the sentence has been served, the defendant may not continue to be incarcerated unless the judicial authority has found that the defendant is able to pay the fine and that the defendant's nonpayment is willful.

SIGNED (Judge or Clerk)

By Order of the Court

ON (Date)
5/22/07

RECEIVING FACILITY TIME STAMP

ACKNOWLEDGMENT OF DELIVERY OF DEFENDANT

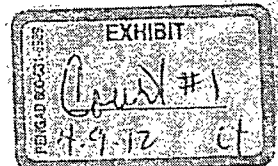
I delivered said defendant into the custody of the Commissioner of Correction and/or his agent and left this mitimus with him.

NAME AND LOCATION OF RECEIVING FACILITY

TITLE OF DELIVERING OFFICER

SIGNATURE OF DELIVERING OFFICER

SIGNATURE OF RECEIVING OFFICER



DPS-05--13607

INFORMATION

STATE OF CONNECTICUT

JD-CR-71 Rev. 12-03 Det. Payette # 679

SUPERIOR COURT

DISPOSITION DATE

TITLE, ALLEGATION AND COUNTS													
STATE OF CONNECTICUT VS. (Name of accused) Dusty A. Cyr				G.A. NO. 11		DOCKET NO.							
ADDRESS Lexington Cty. Jail, 521 Gibson Rd., Lexington						The undersigned Deputy Assistant State's Attorney of the Superior Court of the State of Connecticut charges that:							
TO BE HELD AT (Town) Danville				COURT DATE SC									
FIRST COUNT: DID COMMIT THE OFFENSE OF Sexual Assault in the 1st Degree						CONTINUED TO		PURPOSE		REASON			
AT (Town) Brooklyn		ON OR ABOUT (Date) 1996-1998		IN VIOLATION OF GENERAL STATUTE NO. 53a-70(a)(2)									
SECOND COUNT: DID COMMIT THE OFFENSE OF Sexual Assault in the 4th Degree													
AT (Town) Brooklyn		ON OR ABOUT (Date) 1996-1998		IN VIOLATION OF GENERAL STATUTE NO. 53a-73a(a)(1)(A)									
THIRD COUNT: DID COMMIT THE OFFENSE OF Risk of Injury to a Minor													
AT (Town) Brooklyn		ON OR ABOUT (Date) 1996-1998		IN VIOLATION OF GENERAL STATUTE NO. 53-21(a)(2)									
SEE OTHER SHEET(S) FOR ☒ ADDITIONAL COUNTS				DATE 1-19-06		SIGNED (Deputy Asst. State's Attorney) <i>[Signature]</i>							
COURT ACTION													
DEFENDANT ADVISED OF RIGHTS BEFORE PLEA (JUDGE)						BOND		SURETY		ELECTION (Date)			
☐ ATTORNEY ☐ PUB. DEFENDER ☐ GUARDIAN						BOND CHANGE		☐ 10% ☐ CASH		☐ CT ☐ NY			
										SEIZED PROP. INVENTORY NO.			
COUNT	PLEA DATE	PLEA	PLEA WITHDRAWN DATE	NEW PLEA	VERDICT FINDING	FINE	REMIT	ADDITIONAL DISPOSITION					
1						\$	\$						
2						\$	\$						
3						\$	\$						
DATE										OTHER COURT ACTION		JUDGE	
												STATE OF CONNECTICUT SUPERIOR COURT AT DANVILLE	
												MAR 21 2006	
												CERTIFIED COPY SEAL OF COURT	
												<i>[Signature]</i>	
RECEIPT NO.		COST ☐ IMP ☐ NCI		BOND INFORMATION ☐ BOND FORFEITED ☐ FORFEITURE VACATED				FORFEITURE VACATED AND BOND REINSTITUTED					
APPLICATION FEE - RECEIPT NO. IF PAID		CIRCLE ONE W I Q		PROGRAM FEE - RECEIPT NO. IF PAID		CIRCLE ONE W I Q		PROBATION FEE - RECEIPT NO. IF PAID		CIRCLE ONE W I			
STATE'S ATTORNEY ON ORIGINAL DISPOSITION				REPORTER/MONITOR ON ORIG. DISP.				SIGNED (Clerk)		SIGNED (Judge)			

IN STATE RECORDS OFFICE
 2006 APR -7 AM 9:49

INFORMATION

JD-CR-71 Rev. 12-03 Det. Payette # 679

DPS-05-13607
STATE OF CONNECTICUT
SUPERIOR COURT

DISPOSITION DATE

TITLE ALLEGATION AND COUNTS

STATE OF CONNECTICUT VS. (Name of accused) Dusty A. Cyr		G.A. NO. 11	DOCKET NO.	The undersigned Deputy Assistant States Attorney of the Superior Court of the State of Connecticut charges that:
ADDRESS Lexington City Jail, 521 Gibson Rd., Lexington		COURT DATE		
TO BE HELD AT (town) Danielson		COURT DATE		
FIRST COUNT: DID COMMIT THE OFFENSE OF 4) Sexual Assault in the 1st. Degree		CONTINUED TO		
AT (town) Brooklyn	ON OR ABOUT (Date) 1996-1998	IN VIOLATION OF GENERAL STATUTE NO. 53a-70(a)(2)		PURPOSE
SECOND COUNT: DID COMMIT THE OFFENSE OF 5) Sexual Assault in the 4th. Degree				REASON
AT (town) Brooklyn	ON OR ABOUT (Date) 1996-1998	IN VIOLATION OF GENERAL STATUTE NO. 53a-73a(a)(1)(A)		
THIRD COUNT: DID COMMIT THE OFFENSE OF 6) Risk of Injury to a Minor				
AT (town) Brooklyn	ON OR ABOUT (Date) 1996-1998	IN VIOLATION OF GENERAL STATUTE NO. 53-21(a)(2)		
SEE OTHER SHEET(S) FOR X ADDITIONAL COUNT(S)		DATE 1-19-06	SIGNED (Deputy Asst. State's Attorney) <i>[Signature]</i>	

COURT ACTION

DEFENDANT ADVISED OF RIGHTS BEFORE PLEA (JUDGE)	(DATE)	BOND ☒	SURETY ☐	☐ 10% ☐ CASH	ELECTION (Date) ☐ CT ☐ NY
☐ ATTORNEY ☐ PUB. DEFENDER	GUARDIAN	BOND CHANGE		SEIZED PROP. INVENTORY NO.	

COUNT	PLEA DATE	PLEA	PLEA WITHDRAWN DATE	NEW PLEA	VERDICT FINDING	FINE	REMIT	ADDITIONAL DISPOSITION
1						\$	\$	
2						\$	\$	
3						\$	\$	

 INMATE RECORDS OFFICE
2006 APR -7 AM 9 49

DATE	OTHER COURT ACTION	JUDGE
------	--------------------	-------

 STATE OF CONNECTICUT
SUPERIOR COURT
AT DANIELSON

MAR 2 2006

RECEIPT NO.	COST ☐ IMP ☐ NCI	BOND INFORMATION ☐ BOND FORFEITED ☐ FORFEITURE VACATED	BY <i>[Signature]</i> FORFEITURE VACATED AND BOND REINSTATED
APPLICATION FEE - RECEIPT NO. IF PAID	CIRCLE ONE W I Q	PROGRAM FEE - RECEIPT NO. IF PAID	CIRCLE ONE W I Q
STATE'S ATTORNEY ON ORIGINAL DISPOSITION	REPORTER/MONITOR ON ORIG. DISP.	SIGNED (Clerk)	SIGNED (Judge)

AGREEMENT ON DETAINERS: Form IX

(Continue)

Inmate Dusty Cyr, DOB:

Disposition:

Count 1: C.G.S. 53-21(a)(2) Risk of Injury to a Child
8 years, suspended after 3 years served; 15 years probation

Count 2: C.G.S. 53-21(a)(2) Risk of Injury to a Child
7 years, suspended after 3 years served; 15 years probation
[Consecutive to count 1]

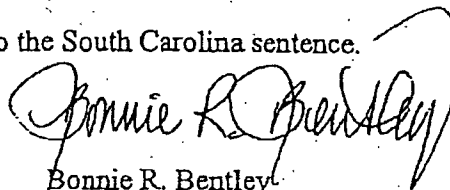
Count 3: C.G.S. 53-21(a)(2) Risk of Injury to a Child
7 years, suspended after 3 years served; 15 years probation
[Concurrent to count 1]

Special Conditions: -No initiated contact with the victims and/or their mother:

- No contact with children under the age of 16 years old
- Not to work, volunteer, or frequent places where children most likely to be.
- Place of residence require prior approval from Probation
- Sex Offender evaluation treatment, include polygraph.
- Sex Offender Registry

****Total Effective Sentence: 15 years, suspended after 6 years served; 15 years probation****

Connecticut sentence to run concurrent to the South Carolina sentence.



Bonnie R. Bentley
Assistant State's Attorney
Judicial District of Windham

Count #2
4-9-12 CT

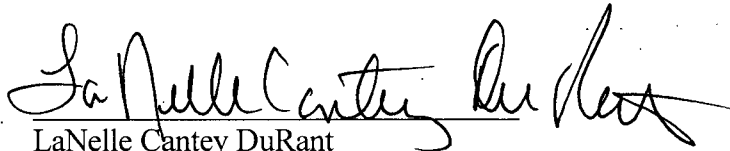
INMATE RECORDS OFFICE
2007 APR 26 AM 10:22

CADV

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

August 16th, 2013


LaNelle Cantey DuRant
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE COURT OF APPEALS

Appeal from Lexington County

William P. Keesley, Circuit Court Judge

 RECEIVED

AUG 16 2013

IN THE MATTER OF THE CARE AND
TREATMENT OF DUSTY A. CYR,

 SC Court of Appeals

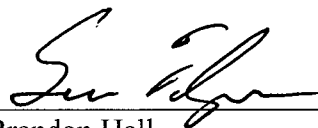
APPELLANT

APPELLATE CASE NO. 2012-211486

CERTIFICATE OF SERVICE

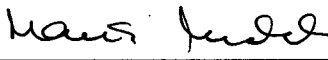
I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of August, 2013.



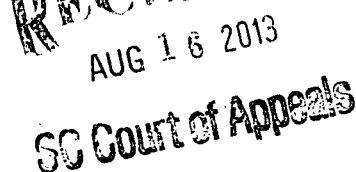


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 16th day of August, 2013.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.

 RECEIVED
AUG 16 2013
 SC Court of Appeals