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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

Honorable Bentley Price, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF ROBERT BRIAN SHARP,

APPELLANT.

APPELLATE CASE NO. 2024-000553

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

In this sexually violent predator (SVP) case, did the trial court abuse its discretion by admitting evidence through the state's expert witness concerning Appellant's results from the penile plethysmograph (PPG) he underwent as part of his precommitment evaluation since the evidence was unreliable in violation of Rule 702, SCRE, State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999), and Watson v. Ford Motor Co., 389 S.C. 434, 699 S.E.2d 169 (2010)?

STATEMENT OF THE CASE

On July 13, 2022, the Attorney General filed a petition seeking to involuntarily commit Appellant pursuant to the Sexually Violent Predator Act (SVPA). The trial commenced on February 26, 2024, before the Honorable Bentley Price, and a jury. Tr. 1. Assistant Attorney General James Fisher represented the state. Ralph Wilson, Sr. represented Appellant. Tr. 1.

On February 28, 2024, the jury found Appellant was a sexually violent predator pursuant to the SVPA. Tr. 403, ll. 16-20. Judge Price ordered Appellant be committed to the Department of Mental Health for long term control, care, and treatment. Tr. 404, ll. 10-11; R. * (Order of Commitment).

This appeal follows.

STATEMENT OF FACTS

Appellant pled guilty in 2013 to first degree assault and battery. He was sentenced to ten years suspended upon the service of three years' imprisonment and five years' probation. In 2019, Appellant pled guilty to two counts of criminal solicitation of a minor and indecent exposure. He was sentenced to ten years' imprisonment for each count of criminal solicitation of a minor and three years' imprisonment for indecent exposure. R. * (State's Exhibit No. 12).

Before Appellant's anticipated release from the Department of Corrections, the state filed a petition pursuant to the Sexually Violent Predator Act (SVPA) seeking to involuntarily commit Appellant for long term control, care, and treatment. Dr. Marie Gehle, the chief psychologist with the Department of Mental Health, was court appointed to evaluate Appellant. Dr. Gehle opined that Appellant did not meet the criteria to be committed as a sexually violent predator. She determined Appellant did not have a mental abnormality or personality disorder that makes him likely to commit acts of sexual violence if not confined. Tr. 303, ll. 2-6. Dr. Gehle determined there was insufficient evidence to diagnose Appellant with pedophilic disorder or exhibitionism disorder. Tr. 287, l. 4 – 296, l. 20.

The state sought a second opinion from the Sexual Behaviors Clinic and Lab of the Medical University of South Carolina (MUSC). Dr. Emily Gottfried, the director of the lab, evaluated Appellant and opined Appellant met the criteria to be committed as a sexually violent predator. Tr. 225, l. 25 – 226, l. 8. Unlike Dr. Gehle, Dr. Gottfried diagnosed Appellant with pedophilic disorder and exhibitionism disorder. Tr. 209, ll. 2-7. She opined Appellant has a propensity to engage in sexually violent acts in the future if he does not receive treatment in order to control his behaviors. Tr. 225, l. 25 – 226, l. 8.

As a part of her precommitment evaluation, Dr. Gottfried performed a penile plethysmograph (PPG) on Appellant. Appellant moved pretrial to suppress any evidence that he underwent a PPG examination and the results and conclusions derived therefrom. In a written motion, Appellant argued the evidence does not meet the requirements of admissibility of scientific evidence pursuant to Rule 702, SCRE, State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999), and Watson v. Ford Motor Co., 389 S.C. 434, 699 S.E.2d 169 (2010). R. * (Respondent's First Motion in Limine). Specifically, Appellant asserted the evidence was unreliable. He emphasized that there is a lack of standardization of stimulus sets used by various testing sites and in the interpretation of results. R. * (Respondent's First Motion in Limine). He further asserted that there are no peer reviewed studies that validate the Real Child Voices or Marshall stimulus sets that Dr. Gottfried employed. Moreover, Appellant argued "there are no peer reviewed studies showing the effectiveness of these stimulus sets in discriminating sexual responses by men charged with pedophilic sex crimes with those men with no known sex offense histories or paraphilic interests. R. * (Respondent's First Motion in Limine).

In support of his motion to suppress any and all PPG evidence, Appellant cited to numerous cases where various courts across the country have held that PPG evidence is inadmissible because the PPG has not been shown to be reliable. See R. * (Respondent's Second Motion in Limine) *citing* State v. Spencer, 459 S.E.2d 812 (N.C. Ct. App. 1995) (highlighting a number of problems regarding the reliability of PPG testing, specifically the "lack of standards for training and interpretation of data, lack of norms and standardization and susceptibility of the data to false negatives and false positives."); United States v. Medina, 779 F.3d 55, 65 (1st Cir. 2015) (discussing the problems with reliability of PPG testing where such testing was imposed as a condition of supervised released); Doe ex rel. Rudy-Glanzer v. Glanzer, 232 F.3d 1258, 1266

(9th Cir. 2000) (“In fact, courts are uniform in their assertion that the results of PPG are inadmissible as evidence because there are no accepted standards for this test in the scientific community.”); Gentry v. State, 443 S.E.2d 667, 669 (Ga. Ct. App. 1994) (“Given the rejection of PPG evidence by other states, particularly the uncertainty within the scientific community of its reliability, we hold that it is inadmissible in Georgia.”); Leftwich v. State, 538 S.E.2d 779, 781 (Ga. Ct. App. 2000) (holding defendant could not use PPG results to show he was not a pedophile because PPG was not shown to be reliable).

In addition to the written motions, defense counsel moved before the judge pretrial to suppress any evidence related to the PPG. Counsel again argued the PPG is unreliable and there is no “real scientific basis” for the test. He emphasized that “there is no standardization of this test across the country. There’s not even standardization of the test within South Carolina.” Tr. 36, l. 4 – 39, l. 14. Counsel also cited to this Court’s unpublished opinion In the Matter of the Care and Treatment of Ronald MJ Gregg, 2022-UP-336 (S.C. Ct. App. filed August 10, 2022), where this Court held the trial court abused its discretion by admitting PPG test results because there was no evidence the Limestone certification standards, MUSC’s PPG procedures, or the Real Child Voices stimulus set “had been subject to peer review and/or found to be reliable.” Tr. 36, l. 24 – 37, l. 7.

In response to Appellant’s motion, the state proffered Dr. Gottfried’s testimony.¹ Dr. Gottfried conceded that there is a lack of standardization in the stimulus sets used by PPG examiners. Most of the countries that use the PPG, like Canada, can show some aspect of child pornography. However, in the United States, there is no medical exception to the federal child

¹ Dr. Gottfried was not qualified as an expert during the *in camera* hearing. However, before the jury, Dr. Gottfried was qualified as an expert in “precommitment sexual violent predator cases” and in “the use of the PPG” subject to Appellant’s “previous objections.” Tr. 168, ll. 8-13; Tr. 173, ll. 20-22.

pornography laws so the stimulus sets cannot contain child pornography. In addition to the stimulus sets, Dr. Gottfried admitted there is a lack of standardization in the scoring. Different examiners use different “cut scores” which determine “what makes the test clinically significant or positive or negative.” In Canada, for example, examiners use a much less conservative cut score to measure arousal. In the United States, examiners use a cut score of five millimeters of change to the circumference of the penis, while in Canada, examiners use a cut score of one millimeter of change. Tr. 79, l. 11 – 80, l. 23.

Dr. Gottfried is currently a member of an international standardization group, which is attempting to develop standards “so that the various countries and jurisdictions are more uniform” in their use and interpretation of the PPG. However, she admitted that other examiners are “really reluctant” to “change their methods.” Tr. 57, l. 7 – 58, l. 25.

Dr. Gottfried maintained that there was a large meta-analysis study published in 2019 on the validity of the PPG. A meta-analysis is “when you take the results of lots of studies and you put them together and do statistical analyses in a specialized way.” She maintained that the study “demonstrated that penile plethysmography can reliably discriminate between men who have sexual interests for children versus men who do not.” Tr. 67, l. 6 – 68, l. 11.

Dr. Gottfried explained that MUSC’s Sexual Behaviors Clinic and Lab has both a research certification and a clinical certification through Limestone Technologies, which is merely the company that manufactures the PPG hardware and software. This means the SBCL does “everything standardly” according to Limestone. Tr. 70, ll. 5-24.

When prompted by the assistant attorney general, Dr. Gottfried discussed the DSM-5-TR, which is the manual used by psychologists and psychiatrists to diagnose mental illness. The DSM-5-TR recognizes that the PPG “may sometimes be useful when an individual’s history

suggests the possible presence of pedophilic disorder and the individual denies strong or preferential attractions to children.” However, the manual emphasized that the “sensitivity and specificity of diagnosis may vary across sists, which frequently use different stimuli, procedures, and scoring.” Tr. 73, l. 19 – 74, l. 25; See R * (State’s Exhibit No. 7).

Dr. Gottfried explained that the SBCL uses “countermeasures.” Essentially, the lab employs measures to prevent the examinee from cheating. The technician measures the examinee’s respirations and his movement. They also require the examinee to press a number on a keypad whenever the stimuli becomes sexual or violent to ensure the individual is paying attention. Lastly, the technician will ask the examinee to briefly describe the scenario he just heard to ensure he is paying attention. Tr. 85, l. 4 – 86, l. 17.

After Dr. Gottfried’s *in camera* testimony, the trial court took the matter under advisement. The following morning, the court ruled Dr. Gottfried’s testimony concerning the PPG Appellant underwent and the results and conclusions derived therefrom was admissible. Without being specific, the court reasoned that “the State has met its burden as to the doctor’s ability to testify as to the PPG.” Tr. 150, ll. 7-10.

In her testimony before the jury, Dr. Gottfried explained that the PPG “is a physiological test for measure of male sexual arousal.” She maintained it is “an *objective* measure looking at what a man is aroused by in the lab.” Tr. 169, ll. 11-14 (emphasis added). She testified that the PPG is important because “in cases like this, people are not necessarily going to be completely honest or forthcoming about what they’re aroused by.” A man is not going to admit he is “sexually aroused by really young children” so “we need an *objective* way to measure it [arousal] in the lab.” Tr. 170, l. 11 – 171, l. 3 (emphasis added). When further prompted by the assistant attorney general, Dr. Gottfried testified that she has found the PPG to be reliable and she uses the

PPG “because *it is the gold standard objective measure of looking at sexual arousal.*” Tr. 173, ll. 7-15 (emphasis added).

Dr. Gottfried told the jury Appellant “showed clinically significant sexual arousal to four of the trials on the PPG. So he showed clinically significant sexual arousal to two trials featuring consenting adult women. So that would be like a normal PPG reaction result. And then he also showed clinically significant arousal to one [trial] featuring a prepubescent child and then one trial featuring a pubescent . . . female.” Tr. 205, ll. 1-11. Dr. Gottfried then testified that she uses a “very conservative test score in order to minimize the risk of having any false positives.” Tr. 205, l. 12 – 206, l. 25.

Dr. Gottfried further claimed there was evidence Appellant was “trying to purposefully manipulate the test results.” She explained that “there were multiple trials where he was moving a lot, holding his breath, and that could be an attempt to try to prevent him from being aroused.” Tr. 207, ll. 1-21.

In his cross-examination of Appellant, the assistant attorney general misled the jury on the significance or meaning of Appellant’s PPG results. Specifically, the state’s attorney asked Appellant, “And you know that *you tested positive* for prepubescent pedophilia? You know that right?” Appellant responded, “Yes.” Tr. 345, ll. 2-5. Appellant did not “test positive for prepubescent pedophilia.” According to Dr. Gottfried, Appellant showed “clinically significant sexual arousal” to a trial involving a prepubescent child. Dr. Gottfried used this data to diagnose Appellant with pedophilic disorder. Her diagnosis was *subjective*. Notably, Dr. Gehle did not diagnose Appellant with pedophilic disorder. The assistant attorney general’s questioning improperly implied that the PPG was an objective, scientific test like a drug test and that there could be no false positives. For whatever reason, Appellant’s counsel did not object.

In his closing argument, the assistant attorney general emphasized the erroneously admitted PPG evidence. He argued Appellant “showed an increased *medically diagnosed, objective* increase, in sexual arousal to prepubescent girls and pubescent girls.” Tr. 368, ll. 3-5 (emphasis added).

STANDARD OF REVIEW

“The admission or exclusion of evidence is a matter within the trial court’s sound discretion, and an appellate court may only disturb a ruling admitting or excluding evidence upon a showing of a manifest abuse of discretion accompanied by probable prejudice.” Matter of Bilton, 432 S.C. 157, 161-62, 851 S.E.2d 442, 444 (Ct. App. 2020), reh’g denied (Dec. 22, 2020) (quoting State v. Commander, 396 S.C. 254, 262-263, 721 S.E.2d 413, 417 (2011)) (internal quotation marks omitted). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” Id. at 162, 851 S.E.2d at 444 (quoting State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006)) (internal quotation marks omitted).

ARGUMENT

In this sexually violent predator (SVP) case, the trial court abused its discretion by admitting evidence through the state's expert witness concerning Appellant's results from the penile plethysmograph (PPG) he underwent as part of his precommitment evaluation since the evidence was unreliable in violation of Rule 702, SCRE, *State v. Council*, 335 S.C. 1, 515 S.E.2d 508 (1999), and *Watson v. Ford Motor Co.*, 389 S.C. 434, 699 S.E.2d 169 (2010).

The trial court abused its discretion by permitting Dr. Emily Gottfried, who was qualified as an expert in “precommitment sexual violent predator cases” and in “the use of the PPG,” to testify about the PPG Appellant underwent and the results and conclusion derived therefrom since the evidence was unreliable in violation of Rule 702, SCRE, *State v. Council*, 335 S.C. 1, 515 S.E.2d 508 (1999), and *Watson v. Ford Motor Co.*, 389 S.C. 434, 699 S.E.2d 169 (2010).

“The admission of expert testimony is governed by Rule 702, SCRE, which provides: If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.” *Watson v. Ford Motor Co.*, 389 S.C. 434, 445, 699 S.E.2d 169, 175 (2010).

“Expert testimony receives additional scrutiny relative to other evidentiary decisions. Specifically, in executing its gatekeeping duties, the trial court *must* make three key preliminary findings which are fundamental to Rule 702 before the jury may consider expert testimony. First, the trial court must find that the subject matter is beyond the ordinary knowledge of the jury, thus requiring an expert to explain the matter to the jury. Next, while the expert need not be a specialist in the particular branch of the field, the trial court must find that the proffered expert has indeed acquired the requisite knowledge and skill to qualify as an expert in the particular

subject matter. Finally, *the trial court must evaluate the substance of the testimony and determine whether it is reliable.* Id. (emphasis added) (internal citation marks omitted).

To determine reliability, the trial court should apply the factors outlined by our Supreme Court in State v. Jones, 273 S.C. 723, 731, 259 S.E.2d 120, 124 (1979), including: (1) the publications and peer review of the technique; (2) prior application of the method to the type of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures. State v. Council, 335 S.C. 1, 20, 515 S.E.2d 508, 518 (1999). Further, if the evidence is admissible under Rule 702, SCRE, the trial court should determine if its probative value is outweighed by its prejudicial effect. Id. (citing Rule 403, SCRE).

In Matter of Bilton, 432 S.C. 157, 851 S.E.2d 442 (Ct. App. 2020), this Court addressed a narrow issue regarding the admissibility of PPG test results through an expert who did not administer or observe the PPG testing nor review the test's raw data. This Court held that "due process does not allow a testifying expert to be a pipeline for someone else's scientific work to be admitted into evidence without a baseline demonstration of reliability." Id. at 167, 851 S.E.2d at 446. It concluded the trial judge abused his discretion by admitting the PPG evidence and, finding the error was not harmless, remanded for a new commitment trial. Id. at 167, 851 S.E.2d at 447. In so holding, this Court emphasized that the PPG "test is controversial and has been criticized for a lack of standardization and for being subject to manipulation." Id. at 162, 851 S.E.2d at 444 (citing United States v. Rhodes, 552 F.3d 624, 626-627 (7th Cir. 2009) and United States v. Weber, 451 F.3d 552, 565 (9th Cir. 2006)). It noted that "with limited exceptions . . . courts have 'uniformly' declared that PPG test results are 'inadmissible as evidence because there are no accepted standards for this test in the scientific community.'" Id. at 162-163, 851

S.E.2d at 444 (quoting Doe ex rel. Rudy-Glanzer v. Glanzer, 232 F.3d 1258, 1266 (9th Cir. 2000)). This Court further emphasized that “some authorities take the position that the PPG has value in treating sex offenders but that concerns about reliability and a lack of uniform standards preclude its admission as evidence at trial.” Id. at 164, 851 S.E.2d at 445 (citing Commonwealth v. Ortiz, 93 Mass.App.Ct. 381, 100 N.E.3d 790, 796-797 (2018) (collecting cases)). Other “jurisdictions have held that an expert may rely on a PPG as a basis for the expert’s opinion but have expressly declined to consider whether the test results should be disclosed to the jury given the special weight the jury is likely to afford things that have the appearance of scientific evidence.” Id. at 164-165, 851 S.E.2d at 445 (citing In re Commitment of Sandry, 367 Ill.App.3d 949, 306 Ill.Dec. 202, 857 N.E.2d 295, 317 (2006)).

Subsequently, in Matter of Daily, 443 S.C. 557, 905 S.E.2d 310 (Ct. App. 2024), this Court held the PPG is not reliable as required by Rule 702, SCRE, and thus the trial court abused its discretion by admitting Daily’s PPG test results.² While recognizing that there may be contrary authority finding the PPG is reliable, this Court agreed with its earlier opinion in Matter of Bilton, which emphasized that the “test is controversial and has been criticized for a lack of standardization and for being subject to manipulation.” Id. at 564-65, 905 S.E.2d at 314.

² A different panel of this Court likewise held the PPG is not reliable as required by Rule 702, SCRE, and thus the trial court abused its discretion in admitting PPG test results in In the Matter of the Care and Treatment of James Lewis Williford, 2024-UP-270 (S.C. Ct. App. filed July 24, 2024) and In the Matter of the Care and Treatment of Andy Eugene Hyman, 2024-UP-271 (S.C. Ct. App. filed July 24, 2024). Similarly, in In the Matter of the Care and Treatment of Ronald MJ Gregg, 2022-UP-336 (S.C. Ct. App. filed August 10, 2022), this Court held the trial court abused its discretion by admitting PPG test results because there was no evidence the Limestone certification standards, MUSC’s PPG procedures, or the Real Child Voices stimulus set “had been subject to peer review and/or found to be reliable.” After oral argument, our Supreme Court dismissed certiorari as improvidently granted in Gregg. However, the Supreme Court granted the state’s petitions for writ of certiorari in Daily, Williford, and Hyman the day Appellant’s initial brief was filed (February 12, 2025).

In support of its holding, this Court cited to: “Berthiaume v. Caron, 142 F.3d 12, 17 (1st Cir. 1998) (“[The PPG] is widely used in the scientific community for the treatment of pedophilia; its use for screening is debatable and the scientific community is not of one mind ...”); United States v. Powers, 59 F.3d 1460, 1471 (4th Cir. 1995) (affirming the district court's ruling that the PPG test fails the “scientific validity” prong of the test which provides the standard for the admissibility of such scientific evidence); Leftwich v. State, 245 Ga.App. 695, 538 S.E.2d 779, 781 (2000) (finding the court had already “noted that the reliability of test results obtained on the penile plethysmograph had not been scientifically established” and the proponent of the evidence also failed to demonstrate the evidence was outside of the knowledge of the average juror); State v. Spencer, 119 N.C.App. 662, 459 S.E.2d 812, 815 (1995) (affirming the exclusion of the results of a PPG test because “the evidence before [the trial court] by no means established the reliability of the plethysmograph; there is a substantial difference of opinion within the scientific community regarding the plethysmograph's reliability to measure sexual deviancy”); Renee Sorrentino, M.D., Sex Offenders and the Law, 39 Vt. B.J. 26, 26 (2013) (“Studies measuring sexual arousal by penile plethysmography (circumferential measurement of penile tumescence as a measure of sexual arousal) define improvement as a reduction in deviant sexual arousal However, the use of penile plethysmography is not widely accepted by the scientific community because of the lack of reliability between the different types and models of plethysmography in addition to debate over the validity and appropriate use of penile plethysmography.”) (footnotes omitted); Major Christopher Mathews, et al., Debunking Penile Plethysmograph Evidence, 28 NO. 2 The Reporter 11, 11-12 (2001) (stating “the use of the penile plethysmograph as a predictive or forensic tool fails to meet the relevant legal standards for admissibility and has been repeatedly rejected by the scientific community); id. at

13 (stating due to “the serious issues undermining [the] reliability” of the PPG, “it is not surprising that state courts have repeatedly excluded penile plethysmograph evidence. Federal courts have likewise rejected the test.”) (footnote omitted); Myers, et al., Expert Testimony in Child Sexual Abuse Litigation, 68 Neb. L. Rev. 1, 134–35 (1989) (stating that a problem with the reliability of PPG testing is that penile response is subject to voluntary control, and the test should not be used to determine whether or not an individual has engaged in deviant behavior).) Id. at 565-66, 905 S.E.2d at 314-15.

In Billups v. Commonwealth, 652 S.E.2d 99, 101-02 (Va. 2007), the Virginia Supreme Court held an expert’s report that relied on PPG testing was inadmissible, even at a sentencing hearing. The court in Billups approached PPG testing with a critical eye and ultimately concluded it was inadmissible:

Advancements in the sciences continually outpace the education of laymen, a category that includes judges, jurors and lawyers not schooled in the articular field under consideration. Consequently, there is a risk that those essential components of the judicial system may gravitate toward uncritical acceptance of any pronouncement that appears to be “scientific,” and the more esoteric the field, the more difficult it becomes for laymen to greet it with skepticism. That tendency has given rise to frequent complaints of “junk science” in the courts. To guard against that risk, we continue to require a “threshold finding of fact with respect to reliability of the scientific method offered. . . .”

Id. at 101-02. “Esoteric” and “junk science” are both accurate descriptions of PPG testing. See also United States v. Medina, 779 F.3d 55, 65 (1st Cir. 2015) (discussing reliability problems with PPG testing); Gentry v. State, 443 S.E.2d 667, 669 (Ga. Ct. App. 1994) (“Given the rejection of [PPG] evidence by other states, and particularly the uncertainty within the scientific community of its reliability, we hold that it is inadmissible in Georgia.”); United States v. Powers, 59 F.3d 1460, 1470-71 (4th Cir. 1995) (holding the PPG did not meet the scientific


standards for admissibility and emphasizing the “extensive, unanswered evidence weighing against the scientific validity of the penile plethysmograph test.”).

The PPG Appellant underwent, which included the Real Child Voices stimulus set, lacked reliability. Accordingly, the trial court abused its discretion by admitting the PPG evidence pursuant to Rule 702. Because the PPG and its results had the appearance of scientific evidence, it is likely the jury afforded the evidence “special weight.” See Bilton, 432 S.C. at 164-165, 851 S.E.2d at 445. The error in admitting this unreliable evidence was highly prejudicial to Appellant because of the risk noted by the Virginia Supreme Court in Billups that laymen, especially jurors, would gravitate toward uncritical acceptance of the PPG when confronted with such a foreign and unusual trial like an SVP case. Dr. Gottfried urged the jury in this direction, telling the jury that the PPG was an “*objective*” measure of male sexual arousal. Tr. 169, l. 11 – 171, l. 3 (emphasis added). She further claimed the PPG “*is the gold standard objective measure of looking at sexual arousal.*” Tr. 173, ll. 7-15 (emphasis added). Because the PPG was one of the main bases for Dr. Gottfried’s diagnosis of pedophilic disorder and her opinion that Appellant is likely to reoffend sexually if not confined for treatment, the admission of this highly prejudicial evidence warrants reversal.

CONCLUSION

Based on the foregoing argument, this Court should reverse Appellant's commitment and remand this matter for a new trial.

Respectfully Submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 12th day of February, 2025.