THE STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO AIKEN COUNTY
Robert J. Bonds, Circuit Court Judge

RECEIVED
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S.C. SUPREME COURT

Appellate Case No: 2025-000338

HAROLD CARTWRIGHT, RESPONDENT,

v.

STATE OF SOUTH CAROLINA, PETITIONER.

APPENDIX

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of the witnesses who have testified in this case, you can believe one witness over several, several over one. You can disbelieve everything a witness says. You can believe everything a witness says. You can believe a little bit of it, disregard the other. You have the right, and it is your duty to determine what the true facts are and what the truth is and who is telling the truth, and I ask that you use your common sense to do that.

You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in the case, and you can also consider the appearance and manner, how the witness testified and how he, he or she acted on the witness stand.

We had a couple of witnesses who I qualified as an expert. Normally our rules of evidence do not permit a witness to testify to opinions or conclusions. An exception to the rule is what we call the expert witness exception.

A witness, who by education, training, and/or experience who has become an expert in some field, art, science, or profession may state an opinion as to any relevant and material matter in which the witness claims to be an expert, and may also state the reasons for the opinion. You should consider any expert opinion received in this case, and like any other evidence, give it the

weight you think it deserves. If you decide that the opinion of an expert is not based on sufficient education and experience or if you, or if you conclude that the reasons given in support of the opinion are not sound or that the opinion is outweighed by other evidence, you may disregard the expert's opinion.

An expert witness's testimony is to be given no greater weight than that of any other witness simply because the witness is an expert. Further, you're not required to accept an expert's opinion even though it's not contradicted.

Now, Mr. Foreman, ladies and gentlemen, that's sort of the general propositions of law dealing with criminal cases. Let's go now to the various offenses set out in the indictments, and I will start off with the charge of first degree criminal sexual conduct.

That's defined in our statutes in Section 16-3-652. In one of the indictments, Indictment 304, he's charged with criminal sexual conduct in the first degree, and that would have been between October 17, 2006 and October 16, 2008, with [redacted].

The first element which the State must prove, beyond a reasonable doubt, is that the defendant engaged in a sexual battery with the victim. Must prove, beyond a reasonable doubt, he engaged in a sexual battery with the

victim.

Sexual battery is defined by that same code section as either sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion of any part of a person's body or of any object into the genital or anal openings of another person's body. If you find that the State has not shown, beyond a reasonable doubt, that a sexual battery, as I've just defined it, occurred, then you would stop deliberating and your verdict would be not guilty. If you find, however, that a sexual battery, i.e., sexual intercourse, cunnilingus, fellatio, did occur then you must decide whether the State has proven, beyond a reasonable doubt, that the defendant used aggravated force to accomplish the sexual battery.

Aggravated force means the use of physical force or physical violence of a high and aggravated nature to overcome the victim, which includes the use or threat of a deadly weapon.

All right. That is criminal sexual conduct in the first degree. There's one indictment for that. Must prove a sexual battery, which I've defined, and that it was accomplished by means of physical force or physical violence. That's the one, the one indictment dealing with criminal sexual conduct in the first degree.

Now, there are eight indictments dealing with

criminal sexual conduct with a minor in the first degree. That's a separate offense from first degree criminal sexual conduct.

Criminal sexual conduct with a minor in the first degree, the State must prove, beyond a reasonable doubt, number one, or, again, that the defendant engaged in a sexual battery with the victim. Must prove, beyond a reasonable doubt, that the defendant engaged in a sexual battery with the victim. And, once again, sexual battery, under that statute, has the same definition, sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion of a person's body or any object into the genital or anal openings of another person's body.

The State must then prove, beyond a reasonable doubt, that the victim was less than 11 years old at the time of the battery.

So, in first degree criminal sexual conduct with a minor, you have to prove, beyond a reasonable doubt, that there was a sexual battery, i.e., intercourse, fellatio, cunnilingus, et cetera, and that the victim was less than 11 years old at the time of the battery.

That's criminal sexual conduct with a minor in the first degree, and, as I said, there are eight of those and they deal with [redacted] between January 7 of '95 and January 6 of '96. Again with [redacted], January 7, '94

through January 6 of '95. Again with [redacted], January 7, '93 January 6 through '94, through '94. Again with [redacted] January 7, '92 through January 6 of '93. Again with [redacted] January 7, '91 through January 6 of '92. Again with [redacted] between January 7 of '90 and January 6 of '91. And again with Miss [redacted] between January 7 of '89 and January 6 of 1990. And then with [redacted] between October 17th of 2000 and October 16 of 2001.

So, it's -- the dates is what makes it -- the different dates is for the different indictments, but they're still, for each one of them, have to prove that he committed, beyond a reasonable doubt, committed sexual battery and the victim was less than 11 years of age.

So, that's the ones -- that's the eight criminal sexual conduct with a minor in the first degree.

All right. There are two indictments dealing with criminal sexual conduct with a minor in the second degree. That would be with [redacted] between February 8 of 2009 and February 7th of 2010. And, once again, with [redacted] between February 8th of 2010 and February 24th, 2011.

He's charged with criminal sexual conduct with a minor in the second degree. The State must prove to you, beyond a reasonable doubt, that the defendant, once again,

engaged in sexual battery. Sexual battery is defined, as in the other statutes, sexual intercourse, cunnilingus, fellatio, or anal intercourse. And, secondly, the State must prove, beyond a reasonable doubt, that either the victim was at least 11, but not more than 14, 11 to 14 or the victim was less than 16, but at least 14, and the defendant was in a position of familial, family, or official authority or that the defendant was older than the victim.

So, that's criminal sexual conduct with a minor in the second degree. It's age difference is basically what we're talking about. The sexual battery, as I've defined, and the victim was at least 11, but not more than 14, or less than 16, but more than 14, and the defendant was in a position of familial or custodial authority or that the defendant was older than the victim.

All right. Now we'll turn to -- there was one indictment for criminal sexual conduct in the third degree, and that would be for [redacted] between February 8, '11, and February 24 of '11, all in the year of 2011. February 8th, February 24th.

Third degree criminal sexual conduct with a minor, in order to prove that, the State must prove, beyond a reasonable doubt, that -- prove that -- the State must prove, beyond a reasonable doubt, that, once again, the

defendant engaged in a sexual battery with the victim. Sexual battery, once again, is defined as I've said, sexual intercourse, cunnilingus, fellatio, or anal intercourse, and, and they must also -- the State must prove to you, beyond a reasonable doubt, that the defendant used force or coercion without any aggravating circumstances to accomplish the battery. Using force or coercion means to make the victim follow the prescribed and dictated course to inflict or impose or to force one's will on someone.

That's criminal sexual conduct with a minor in the third degree. You have to prove battery, and that he used force or coercion without any aggravating circumstances. Force or coercion is obviously, as I said, means following a prescribed and dictated course to inflict or impose or to force one's will on someone. That's criminal sexual conduct with a minor in the third degree.

And then the last 16 indictments deal with -- before I go to that, on the first degree criminal sexual conduct, criminal sexual conduct with a minor in the third degree, criminal sexual conduct with a minor in the second degree, and criminal sexual conduct with a minor in the third degree, pursuant to our state law, the testimony of the victim in these cases need not be corroborated.

Section 16-3-552 through 16-3-558 says those types of

cases, which I just read, testimony of the victim need not be corroborated. There's a state law that says that.

Now, let's go to the other 16 indictments and they deal with all three alleged victims, and it deals with different times, and you'll have the -- what we call the verdict form back there, and we'll set out the times as to each related victim.

On that, that's defined by Section 16-15-140. He's charged with committing a lewd act on a minor. A minor is a person under the age of 18. The State must prove, beyond a reasonable doubt, that the defendant was over the age of 14. Then the State must prove that the defendant willfully and lewdly committed or attempted a lewd or lascivious act on or with the body or its parts of a child under the age of 16 with the intent to arouse, appeal to, or gratify the lusts, passions, or sexual desires of the defendant or the child.

Willfully means voluntarily and intentionally with the specific act to do something the law forbids.

Lewd means obscene, lustful, indecent, or lecherous.

Lascivious means tending to incite lust, lewd, indecent, obscene, or intending to deprave the morals and respect to sexual relations.

So, there's 16 of those, lewd act upon a child. A minor is under the age of 18. The State must prove the

defendant was over 18 by beyond a reasonable doubt, and that the State must prove, beyond a reasonable doubt, the defendant willfully and lewdly committed or attempted a lewd or lascivious act on or with the body or its parts of a child under the age of 16 with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of the defendant or the child.

Now, Mr. Foreman, ladies and gentlemen, obviously your verdict on each indictment, each of the 28 indictments, has to be unanimous. All 12 of you must agree. You'll have a verdict form back there for each indictment, and they'll have on it -- hand me one of them as an example.

It'll have on it the offense, the alleged victim, and the dates. The first one I'm just looking at here is as to the offense of criminal sexual conduct with a minor in the second degree upon [redacted] on or between February 8, 2010, and February 24th, 2011. We find the defendant not guilty or guilty.

You'll have one for each of the 28 indictments. So, you'll have to consider each one of them separate and apart from the others. Your verdict must be unanimous.

Obviously you have no friends to reward, no enemies to punish. You're to make your decision based solely on what you determine the true facts are in the case and

determine and apply those facts to the law as I give it to you, and from those facts, if you determine that the State has proven each of the elements that I gave to you beyond a reasonable doubt, then the verdict would be guilty. If not, it would be not guilty.

Once you have reached a decision on all of them, obviously check the appropriate box and sign your name and date it as the foreperson.

Oftentimes juries will have -- oftentimes juries will have a question. Sometimes. Not all the time. But sometimes. So, if you do have a question you -- the protocol is this. You write it out on a piece of paper, knock on the door, and the bailiff will hand it to me.

Sometimes I can answer it, sometimes I can't, but I'll send you back my best shot. You may ask me a question that I can't comment on or you may ask me something that I have to bring you-all back out and re-read it to you. Those are the kinds of things.

But don't feel -- I mean if you, if you have a question, put it down and we'll deal with it. That's what we're here for. We are gonna order the lunch.

Already been ordered?

Anyway, once -- when you first go back there, just go ahead and order your lunch the first thing, and then we'll get that handled. When the lunch comes, you can continue

to deliberate. Y'all can take a break. However you want to do it. Y'all are in charge now.

I would ask you, when you go back this time, to go ahead and get your lunch orders done cause I have to ask the lawyers if I've left anything out or I need to add anything. Like I say, this will take us just a few minutes, and then we have to gather up all the exhibits, and we'll send those back to you. And once you get the exhibits and the verdict forms, then you can start your deliberation.

If you need -- I think we've had a smoker or two. I don't know. If somebody has to have a cigarette break --

THE JUROR: Guilty.

THE COURT: -- please, but when they leave, stop deliberating until they come back. Hopefully they're not a chain smoker.

Anyway, if you have any questions, just let me know.

Thank you.

Everybody else remain seated.

(WHEREUPON, the following takes place outside the presence of the jury.)

THE COURT: All right. Ladies and gentlemen, is there any objections, requested additions, or deletions to the charge as given or any problem with the verdict forms by the State?

MR. MOLONY: No, sir, Your Honor.

THE COURT: Mr. Routzong?

MR. ROUTZONG: Your Honor, the only issue is when you were charging the lewd act, I heard you say that, when you were discussing that, that a minor is someone under the age of 18. That's not an element, and I'm concerned about that.

THE COURT: Well, I'm reading the statutes. The statute says minor under the age of 18, but then for it to be -- I read that they have to prove that the minor was 16 -- under 16. I read that.

MR. ROUTZONG: I did hear you read from that, and I wanted it corrected. But that was the only issue I had, Your Honor.

THE COURT: I'll stand by it. That's the exact charge, the exact statute.

All right. Y'all please come up and look at the exhibits and make sure we have everything.

(Pause.)

THE COURT: All right. Let the record reflect that the State and the defense have reviewed all exhibits and are, all are accounted for and in order, and all 28 of the verdict forms are -- well, all 28 are accounted for. I am going to reprint one that we had to put a, where we added something by pencil, which is Indictment 1682. It did not

have with a minor. Criminal sexual conduct in the third degree should be with a minor. So, we have corrected that.

Fair enough, fellows?

MR. MOLONY: Yes, sir.

MR. ROUTZONG: Thank you, Your Honor.

THE COURT: All right. Mr. Bailiff, if y'all take the exhibits back in the courtroom, back in the jury box, back in the jury deliberation room. Tell them they can start deliberating at their convenience.

(WHEREUPON, the jury began deliberations at 11:32.)

THE COURT: We're back on the record on the Cartwright case.

We received a note from the foreperson that says we would like to hear the audio of the testimonies of Melinda, [redacted], [redacted] and [redacted].

I discussed the note with the lawyers. They've allowed me or we have agreed to bring the foreperson out to see if he wants the entire testimony or a portion or whatever we can try to do. If we play all four of these testimonies we'll be here for the rest of the day. I mean it will take most all afternoon to play it. I assume y'all would agree with that.

Any objection by the State that I handle it in that manner?

MR. MOLONY: No, sir, Your Honor.

THE COURT: Mr. Routzong?

MR. ROUTZONG: I don't have any objection, Your Honor.

THE COURT: All right. Ask the foreperson to step out, and ask them to please stop deliberating.

(WHEREUPON, the foreperson comes into the courtroom at 1:39.)

THE COURT: Just have a seat, Mr. Foreperson, please.

Mr. Foreperson, I've got the note that you want to hear the testimonies of the four, Melinda, [redacted], [redacted], and [redacted], is that correct?

THE FOREPERSON: Yes, sir.

THE COURT: Now, the only way we can do it is to bring all of you back out and the court reporter will have to just replay it.

Now, my question is do you want to have it replayed in its entirety?

Is there a certain portion you're looking for?

The testimony was -- make -- to re-listen to all of it may take all afternoon.

THE FOREPERSON: I think a lot of the, the question had to do with the timeline of when the original -- when the victims originally claimed to be---

THE COURT: Here is what I'm gonna say.

THE FOREPERSON: And there were different timeslines, different years.

THE COURT: I understand. I'm gonna do this. I'm gonna give y'all notepads so you can take notes during their testimony.

THE FOREPERSON: Okay.

THE COURT: You can write it down. So, give me 12 notepads and then -- go back and tell them what I've said.

THE FOREPERSON: Okay.

THE COURT: And then if they feel satisfied when they're listening to witness one, when they get to that point where they're satisfied, raise their hand and we'll go to witness two.

THE FOREPERSON: Right. We're interested in certain specific things.

THE COURT: That's fine. Fair enough.

Go back and tell them that and we'll bring them right back out with their pads.

THE FOREPERSON: Thank you, sir.

(WHEREUPON, the foreperson leaves the courtroom at 1:40.)

THE COURT: Any objection to that conversation with the foreperson by the State?

MR. MOLONY: No, sir, Your Honor.

THE COURT: By the defendant?

MR. ROUTZONG: Your Honor, we object to that. We feel like that, that to properly give all of the context if the jury wants to hear -- in other words, they may hear portions. I don't know what will happen with that. It might be out of context.

THE COURT: I'm gonna let them hear it as long as they want to hear it. When they've heard what they want to hear they can raise their hand. I do that in all of these cases. So, your objection's noted.

MR. ROUTZONG: Okay. Just to make it more specific, Your Honor, if you don't mind, for the record---

THE COURT: Certainly.

MR. ROUTZONG: ---I believe they should listen to the whole testimony.

THE COURT: Well, they can tell me what they want to listen to. If it's the whole testimony, that's fine. If it's their name, that's fine.

Now they're gonna discuss that. Melinda's 15 minutes, [redacted] 30, [redacted] is 45, and [redacted] 40. It's two hours and 10 minutes worth of testimony.

Thank you.

(Pause.)

THE COURT: All right. Mr. Whittle, tell them I'm ready for them.

(WHEREUPON, the jury returns to the courtroom at 1:44

to hear the testimony again.)

THE COURT: Mr. Foreman, that was clear enough?

THE FOREPERSON: Yes, sir.

THE COURT: Ladies and gentlemen of the jury panel, I've given you notepads so you can keep some notes. When you have gotten as much as you want to hear, you're welcome to hear it all, a portion of it, whatever. When you are satisfied you got where you want to go, let me know and we'll cut it off there. If you want to hear the whole thing, that's no problem. We got it all available. I'll do whatever you deem that you need to answer or satisfy yourselves.

Fair enough?

THE FOREPERSON: Thank you.

THE COURT: Okay. The first one we will do is Melinda, is that correct?

COURT REPORTER: The first one I've got is [redacted]

THE COURT: Well, we've got -- which one do you want to hear first?

THE FOREPERSON: It doesn't matter.

THE COURT: We'll do them in the order in which they testified. So, the first one we'll do is [redacted]

(WHEREUPON, a portion of the testimony of [redacted] was played for the jury at this time.)

THE COURT: I've gotten word from the foreperson

that's what they need to hear from that.

Let's go to the next one please.

COURT REPORTER: The next one is Melinda.

(WHEREUPON, a portion of the testimony of Melinda Lively was played for the jury at this time.)

THE COURT: All right. That's all they needed. Let's go to the next one.

The next one is [redacted].

COURT REPORTER: [redacted]. [redacted].

THE COURT: [redacted].

(WHEREUPON, a portion of the testimony of [redacted] was played for the jury at this time.)

THE COURT: All right. And the last one will be [redacted].

COURT REPORTER: [redacted].

(WHEREUPON, a portion of the testimony of [redacted] was played for the jury at this time.)

THE COURT: Mr. Foreman, if there's anything else you need to listen to just let us know. Send us a note.

THE FOREPERSON: Thank you.

THE COURT: Yes, sir.

Everyone else remain seated please.

(Whereupon, the jury exited the courtroom at 2:43.)

THE COURT: All right. We'll stand at ease for about five minutes and see if probation is ready to go.

Anything for the record before we break?

MR. MOLONY: No, sir, Judge.

MR. ROUTZONG: We just object, Your Honor, to not playing the whole testimony. They just sort of rehashed the State's case without the benefit of hearing the cross-examination.

THE COURT: Well, Mr. Routzong, I asked them to let me know if they wanted to hear the whole thing, when they wanted to stop, and that was an agreement between them as to when to stop. I can't help it they didn't want to hear anymore, what you wanted them to hear.

Thank you.

(Whereupon, a short recess was taken at this time.)

THE COURT: Is the State ready to receive the verdict?

MR. MOLONY: Yes, Your Honor.

THE COURT: Is the defense ready?

MR. ROUTZONG: Yes, Your Honor.

THE COURT: Let me just warn everyone in here. This is obviously a very emotionally charged case. A lot of feelings. I commend everybody. Everybody has behaved wonderfully throughout the trial. However, when the verdict comes in, sometimes emotions get away from you.

So, I am giving you fair warning. If you do not think that you can control your emotion, I am asking you

very pleasantly to leave now. Any outburst, crying, carrying on, will result in contempt of Court and I will deal with you accordingly. Therefore, if you do not think you can handle yourself, I ask that you leave now.

(WHEREUPON, the jury came into the courtroom at 4:07.)

THE COURT: Mr. Foreman, have y'all reached a verdict?

THE FOREPERSON: Yes, sir.

THE COURT: If you'll hand it to the bailiff please.

(Whereupon, the Foreman complies.)

THE COURT: All right. Mr. Routzong, will you have the defendant stand please?

(Defendant complies.)

THE CLERK: Your Honor, we have the State of South Carolina, County of Aiken, versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00319. As to the defense of criminal sexual conduct with a minor in the first degree upon [redacted] between January 7, 1989, and January 6, 1990, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson Michael Enlow. Date April 12, 2013.

Your Honor, the State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00320, as to the offense of lewd act upon a child upon [redacted] between or on or between

January 7th, 1989, and January 6th, 1990, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

We have the State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00321, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted] on or before 7, January 7th, 1990, and January 6th, 1991, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00322, as to the offense of lewd act upon a child upon [redacted] on or between January 7th, 1990, and January 6th, 1991, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th of 2013.

We have the State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00323, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted] on or between January 7th, 1991, and January 6th, 1992, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow. April 18th, 2013.

Your Honor, the State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number

2012-GS-02-00324, as to the offense of lewd act upon a child upon [redacted] on or between January 7th, 1991, and January 6th, 1992, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00325, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted] on or between January 7th, 1992, and January 6th, 1993, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow, foreperson. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00326, as to the offense of lewd act upon a child upon [redacted] on or between January 7th, 1992, and January 6th, 1993, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00327, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted] on or between January 7th, 1993, and January 6th, 1994, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00328, as to the offense of lewd act upon a child upon [redacted], [redacted] excuse me, on or between January 7th, 1993, and January 6th, 1994, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00329, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted] on or between January 7th, 1994, and January 6th, 1995, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00330, as to the offense of lewd act upon a child upon [redacted] on or between January 7th, 1994, and January 6th, 1995, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00331, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted] on or between January 7th, 1995, and January 6th, 1996, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow,

foreperson. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00332, as to the offense of lewd act upon a child upon [redacted] on or between January 7th, 1995, and January 6th, 1996, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00306, as to the offense of criminal sexual conduct with a minor in the first degree upon [redacted], on or between October 7th, 2000, October 16th, 2001, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00307, as to the offense of lewd act upon a child upon [redacted] on or about October 17th, 2000, and October 16th, 2001, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th of 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00312, as to the offense of lewd act upon a child upon [redacted], on or between October 17th, 2002, and October 16th, 2003, we, the jury, find the defendant zero

not guilty, 12 guilty. Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00311, as to the offense of lewd act upon a child upon [redacted] on or between October 17th, 2003, and October 16th, 2004, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow. April 18th of 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00310, as to the offense of lewd act upon a child upon [redacted] on or between October 17th, 2004, and October 16th, 2005, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00309, as to the offense of lewd act upon a child upon [redacted], excuse me, [redacted], on or between October 17th, 2005, and October 16th, 2006, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow, foreperson. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00304, as to the offense of criminal sexual conduct in the first degree upon [redacted] on or between October 17th, 2006, and October 16th, 2008, we, the jury, find the

defendant zero not guilty, 12 guilty. Michael Enlow, foreperson. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00308, as to the offense of lewd act upon a child upon [redacted] on or between October 17th, 2006, and October 16th, 2007, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00314, as to the offense of lewd act upon a child upon [redacted] on or between February 8th, 2008, and February 7th, 2009, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow. April 18th of 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00317, as to the offense of lewd act upon a child upon [redacted] on or between February 8th, 2009, and February 7th, 2010, we, the jury, find the defendant zero not guilty, 12 guilty, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00315, as to the offense of criminal sexual conduct with a minor in the second degree upon [redacted] on or between February 8th, 2009, and February 7th, 2010, we, the jury,

find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00318, as to the offense of lewd act upon a child upon [redacted] [redacted] [redacted] on or between February 8th, 2010, and February 7th, 2011, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson, Michael Enlow. April 18th of 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-00316, as to the offense of criminal sexual conduct with a minor in the second degree upon [redacted] [redacted] on or between February 8th, 2010, and February 24th, 2011, we, the jury, find the defendant zero not guilty, 12 guilty. Michael Enlow, foreperson. April 18th, 2013.

The State of South Carolina versus Harold Bennon Cartwright, III, Indictment Number 2012-GS-02-01682, as to the offense of criminal sexual conduct with a minor in the third degree with [redacted] [redacted] on or between February 8th, 2011, and February 24th, 2011, we, the jury, find the defendant zero not guilty, 12 guilty. Foreperson Michael Enlow, April 18th of 2013.

Ladies and gentlemen of the jury, if this is still your verdict, please indicate by raising of your right hand.

So, having said that, you're welcome to go. You're welcome to stay. If you're gonna leave, I want to speak to you in the jury room.

All right. Get the sentence sheets ready for me please.

Mr. Routzong, go ahead and get that done.

MR. ROUTZONG: Yes, sir, Your Honor.

THE COURT: We'll finish up with everything after that.

(Whereupon, a short recess was taken at this time.)

THE COURT: All right. Mr. Routzong, I'll be glad to hear from you or Mr. Hayes and/or Mr. Cartwright.

MR. ROUTZONG: Your Honor, the defendant's been in our detention center for 763 days. I believe he's 46 years old and a resident of North Augusta. I think you've heard a lot of his biographical information already, Your Honor. I'd ask the Court to be as lenient as possible.

THE COURT: Mr. Hayes, anything you want to tell me?

MR. HAYES: No, sir.

THE COURT: Mr. Cartwright, anything you want to tell me?

THE DEFENDANT: Yes, sir. I'm not guilty, sir.

THE COURT: Well---

THE DEFENDANT: I understand y'all found me guilty -- The -- what I stated before about them swapping of the

evidence, I'd like that to be in the record that I know that a, a picture was changed. I spoke to Mr. Harte when he come through in the back and he said he distinctly remembers in the last trial when me and him went to trial that the sheets that the officer presented were blue and green out of [redacted] bedroom, and then I had told them in that trial that those weren't my sheets, that the sheets that my DNA was on was my son's sheets, and that's when we come back to this trial that it's all been changed around. I just want that to be on the record, Your Honor.

THE COURT: Thank you. Well, I'm not the finder of the facts.

THE DEFENDANT: I understand.

THE COURT: The jury is.

THE DEFENDANT: Yes, sir.

THE COURT: But, you know, I have to listen to all of the facts.

THE DEFENDANT: Yes, sir.

THE COURT: And I found your children, your stepchildren, and your natural daughter's testimony to be most credible, most believable. I found your testimony to be uncredible, terribly uncredible, wholly unbelievable.

I've been doing this a long time, and the way you treated your natural, biological child, and your stepchildren is despicable, beyond all decency, and you

don't deserve to be out in society so you can hurt other children. It's, it's just not natural. It's against the law, and, to me, it's just despicable conduct, and then---

THE DEFENDANT: Yes, sir, I agree with you on that. If I knew somebody that was doing that I would of been the first one to go to the law.

THE COURT: I think you're in complete denial.

I want to commend, well, first of all, the lawyers. I thought Mr. Routzong and Mr. Hayes did a commendable job. They defended you with all of their ability and all of their efforts and all of their energy, and I commend both of you as members of the bar. You did an excellent job.

To the Solicitor's Office, I commend you. Y'all were most prepared, presented the case fairly.

To the Sheriff's Department, Sheriff Hunt, the investigation was thorough. I wish we had more of these types of investigations around the state. I commend you.

I commend my jury. You know it's not -- it's difficult to ask 12 citizens to come in here and have to listen to these types of facts that go on right here in our community, and I thank you for your civic duty and the way that you handled it. I commend you.

MR. ROUTZONG: Your Honor, just prior to sentencing, there is the issue of the motion. We didn't have any

chance to do any motions. We can do it later. That's no problem.

THE COURT: I'll give you ten days to file any post-trial motions.

MR. ROUTZONG: Yes, sir.

THE COURT: So you can think about it.

All right. Let me make sure, Mr. Routzong, Mr. Hayes, that y'all agree with me on this, that the law, as it existed at the time of these crimes, on criminal sexual conduct first degree, that carries up to 30 years.

Y'all agree with that?

MR. ROUTZONG: Yes, sir.

THE COURT: It's classified as most serious and violent.

MR. ROUTZONG: Yes, sir.

MR. HAYES: Yes, sir.

THE COURT: And criminal sexual conduct with a minor first degree carried up to 30 years.

Do you agree with that?

MR. ROUTZONG: Yes, sir.

THE COURT: Criminal sexual conduct with a minor second degree was a 20 year sentence?

MR. ROUTZONG: Yes, sir.

THE COURT: It's up to 20 years, and lewd act is up to 15 years.

MR. ROUTZONG: Yes, sir.

THE COURT: Is that correct?

MR. ROUTZONG: That's correct.

THE COURT: All right. As to Indictment 12-GS-02-304, the indictment for criminal sexual conduct in the first degree, the Sentence of the Court is you be committed to the State Department of Corrections for a period of 30 years.

As to the other indictments for criminal sexual conduct with a minor in the first degree, those too are 30 year sentences. They will all run concurrent. That means you'll do all the 30 year sentences together.

As to Indictment 12-GS-02-315, criminal sexual conduct with a minor in the second degree, the Sentence of the Court is you be committed to the State Department of Corrections for a period of 20 years. Those, too, will be run concurrent with your 30 year sentence.

As to Indictment 12-GS-02-308, lewd act upon a child, the Sentence of the Court is that you be committed to the State Department of Corrections for a period of 15 years. There are 16 of these indictments. They will likewise all run concurrent to your 30 year sentence.

So, you'll do your criminal sexual conduct, criminal sexual conduct with a minor in the first degree, criminal sexual conduct with a minor in the second degree, lewd

acts all together. The 30 year sentences, 20 year sentence, and the 15 year sentences will all run concurrent.

As to Indictment 12-GS-02-1682, criminal sexual conduct in the third degree, the Sentence of the Court is that you be committed to the State Department of Corrections for a period of 10 years. That, sir, will run consecutive to all the others.

So, once you finish your 30 year sentence you'll have ten more to do. You'll be given credit for your time served. Your lawyers have ten days to file any posttrial motions.

Good luck to you.

MR. MOLONY: Thank you, Your Honor.

MR. ROUTZONG: Thank you, Judge.

(WHEREUPON, two notes from the jury were marked as Court's Exhibit Nos. 4 and 5 for identification purposes only at this time.)

* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

FILED 1 February 2012

M041010

ACTION OF GRAND JURY

Bill True

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200304

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0160

Indictment for

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

§ 16-03-0652

J. STROM THURMOND, SOLICITOR

370

1034

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT FIRST
COUNTY OF AIKEN	)	DEGREE
	)	
		§ 16-03-0652

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, did in Aiken County on or between October 17, 2006 and October 16, 2008 commit the crime of Criminal Sexual Conduct In The First Degree, in that the Defendant did commit a sexual battery upon and with the body of [redacted] a person of fifteen (15) to sixteen (16) years of age. Such sexual battery was accomplished by the use of force of a high and aggravated nature and/or the victim submitted to the sexual battery under circumstances where she was also the victim of forcible confinement and/or kidnapping. All in violation of §16-3-652 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

FILED 9 February 20 12

12-DI02-0096

ACTION OF GRAND JURY

Bill- True

Wesley Earhart

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200306

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE

vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

372

1036

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE
COUNTY OF AIKEN	)	
	)	
	)	§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between October 17, 2000 and October 16, 2001, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was nine (9) years of age at the time of the incident. All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

12-DI02-0097

Filed 9 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eubanks

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200307

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE

vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

374

1038

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2000 and October 16, 2001, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

M041011

Filed 9 February 2012

ACTION OF GRAND JURY

Bill True

Welby Earhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200308

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

376

1040

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2006 and October 16, 2007, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

M041012

Filed: 9 February 2012

Clerk

ACTION OF GRAND JURY

Bill- True

Wesley Earhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200309

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

378

1042

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2005 and October 16, 2006, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

M041013

FILED 9 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eulhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200310

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

380

1044

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2004 and October 16, 2005, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

M041014

1 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eckhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200311

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

382

1046

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2003 and October 16, 2004, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

9 February 2012

M041016

ACTION OF GRAND JURY

B.H. True

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200312

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2002 and October 16, 2003, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

M041009

FILED: 9 February 2012 sdr

ACTION OF GRAND JURY

Bill - True

Wesley Eaglin

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200313

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0162

Indictment for

CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE

§ 16-03-0654

J. STROM THURMOND, SOLICITOR

386

Nolle prosse, Convicted on all others

Kevin Mabry

4-18-13

1050

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT IN THE THIRD
COUNTY OF AIKEN	)	DEGREE
	)	

§ 16-03-0654

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County on or between October 17, 2007 and October 16, 2008 commit the crime of Criminal Sexual Conduct In The Third Degree, in that the Defendant did commit a sexual battery upon [redacted] which was accomplished through the use of physical force. All in violation of §16-3-654 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

9 February 12

M015656

ACTION OF GRAND JURY

Bill - True

Wesley Eastwood

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200314

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

388

1052

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between February 8, 2008 and February 7, 2009, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015659

FILED 9 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Earhardt

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200315

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0397

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE

§ 16-03-0655(3)

J. STROM THURMOND, SOLICITOR

390

1054

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE SECOND DEGREE
	)	

§ 16-03-0655(3)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between February 8, 2009 and February 7, 2010, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was fourteen (14) years of age at the time of the incident, and Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim. All in violation of §16-3-655 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015662

FILED 9 February 2012

ACTION OF GRAND JURY

Bill - True

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200316

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0397

Indictment for

CRIMINALD SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE

§ 16-03-0655(3)

J. STROM THURMOND, SOLICITOR

392

1056

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINALD SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE SECOND DEGREE
	)	
		§ 16-03-0655(3)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between February 8, 2010 and February 7, 2011, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was fifteen (15) years of age at the time of the incident(s), and the Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim. All in violation of §16-3-655 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015657

9 February 2012

ACTION OF GRAND JURY

Bill True

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200317

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

394

1058

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between February 8, 2009 and February 7, 2010, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015661

9 February 2012

ACTION OF GRAND JURY

B:V- True

Wesley Eaddy

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200318

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

396

1060

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between February 8, 2010 and February 7, 2011, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041043

1 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eathcart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200319

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

398

1062

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE FIRST DEGREE
	)	
		§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1989 and January 6, 1990, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was four (4) years of age at the time of the incident. All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041050

7 February 2012

ACTION OF GRAND JURY

Bill True

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200320

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

400

1064

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1989 and January 6, 1990, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041044

9 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eanhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200321

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

402

1066

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE
COUNTY OF AIKEN	)	
	)	§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1990 and January 6, 1991, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was five (5) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041051 dated 1 February 2012

ACTION OF GRAND JURY

Bill True

Wesley Earhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200322

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

404

1068

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1990 and January 6, 1991, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041045 Filed 9 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eubanks

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200323

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

406

1070

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE FIRST DEGREE
	)	
		§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1991 and January 6, 1992, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was six (6) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041052

9 February 2012

ACTION OF GRAND JURY

Bill True

Wesley Eckhard

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200324

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

408

1072

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1991 and January 6, 1992, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041046

Filed 9 February 2012

Clerk

Clerk of Court, Aiken County

ACTION OF GRAND JURY

Bill True

Wesley Earhart

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200325

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

410

1074

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE FIRST DEGREE
	)	
		§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1992 and January 6, 1993, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was seven (7) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041053 Filed 9 February 2012

ACTION OF GRAND JURY

Bill - True

Wesley Eaubert

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200326

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

412

1076

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1992 and January 6, 1993, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041047 9 February 2012

ACTION OF GRAND JURY

Bill: True

Wesley Earhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200327

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

414

1078

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE FIRST DEGREE
	)	
		§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1993 and January 6, 1994, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was eight (8) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

9 February 2012

M041054

Code

ACTION OF GRAND JURY

Bill True

Wesley Eathart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200328

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

416

1080

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1993 and January 6, 1994, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041048

9 February 2012

Cadr

ACTION OF GRAND JURY

B.V. True

Worthy Cartwright

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200329

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

418

1082

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE
COUNTY OF AIKEN	)	
	)	§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1994 and January 6, 1995, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was nine (9) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041055 Date 9 February 2012

Code

ACTION OF GRAND JURY

Bill - True

Wesley Eckhard

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200330

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

420

1084

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1994 and January 6, 1995, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041049

Filed 9 February 2012

Clerk

ACTION OF GRAND JURY

Bill - True

Wesley Earhart

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200331

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

422

1086

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE FIRST DEGREE
	)	
		§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1995 and January 6, 1996, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was ten (10) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

9 February 12

M041056

ACTION OF GRAND JURY

B.B. - True

Wesley Eubanks

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200332

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

424

1088

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1995 and January 6, 1996, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

RECEIVED
DEC 30 2014
SC Court of Appeals

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 April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

December 30th, 2014

Robert M. Dudek
Chief Appellate Defender

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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

RECEIVED
DEC 30 2014
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

APPELLANT.

APPELLATE CASE NO.2013-000894

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 30th day of December, 2014.

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 30th day of December, 2014.

Rhonda Denise Foxworth (L.S.)
Notary Public for South Carolina
My Commission Expires: October 17, 2021.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

APPELLANT.

APPELLANT CASE NO.2013-000894

FINAL BRIEF OF APPELLANT

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The court erred by admitting evidence appellant attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE. The introduction of the two photographs corroborating the suicide attempt was error for the same reasons. (Arguments 1& 2). 14

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STATEMENT OF ISSUE ON APPEAL

1.

Whether the court erred by admitting evidence appellant attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE?

2.

Whether the court erred by admitting photographs of appellant's prison cell to corroborate the fact he attempted to commit suicide since this evidence was similarly not relevant, and unduly prejudicial if relevant?

3.

Whether the court erred by allowing Dr. Alicia Benedetto to be qualified as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case?

4.

Whether the court additionally erred by qualifying Benedetto as an expert allowing her to bolster the testimony of the alleged victims, where the jury would draw the impermissible inference that the alleged victims were conducting themselves consistently with other victims of child sexual abuse?

STATEMENT OF THE CASE

Appellant was indicted by the Aiken County Grand Jury for eight counts of criminal sexual conduct with a minor in the first degree, sixteen counts of a lewd act with a minor, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct first degree, and one count of criminal sexual conduct in the third degree. R. p. 370 - 425.

His case came on for trial on April 15, 2013 before the Honorable Doyet A. Earley, III, and a jury. Michael Routzong and Dave Hayes represented appellant. Kevin Molony was the assistant solicitor. R. p. 1

On April 18, 2013 the jury found appellant guilty on each count presented to the jury. R. p. 356, l. 14 – 363, l. 22. Judge Early sentenced appellant to concurrent sentences of thirty years imprisonment, twenty years imprisonment, and fifteen years imprisonment. However, the judge imposed a ten-year consecutive sentence for criminal sexual conduct in the third degree. Appellant's sentence was therefore forty years imprisonment. R. p. 368, l. 4 – 369, l. 8.

This appeal follows.

STATEMENT OF FACTS

Prior to trial defense counsel moved to exclude evidence that appellant suicide while in the Aiken County Detention Center awaiting trial. The assistant solicitor noted that at the prior trial, which apparently ended in a mistrial, that the state had introduced evidence of appellant's suicide attempt and photographs to corroborate it. R. p. 5, ll. 4-18. The solicitor argued this evidence was admissible to show "a guilty conscience." He analogized the suicide evidence to evidence of flight. R. p. 5, ll. 11-18.

Defense counsel noted that appellant had turned himself in which showed he was willing to "face these charges." Defense counsel also argued that the state had to establish a nexus between the suicide attempt and the charges against him. In addition, counsel argued that even if this evidence was relevant its unduly prejudicial effect outweighed its probative value under Rule 403, SCRE. R. p. 5, l. 20 – 7, l. 23. Defense counsel finally stated that this evidence diluted the presumption of innocence, and it could also be construed as evidence of bad character. R. p. 6, l. 19 – 7, l. 23.

The judge ruled that, in all likelihood, he would admit this suicide evidence. However, he noted that he understood defense counsel's argument about the nexus and his additional Rule 403, SCRE argument. R. p. 7, l. 24 – 9, l. 3.

Defense counsel also moved to exclude the testimony of witness Dr. Alicia Benedetto. The solicitor said this witness had testified before Judge Early previously. The judge responded: "I know that, ma'am, but I do so many of these I really and truly cannot remember her." The solicitor maintained: "She will be qualified as an expert in child sexual abuse dynamics and will testify as to the behavioral issues of children that have been abused." The solicitor added that Dr. Benedetto could testify that children who are sexually

abused "act out" and she could testify "how factors in the home can affect children that have been sexually abused and things of that nature." R. p. 14, l. 16 – 15, l. 25.

Defense counsel argued this testimony was not admissible under Rule 702, SCRE because it would not assist the jury. Defense counsel also argued that the only issue is whether the alleged victims were testifying truthfully, and that matters of credibility are "strictly within the purview of the jury." R. p. 16, l. 1 – 18, l. 13.

The judge said that testimony dealing with "behavioral characteristics were admissible so as long as it did not invade the province of the jury regarding credibility." Defense counsel and the judge then discussed State v. Weaverling, 337 S.C. 460, 473, 523 S.E.2d 787, 794 (Ct.App. 1999), and State v. Kromah, 401 S.C. 340, 737, S.E.2d 490 (2013). R. p. 16, l. 1 – 18, l. 13. Defense counsel noted that the appellate courts in this state were going in the direction of excluding this type of evidence. R. p. 17, ll. 23-25. Defense counsel further noted that State v. Kromah was the Court's latest holding on the subject, and it supported the defense position that the "expert testimony" in this case should be excluded. The judge observed that the witness had not talked with the minor witnesses, and he stated that he testimony about "general behavioral responses" was admissible. R. p. 16, l. 1 – 21, l. 16.

As will be seen infra, appellant testified and denied the sexual abuse. He claimed the accusations stemmed from resentment of him for having the boyfriend of his fourteen-year-old daughter prosecuted for having sex with her. Appellant had also contacted law enforcement about his concerns of her photographs being posted on the internet along with her friends. In addition, he suspected a sexual relationship between his son Hoss and his stepdaughter, and he had found marijuana in his room. Concerning the evidence of

appellant's suicide attempt, which was allowed into evidence over defense objection, appellant attempted to explain that he felt hopeless "at that time" because he was not able make bond, and because some members of his family had had turned on him.

As will also been seen infra, there was also evidence in this case of recantations, and minors "acting out." Witness Benedetto would then give her "expert testimony" that recantations were not uncommon and they did not mean that the children were not sexually abused. Further, Benedetto opined minors "acting out" was also symptomatic of sexual abuse.

[redacted] was the biological daughter of appellant and Melinda Lively. She was twenty-eight years old at the time of the trial. R. p. 31, l. 9 – 32, l. 6. Hoss Cartwright and Jamie Cartwright were her natural siblings. Her stepsiblings were [redacted] and [redacted] R. p. 32, ll. 7–12.

[redacted] claimed when she was four years old (i.e. 24 years previously) appellant had her perform oral sex on him. [redacted] said she told her mother about this incident but her mother did not believe her. She also claimed appellant threatened to kill her, her mother, and take his own life if she reported the incident. R. p. 32, l. 18 – 35, l. 4.

[redacted] maintained the abuse continued from the time she was six years old until she was ten years old when her mother left appellant and moved them to Georgia. R. p. 35, l. 18 – 39, l. 23. [redacted] said after the oral sex appellant would buy her things, and give her money. R. p. 39, ll. 2-5.

On cross-examination, [redacted] acknowledged she never said anything about the alleged sexual abuse from 1995 until 2011. She acknowledged she married Kevin [redacted] and that he had served three years in prison for criminal sexual conduct for his conduct

involving her. She acknowledged her husband had to register as a sex offender because of that conviction. She refused to admit that appellant was the person who successfully pushed for law enforcement to prosecute [redacted] for his improper sexual relationship with her. She acknowledged after her parents were divorced that appellant still had visitation privileges with her. R. p. 47, l. 3 – 50, l.10.

Appellant's ex-wife, Melinda Lively, then testified that [redacted] was her oldest daughter. Jamie Cartwright and Hoss Cartwright were her other children. R. p. 53, l. – 54, l. 6. Lively testified that [redacted] claimed she was sexually abused when she was four or five years old. Lively maintained she did not contact law enforcement because appellant threatened at gunpoint to kill them if they told anybody. R. p. 54, l. 7 – 55, l. 3.

Lively admitted in her complaint for divorce in 1997 that she did not allege sexual abuse had taken place, and she agreed that appellant was entitled to visitation with the supposedly abused children. She said she did not allege anything, and she did not fight visitation because she did not have "any evidence" against appellant. R. p. 55, l. 9 – 57, l. 6. Lively admitted she remembered appellant alleging that Lively allowed her oldest daughter, [redacted], who was only fourteen-years-old to engage in sexual relationship with a twenty-three year-old man. R. p. 59, l. 8 – 60, l. 14.

[redacted] was appellant's stepdaughter. She was twenty-one years old at the time of trial. R. p. 63, l. 2 – 65, l. 10. [redacted] said she was seven years younger than [redacted] and three years older than [redacted] R. p. 64, ll. 4-12.

[redacted] testified that when she was in the third grade appellant made her perform oral sex. R. p. 65, l. 17 – 67, l. 1. [redacted] said this happened "a few times a month," and that appellant would buy her gifts afterwards. R. p. 67, ll. 1-23. [redacted] acknowledged appellant

was arrested as a result of her allegations. However, [redacted] recanted her allegations when she was about ten years old, and she told the solicitor the sexual abuse complained of never actually happened. She said that appellant moved back into the home shortly after she recanted. R. p. 68, l. 2 – 70, l. 24.

[redacted] claimed after appellant returned to the household that he would "hump" her leg about "three to seven times a week." He continued to buy her gifts, and take her shopping. [redacted] alleged that appellant threatened to kill the entire family, and then himself if she told. R. p. 70, l. 12 – 73, l. 13. [redacted] testified the oral sex ceased from the time she was nine years old until she was fifteen. At fifteen, [redacted] said she agreed to have sexual intercourse with appellant under duress. R. p. 73, l. 11 – 80, l. 19.

On cross-examination [redacted] admitted she became involved in drugs with [redacted] She acknowledged that she became very rebellious. R. p. 93, l. 1. – 94, l. 13.

Michelle Prince was a DSS employee who investigated [redacted] allegations. Prince acknowledged she was aware [redacted] had recanted them. R. p. 96, l. 25 – 100, l. 12.

[redacted] was appellant's other stepdaughter. [redacted] was eighteen-years-old at the time of appellant's trial. She testified she had a good relationship with appellant when she was younger but she maintained that changed when she was about thirteen-years-old. She said appellant then began "humping" her on the leg, and that she despised him. R. p. 101, l. 4 – 103, l. 8. [redacted] said appellant would buy her items after the sexual abuse. She also said appellant would become angry and threaten to kill the entire family R. p. 104, l. 15 – 105, l. 16.

[redacted] said she later was homeschooled in a shed by appellant, and at some point they began having sexual intercourse. [redacted] said she began taking birth control pills, and she maintained that was appellant's idea. R. p. 107, l. 10 – 109, l. 14.

[redacted] admitted that appellant became very upset because there were photographs of her on the internet. [redacted] said she did not have any reason to be embarrassed about the photographs because appellant was mistaken in thinking they were photographs of her. R. p. 129, l. 5 – 131, l. 6. Appellant would later strongly dispute the assertion of mistaken identification. [redacted] also said that she did not have a romantic relationship with appellant's son, Hoss, as appellant suspected. R. p. 131, ll. 3-12.

The testimony of Buffy [redacted] was read to the jury since a medical condition since the first trial prevented her from testifying live. R. p. 139, l. 21 – 141, l. 15. Buffy married appellant in December of 1999 and their divorce was just finalized prior to her testimony in 2013. Buffy testified that [redacted] had alleged appellant sexually abused her. Buffy admitted that [redacted] recanted her allegations, and Buffy now maintained that she "probably did put some pressure on [redacted] [to recant] because he [appellant] had convinced me he had done nothing wrong." R. p. 142, l. 4 – 143, l. 25.

Appellant moved back in after [redacted] recantation. R. p. 144, ll. 1-12. Buffy said that appellant's stepdaughters, [redacted] and [redacted], always referred to him as "Daddy." She did not believe they were being molested. She also acknowledged that [redacted] had "some problems" such as sneaking out of the house. However, she was not positive that [redacted] also had began drinking at a young age. R. p. 151, l. 22 – 155, l. 1.

[redacted] denied she tried to protect appellant, and she simply did not believe anything of a sexual nature had been going on with the minors. R. p. 155, ll. 2-18. [redacted] said she may have been "naïve." R. p. 155, ll. 19-22.

Eighteen-year-old Hoss Cartwright testified that appellant made vulgar comments to his stepsister, [redacted] while they were growing up together. R. p. 169, ll. 2-19. Hoss also said he found appellant's inspections of [redacted] clothes before school "odd." R. p. 169, ll. 8-17.

Hoss denied appellant ever caught him smoking marijuana. Hoss essentially admitted he was smoking marijuana but he maintained that appellant never caught him. R. p. 175, ll. 7-20. Hoss confirmed that appellant thought he was having sex with his stepsister. R. p. 175, ll. 16-20.

Benedetto testimony

As seen, appellant objected to the testimony of Dr. Alicia Benedetto prior to trial. R. p. 203, ll. 5-17. Benedetto testified she worked with the Assessment and Resource Center (ARC). Benedetto said "most of what the ARC does is forensic interviews when there are allegations of abuse." R. p. 204, ll. 17-20.

Benedetto had a Ph.D. from St. Johns University in Psychology. R. p. 205, ll. 4-7. She had conducted a five day training on Finding Words for prosecution officials. R. p. 206, ll. 1-21. Benedetto said her experience was not based "in books" but on the fact "I interview children every day. That's basically what, what I do. So, at the ARC, I conduct forensic interviews on a daily basis. I've done that for the past 12 years." R. p. 207, l. 20 – 208, l. 6. Benedetto said she had been qualified before as an expert in "child sex abuse dynamics." R. p. 208, ll. 15 – 209, l. 3.

On cross-examination defense counsel inquired about exactly what "child abuse dynamics" involved. Benedetto said it "refers to how children experience abuse, and that's oftentimes what, what I'm qualified in." R. p. 209, ll. 3-17. When asked how many studies she had been involved in regarding child abuse dynamic, Benedetto answered that she conducted interviews and not studies. She was not a researcher on the subject. R. p. 210, ll. 16-22.

Defense counsel Hayes then objected to Benedetto being qualified as an expert witness, and allowing her to give expert testimony. He noted that she testified and admitted her background was doing forensic interviews, and she was not involved in studies and research. The state had not shown that her testimony was objectively reliable R. p. 211, ll. 1-12.

The judge denied the motion to exclude her testimony, and he ruled that Benedetto was qualified to give her opinion testimony regarding "child abuse dynamics." R. p. 211, l. 13 – 212, l. 12. The judge said he would later give an instruction on expert opinion testimony to the jury. R. p. 212, ll. 7-13.

Benedetto maintained she did not know anything about the facts of this prosecution. She said that "Child Sexual Abuse Accommodation Syndrome" involved a pattern of behavior "that a child may engage in that would otherwise seem to not make sense to us." R. p. 213, ll. 7-21. Benedetto said because a child responded differently than an adult to sexual abuse that did not mean that the child was not telling the truth. R. p. 214, ll. 4-7.

Benedetto said that victims of child sexual abuse were told not to tell about the abuse. She said it was not unusual for an abuser to buy gifts for the abused children. R. p.

214, l. 10 – 215, l. 14. In addition, she said the children often thought they may be harmed if they did not keep the abuse a secret. R. p. 217, l. 5 – 220, l. 4.

Benedetto was then specifically asked about recantations. Benedetto answered that a child recanting or taking back their allegation of abuse did not mean that the abuse did not happen. She claimed "we're open to the possibility that it's a true recantation, but we also know that *many times a child recants because of what happens after they tell, and so we want to be sure not to miss those cases."* R. p. 223, l. 21 – 224, l. 11. (emphasis added). Benedetto maintained that sometimes children recanted because they feared having to change schools or other consequences based on their allegations. R. p. 224, ll. 12-22.

Benedetto also told the jurors that sexual abuse can cause minors to begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto added that minors "acting out" was also not unusual when they were being sexually abused. R. p. 225, l. 14 – 226, l. 17. Benedetto said also if a child does not get upset or act out or show emotion that did not mean that they were not sexually abused. R. p. 226, ll. 18-21.

Suicide Attempt

The state proffered the testimony of Aiken County Detention Guard James Hettich. Hettichs testified on April 13, 2011 he observed appellant hanging in his jail cell with a sheet tied from his bunk. R. p. 249, l. 5 – 251, l. 2. Hettich testified that the sheet was tied tight, and that appellant was unresponsive while hanging from the neck. "His touch was cold and clammy. He was unresponsive. He wasn't speaking. He was breathing however." R. p. 251, ll. 1-21.

Defense counsel told the judge that he did not have any additional arguments about why this suicide evidence should be excluded. The judge then cited this court's opinion in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) as support for the suicide evidence being admitted. [1] The judge ruled the evidence was admissible. R. p. 253, l. 5 – 254, l. 1.

Jury in

Hettich then testified that while working as a correctional officer at the Aiken County Detention Center on April 13, 2011 he was notified that appellant was trying to harm himself. Hettich saw appellant hanging from the top bunk by a sheet. He along with another deputy were able to untie the knot from the bed sheet. They laid appellant on the floor. Two photographs, State's Exhibits 12 and 13, of appellant's jail cell where the suicide attempt occurred were then entered introduced to corroborate the objectionable testimony. R. p. 257, l. 3 – 260, l. 15.

Appellant testifies

Appellant took the stand in his own defense, and denied he had molested his children or stepchildren. Appellant noted that [redacted] had recanted her allegations, and that he later discovered photographs of [redacted] on the internet. Appellant said despite her denial regarding the photographs he recognized all of the girls involved in the internet photographs. He testified that he notified Channel 12 News, and the North Augusta Police Department about the internet photographs. R. p. 280, l. 17 – 284, l. 12.

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[1] Certiorari was granted by the Supreme Court on October 17, 2012. This Court can take judicial notice of the fact that petitioner Orozco voluntarily dismissed his appeal after certiorari was granted by the Supreme Court on the issue of whether this Court erred by holding evidence of his suicide attempt was admissible.

Appellant confirmed that he found marijuana in Hoss's bedroom. He testified that Hoss and [redacted] both became angry with him. R. p. 285, l. 1 – 289, l. 3.

As for the suicide attempt, appellant attempted to explain that he turned himself in after being accused of these crimes. Appellant thought he understood why the false allegations were lodged against him. However, appellant could not make bond, and he stood accused of heinous crimes. Appellant offered that his biological daughter now hated him, and "at that time I did not feel like I wanted to live anymore." R. p. 289, l. 17 – 291, l. 17.

ARGUMENT

The court erred by admitting evidence appellant attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE. The introduction of the two photographs corroborating the suicide attempt was error for the same reasons. (Arguments 1& 2).

As seen, defense counsel objected to the state introducing evidence of appellant's suicide attempt. Defense counsel noted that appellant had turned himself in which showed he was willing to "face these charges." Counsel also argued that the state had to establish a nexus between the suicide attempt and the charges against him. Further, even if this evidence was relevant its unduly prejudicial effect outweighed its probative value under Rule 403, SCRE. R. p. 5, l. 20 – 7, l. 23. The suicide evidence also diluted the presumption of innocence, and it could also be construed as evidence of bad character. R. p. 6, l. 19 – 7, l. 23.

In State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) this Court noted that whether evidence of attempted suicide is probative of the accused's consciousness of guilt was an issue of first impression in South Carolina." This Court noted that flight evidence was relevant when there was a nexus between the flight and the offense charged." R. p. 7.

This Court reasoned evidence of the suicide attempt was relevant and admissible because the totality of the evidence created an inference that Orozco's actions in attempting suicide were motivated as a result of his belief that sexual misconduct allegations had been made against him.

There was no South Carolina authority supporting admission of evidence of a suicide attempt as evidence of consciousness of guilt as this Court recognized in Orozco. Further, the analogy to flight and guilty knowledge is deeply troubling for problems well beyond the defendant being aware of charges against him or that he is being sought by the police for purposes of arrest. However, petitioner will deal first with the nexus which should involve much more than the defendant merely understanding charges have been lodged against him. Cf. State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (2006); State v. Thompson, 278 S.C. 1, 292 S.E.2d 581 (1982); See, also, State v. Brown, 528 A.2d 1098 (R.I.1987); Commonwealth v. Jones, 457 Pa. 563, 576, 319 A.2d 142, 150 (1974) (circumstances justify inference that accused's actions were motivated as result of his belief that officers were aware of his wrongdoing and *were seeking him* for that purpose), cited in State v. Beckham, 334 S.C. 302, 315, 513 S.E.2d 606, 612 (1999).

In State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (S.C. 2006), the Supreme Court held that proof that the accused was aware of the charges and sought to avoid them was critical. The Pagan Court held that without proof that the accused was aware of the charges against him at the time of his flight, the evidence of flight was irrelevant and its admission was erroneous.

Beyond the nexus of attempted suicide to the awareness of an accusation or an arrest warrant or that police are looking for a person, this evidence is troubling not only at as a legal matter but as a moral matter. As defense counsel argued, appellant turned himself in to face the charges in this case. This indicated a belief in the criminal justice system, and a belief he would be exonerated.

However, suicide is often a matter of despair rather than desperation. Meaning, it is *many times much more complicated than understanding the sad case of a suspect surrounded by armed police killing himself rather than being captured.* This case provides such an example. Appellant thought that life was no longer living at "that time."

Suicide, as in this case, is often attributable to the feeling that the sheer number of obstacles in one's life have become too much to overcome. Here, appellant mourned the fact that his own daughter had turned on him.

To use a suicide attempt in a court of law in this state as evidence of guilt of a criminal offense to achieve a conviction should *most respectfully*, be distasteful and not allowed. This Court can take judicial notice that all Five Justices of the Supreme Court in Orozco voted to decide this very important legal and moral question before Petitioner Orozco decided to drop his appeal.

In Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989) the court held it was error to admit evidence of an alleged suicide attempt as evidence of the accused's consciousness of guilt. The court cited various reasons for its holding.

These reasons included that the inmate accused of various sex offenses may have feigned attempted suicide to invite mitigation on the sentence he was serving when the alleged sexual offense occurred. The court also noted that the suicide note itself was never even offered into evidence nor was it contents explained to the jury. The court refused the answer the question whether evidence of a suicide attempt *was ever admissible.*

In State v. Mann, 132 N.J. 410, 625 A.2d 1102 (1993), the court found it was reversible error to admit evidence of an attempted suicide without first conducting a full pretrial hearing on the issue. The defendant argued he had a preexisting propensity to

commit suicide because of other factors in his life, and the court cautioned that such ambiguities weigh strongly in favor of extreme caution before such evidence can be admitted. A defendant's psychological, social or financial situation may play a role in the suicide attempt. In short, an accusation of criminal wrongdoing can be the last straw in an otherwise troubled life.

The court in Mann also reasoned that if evidence of a suicide attempt *was ever properly admitted that jury instructions were necessary* that if the jury could credit *any alternative explanation* for the suicide attempt it could not infer consciousness of guilt. In South Carolina, of course, the analogy to flight in this context is equally troubling *since instructions of evidence of flight are improper*. See, State v. Grant, 275 S.C. 404, 408, 272 S.E.2d 169, 171 (1980).

The court in State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897), opined that a jury should never be able to treat a suicide attempt as evidence of guilt. The court reasoned that the one who flees seeks to escape punishment where one who attempts suicide *seeks to avoid the disgrace* that attaches to being charged with a crime. The court stated that this motive "of delicacy" would be more powerful in an innocent, rather than a guilty person. While it may have been a cultural truth the court also wrote the incidence of suicide was higher among innocent than guilty persons.[2]

The court in State v. Onorato, 171 Vt. 577, 762 A.2d 858 (2000) held that the probative value of an attempted suicide and suicide note was substantially outweighed by unfair prejudice and a confusion of the issues. The court noted that the reasons for an attempted suicide are "*numerous and complex, and may be even less indicative of guilt*

than flight evidence." The Court went on to say that evidence of attempted suicide is "highly equivocal and circumstantial" such that its admissibility "may introduce remote, secondary concerns that might confuse the jury."

In People v. Foster, 56 Ill.App.3d 22, 371 N.E.2d 961, 13 Ill.Dec. 869 (1977), the court held that evidence of the defendant's suicide attempts were not admissible because there was not a sufficient nexus between the actions taken and the crime charged. The court found that not only was there too much time between the suicide attempt and the offense *but also* the defendant's psychological problems and interactions with police could be credited for his behavior.

Appellant here recognized that child sex cases have become "heinous crimes." This Court has repeatedly recognized the extreme prejudice inherent in an accusation in child sex or abuse cases, and explained that our criminal justice system must be cautious of adding undue prejudice to an already explosive allegation and situation through the use of evidence that raises a spurious tendency to seek a conviction based on an improper basis. See State v. Kromah, 2013 WL 239070 (filed January 23, 2013); State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct.App.2012)[3]; State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

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[2] There was also a North Dakota statute that mandated an accomplice's testimony must be corroborated to maintain a conviction.

[3] The Attorney General dismissed the certiorari petition to this Court in McKerley.

Moreover, as defense counsel argued, even if this evidence was properly admitted as relevant under Rule 401, SCRE, it should have been excluded under Rule 403, SCRE because its probative value was substantially outweighed by its unduly prejudicial effect and its tendency to *confuse* the jury and invite a verdict on an improper basis. See Rule 403, SCRE.

Photographs

The same argument against admission of this evidence applies to the two photographs corroborating the fact appellant attempted to commit suicide. Those photographs are on file with this Court. The Court is not engaging a "gruesome photographs analysis" in this case. Rather, the photographs simply drew further attention to the fact that appellant attempted suicide.

The solicitor mocked appellant's testimony about his despondent feelings at the time he attempted to kill himself. R. p. 322. Defense counsel had correctly argued the suicide evidence diluted the presumption of innocence that is fundamental in a criminal case.

The suicide evidence was offered to have the jury conclude the defendant found taking his life was a better option than the punishment for his crime. Jurors are not supposed to be concerned with punishment and this was exactly what this evidence encouraged them to think about. Such speculation about punishment versus suicide is unbecoming, respectfully, of our criminal justice system. See Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989); State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897). Even if the

photographs, as is the case with the suicide evidence itself, were relevant, they should have been excluded given their unduly prejudicial effect under Rule 403, SCRE.

As seen above, appellant's defense was that some in his own family had turned against him, and wanted him put away for spite. The sheer number of allegations against appellant made a fair trial difficult enough without this spurious evidence of guilt in the nature of his suicide attempt. Appellant should be granted a new trial.

2.

The court erred by allowing Dr. Alicia Benedetto to be qualified as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case. Further, the erroneous qualification of her as an expert witness allowed her to give highly prejudicial bolstering testimony. (Issues 3-4).

Issue 3: Dr. Alicia Benedetto should not have been qualified as an expert in "child sexual abuse dynamics" which allowed her to give her opinion testimony.

In State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011) the Supreme Court noted that there was no objection to the qualifications of the witness *in that case*. However, the Court noted it had previously observed that the witness might not even need to be qualified as an expert. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

The Supreme Court held that it could "envision no circumstance where their qualification as an expert at trial would be appropriate" in the "*forensic interviewer" type context*. Although the Court was speaking of forensic interviewers, the testimony of Benedetto here on "child abuse dynamics" was offered for the same purpose, which was to imply to the jury that someone who worked in this "specialty" of abused children could offer expertise which allegedly would assist the jury in deciding whether the minors were being truthful. The testimony would allegedly assist the jury within the confines of Rules 702 and 703, SCRE.

Defense counsel correctly argued that Benedetto would simply have the jury conclude that the alleged minor victims in this case acted consistently or shared behavioral characteristics with other victims of sex abuse. As seen, Benedetto was unapologetic that she was a forensic interviewer and not a research professional. She should not have been qualified as an expert in this case. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

Issue 4: The opinion testimony itself

Further, her testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse all certainly struck the jury as the same evidence as what occurred in this very case.

The same is true of Benedetto's testimony that sexual abuse can cause minors begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto also added that minors "acting out" was also not unusual when they were being sexually abused. R. p. 225, l. 14 – 226, l. 17. This Court is aware that solicitors are seeking to avoid allegations of bolstering by no longer putting up forensic interviewers as experts. However, the same bolstering occurred here under the guise of "child abuse dynamics." State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).

This "child sexual abuse dynamics" evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011), held can no longer exist. State v. Weaverling and Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is the pre-gatekeeping case that is being used to justify impermissible

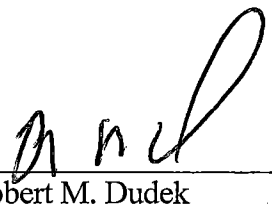
bolstering such as occurred in this case. Certification to the Supreme Court therefore may be in order in this Court's discretion.

The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse. The witness should not have been qualified as an expert and her testimony was explosively prejudicial. Appellant should be granted a new trial.

CONCLUSION

By reason on the foregoing arguments, appellant's conviction should be reversed, and this case remanded to the Aiken County Court of General Sessions for a new trial.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 20th day of January, 2015.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 20, 2015

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

APPELLANT.

APPELLANT CASE NO.2013-000894

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Final Brief in the above referenced case has been served upon David Spencer, Esquire, Office of the Attorney General, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 20th day of January, 2015.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of January, 2015.

Rhonda Denise Foxworth (L.S.)
Notary Public for South Carolina
My Commission Expires: October 17, 2021.

STATE OF SOUTH CAROLINA

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THE STATE,

Respondent,

vs.

HAROLD BENNON CARTWRIGHT, III,

Appellant.

FINAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

I.

Testimony concerning Appellant's suicide attempt is admissible as consciousness of guilt, and the trial court did not err in admitting this testimony into evidence for the jury's consideration.

II.

The trial court did not err in qualifying the expert in the field of child abuse dynamics where the expert was well qualified under Rule 702, SCRE with the requisite education, experience and training, and the testimony was reliable under Rule 703, SCRE; further, any argument that the testimony constituted impermissible bolstering is not preserved for review and the testimony does not constitute impermissible bolstering.

STATEMENT OF THE CASE

Appellant Cartwright was indicted by the Aiken County Grand Jury for eight counts of criminal sexual conduct with a minor in the first degree, sixteen counts of lewd act on a minor, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct in the first degree, and one count of criminal sexual conduct in the third degree. Cartwright was tried by jury on April 15-18, 2013, before the Honorable Doyet A. Early, III. At the conclusion of the trial, the jury found Cartwright guilty as charged. Judge Early sentenced Cartwright to an aggregate sentence of forty years imprisonment.

STATEMENT OF FACTS

Appellant Cartwright's biological daughter (Daughter) was the first witness at his trial. She was twenty-eight years old and now had a family of her own, but she came to court and told the jury about how Cartwright abused her starting at age four. The other two victims were Cartwright's stepdaughters.

Daughter was married with children at the time of trial, but she relived her abuse for the jury to hear. She testified that the abuse started when Cartwright made her perform oral sex on him when she was only four years old. Her recollection was disturbingly graphic: "He would place my hand on his penis until he ejaculated and then he would have me place my mouth on him and lick the cum off of him." ROA p. 33, lines 17-19. Daughter further explained: "He told me that it tasted like candy is why he told me to do it, that it was sweet." ROA P. 33, lines 21-22. Daughter testified that this occurred several times a year, from the time she was four until she was ten years old. ROA p. 34, lines 2-3. Daughter told her mother, Melinda, but when they confronted Cartwright, he threatened to kill them and kill

himself. The sexual abuse continued on after that – Cartwright subjected Daughter to oral sex, touched her, and made her touch him. Daughter recalled at six years old a particular incident when they went fishing; before Cartwright put the boat in the water, he unzipped his pants and ejaculated in her mouth. They did not fish very long because she was so upset and could not stop crying. ROA pp. 34-36. Daughter recalled another incident where Cartwright performed oral sex on Daughter. She testified this occurred only once. ROA pp. 37-38.

Cartwright utilized violence and bribery to keep the wraps on his perversions. Daughter testified he would hold a gun to her head and to his head; he threatened to kill her, her mom, and himself. Oftentimes, he gave Daughter money afterwards and took her places and bought her things. ROA pp. 38-39. Sometimes Cartwright apologized to her, but nonetheless, the abuse continued. ROA p. 39.

In first grade, Daughter disclosed abuse to someone at school and spoke with DSS. Cartwright took her on a drive after school and told her she dreamed it all and she needed to go back to school and tell them it was not true. She then recanted to DSS. ROA p. 36. The abuse occurred thereafter until Melinda and Daughter finally left Cartwright in 1995 when Daughter was ten years old. They moved to Georgia. ROA pp. 36-37; p. 39.

Sixteen years later, in 2011, the Aiken County Sheriff's Office contacted her and interviewed her at her mother's house in Georgia. She told them about the abuse occurring so many years ago. Daughter disagreed with the assertion that Cartwright pushed for the prosecution of her now-husband for the statutory rape of Daughter in 2000. Daughter testified she is only holding a grudge against Cartwright for what he did to her as a child ("I don't think that's a grudge"). ROA p. 52, lines 1-4. Daughter testified: "I would rather be at

home with my children, but it's something that needs to be done; and I'm glad I finally get to tell what happened." ROA p. 40, lines 19-21.

Cartwright's counsel asked the following questions on cross-examination:

> Q: About how far away is Rome from Aiken?
>
> A: About four hours depending on traffic.
>
> Q: You said one of the reasons that you didn't disclose is that you were afraid?
>
> A: Yes.
>
> Q: And Harold lives four hours away?
>
> A: Yes.
>
> Q: It's just you and your mom and your brother and your sister?
>
> A: Yes.
>
> Q: And from '95, '96, Harold is not there?
>
> A: Correct.
>
> Q: All the way up to one – 2002, 2003, Harold's not there; 2004; 2005, Harold's not there. You're in Rome, right?
>
> A: Yes.
>
> Q: And in 2006, up to 2011, Harold is not there, just you and your mom and your siblings?
>
> A: Correct.
>
> Q: And they have police departments?
>
> A: Correct.

* * *

Q: So you had a husband?

A: Yes.

Q: You don't have any doubt that he has the ability to protect you?

A: Yes.

Q: So all this period of time, you never said anything to anybody, but the reason that you didn't was because you were afraid of him?

A: Yes.

ROA p. 47, line 19 – p. 49, line 9.

Melinda, Daughter's mother, followed her as the next witness at trial. She confirmed Daughter told her she was sexually abused in 1989 or 1990. Melinda did not report this to law enforcement; she was scared for her life and her daughter's life because Cartwright threatened to shoot them. He also threatened to shoot himself. ROA pp. 54-55.

Cartwright's second victim was Cartwright's stepdaughter (Stepdaughter 1). She was twenty-one years old when she testified before the jury. She lived with her mother (Buffy), her sister (Stepdaughter 2), and Cartwright during 2000 and 2001. Stepdaughter 1 was only nine years old when Cartwright made her perform oral sex on him from underneath the desk in the computer room. ROA pp. 63-66. Stepdaughter 1 testified that this occurred a few times a month. Stepdaughter 1 testified that Cartwright would take Stepdaughter 1 shopping or out to eat. ROA p. 17. In July 2001, Stepdaughter 1 first told a neighbor, Sandra Parsons, and then DSS about the abuse. ROA p. 67. Cartwright was arrested and released on bond. Cartwright no longer lived at the house, but Buffy continued to see him. The case was

dismissed after Stepdaughter 1 told prosecutors that the abuse did not happen.[1] But Stepdaughter 1 told the jury that this was a lie. Cartwright moved back in with the family. Stepdaughter 1 was now eleven years old. ROA pp. 67-71.

The abuse took another form. Cartwright would "hump" Stepdaughter 1 and ejaculate on her leg. This happened three to seven times a week, mostly in her bed, but on weekends, this occurred in Cartwright and Buffy's bed. Cartwright would take Stepdaughter 1 shopping. He also would threaten to kill her and her family as well as himself. This continued while she was thirteen and fourteen years of age. ROA pp. 71-75. She discussed how he threatened her as follows:

> He would bump up at me like he was going to punch me in the face. He's pulled guns on me, put them to my head before, very angry. He's pulled guns on hisself, big shotguns saying he'd kill hisself after he kills all of us; knives, more than a couple of occasions.

ROA p. 81, lines 1-5.

Cartwright took Stepdaughter 1 to get her tongue pierced; he made her promise to perform oral sex in exchange for the piercing. Although she tried to avoid completing this agreement, she eventually relented and provided oral sex. ROA pp. 76-78.

Another time, she reluctantly fulfilled an exchange of sexual intercourse for money so she could visit an amusement park. Cartwright enforced this agreement by pulling a knife on her. She had intercourse with Cartwright at fifteen years old. ROA pp. 77-80.

Stepdaughter 1 left the house to live with a boyfriend, Timothy, when she was sixteen years old. She testified she did not want to put up with the abuse anymore. Later, she would

[1] On cross-examination, Stepdaughter 1 testified Buffy convinced her to recant her allegations. ROA p. 86.

move into the shed behind their house, where she lived with her current boyfriend, Chris. She and Chris later moved out of the shed to New Ellenton. In 2011, Stepdaughter 1 went to law enforcement to provide information about her ex-boyfriend, Timothy, who she testified was dealing drugs. It was during this interview that she disclosed the past sexual abuse. ROA pp. 81-84. Michelle Prince testified she was employed by DSS and interviewed Stepdaughter 1 in 2001. Stepdaughter 1 reported sexual abuse to her. ROA pp. 97-99.

Stepdaughter 2 was eighteen years old when she testified at trial. She is Buffy's daughter and Stepdaughter 1's younger sister. Cartwright was her stepfather. Their relationship changed when she was around thirteen years old. Cartwright began to hump her legs in the morning, every morning. She testified her mother and sister would be elsewhere in the house. Cartwright would ejaculate on her leg, her bed, or her clothes. She would try to get away when this occurred, but he would wrap his legs around her or hold her body down. She testified that this occurred four to seven times a week. ROA pp. 101-104.

Cartwright would buy her clothes, although she clarified he never said if she complied with a sexual assault, he would buy her something. ROA p. 105. The family moved when their house was foreclosed on in 2009, and they lived in a shed. At this point, Cartwright thought it would be a good idea for Stepdaughter 2 to be home-schooled. He would be the instructor. Buffy would be at work and it would be just Stepdaughter 2 and Cartwright. They started having intercourse every morning that Buffy was at work. Cartwright decided to put Stepdaughter 2 put on birth control. Cartwright would take her shopping, buy her things, and offer her money. Stepdaughter 2 confirmed Cartwright's violent methods of controlling his family. He threatened with a gun to kill himself,

Stepdaughter 2, and her mom. Stepdaughter 2 testified he would be violent and irate while handling knives as well. ROA pp. 106-111.

They moved out of the shed to a house when Stepdaughter 2 was fifteen years old. Her stepbrother, Hoss Cartwright (Hoss), moved in with the family, and Stepdaughter 2 went back to school the next year. Cartwright would tell her that her clothes were inappropriate and examine her at length. Cartwright reverted back to humping her legs after Hoss moved in. Once Hoss moved out, there was occasional intercourse again, but less often. ROA pp. 111-117.

Stepdaughter 2 recalled that when she was sixteen years old, Buffy was at work when Cartwright called Stepdaughter 2 from his room. Stepdaughter 2 refused to go in and Cartwright became enraged. When Buffy came home, she asked what was going on, and Stepdaughter 2 told her Cartwright was mad. At that point, Buffy and Cartwright went outside and talked. ROA pp. 118-120. After they both came back inside, Cartwright asked Buffy if she ever saw Stepdaughter 2's private parts and when Buffy replied she had not, Cartwright told Buffy that Stepdaughter 2 "has a pretty pussy." ROA p. 120, lines 15-20.

Stepdaughter 2 testified that Cartwright accused her of being in pornographic videos on the internet with her friends. Stepdaughter 2 told the jury she never was in any pornographic videos. When Stepdaughter 2 denied this to Cartwright, he became enraged and threatened to kill her and her mother. Cartwright had his knife and took Buffy alone into their bedroom. Stepdaughter 2 became so worried about Buffy that she told Cartwright she was in the videos just to appease him. ROA pp. 121-122.

On February 11, 2011, police met with Stepdaughter 2 and asked her if Cartwright

ever did anything to her. She told the police no because she was scared of Cartwright. ROA pp. 122-124. On cross-examination, Stepdaughter 2 was asked about Cartwright's appropriation of social security checks she received when her biological father died. She denied holding a grudge over that and said she was happy about how the money was used because it was going towards putting a roof over her head and helped the family move out from the shed. She also denied a romantic relationship between her and her stepbrother. ROA pp. 126-131.

Buffy's testimony was read to the jury at trial because she was medically unavailable at the time of trial. The testimony was from a prior trial. She testified that her divorce from Cartwright became final a few days before she testified. Buffy admitted she put "some pressure" on Stepdaughter 1 to recant when she originally reported the abuse. She testified that at the time, Cartwright convinced her that he had not done anything wrong. After the case was dismissed, Cartwright moved back in, but Cartwright and Buffy rarely had intercourse anymore. Shortly after Stepdaughter 1 moved out of the house, they lost the house and lived in a shed. ROA pp. 143-144.

Buffy testified that on February 19, 2011, she had a conversation outside the house with Cartwright. Cartwright started crying and said maybe he did molest both stepdaughters. Inside the house, Cartwright told Buffy that Stepdaughter 2 "has the prettiest pussy." ROA pp. 146-147.

Buffy testified Cartwright told her to gather Stepdaughter 2's bedroom sheets, linens, underwear, and clothes to wash because they had his DNA on them. ROA p. 149, lines 2-8. Buffy testified Cartwright told her "he had been laying in the bed with [Stepdaughter 2] and

his DNA was in the bed." ROA p. 149, lines 2-11. She did not wash the linens as asked and consented to police searching the house and seizing the linens the next day, on February 25, 2011. ROA p. 148-150.

On cross-examination, Buffy verified that Stepdaughter 1 would sneak out at night, cuss Buffy out, drink, and get in trouble at school. But when asked if she spoke with Cartwright about sending Stepdaughter 1 to boot camp, she testified that they had discussed it, but Cartwright was against Stepdaughter 1 going. ROA pp. 151-153. Buffy verified she never slept with Cartwright in Stepdaughter 2's bed and she would not know why his DNA would end up there. She admitted to being naïve. She denied she planted any evidence or concocted any stories. ROA pp. 155-156.

The DNA from the recovered fitted sheet from Stepdaughter 2's room was a 1 in 16 trillion match to Cartwright's DNA. ROA pp. 240-242.

Hoss Cartwright is Cartwright's biological son and stepbrother to the abused stepdaughters. Hoss wanted to get to know his father, so he moved into the house. Hoss and Stepdaughter 2 shared a bathroom and their bedrooms were right next to each other. Hoss testified that every morning he would hear Cartwright knock on Stepdaughter 2's door and enter her bedroom. Cartwright would stay in the room for a long time, until Stepdaughter 2 got up to get ready for school. ROA pp. 165-167. Hoss verified Cartwright's violent steak. He testified that Cartwright would threaten him and that one time Cartwright threated to blow the house up and kill the whole family. Cartwright once held a knife to Stepdaughter 2's boyfriend's neck. ROA pp. 168-169.

Hoss also observed Cartwright examining Stepdaughter 2's clothing when she was

getting ready for school. Hoss testified as follows:

> [H]e would tell her to sit in the floor, and just get in just in the weirdest positions to see if – well, I guess if he thought they were too exposed, exposing. He would – if he felt they were, he would not just be like hey, go change. He would be like I can see your pussy, your tits are hanging out. Just being too vulgar like a father shouldn't be.

ROA p. 169, lines 11-17.

Hoss testified that Cartwright started claiming Stepdaughter 2 was in pornographic videos on the internet. Cartwright called Hoss into the bedroom and made him look at a picture on the computer of "random females" Hoss had never seen. Hoss did not think the picture looked like her at all and told Cartwright it was not her until Cartwright became so enraged that he just agreed with Cartwright to appease him. ROA pp. 170-171.

Hoss moved out of the house during Christmas break in 2010. He testified: "I basically decided that the father I wanted to get to know wasn't the father I wanted to have." ROA p. 171, lines 23-24.

Hoss testified why he never told anyone about Cartwright:

> He's been to my mother's residence [in Georgia], my sister's residence, my grandmother's residence several times. He knows exactly where they're at and how to get there and he's told me several times that he's been up there without us knowing. So, I know exactly – I know that he knows how to get there and where we live, where our bedrooms are at. So, yeah, I was, you know, kind of scared to make him mad so he might come up there.

ROA p. 174, lines 14-21.

Hoss denied there was ever any romantic relationship between him and Stepdaughter 2. He admitted that they stole condoms from a store together, but explained it was for her,

but not him, because she was going to a party and wanted them just in case. ROA pp. 175-176.

Investigator Evensen testified that after the disclosure of abuse, on March 12, 2012, he met with Cartwright and his attorney, Bob Harte. Cartwright wanted to show the officer pornographic pictures on the internet that were supposed to be Stepdaughter 2. The meeting lasted an hour. No further investigation was necessary because she was not in any of the pictures, despite Cartwright's claims. ROA pp. 195-196.

James Hettich from the county jail testified that on April 13, 2011, Cartwright's cellmate reported that Cartwright was trying to kill himself. Hettich found Cartwright hanging from bedsheets wrapped around his neck. He was passed out and unconscious when they rescued him. ROA pp. 256-258. This was the same day that warrants for Daughter were served on him at the jail. ROA p. 183, lines 1-4.

Cartwright called his stepbrother, Vernon Carter, as a witness to inform the jury that Buffy and Stepdaughter 2 had moved out of the house while Stepdaughter 1 and her boyfriend had moved into the house. Carter admitted he would do anything in the world for his brother. ROA p. 262; pp. 264-266.

Cartwright testified on his own behalf. Cartwright denied ever being physical with the family except for one instance. Cartwright contended that Daughter was rebellious as a teenager and that he caught her with a much older man when she was only fourteen years old. This man is now Daughter's husband. Cartwright maintained the pictures on the internet were pictures of Stepdaughter 2. Cartwright testified that Parsons was friends with Buffy and his relationship with Parsons had soured. Cartwright claimed he confronted Hoss about

using pot and confronted Hoss and Stepdaughter 2 about shoplifting condoms from Wal-Mart. Cartwright claimed that a few days before the police searched the residence, Buffy pushed him down on the bed in Stepdaughter 2's bedroom and masturbated him with a pair of panties. He admitted having infrequent sexual encounters with his wife. He testified that the masturbation incident was not a welcome surprise. ROA pp. 269-288.

Cartwright explained why he attempted suicide:

> I turned myself in. I'd been there for 30 days. I couldn't get a bond. I was charged with some of the most heinous crimes that somebody could ever think about being charged with. I've never heard of anybody being charged with that many crimes even on TV, and I'm in my cell with all these things on my mind, and then the daughter that I loved, my biological daughter, hates me so much because I had her husband or her lover, whatever, locked up, the man that raped her when she was 14 years old, and she held a grudge against me, and they come and served me ten warrants. And, yes, sir, at that time I didn't feel I wanted to live any more.

ROA p. 291, lines 6-17.

ARGUMENT

I.

Testimony concerning Appellant's suicide attempt is admissible as consciousness of guilt, and the trial court did not err in admitting this testimony into evidence for the jury's consideration.

Cartwright complains the trial court erred in admitting evidence that he attempted suicide by hanging himself in his jail cell. This evidence was properly admissible to show consciousness of guilt.

As Cartwright acknowledges, this Court found such evidence may be admissible as consciousness of guilt. State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011). In that case, the defendant was on trial for sexually abusing two of his nieces. The younger child, five years old, disclosed the abuse, and the following day, the child's mother filed a report with the sheriff. The mother told her sister about the report of abuse, and in turn, she spoke with their other sister, defendant's wife, advising that a report of abuse by the defendant was reported to the sheriff. That same day, emergency personnel responded to defendant's home after he attempted to poison himself with rat poison. His wife was at the house when the emergency personnel responded. Id. at 215-16, 708 S.E.2d at 228-29.

This Court found evidence of the suicide attempt was admissible, although noting the issue was one of first impression in South Carolina. This Court analogized the issue to cases where evidence of flight is admitted, noting evidence must indicate that the defendant is aware he is being sought by authorities. Id. at 220, 708 S.E.2d at 231. This Court concluded that an inference could be made that the defendant was aware of the charges because prior to

the emergency, his wife was made aware of the charges and she was present when emergency personnel responded after the defendant had ingested the poison. Id. at 220-21, 708 S.E.2d at 231-32.

In finding evidence of a suicide attempt admissible, this Court noted, "the overwhelming majority of states considering this issue have determined that evidence of attempted suicide is generally admissible to establish consciousness of guilt." Id. at 219, 708 S.E.2d at 231 (citing 29 Am.Jur.2d Evidence § 547 (evidence of attempted suicide by the accused may be admissible as evidence of consciousness of guilt)).

Orozco is on point with the instant case; Cartwright was served with warrants for the crimes he had committed against his biological daughter, and he attempted suicide later that day. This is a sufficient nexus. Cartwright's own testimony establishes the nexus. He testified, in relevant part:

> and then the daughter that I loved, my biological daughter, hates me so much because I had her husband or her lover, whatever, locked up, the man that raped her when she was 14 years old, and she held a grudge against me, and they come and served me ten warrants. And, yes, sir, at that time I didn't feel I wanted to live any more.

ROA p. 291, lines 6-17.

Reliance on State v. Onorato, 762 A.2d 858 (Vt. 2000) is misplaced. That case was an appeal **by the state** alleging the trial court abused its discretion in not admitting evidence of a suicide attempt. The Vermont Supreme Court refused to find evidence of a suicide attempt per se admissible as argued by the state and noted that the "possible ambiguity of an accused's suicide attempt requires a careful consideration of the probative value such

evidence offers." Id. at 860. The Vermont Court declined to reverse the trial court, noting: "the issue before us is not whether we would have ruled differently if we had the evidentiary issue before us as a trial court, but rather, whether the trial judge abused his discretion." Id.

The State agrees the trial court should weigh the probative and prejudicial values of evidence of a suicide attempt the same as any other evidence, and review of the admission of evidence should be based on an abuse of discretion standard. The probative use and possible prejudice of such evidence will vary from case to case based on the circumstances. In the instant case, the trial court did not abuse its discretion in admitting the evidence. As Cartwright's testimony indicates, the suicide attempt was a direct reaction to the presentation of additional warrants making him aware a third victim was seeking justice for his atrocities.

State v. Mann, 625 A.2d 1102, 1107 (N.J. 1993) offers Cartwright little assistance. The New Jersey Supreme Court concluded it was error to not hold an *in camera* hearing prior to admitting evidence of a suicide attempt before the jury. However, the Mann court did not foreclose admission of a suicide attempt as evidence but merely advised trial judges that extreme caution should be used in admitting such evidence. The Court, in contradiction to Cartwright's arguments in the instant case, recognized its potential probative value, opining as follows:

> Daniel Webster once described suicide as a confession by conduct compelled by the overpowering force of a guilty conscience.
>
> > Meantime the guilty soul cannot keep its secret. . . . It betrays his discretion, it breaks down his courage, it conquers his prudence. When suspicions from without begin to embarrass him, and the net of circumstances

> to entangle him, the fatal secret struggles with still greater violence to burst forth. It must be confessed! It will be confessed! There is no refuge from confession, but suicide-and suicide is confession.

Mann, 625 A.2d at 1107 (citing Commonwealth v. Knapp, 7 American State Trials 395 (1830) (quoted in 2 Wigmore on Evidence § 276, at 132 (Chadbourn rev. 1979))).

In Pettie v. State, 560 A.2d 577 (Md. 1989), the Court never reached the issue of whether evidence of an attempted suicide was admissible. In Pettie, the Court found the State failed to prove the inmate even attempted suicide and was not just feigning a suicide. Specifically, the Court stated: "the facts here simply do not support the conclusion that Pettie tried to kill himself at all, much less that he did so as a reaction to any [sexual assault on another inmate]." Id. at 582.

Next, State v. Coudotte, 72 N.W. 913 (N.D. 1897), involves a unique situation which has been distinguished by numerous cases. As described in State v. Plunkett, 149 P.2d 101 (Nev. 1944), the Coudotte case "stands in a class by itself." Id. at 108. As the Court fully explained:

> [Coudotte] is a lone case which is distinguishable from the generality of authority on the point of attempted suicide by an accused being a circumstance in a homicide case proper to be considered by the jury in connection with all the evidence.... There were no other facts or circumstances with which it could be considered by the jury as tending to show guilt, and to be given such weight, or no weight, as the jury might determine. It was sought to be proven as an isolated circumstance sufficient in itself to furnish the corroboration of the testimony of an accomplice, required by the statute, as to the guilt of an accused. The court held that it was not enough and reversed the case. As pointed out in State v. Painter [329 Mo. 314, 44 S.W.2d 82], in reviewing the Coudotte case:

> "The court was not called upon to and did not decide whether or not, had there been otherwise a submissible case made, the attempt to commit suicide might have been proved as a circumstance for the consideration of the jury."

Id.

In People v. Foster, 371 N.E.2d 961 (Ill. App. Ct. 1977) *rev'd on other grounds by* People v. Foster, 392 N.E.2d 6 (Ill. 1979), the Illinois Court of Appeals found an insufficient nexus existed between the suicide attempt and the crime charged. In the instant case, Cartwright acknowledged during trial that his suicide attempt was prompted by new charges being made against him by a third victim, a victim he thought had gone away a long time ago.

Numerous courts around the country have considered this issue and held evidence of an attempted suicide, similar to evidence of flight, is admissible to show consciousness of guilt and can be considered and given such weight as determined by the jury. See People v. Barrett, 136 P. 520 (Cal. Dist. Ct. App. 1913); McKinney v. State, 466 A.2d 356 (Del. 1983); Sloan v. State, 104 So.3d 1271 (Fla. Dist. Ct. App. 2013); Aldridge v. State, 494 S.E.2d 368, 370 (Ga. Ct. App. 1997) (noting "[e]vidence that the accused attempted to commit suicide is relevant as a circumstance tending . . . to show consciousness of guilt . . . or as showing an attempt to flee and escape forever from the temporal consequences of one's misdeeds" (citations and internal quotation marks omitted, ellipses in the original)); State v. Mitchell, 450 N.W.2d 828 (Iowa 1990); Commonwealth v. Sheriff, 680 N.E.2d 75, 83 (Mass. 1997) (finding evidence of a defendant's suicide attempt is admissible to show consciousness of guilt; "[w]e see no reason to depart from this rule despite the defendant's argument that

individuals suffering from paranoid schizophrenia are ten times as likely as an individual not suffering from the disorder to commit suicide") ; State v. Painter, 44 S.W.2d 79 (Mo. 1931); State v. Campbell, 405 P.2d 978 (Mont. 1965); State v. Brown, 517 A.2d 831 (N.H. 1986); State v. Jaggers, 58 A. 1014, 1014 (N.J. 1904) (finding evidence of a suicide attempt while defendant was in custody "was plainly admissible"); State v. Mann, 625 A.2d 1102 (N.J. 1993); State v. Blancett, 174 P. 207 (N.M. 1918); State v. Lawrence, 146 S.E. 395 (N.C. 1929); State v. Marsh, 66 S.E.2d 684 (N.C. 1951); State v. Hunt, 287 S.E.2d 818 (N.C. 1982); Commonwealth v. Sanchez, 610 A.2d 1020, 1027 (Pa. Super. 1992) (noting "evidence of actual attempts to commit suicide are uniformly admitted as evidence tending to show consciousness of guilt on the part of the defendant"); State v. White, 649 S.W.2d 598 (Tenn. Crim. App. 1982); State v. Onorato, 762 A.2d 858 (Vt. 2000).

The legal issue simply comes down to a question of balancing under Rule 403, SCRE. For evidence to be admissible, it must be relevant. Rule 402, SCRE. Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE. "Evidence is relevant if it tends to establish or make more or less probable some matter in issue upon which it directly or indirectly bears, and it is not required that the inference sought should necessarily follow from the fact proved." State v. Sweat, 362 S.C. 117, 126-27, 606 S.E.2d 508, 513 (Ct. App. 2004). Relevant evidence may be excluded where its probative value is substantially outweighed by the danger of unfair prejudice. Rule 403, SCRE; State v. Pagan, 369 S.C. 201, 210, 631 S.E.2d 262, 266 (2006). A trial court's decision regarding the comparative probative value

and prejudicial effect of evidence should be reversed only in exceptional circumstances. State v. McLeod, 362 S.C. 73, 81, 606 S.E.2d 215, 219 (Ct. App. 2004). Determination of relevance is largely within the discretion of the trial court and will not be reversed absent an abuse of that discretion. Sweat, 362 S.C. at 127, 606 S.E.2d at 513.

In the instant case, Cartwright never explains why the evidence is unfairly prejudicial. Juries are capable of understanding the various reasons a person may attempt suicide and no danger of unfair prejudice exists. No danger exists that the jury will utilize the evidence for any other purpose than the proper probative purpose, consideration of whether the suicide attempt is evidence of consciousness of guilt. However, as discussed in the case law of many jurisdictions, the evidence carries sufficient probative value as consciousness of guilt to be admissible.

Undaunted, Cartwright makes an argument premised on the fact he turned himself in and therefore, had shown he was willing to face the charges. Cartwright may have been willing to face the charges from the two stepdaughters. Like many predators, he may have believed he would be able to intimidate them and they would recant. Buffy convinced her oldest daughter to recant once before, and Cartwright may have counted on Buffy to come through for him again. However, his hopes of skirting ramification for his actions changed drastically when he learned Daughter disclosed his abuse to law enforcement. Cartwright could escape his past no more. Daughter recanted under pressure years ago. But Daughter was beyond his reach now and he was defenseless against the truth. At trial, Cartwright exhausted one desperate defense after another. But his scheme of using violence and threats to keep families in which his daughters, instead of his spouses, were his sexual partners, was

coming to light. The jury was free to believe that he tried to kill himself because he loved his children too much, just like they could have believed he never was violent or that three different victims and two mothers were vindictive and fabricated ornate tales of abuse, or that his biological daughter waited twelve years to get back at Cartwright for causing her current husband to be prosecuted, or that Stepdaughter 2 posted pictures of herself despite what every other person (including law enforcement) who saw the pornographic pictures testified to, or that Cartwright was victim to an elaborate scheme to get valuable items he allegedly kept in his double wide trailer. However, the jury used common sense and found him guilty. There was no error. Further, any error would be harmless beyond a reasonable doubt. State v. Mitchell, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985) (holding whether an error is harmless depends on the circumstances of the case, but it is harmless where it could not reasonably have changed the outcome of the trial).

II.

The trial court did not err in qualifying the expert in the field of child abuse dynamics where the expert was well qualified under Rule 702, SCRE, with the requisite education, experience and training, and the testimony was reliable under Rule 703, SCRE; further, any argument that the testimony constituted impermissible bolstering is not preserved for review and the testimony does not constitute impermissible bolstering.

Cartwright argues the trial court erred in admitting Dr. Benedetto as an expert because she has not performed research. Essentially, Cartwright is asking this Court to turn a blind eye to the plain language of Rule 702, SCRE, which allows a person to gain the requisite knowledge to be qualified as an expert in a variety of ways, not just clinical research. His second argument is that Dr. Benedetto's testimony constituted impermissible bolstering. This argument was not raised below and is not preserved for appeal. Further, Dr. Benedetto's testimony is not impermissible bolstering.

The well-qualified expert

Cartwright made the following objection when the prosecution sought to admit Dr. Benedetto as an expert:

> Judge, at this time I would object to her being qualified as an expert. Child abuse dynamics is an empirical study that is based on the study of children and observing and watching their behaviors. She's testified today that she's done interviews in forensic settings. She has trained forensic examiners, officers and solicitors. And when I questioned her, I asked her if she had done any of the actual studies herself. She has indicated she has not. As to – and that will go to the subject matter and expert qualification. And, again, Judge, she'd have to show that it is a reliable study, a reliable science.

ROA p. 96, lines 1-12. The trial court ruled as follows:

> All right. I will deny your motion. I find that, based on her training, education, clinical experience, her various memberships in organizations, that she will be qualified as an expert in the trial of this case. She'll be allowed to give opinion testimony dealing with sexual abuse dynamics.

ROA p. 96, lines 13-18. His ruling notes a variety of ways an expert may gain the requisite experience. Under Rule 702, SCRE:

> 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.

"Expert testimony may be used to help the jury to determine a fact in issue based on the expert's specialized knowledge, experience, or skill and is necessary in cases in which the subject matter falls outside the realm of ordinary lay knowledge." Watson v. Ford Motor Co., 389 S.C. 434, 445, 699 S.E.2d 169, 175 (2010). "The qualification of a witness as an expert falls largely within the discretion of the trial judge." State v. Myers, 301 S.C. 251, 255, 391 S.E.2d 551, 554 (1990).

"A trial court's decision to admit or exclude expert testimony will not be reversed absent a prejudicial abuse of discretion." State v. White, 382 S.C. 265, 269, 676 S.E.2d 684, 686 (2009). A trial court abuses its power of discretion when it commits an error of law or when there has been a factual conclusion without any evidentiary support. State v. Price, 368 S.C. 494, 498, 629 S.E.2d 363, 365 (2006). "There is no abuse of discretion as long as the witness has acquired by study or practical experience such knowledge of the subject matter of his testimony as would enable him to give guidance and assistance to the jury in resolving

a factual issue which is beyond the scope of the jury's good judgment and common knowledge." State v. Goode, 305 S.C. 176, 178, 406 S.E.2d 391, 393 (Ct. App. 1991).

Before admitting expert testimony, the trial judge must find: (1) the expert's testimony will assist the trier of fact; (2) the expert has the required knowledge, skill, experience, training, or education; and (3) the testimony is reliable. State v. Martin, 391 S.C. 508, 514, 706 S.E.2d 40, 42 (Ct. App. 2011); see also State v. Jones, 343 S.C. 562, 572, 541 S.E.2d 813, 819 (2001) ("Scientific evidence is admissible under Rule 702, SCRE, if the trial judge determines: (1) the evidence will assist the trier of fact; (2) the expert witness is qualified; (3) the underlying science is reliable, applying the factors found in State v. Jones, 273 S.C. 723, 259 S.E.2d 120 (1979); and (4) the probative value of the evidence outweighs its prejudicial effect.").

A witness can properly be qualified as an expert where "the witness has acquired by study or practical experience such knowledge of the subject matter of his testimony as would enable him to give guidance and assistance to the jury in resolving a factual issue which is beyond the scope of the jury's good judgment and common knowledge." State v. Henry, 329 S.C. 266, 273, 495 S.E.2d 463, 467 (Ct. App. 1998). In determining whether a witness' knowledge, skill, training, or experience qualifies the witness as an expert, no mandatory set of qualifications is required. Henry, 329 S.C. at 274, 495 S.E.2d at 467. Instead, an expert can become sufficiently qualified to be able to provide an opinion helpful to the trier of fact in many ways. Fields v. J. Haynes Waters Builders, Inc., 376 S.C. 545, 556, 658 S.E.2d 80, 86 (2008).

In the instant case, Dr. Benedetto testified she is employed with the Assessment and

Resource Center (ARC), which is a child advocacy center that is part of the South Carolina Department of Mental Health, for twelve years. She is the director of ARC since December 2012. She was a chief psychologist the preceding eleven years. ROA p. 204, lines 3-16.

Dr. Benedetto testified that along with administrative duties, she provides forensic interviews, training, and consultation on matters related to child abuse. ROA pp. 204-205. Dr. Benedetto is a licensed clinical psychologist in the State of South Carolina. ROA p. 205, lines 10-11.

Dr. Benedetto earned an undergraduate degree from New York University in psychology. She earned her Master's degree and Ph.D. from St. Johns University. ROA p. 205, lines 4-7. She then completed a one year internship at William S. Hall Psychiatric Institute through the Department of Mental Health in South Carolina. She continues to maintain continuing education credits and participates in ongoing learning opportunities. ROA p. 205, lines 14-20. She explained the purpose of continuing education is "to make sure that, as a psychologist, I stay abreast of all the most current research in particular in the area of child abuse." ROA p. 205, lines 21-24. Dr. Benedetto belongs to the American Psychological Association and the Richland County Multidisciplinary Team for child sexual abuse. ROA p. 207, lines 9-14.

She provides training known as Finding Words and Child First for law enforcement professionals, DSS caseworkers, solicitors, and other professionals. Training includes "all aspects of how to best question children, child development principles, **dynamics of child sexual abuse**, issues about memory and suggestibility." ROA p. 206, lines 1-11 (emphasis added). She also teaches an advanced course on the subject. ROA p. 206, lines 17-21.

Dr. Benedetto conducts forensic interviews on a daily basis. She also provides "therapeutic interventions and [is] trained in various therapy modalities to work with children." ROA p. 207, line 23 – p. 208, line 2. Dr. Benedetto estimates she has interviewed somewhere between 1,500 and 2,000 children. She has been qualified as an expert in various courts roughly a hundred times. ROA pp. 208-209.

Dr. Benedetto explained "[c]hild abuse dynamics refers to how children experience abuse." ROA p. 209, lines 13-17. She further explained: "There are many empirical studies of it. Many – there's a large body of research on various aspects of how children respond to abuse." ROA p. 209, lines 19-21.

Dr. Benedetto explained during Cartwright's voir dire that "I'm not a researcher. I'm a clinician. So, I conduct interviews. I don't conduct the studies." ROA p. 201, lines 18-19. Cartwright hangs his hat on this statement in hopes that this Court will not read the entirety of Rule 702, SCRE. However, qualifying Dr. Benedetto as an expert witness was not error. By way of example, in Graves v. CAS Medical Systems, 401 S.C. 63, 735 S.E.2d 650 (2012), our Supreme Court found the circuit court erred by not allowing a doctor to be qualified as an expert on Sudden Infant Death Syndrome (SIDS) even though the doctor testified she did not consider herself an expert on SIDS. Id. at 78, 735 S.E.2d at 657. The Court noted "an expert need not be a specialist in the particular branch of the field." Id. The doctor had thirty years' experience as a neonatologist and stayed current on SIDS literature. The doctor routinely encountered SIDS in her practice. The Court found that the circuit court abused its discretion in excluding the testimony. Id. at 78, 735 S.E.2d at 657-58.

In Honea v. Prior, 295 S.C. 526, 389 S.E.2d 846 (Ct. App. 1988), this Court

considered whether the circuit court erred in qualifying two social workers as experts to testify on a victim's mental condition. This Court observed: "A witness may be competent to testify as an expert although the witness acquired his or her knowledge through practical experience **and not by scientific study, training, or research.**" Id. at 530, 369 S.E.2d at 849 (emphasis added). This Court concluded the trial court properly found each social worker was qualified based on her education, post-graduate training, and clinical experience with victims of sexual assault, as well as her opportunities to observe the victim. Id. at 531, 369 S.E.2d at 849.

In the instant case, Dr. Benedetto was well qualified to testify about child abuse dynamics. The trial court did not abuse its discretion in qualifying Dr. Benedetto as an expert in child abuse dynamics.

Testimony does not constitute impermissible bolstering

The second issue Cartwright raises is the claim that Dr. Benedetto's testimony bolstered the victims' credibility, despite the fact that Dr. Benedetto never testified about the victims or their credibility, and despite the fact that Dr. Benedetto never met or interviewed the victims. The issue is not preserved for review.

Error preservation

In order for an issue to be preserved for appellate review, the issue must have been: (1) raised to and ruled upon by the trial court; (2) raised by the appellant; (3) raised in a timely manner; and (4) raised to the trial court with sufficient specificity. State v. Rogers, 361 S.C. 178, 183, 603 S.E.2d 910, 912-913 (Ct. App. 2004). If a party does not properly raise an issue during trial in accordance with those issue preservation requirements, that party

is procedurally barred from raising the issue on appeal. State v. Johnson, 363 S.C. 53, 58-59, 609 S.E.2d 520, 523 (2005).

"[A] specific objection to the admission of evidence must be made to preserve the issue for appeal." McKissick v. J.F. Cleckley & Co., 325 S.C. 327, 344, 479 S.E.2d 67, 75 (Ct. App. 1996). "The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge." Id. "The same ground argued on appeal must have been argued to the trial judge." Id. The exact name of the legal doctrine employed does not need to be used to preserve an argument, but it must be clear that the argument has been presented on that ground. State v. Russell, 345 S.C. 128, 546 S.E.2d 202 (Ct. App. 2001).

In the instant case, Cartwright's trial counsel objected to the testimony on the grounds that Dr. Benedetto was not qualified and that the science was not reliable. However, Cartwright's trial counsel did not object on the grounds that the testimony was bolstering. A party cannot argue one ground below then argue another on appeal. State v. Prioleau, 345 S.C. 404, 411, 548 S.E.2d 213, 216 (2001). This Court should not review the issue since it is not preserved for review.

Not bolstering – no comment by expert on victims' credibility

Further, the testimony is not impermissible bolstering. Chief Judge Few recently discussed the concept of bolstering in State v. Perry, 410 S.C. 191, 763 S.E.2d 603 (S.C. Ct. App. 2014) (CJ Few, concurring in part and dissenting in part). Judge Few defined bolstering as "the capacity of testimony or evidence to make other testimony more credible." Id. at 207, 763 S.E.2d at 611. Judge Few noted: "Evidence that bolsters other evidence is

generally relevant because it makes the existence of disputed facts more probable by enhancing the credibility of the evidence that proves those facts." Id. Judge Few continued the analysis as follows:

> Under Rule 402, SCRE, "All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of the State of South Carolina, statutes, these rules, or by other rules promulgated by the Supreme Court of South Carolina." As with any relevant evidence, therefore, a trial court may not exclude evidence that bolsters other evidence unless the exclusion is "provided" for by some constitutional statutory, or rule-based principle of law.

Id. at 207-08, 763 S.E.2d at 611.

The opinion further notes two circumstances where evidence that bolsters other evidence has been excluded because it is impermissible bolstering: (1) when a witness offers an opinion regarding the credibility of others; (2) when a party offers an out-of-court statement consistent with a witness's testimony before the witness is impeached. The opinion offered the possibility of exclusion under Rule 403 if the probative value of evidence is outweighed by other considerations in the rule. Id. 208-09, 763 S.E.2d at 611-12. Judge Few concluded: "Other than these rules, however, there is no provision under modern evidence law to exclude relevant evidence on the basis of improper bolstering." Id. at 209, 763 S.E.2d at 612. Judge Few concurred with the rest of the panel that the admission of videotaped interviews between the forensic interviewer and victim was not impermissible bolstering, but was permitted explicitly by S.C. Code §17-23-175. Id. at 210, 763 S.E.2d at 612.

The instant case demonstrates proper expert testimony that gave the jury helpful

background information about the dynamics of child abuse. Dr. Benedetto testified as follows about the area of expertise:

> The whole area of child sexual abuse dynamics really comes down to trying to understand how a child experiences abuse because, as adults, we think like adults and we think that if something happened to us we might respond in a certain way. And, so, understanding child abuse dynamics helps us understand, from the child's perspective, what the experience is like.

ROA p. 213, lines 9-15.

Dr. Benedetto noted "children are not little adults. They have a different understanding of the world. They have a different understanding of their power to make things happen in the world. And so, they do not respond the same way that adults do." ROA p. 213, line 24 – p. 214, line 3.

Dr. Benedetto discussed grooming, which Dr. Benedetto noted arises out of the need for the abuser to maintain secrecy. ROA p. 214. The child's secrecy may be maintained by promises and gifts or bribes. Manipulation, such as withholding affection may be another tactic. ROA p. 215. Fear also plays a role in maintaining secrecy, as Dr. Benedetto explained:

> Children are afraid of a range of things when they are being sexually abused. They are in a situation where they feel, where they may feel powerless and helpless to change the situation. They may be afraid for their own safety or the safety of siblings or the safety of the other parent in the home.
>
> They may be afraid that the abuser will get in trouble and they may have a relationship with that person and not want him to get in trouble. They may fear that they will not be believed or that they themselves will get in trouble and abusers will often manipulate that particular fear to make the child feel as though he or she has been complicit somehow in

> the abuse, like he or she may get in trouble if somebody finds out, which further entrenches the idea of keeping it a secret.

ROA p. 216, lines 6-21. The prosecution followed up with a question about the effects of violence in the home on a child's disclosure, and Dr. Benedetto explained how adverse experiences, including domestic violence, would potentially cause a child to believe that failure to maintain secrecy may cause harm to the child or the non-offending parent. ROA pp. 216-217. In Dr. Benedetto's experience, some children have been concerned that someone might hurt themselves if the child told. ROA p. 217, lines 17-20.

Dr. Benedetto testified about how children will feel isolated, explaining:

> Children . . . are in a situation where they are not very powerful and they don't really know the world and what they can do to change things. And, so, within the home, if they don't feel that they may be supported there, they may feel that they have no other way out. They may feel that, for some reason, this is happening to them, but all they can do is tolerate it, put up with it, make the best of it rather than try to seek a way out.

ROA p. 218, lines 4-11. This led to testimony discussing the term "delayed disclosure." Dr. Benedetto noted that "children routinely delay disclosure." ROA p. 218, lines 15-18.

Dr. Benedetto discussed aspects affecting disclosure. The child may not even know that she has been abused for a period of time. The child may weigh the consequences of disclosure, pondering whether she will be believed, whether she will get in trouble, whether it will make her situation with the abuser worse if nothing happens as a result of reporting. ROA pp. 218-219. Other reasons may be financial concerns, concerns for a parent that cares and loves the abuser, and the position of authority the abuser may have over the child. ROA pp. 219-220. Disclosure may be delayed into adulthood. ROA p. 221.

Dr. Benedetto also discussed the related concept of partial or tentative disclosure. The child will only disclose a small portion of what has occurred to test the waters and see what the reaction will be. The child often will go into "active disclosure" if they feel supported and believed, but may take back or deny abuse if they are not believed or negative consequences transpire. ROA pp. 221-222. Dr. Benedetto discussed recantation, noting that many times a child recants due to what occurs after their disclosure. Here, changes in a child's life after disclosure greatly affects the likelihood of disclosure, because from a child's perspective, anything changing a child's life may be a big deal. ROA p. 224, lines 14-22.

Dr. Benedetto also testified that children will not remember details of abuse; often children are trying hard to not remember abuse and they will not be as inclined as adults to remember details for when they speak to authorities. ROA pp. 222-223. Dr. Benedetto also explained to the jury about "script disclosure" which describes a pattern of abuse occurring over a length of time. The child will describe multiple events or "how things usually went" rather than a disclosure in terms of "episodic memory." ROA p.223, lines 10-20.

Dr. Benedetto further testified about the patterns of behavior in a child who has been sexually abused. Some ramifications might be drug use as a coping mechanism, emotional damage resulting in anxiety or depression, eating disorders, or sexual reactivity. ROA pp. 224-225. Disassociation might be another way a child reacts. ROA p. 226.

In the instant case, the expert testimony was permissible under Rules 702 and 703, SCRE, because it was information helpful to the jury concerning a fact in issue, and the information Dr. Benedetto provided was information normally relied upon by experts in the field of child abuse. The testimony did not impermissibly bolster the victims' testimony.

The South Carolina Supreme Court found "that both expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect." State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993).

This Court found no error in qualifying a social worker in the field of "victims of sexual abuse." State v. Weaverling, 337 S.C. 460, 473, 523 S.E.2d 787, 794 (Ct. App. 1999). This Court found, "Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible." Id. at 474, 523 S.E.2d at 794. "Such testimony is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault. . . . It assists the jury in understanding some of the aspects of the behavior of victims and provides insight into the sexually abused child's often strange demeanor." Id. at 475, 523 S.E.2d at 794 (internal citation omitted).

Our Supreme Court later noted: "Expert testimony on rape trauma may be more crucial in situations where children are victims. The inexperience and impressionability of children often render them unable to effectively articulate the events giving rise to criminal sexual behavior." State v. White, 361 S.C. 407, 414-15, 605 S.E.2d 540, 544 (2004) (finding testimony is admissible in prosecutions where the victim of sexual abuse is an adult).

Cartwright claims that Weaverling cannot be reconciled with State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013). Actually, the cases are not terribly similar. In Kromah, the forensic interviewer was allowed to opine on the credibility of the victim – impermissible bolstering to be sure under the first scenario presented by Judge Few in Perry. In contrast,

the victim in Weaverling was not interviewed by the expert witness, one of Mr. Weaverling's complaints. Unlike Kromah, the expert did not offer an opinion on the credibility of the victim in Weaverling. Cartwright ignores these differences and only makes a conclusory argument that the cases are similar. Further undermining Cartwright's argument for an unduly broad reading of Kromah is that neither Weaverling nor Schumpert (which Cartwright avoids) are cited, much less discussed, in Kromah.

In this case, Dr. Benedetto did not opine on the credibility of the victims. She did not even interview the victims or know the facts of the case. Perhaps her testimony may be considered bolstering, but it is not impermissible bolstering. Perry, supra.

Georgia's Court of Appeals rejected an argument that an expert's testimony "bolstered" the victim's testimony. Westbrooks v. State, 710 S.E.2d 594, 597-98 (Ga. Ct. App. 2011). The Georgia court found the forensic interviewer's testimony regarding partial disclosure and delayed disclosure was relevant and did not directly address the victim's credibility or express a direct opinion that the victim was sexually abused. Id. The Georgia court opined "the fact that such testimony may also indirectly involve the child's credibility" does not mean that it improperly bolsters the child's credibility. Id. at 598.

Similarly, South Dakota's Supreme Court also rejected the argument that an expert who testified as to the general characteristics of an abused child bolstered the victim's credibility, noting the expert did not interview the witness or testify that the victim had any of those characteristics. State v. Edelman, 593 N.W.2d 419, 423 (S.D. 1999).

Distinguishing Kromah from the instant case is easy, as shown by Westbrooks and Edelman. In Kromah, the interviewer was allowed to directly comment on the victim's

credibility and give an opinion as to whether the victim was abused. In this case, Dr. Benedetto did not give an opinion as to whether the victims were abused and did not comment on their credibility.

Indeed, South Carolina, like nearly every other jurisdiction, has found general background expert testimony about common behavioral characteristics of child abuse victims to be admissible.[2] "Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible." See State v. Weaverling, 337 S.C. 460, 474-475, 523 S.E.2d 787, 794 (Ct. App. 1999) (citing with approval State v. Lujan, 967 P.2d 123 (Ariz. 1998) (opinion testimony describing behavioral characteristics outside jurors' common experience is admissible)). "Such testimony is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault." Id. at 475, 523 S.E.2d at 794; see also People v. Carroll, 740 N.E.2d 1084, 1090 (N.Y. 2000) ("We have long held that expert testimony regarding rape trauma syndrome, abused child syndrome or similar conditions may be admitted to explain behavior of a victim that might appear unusual or that jurors may not be expected to understand[.]").

The Supreme Court of Hawaii observed in 1990 that "sexual abuse of children 'is a particularly mysterious phenomenon.'" State v. Batangan, 799 P.2d 48, 51 (Haw. 1990) (quoting State v. Castro, 756 P.2d 1033, 1044 (Haw. 1988)).

The Hawaii Supreme Court quoted with approval the observations of other courts as

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[2] The nature of Dr. Benedetto's expert testimony falls under what a Texas court has aptly described as "educator expert" evidence. Coble v. State, 330 S.W.3d 253 (Tx. Crim. App. 2010) (finding expert testimony about Texas prison classification system and prison violence admissible despite claim the testimony did not

follows:

> While jurors may be capable of personalizing the emotions of victims of physical assault generally, and of assessing witness credibility accordingly, tensions unique to trauma experienced by a child sexually abused by a family member have remained largely unknown to the public. . . . [T]he routine indicia of witness credibility – consistency, willingness to aid the prosecution, straight forward rendition of the facts – may, for good reason, be lacking. As a result jurors may impose standards of normalcy on child victim/witnesses who consistently respond in distinctly abnormal fashion.

Batangan, 799 P.2d at 51 (quoting State v. Moran, 728 P.2d 248, 251 (Ariz. 1986) and State v. Middleton, 657 P.2d 1215, 1222 (Or. 1983) (Roberts, J., concurring)).

The Batangan court further observed:

> Child victims of sexual abuse have exhibited some patterns of behavior which are seemingly inconsistent with behavioral norms of other victims of assault. Two such types of behavior are delayed reporting of the offenses and recantation of allegations of abuse. Normally, such behavior would be attributed to inaccuracy or prevarication. . . . In these situations it is helpful for the jury to know that many child victims of sexual abuse behave in the same manner. Expert testimony exposing jurors to the unique interpersonal dynamics involved in prosecutions for intrafamily child sexual abuse . . . may play a particularly useful role by disabusing the jury of some widely held misconceptions . . . so that it may evaluate the evidence free of the constraints of popular myths.

Batangan, 799 P.2d at 51-52 (citations and internal quotation marks omitted).

The Alabama Criminal Court of Appeals found an expert's testimony on delayed disclosure based on her specialized knowledge was admissible and "clearly assisted the jury to understand the evidence presented" regarding the victim's ten-year delay in disclosing

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relate to appellant personally; testimony was relevant as rebuttal "educator-expert" evidence).

abuse. W.R.C. v. State, 69 So.3d 933, 939 (Ala. Crim. App. 2010) (noting "other jurisdictions have held similar testimony to be admissible in child-sexual-abuse cases").

A law review article confirms the soundness of expert testimony on delayed disclosure:

> Psychological research demonstrates that delayed reporting is common among sexually abused children. Frequently when children finally disclose, they give slightly different versions of the abuse to different interviewers. Finally, although there is debate about how many sexually abused children recant, it is undisputed that some children recant and some recant their recantation. Thus, from a psychological point of view, expert testimony about delay, inconsistency, and recantation is not controversial. From the legal perspective, such testimony is not worrisome.

John E. B. Meyers, Expert Testimony in Child Sexual Abuse Litigation: Consensus and Confusion, 14 U.C. Davis J. Juv. L. & Pol'y, 45-46 (2010) (footnotes omitted).

The New Jersey Supreme Court declared the following: "There does not appear to be a dispute about acceptance within the scientific community of the clinical theory that CSAAS [Child Sexual Abuse Accommodation Syndrome] identifies or describes behavioral traits commonly found in child abuse victims." State v. J.Q., 617 A.2d 1196, 1206 (N.J. 1993) (finding testimony about CSAAS is admissible to show victim displayed symptoms of child abuse or to explain delayed disclosure or recantation, but not to establish guilt or innocence).

Generally, "[e]xpert testimony that abused children often delay reporting the abuse . . . informs the jury that the victim's failure to disclose in a timely fashion does not necessarily exonerate the defendant without suggesting that the particular child witness in the case was or was not abused." Commonwealth v. Bougas, 795 N.E.2d 1230, 1236 (Mass. App. Ct.

2003). "Further, disclosure in child abuse cases is generally delayed because of coercion, guilt, or some other reason, [and thus] there will be no physical evidence to corroborate the victim's allegations. Therefore . . . expert testimony will . . . assist the jury in understanding the evidence." People v. Beckley, 456 N.W.2d 391, 402 (Mich. 1990); see also State v. Carpenter, 556 S.E.2d 316, 321 (N.C. Ct. App. 2001) (finding expert testimony on delayed disclosure is "clearly instructive and helpful to the jury in understanding the evidence since the nature of the sexual abuse of children places lay jurors at a disadvantage").

In responding to a claim of trial court error in allowing the state's expert to testify about sexual abuse of children and characteristics of perpetrators, the Louisiana Court of Appeals noted the following:

> [The expert] testified very broadly about the general characteristics of sexual abuse victims, namely how such victims delay disclosure and some of the reasons why disclosure may be delayed, such as fear or shame. As discussed, part of [the expert's] training and experience included counseling children who were victims of sexual abuse. It would not have been beyond her expertise to explain, based on her own practice and experience, the basics of delayed disclosure.

State v. Friday, 73 So.3d 913, 931-32 (La. Ct. App. 2011). "Indeed, the majority of states permit expert testimony to explain delayed reporting, recantation, and inconsistency . . . ." People v. Spicola, 947 N.E.2d 620, 635 (N.Y. 2011).

The expert testimony was certainly probative in light of the tactics taken by Cartwright at trial. Cartwright's counsel asked Daughter how far away Rome, Georgia, was from Aiken, implying that she was out of Cartwright's reach. He proceeded to comment on how she testified she did not disclose because she was afraid, verified that Cartwright was no

longer living with her and her family, discussed how Cartwright no longer lived with her and her family from 1995 through 2011, verified there were police departments in Rome, suggested Daughter had a husband to protect her, and then asked: "So all this period of time, you never said anything to anybody, but the reason that you didn't was because you were afraid of him?" ROA p. 47, line 19 – p. 49, line 9. Cartwright is not prohibited from making this point to the jury, but the jury should know that delayed disclosure is common because such phenomena is beyond their ken, and because it is not atypical for victims of child sexual abuse.

Accordingly, the trial court did not err in overruling the grasping-at-straws objection of trial counsel. Dr. Benedetto was qualified to testify as an expert. Further, the testimony did not constitute impermissible bolstering and that argument was not raised to the trial court. Therefore, the convictions and sentences should be affirmed.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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January 16, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE, Respondent,

v.

HAROLD BENNON CARTWRIGHT, III, Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR.

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Appeal From Aiken County
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THE STATE, Respondent,

v.

HAROLD BENNON CARTWRIGHT, III, Appellant.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the within Final Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to: Robert M. Dudek, Esquire, Chief Appellate Defender, SC Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211.

I further certify that all parties required by Rule to be served have been served.

This 16th day of January, 2015.

NORMA BIGBEE
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THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Harold Bennon Cartwright, III, Appellant.

Appellate Case No. 2013-000894

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2015-UP-466
Heard September 17, 2015 – Filed September 30, 2015

AFFIRMED

Chief Appellate Defender Robert Michael Dudek and Appellate Defender Susan Barber Hackett, both of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Assistant Deputy Attorney General David A. Spencer, both of Columbia; and Solicitor James Strom Thurmond, Jr., of Aiken, for Respondent.

PER CURIAM: Harold Cartwright appeals his convictions for nine counts of criminal sexual conduct with a minor in the first degree, two counts of criminal

sexual conduct with a minor in the second degree, one count of criminal sexual conduct in the third degree, and sixteen counts of a lewd act upon a child. Cartwright argues the trial court erred in (1) admitting evidence of his suicide attempt while he was in jail awaiting trial and (2) qualifying a witness and allowing her to testify as an expert in child sexual abuse dynamics. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in admitting evidence of Cartwright's suicide attempt: Rule 401, SCRE ("Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."); Rule 403, SCRE ("Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."); *State v. Orozco*, 392 S.C. 212, 218, 708 S.E.2d 227, 230 (Ct. App. 2011) ("An appellate court reviews 403 rulings, balancing whether the probative value of evidence was substantially outweighed by its prejudicial effect, pursuant to the abuse of discretion standard, and gives great deference to the trial court's decision."); *State v. Gray*, 408 S.C. 601, 609, 759 S.E.2d 160, 165 (Ct. App. 2014) ("Probative means tending to prove or disprove."); *Gray*, 408 S.C. at 610, 759 S.E.2d at 165 ("[A] court analyzing probative value considers the importance of the evidence and the significance of the issues to which the evidence relates."); *Orozco*, 392 S.C. at 219-20, 708 S.E.2d at 231 ("[E]vidence of a suicide attempt is probative of a defendant's consciousness of guilt and is generally admissible for whatever value the jury decides to give it."); *Orozco*, 392 S.C. at 220-21, 708 S.E.2d at 231-32 (finding evidence of a defendant's suicide attempt can be admissible to establish consciousness of guilt where the defendant has knowledge of the criminal charges against him and there is a nexus between the suicide attempt and the charges).

2. As to whether the trial court erred in qualifying a witness and allowing her to testify as an expert in child sexual abuse dynamics: Rule 702, SCRE ("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."); *State v. Chavis*, 412 S.C. 101, 106, 771 S.E.2d 336, 338 (2015) ("The qualification of an expert witness and the admissibility of the expert's testimony are matters within the trial court's sound discretion."); *State v. Schumpert*, 312 S.C. 502, 505, 435 S.E.2d 859, 861 (1993)

("The party offering the expert has the burden of showing his witness possesses the necessary learning, skill, or practical experience to enable the witness to give opinion testimony. Generally, however, defects in the amount and quality of education or experience go to the weight of the expert's testimony and not its admissibility."); *State v. Anderson*, Op. No. 27558 (S.C. Sup. Ct. filed Aug. 5, 2015) (Shearouse Adv. Sh. No. 30 at 44) (finding though it is an error to qualify a witness as an expert in forensic interviewing, a witness can "certainly" be qualified to testify to the behavioral characteristics of sex abuse victims); *Anderson*, Op. No. 27558 at 48, n. 8 (Toal, C.J., concurring) (indicating it is not improper bolstering for "an expert in child abuse assessment to testify regarding behavioral characteristics, such as delayed disclosure of abuse").

AFFIRMED.

FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.

ORIGINAL

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
OCT 15 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER .

APPEALLANT CASE NO. 2013-000894

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

Opinion No. 2015-UP-466

PETITION FOR REHEARING

Petitioner requests rehearing pursuant to Rule 221 (a), SCACR because this Court apparently overlooked the many reasons why State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) should be reconsidered. There was there was no South Carolina authority supporting admission of evidence of a suicide attempt as evidence of consciousness of guilt as this Court recognized in Orozco.

This Court, in its summary opinion, did not address the argument that the analogy of a suicide attempt to flight and guilty knowledge were deeply troubling for purposes well beyond the

defendant being aware of charges against him or that he is being sought by the police for purposes of arrest. Cf. State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (2006); (without proof that the accused was aware of the charges against him at the time of his flight, the evidence of flight was irrelevant and its admission was erroneous). State v. Thompson, 278 S.C. 1, 292 S.E.2d 581 (1982); See, also, State v. Brown, 528 A.2d 1098 (R.I.1987); Commonwealth v. Jones, 457 Pa. 563, 576, 319 A.2d 142, 150 (1974) (circumstances justify inference that accused's actions were motivated as result of his belief that officers were aware of his wrongdoing and *were seeking him* for that purpose), cited in State v. Beckham, 334 S.C. 302, 315, 513 S.E.2d 606, 612 (1999).

Beyond the nexus of attempted suicide to the awareness of an accusation or an arrest warrant or that police are looking for a person, *this evidence is troubling not only at as a legal matter but as a moral matter.* As defense counsel argued, Petitioner turned himself in to face the charges in this case. This indicated a belief in the criminal justice system, and a belief he would be exonerated. However, suicide is often a matter of despair rather than desperation. Meaning, it is *many times much more complicated than understanding the sad case of a suspect surrounded by armed police killing himself rather than being captured.* This case provides such an example. Petitioner thought that life was no longer living at "that time."

Suicide, as in this case, is often attributable to the feeling that the sheer number of obstacles in one's life have become too much to overcome. Here, Petitioner mourned the fact that his own daughter had turned on him.

To use a suicide attempt in a court of law in this state as evidence of guilt of a criminal offense to achieve a conviction should *most respectfully*, be distasteful and not allowed. This Court can take judicial notice that all Five Justices of the Supreme Court in Orozco voted to decide this very important legal and moral question before Petitioner Orozco decided to drop his appeal.

Petitioner does not want to repeat the arguments in the brief, and those made at oral argument. Suffice it to say that other jurisdictions have held such evidence inadmissible. See State v. Onorato, 171 Vt. 577, 762 A.2d 858 (2000); State v. Mann, 132 N.J. 410, 625 A.2d 1102 (1993); Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989); People v. Foster, 56 Ill.App.3d 22, 371 N.E.2d 961, 13 Ill.Dec. 869 (1977); State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897);

Photographs

The same argument against admission of this evidence applies to the two photographs corroborating the fact Petitioner attempted to commit suicide. Those photographs are on file with this Court. The Court is not engaging a "gruesome photographs analysis" in this case. Rather, the photographs simply drew further attention to the fact that Petitioner attempted suicide.

The solicitor mocked Petitioner 's testimony about his despondent feelings at the time he attempted to kill himself. R. p. 322. Defense counsel had correctly argued the suicide evidence diluted the presumption of innocence that is fundamental in a criminal case. This Court should respectfully address this argument.

Issue 3: Dr. Alicia Benedetto should not have been qualified as an expert in "child sexual abuse dynamics" which allowed her to give her opinion testimony.

Petitioner also requests rehearing on this issue because the Supreme Court in State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011) noted that there was no objection to the qualifications of the witness *in that case*. However, the Court wrote it had previously observed that

the witness might not even need to be qualified as an expert. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

The Supreme Court held that it could "envision no circumstance where their qualification as an expert at trial would be appropriate" in the *"forensic interviewer" type context.* Although it is difficult from the summary opinion to ascertain the application of the facts to the law, petitioner reiterates that the testimony of Benedetto here on "child abuse dynamics" was offered *for the same purpose, which was to imply to the jury that someone who worked in this "specialty" of abused children could offer expertise which allegedly would assist the jury in deciding whether the minors were being truthful.* Defense counsel correctly argued that Benedetto would simply have the jury conclude that the alleged minor victims in this case acted consistently or shared behavioral characteristics with other victims of sex abuse. As seen, Benedetto was unapologetic that she was a forensic interviewer and not a research professional. She should not have been qualified as an expert in this case. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

Issue 4: The opinion testimony itself

Petitioner seeks rehearing on the opinion issue itself because State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), which *is cited by this Court in the opinion*, does not support the admission of this testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse. All of this supposed "expertise" certainly struck the jury as the **same evidence** was what occurred in this very case.

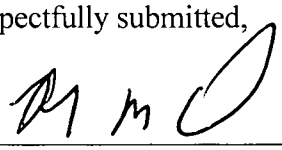
The same was true of Benedetto's testimony that sexual abuse can cause minors begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto also added that minors "acting out" was also not unusual when they were being sexually

abused. R. p. 225, l. 14 – 226, l. 17. This Court is aware that solicitors are seeking to avoid allegations of bolstering by no longer putting up forensic interviewers as experts. *However, the same bolstering occurred here under the guise of "child abuse dynamics."* State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).

Petitioner reiterates that this "child sexual abuse dynamics" evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011), held can no longer exist. Again, State v. Weaverling and Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is the pre-gatekeeping case that is being used to justify impermissible bolstering such as occurred in this case. This Court cited State v. Schumpert, 312 S.C. 502, 505, 435 SW.E.2d 859, 861 (1993) in its opinion, and Schumpert likewise should be overruled because it cannot be reconciled in an intellectual honest way with State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), and Kromah.

The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse. The witness should not have been qualified as an expert and her testimony was extremely prejudicial. Rehearing should respectfully be granted on these issues.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 15th day of October, 2015.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
OCT 15 2015
SC Court of Appeals

Appeal from Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER .

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 15th day of October, 2015.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 15th day of October, 2015.

(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

The South Carolina Court of Appeals

The State, Respondent,

v.

Harold Bennon Cartwright, III, Appellant.

Appellate Case No. 2013-000894

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

_____ C.J.

_____ J.

_____ J.

Columbia, South Carolina

cc:
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
David A. Spencer, Esquire
James Strom Thurmond, Jr., Esquire

FILED
December 4, 2015

Susan Barber Hackett, Esquire
The Honorable Doyet A. Early, III

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

Doyet A. Early, III, Circuit Court Judge

RECEIVED
JAN 25 2016
SC SUPREME COURT

Opinion No. 2015-UP-466 (S.C. Ct. App. filed 9/30/2015)

12-GS-02-01682, 00304, 00306-00312, 00314&00332

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER.

APPEALLANT CASE NO.2016-000005

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER.

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CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on December 4, 2015.

QUESTION PRESENTED

1.

Whether the Court of Appeals erred by finding no error in the trial court admitting evidence petitioner attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE?

2.

Whether the Court of Appeals erred by finding no error in the trial court admitting photographs of petitioner's prison cell to corroborate the fact he attempted to commit suicide since this evidence was similarly not relevant, and unduly prejudicial if relevant?

3.

Whether the Court of Appeals erred by finding no error in the trial court qualifying Dr. Alicia Benedetto as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case?

4.

Whether the Court of Appeals erred by finding no error in the trial court qualifying Benedetto as an expert allowing her to bolster the testimony of the alleged victims, where the jury would draw the impermissible inference that the alleged victims were conducting themselves consistently with other victims of child sexual abuse?

STATEMENT OF THE CASE

Petitioner was indicted by the Aiken County Grand Jury for eight counts of criminal sexual conduct with a minor in the first degree, sixteen counts of a lewd act with a minor, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct first degree, and one count of criminal sexual conduct in the third degree. R. p. 370 - 425.

His case came on for trial on April 15, 2013 before the Honorable Doyet A. Earley, III, and a jury. Michael Routzong and Dave Hayes represented petitioner. Kevin Molony was the assistant solicitor. R. p. 1

On April 18, 2013 the jury found petitioner guilty on each count presented to the jury. R. p. 356, l. 14 – 363, l. 22. Judge Early sentenced petitioner to concurrent sentences of thirty years imprisonment, twenty years imprisonment, and fifteen years imprisonment. However, the judge imposed a ten-year consecutive sentence for criminal sexual conduct in the third degree. Petitioner's sentence was therefore forty years imprisonment. R. p. 368, l. 4 – 369, l. 8.

The Court of Appeals affirmed in a summary opinion. State v. Harold Bennon Cartwright, III., 2015-UP-466 (filed September, 2015-UP-466 (filed September 30, 2015). App. 1-3. Petitioner sought rehearing. App. 4-9. Rehearing was denied on December 4, 2015. App. 10-11. This petition for a writ of certiorari follows.

STATEMENT OF FACTS

Introduction

People commit suicide for many reasons, and despair and feelings of hopelessness are surely near the top of the list of reasons. Respectfully, to simply assume a person is attempting suicide because they have been accused of committing a crime, and that are guilty of that crime, is as shallow as it is cruel and moral offensive.

All five members of this Court voted to grant certiorari on this identical issue in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011) on October 17, 2012. After briefs were submitted, Petitioner Orozco chose to dismiss his appeal, and this Court dismissed the appeal in its order dated September 5, 2013. This case now provides the procedural vehicle to resolve this important legal and moral issue.

Trial facts

Prior to trial defense counsel moved to exclude evidence that petitioner attempted to commit suicide while in the Aiken County Detention Center awaiting trial. The assistant solicitor noted that at the prior trial, which apparently ended in a mistrial, that the state had introduced evidence of petitioner's suicide attempt and photographs to corroborate it. R. p. 5, ll. 4-18. The solicitor argued this evidence was admissible to show "a guilty conscience." He analogized the suicide evidence to evidence of flight. R. p. 5, ll. 11-18.

Defense counsel noted that petitioner had turned himself in which showed he was willing to "face these charges." Defense counsel also argued that the state had to establish a nexus between the suicide attempt and the charges against him. In addition, counsel argued that even if this evidence was relevant its unduly prejudicial effect outweighed its probative value under Rule 403, SCRE. R. p. 5, l. 20 – 7, l. 23. Defense counsel finally stated that this evidence diluted the

presumption of innocence, and it could be construed as evidence of bad character. R. p. 6, l. 19 – 7, l. 23.

The judge ruled that, in all likelihood, he would admit this suicide evidence. However, he noted that he understood defense counsel's argument about the nexus and his additional Rule 403, SCRE argument. R. p. 7, l. 24 – 9, l. 3.

"Expert" testimony

Defense counsel also moved to exclude the testimony of witness Dr. Alicia Benedetto. The solicitor said this witness had testified before Judge Early previously. The judge responded: "I know that, ma'am, but I do so many of these I really and truly cannot remember her." The solicitor maintained: "She will be qualified as an expert in child sexual abuse dynamics and will testify as to the behavioral issues of children that have been abused." The solicitor added that Dr. Benedetto could testify that children who are sexually abused "act out," and she could testify "how factors in the home can affect children that have been sexually abused and things of that nature." R. p. 14, l. 16 – 15, l. 25.

Defense counsel argued this testimony was not admissible under Rule 702, SCRE because it would not assist the jury. Defense counsel also argued that *the only issue is whether the alleged victims were testifying truthfully, and that matters of credibility are "strictly within the purview of the jury."* R. p. 16, l. 1 – 18, l. 13. (emphasis added).

The judge said that testimony dealing with "behavioral characteristics were admissible so as long as it did not invade the province of the jury regarding credibility." Defense counsel and the judge then discussed State v. Weaverling, 337 S.C. 460, 473, 523 S.E.2d 787, 794 (Ct.App. 1999), and State v. Kromah, 401 S.C. 340, 737, S.E.2d 490 (2013). R. p. 16, l. 1 – 18, l. 13. Defense counsel noted that the appellate courts in this state were going in the direction of excluding this type

of evidence. R. p. 17, ll. 23-25. Defense counsel further noted that State v. Kromah was the Court's latest holding on the subject, and it supported the defense position that the "expert testimony" in this case should be excluded. The judge observed that the witness had not talked with the minor witnesses, and he stated that testimony about "general behavioral responses" was admissible. R. p. 16, l. 1 – 21, l. 16.

As will be seen infra, petitioner testified and denied the sexual abuse. He claimed the accusations stemmed from resentment of him for having the boyfriend of his fourteen-year-old daughter prosecuted for having sex with her. Petitioner had also contacted law enforcement about his concerns of her photographs were being posted on the internet along with her friends. In addition, he suspected a sexual relationship between his son Hoss and his stepdaughter, and he had found marijuana in his room. Concerning the evidence of petitioner's suicide attempt, which was allowed into evidence over defense objection, petitioner attempted to explain that he felt hopeless "at that time" because he was not able make bond, and because some members of his family had had turned on him.

As will also been seen infra, there was also evidence in this case of recantations, and minors "acting out." Witness Benedetto would then give her "expert testimony" that recantations were not uncommon and they did not mean that the children were not sexually abused. Further, Benedetto opined minors "acting out" was also symptomatic of sexual abuse.

[redacted] testifies

[redacted] was the biological daughter of petitioner and Melinda Lively. She was twenty-eight-years-old at the time of the trial. R. p. 31, l. 9 – 32, l. 6. Hoss Cartwright and Jamie Cartwright were her natural siblings. Her stepsiblings were [redacted] and [redacted] R. p. 32, ll. 7–12.

[redacted] claimed when she was four years old (i.e. 24 years previously) petitioner had her perform oral sex on him. [redacted] said she told her mother about this incident but her mother did not believe her. She also claimed petitioner threatened to kill her, her mother, and take his own life if she reported the incident. R. p. 32, l. 18 – 35, l. 4.

[redacted] maintained the abuse continued from the time she was six-years-old until she was ten-years-old when her mother left petitioner and moved them to Georgia. R. p. 35, l. 18 – 39, l. 23. [redacted] said after the oral sex petitioner would buy her things, and give her money. R. p. 39, ll. 2-5.

[redacted] future husband goes to jail for CSC

On cross-examination, [redacted] acknowledged she never said anything about the alleged sexual abuse from 1995 until 2011. She acknowledged she married Kevin [redacted] and that he had served three years in prison for criminal sexual conduct for his conduct involving her. She acknowledged her husband had to register as a sex offender because of that conviction. She refused to admit that petitioner was the person who successfully pushed for law enforcement to prosecute [redacted] for his improper sexual relationship with her. She acknowledged after her parents were divorced that petitioner still had visitation privileges with her. R. p. 47, l. 3 – 50, l.10.

The ex-wife

Petitioner's ex-wife, Melinda Lively, then testified that [redacted] was her oldest daughter. Jamie Cartwright and Hoss Cartwright were her other children. R. p. 53, l. – 54, l. 6. Lively testified that [redacted] claimed she was sexually abused when she was four or five years old. Lively claimed that she did not contact law enforcement because petitioner threatened at gunpoint to kill them if they told anybody. R. p. 54, l. 7 – 55, l. 3.

Lively admitted in her complaint for divorce in 1997 that she did not allege sexual abuse had taken place, and she agreed that petitioner was entitled to visitation with the supposedly sexually

abused children. She said she did not allege anything, and she did not fight visitation because she did not have "any evidence" against petitioner. R. p. 55, l. 9 – 57, l. 6. Lively admitted she remembered petitioner alleging that Lively allowed her oldest daughter, [redacted] who was only fourteen-years-old, to engage in sexual relationship with a twenty-three year-old man. R. p. 59, l. 8 – 60, l. 14.

[redacted] testifies

[redacted] was petitioner's stepdaughter. She was twenty-one years old at the time of trial. R. p. 63, l. 2 – 65, l. 10. [redacted] said she was seven years younger than [redacted] and three years older than [redacted]. R. p. 64, ll. 4-12.

[redacted] maintained that when she was in the third grade petitioner made her perform oral sex. R. p. 65, l. 17 – 67, l. 1. [redacted] said this happened "a few times a month," and that petitioner would buy her gifts afterwards. R. p. 67, ll. 1-23. [redacted] acknowledged petitioner was arrested as a result of her allegations. However, [redacted] recanted her allegations when she was about ten years old, and she told the solicitor the sexual abuse complained of never actually happened. She said that petitioner moved back into the home shortly after she recanted. R. p. 68, l. 2 – 70, l. 24.

[redacted] claimed after petitioner returned to the household that he would "hump" her leg about "three to seven times a week." He continued to buy her gifts, and take her shopping. [redacted] alleged that petitioner threatened to kill the entire family, and then himself if she told. R. p. 70, l. 12 – 73, l. 13. [redacted] testified the oral sex ceased from the time she was nine years old until she was fifteen. At fifteen, [redacted] claimed she agreed to have sexual intercourse with petitioner under duress. R. p. 73, l. 11 – 80, l. 19.

On cross-examination [redacted] admitted she became involved in drugs with [redacted]. She acknowledged that she also became very rebellious. R. p. 93, l. 1. – 94, l. 13.

Recantation

Michelle Prince was a DSS employee who investigated [redacted] allegations. Prince acknowledged she was aware [redacted] had recanted them. R. p. 96, l. 25 – 100, l. 12.

[redacted] the internet, and Hoss

[redacted] was petitioner's other stepdaughter. [redacted] was eighteen-years-old at the time of petitioner's trial. She testified she had a good relationship with petitioner when she was younger but she maintained that changed when she was about thirteen-years-old. She said petitioner then began "humping" her on the leg, and that she despised him. R. p. 101, l. 4 – 103, l. 8. [redacted] said petitioner would buy her items after the sexual abuse. She also said petitioner would become angry and threaten to kill the entire family. R. p. 104, l. 15 – 105, l. 16.

[redacted] said she later was homeschooled in a shed by petitioner, and at some point, they began having sexual intercourse. [redacted] said she began taking birth control pills, and she maintained that was petitioner's idea. R. p. 107, l. 10 – 109, l. 14.

[redacted] admitted that petitioner became very upset because there were photographs of her on the internet. [redacted] said she did not have any reason to be embarrassed about the photographs because petitioner was mistaken in thinking they were photographs of her. R. p. 129, l. 5 – 131, l. 6. Petitioner would later strongly dispute the assertion of mistaken identification. [redacted] also denied a romantic relationship with petitioner's son, Hoss, as petitioner suspected. R. p. 131, ll. 3-12.

Buffy [redacted]

The testimony of Buffy [redacted] was read to the jury since a medical condition after the first trial prevented her from testifying live. R. p. 139, l. 21 – 141, l. 15. Buffy married petitioner in December of 1999 and their divorce was just finalized prior to her testimony in 2013. Buffy testified that [redacted] had alleged petitioner sexually abused her. Buffy admitted that [redacted]

recanted her allegations, and Buffy now maintained that she "probably did put some pressure on [redacted] [to recant] because he [petitioner] had convinced me he had done nothing wrong." R. p. 142, l. 4 – 143, l. 25.

More on recantations

Petitioner moved back in after [redacted] recantation. R. p. 144, ll. 1-12. Buffy said that petitioner's stepdaughters, [redacted] and [redacted] always referred to him as "Daddy." She did not believe they were being molested. She also acknowledged that [redacted] had "some problems" such as sneaking out of the house. However, she was not positive that [redacted] also had begun drinking at a young age. R. p. 151, l. 22 – 155, l. 1.

[redacted] denied she tried to protect petitioner, and she said she simply did not believe anything of a sexual nature had been going on with the minors. R. p. 155, ll. 2-18. [redacted] maintained now that she may have been "naïve." R. p. 155, ll. 19-22.

Hoss Cartwright

Eighteen-year-old Hoss Cartwright testified that petitioner made vulgar comments to his stepsister, [redacted] while they were growing up together. R. p. 169, ll. 2-19. Hoss also said he found petitioner's inspections of [redacted] clothes before school "odd." R. p. 169, ll. 8-17.

Hoss denied petitioner caught him smoking marijuana. Hoss essentially admitted he was smoking marijuana but he maintained that petitioner never caught him. R. p. 175, ll. 7-20. Hoss confirmed that petitioner thought he, Hoss, was having sex with his stepsister. R. p. 175, ll. 16-20.

Benedetto testimony

As seen, petitioner objected to the testimony of Dr. Alicia Benedetto prior to trial. R. p. 203, ll. 5-17. Benedetto testified she worked with the Assessment and Resource Center (ARC).

Benedetto said, "most of what the ARC does is forensic interviews when there are allegations of abuse." R. p. 204, ll. 17-20.

Benedetto had a Ph.D. from St. Johns University in Psychology. R. p. 205, ll. 4-7. She had conducted a five-day training on Finding Words for prosecution officials. R. p. 206, ll. 1-21. Benedetto said her experience was not based "in books" but on the fact, "I interview children every day. That's basically what, what I do. So, at the ARC, I conduct forensic interviews on a daily basis. I've done that for the past 12 years." R. p. 207, l. 20 – 208, l. 6. Benedetto said she had been qualified before as an expert in "child sex abuse dynamics." R. p. 208, ll. 15 – 209, l. 3.

On cross-examination defense counsel inquired about exactly what "child abuse dynamics" involved. Benedetto said it "refers to how children experience abuse, and that's oftentimes what, what I'm qualified in." R. p. 209, ll. 3-17. When asked how many studies she had been involved in regarding child abuse dynamic, Benedetto answered that she *conducted interviews and not studies*. She was not a researcher on the subject. R. p. 210, ll. 16-22.

Defense counsel Hayes then objected to Benedetto being qualified as an expert witness, and allowing her to give expert testimony. He noted that she testified and admitted her background was doing forensic interviews, and she was not involved in studies and research. The state had not shown that her testimony was objectively reliable. R. p. 211, ll. 1-12.

The judge denied the motion to exclude her testimony, and he ruled that Benedetto was qualified to give her opinion testimony regarding "child abuse dynamics." R. p. 211, l. 13 – 212, l. 12. The judge said he would later give an instruction on expert opinion testimony to the jury. R. p. 212, ll. 7-13.

Alleges no knowledge regarding this case

Benedetto maintained she did not know anything about the facts of this prosecution. She said that "Child Sexual Abuse Accommodation Syndrome" involved a pattern of behavior "that a child may engage in that would otherwise seem to not make sense to us." R. p. 213, ll. 7-21. Benedetto said because a child responded differently than an adult to sexual abuse that did not mean that the child was not telling the truth. R. p. 214, ll. 4-7.

Benedetto said that victims of child sexual abuse were told not to tell about the abuse. She said it was not unusual for an abuser to buy gifts for the abused children. R. p. 214, l. 10 – 215, l. 14. In addition, she said the children often thought they may be harmed if they did not keep the abuse a secret. R. p. 217, l. 5 – 220, l. 4.

Benedetto was then specifically asked about recantations. Benedetto answered that a child recanting or taking back their allegation of abuse did not mean that the abuse did not happen. She claimed, "we're open to the possibility that it's a true recantation, but we also know that *many times a child recants because of what happens after they tell, and so we want to be sure not to miss those cases."* R. p. 223, l. 21 – 224, l. 11. (emphasis added). Benedetto maintained that sometimes children recanted because they feared having to change schools or other consequences based on their allegations. R. p. 224, ll. 12-22.

Benedetto also told the jurors that sexual abuse can cause minors to begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto added that minors "acting out" was also not unusual when they were being sexually abused. R. p. 225, l. 14 – 226, l. 17. Benedetto also maintained that if a child does **not** get upset or act out or show emotion that did not mean that they were not sexually abused. R. p. 226, ll. 18-21.

Suicide Attempt

The state proffered the testimony of Aiken County Detention Guard James Hettich. Hettichs testified on April 13, 2011 he observed petitioner hanging in his jail cell with a sheet tied from his bunk. R. p. 249, l. 5 – 251, l. 2. Hettich testified that the sheet was tied tight, and that petitioner was unresponsive while hanging from the neck. "His touch was cold and clammy. He was unresponsive. He wasn't speaking. He was breathing however." R. p. 251, ll. 1-21.

Defense counsel told the judge that he did not have any additional arguments about why this suicide evidence should be excluded. The judge then cited this court's opinion in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) as support for the suicide evidence being admitted. [1] The judge ruled the evidence was admissible. R. p. 253, l. 5 – 254, l. 1.

Jury in

Hettich then testified that while working as a correctional officer at the Aiken County Detention Center on April 13, 2011 he was notified that petitioner was trying to harm himself. Hettich saw petitioner hanging from the top bunk by a sheet. He along with another deputy were able to untie the knot from the bed sheet. They laid petitioner on the floor. Two photographs, State's Exhibits 12 and 13, of petitioner's jail cell where the suicide attempt occurred were then introduced to corroborate the objectionable testimony. R. p. 257, l. 3 – 260, l. 15. Those photographs were before the Court of Appeals, and are now before this Court to review.

[1] As seen above, certiorari was granted by this Court on October 17, 2012. This Court can take judicial notice of the fact that petitioner Orozco voluntarily dismissed his appeal after certiorari was granted by this Court, all five Justices, on the issue of whether this Court erred by holding evidence of his suicide attempt was admissible.

Petitioner testifies

Petitioner took the stand in his own defense, and denied he had molested his children or stepchildren. Petitioner noted that [redacted] had recanted her allegations, and that he later discovered photographs of [redacted] on the internet. Petitioner said despite her denial regarding the photographs he recognized all of the girls involved in the internet photographs. He testified that he notified Channel 12 News, and the North Augusta Police Department about the internet photographs. R. p. 280, l. 17 – 284, l. 12.

Petitioner confirmed that he found marijuana in Hoss's bedroom. He testified that Hoss and [redacted] both became angry with him. R. p. 285, l. 1 – 289, l. 3.

As for the suicide attempt, petitioner attempted to explain that he turned himself in after being accused of these crimes. Petitioner thought he understood why the false allegations were lodged against him. However, petitioner could not make bond, and he stood accused of "heinous" crimes. Petitioner offered that his biological daughter now hated him, and "at that time I did not feel like I wanted to live anymore." R. p. 289, l. 17 – 291, l. 17.

Court of Appeals

In a summary opinion the Court of Appeals cited State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011) as authority for holding the admission of the suicide attempt evidence was proper. App. 2. The Court also cited this Court's opinions in State v. Chavis, 412 S.C. 101, 106, 771 S.E.2d 336, 338 (2015); State v. Anderson, Op. No. 27558, Shearouse's Adv. Sh. No. 30 at 44 (filed August 5, 2015), and State v. Schumpert, 312 S.C. 502, 505, 435 S.E.2d 859, 861 (1993), in support of its holding that Bennetto was properly qualified as an expert witness, and that her testimony was proper. App. 2-3.

Rehearing

Petitioner, on rehearing asked this Court to reconsider its opinion in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011) regarding the suicide attempt evidence. App. 4-6. Petitioner also wrote, regarding Dr. Benedetto "that State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), which *is cited by this Court in the opinion*, does not support the admission of this testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse. All of this supposed 'expertise' certainly struck the jury as the **same evidence** was what occurred in this very case." App. 7-8.

Petitioner also urged that the Court of Appeals should recognize that Weaverling[2] and Schumpert are no longer good law in light of the Kromah modern line of cases. He wrote that "Petitioner reiterates that this 'child sexual abuse dynamics' evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011), held can no longer exist. Again, State v. Weaverling and Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is the pre-gatekeeping case that is being used to justify impermissible bolstering such as occurred in this case. This Court cited State v. Schumpert, 312 S.C. 502, 505, 435 S.E.2d 859, 861 (1993) in its opinion, and Schumpert likewise should be overruled because it cannot be reconciled in an intellectually honest way with State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), and Kromah. The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse. The witness should not have been qualified as an expert and her testimony was extremely prejudicial." App. 7-8.

ARGUMENT

The Court of Appeals erred by finding no error in the trial court admitting evidence petitioner attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE (Arguments 1& 2).

As seen, defense counsel objected to the state introducing evidence of petitioner's suicide attempt. Defense counsel noted that petitioner had turned himself in which showed he was willing to "face these charges." Counsel also argued that the state had to establish a nexus between the suicide attempt and the charges against him. Further, even if this evidence was relevant its unduly prejudicial effect outweighed its probative value under Rule 403, SCRE. R. p. 5, l. 20 – 7, l. 23. The suicide evidence also diluted the presumption of innocence, and it could also be construed as evidence of bad character. R. p. 6, l. 19 – 7, l. 23.

In State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) the Court of Appeals noted that whether evidence of attempted suicide is probative of the accused's consciousness of guilt was an issue of first impression in South Carolina." The Court noted that flight evidence was relevant when there was a nexus between the flight and the offense charged." R. p. 7. The Court reasoned evidence of the suicide attempt was relevant and admissible because the totality of the evidence created an inference that Orozco's actions in attempting suicide were motivated as a result of his belief that sexual misconduct allegations had been made against him.

There was no South Carolina authority supporting admission of evidence of a suicide attempt as evidence of consciousness of guilt as the Court of Appeals recognized in Orozco. The Court of Appeals declined petitioner's request that it reconsider its holding in Orozco. Further, the

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[2] State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct.App. 1999).

analogy to flight and guilty knowledge is deeply troubling for problems well beyond the defendant being aware of charges against him or that he is being sought by the police for purposes of arrest. However, petitioner will deal first with the nexus which should involve much more than the defendant merely understanding charges have been lodged against him. Cf. State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (2006); State v. Thompson, 278 S.C. 1, 292 S.E.2d 581 (1982); See, also, State v. Brown, 528 A.2d 1098 (R.I.1987); Commonwealth v. Jones, 457 Pa. 563, 576, 319 A.2d 142, 150 (1974) (circumstances justify inference that accused's actions were motivated as result of his belief that officers were aware of his wrongdoing and *were seeking him* for that purpose), cited in State v. Beckham, 334 S.C. 302, 315, 513 S.E.2d 606, 612 (1999).

In State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (S.C. 2006), this Court held that proof that the accused was aware of the charges and sought to avoid them was critical. The Pagan Court held that without proof that the accused was aware of the charges against him at the time of his flight, the evidence of flight was irrelevant and its admission was erroneous.

Beyond the nexus of attempted suicide to the awareness of an accusation or an arrest warrant or that police are looking for a person, this evidence is troubling not only at as a legal matter but as a moral matter. As defense counsel argued, petitioner turned himself in to face the charges in this case. This indicated a belief in the criminal justice system, and a belief he would be exonerated.

However, suicide is often a matter of despair rather than desperation. Meaning, it is *many times much more complicated than understanding the sad case of a suspect surrounded by armed police killing himself rather than being captured.* This case provides such an example. Petitioner thought that life was no longer worth living at "that time." He could not make bond, and members of his family had "turned on him." When a person's family, or part of his family, will not even

support him, the fact that thoughts that "life is no longer not living" creep in should not be surprising.

Suicide, as in this case, is often attributable to the feeling that the sheer number of obstacles in one's life have become too much to overcome. Here, petitioner mourned the fact that his own daughter had turned on him. To use a suicide attempt in a court of law in this state as evidence of guilt of a criminal offense to achieve a conviction should *most respectfully*, be distasteful and not allowed.

In Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989) the court held it was error to admit evidence of an alleged suicide attempt as evidence of the accused's consciousness of guilt. The court cited various reasons for its holding. These reasons included that the inmate accused of various sex offenses may have feigned attempted suicide to invite mitigation on the sentence he was serving when the alleged sexual offense occurred. The court also noted that the suicide note itself was never even offered into evidence nor was it contents explained to the jury. The court refused the answer the question whether evidence of a suicide attempt *was ever admissible.*

In State v. Mann, 132 N.J. 410, 625 A.2d 1102 (1993), the court found it was reversible error to admit evidence of an attempted suicide without first conducting a full pretrial hearing on the issue. The defendant argued he had a preexisting propensity to commit suicide because of other factors in his life, and the court cautioned that such ambiguities weigh strongly in favor of extreme caution before such evidence can be admitted. A defendant's psychological, social or financial situation may play a role in the suicide attempt. In short, an accusation of criminal wrongdoing can be the last straw in an otherwise troubled life.

The court in Mann also reasoned that if evidence of a suicide attempt *was ever properly admitted that jury instructions were necessary* that if the jury could credit *any alternative*

explanation for the suicide attempt it could not infer consciousness of guilt. In South Carolina, of course, the analogy to flight in this context is equally troubling *since instructions of evidence of flight are improper.* See, State v. Grant, 275 S.C. 404, 408, 272 S.E.2d 169, 171 (1980).

The court in State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897), opined that a jury should never be able to treat a suicide attempt as evidence of guilt. The court reasoned that the one who flees seeks to escape punishment where one who attempts suicide *seeks to avoid the disgrace* that attaches to being charged with a crime. The court stated that this motive "of delicacy" would be more powerful in an innocent, rather than a guilty person. While it may have been a cultural truth the court also wrote the incidence of suicide was higher among innocent than guilty persons.[3]

The court in State v. Onorato, 171 Vt. 577, 762 A.2d 858 (2000) held that the probative value of an attempted suicide and suicide note was substantially outweighed by unfair prejudice and a confusion of the issues. The court noted that the reasons for an attempted suicide are "*numerous and complex, and may be even less indicative of guilt than flight evidence.*" The Court went on to say that evidence of attempted suicide is "highly equivocal and circumstantial" such that its admissibility "may introduce remote, secondary concerns that might confuse the jury."

In People v. Foster, 56 Ill.App.3d 22, 371 N.E.2d 961, 13 Ill.Dec. 869 (1977), the court held that evidence of the defendant's suicide attempts were not admissible because there was not a sufficient nexus between the actions taken and the crime charged. The court found that not only was there too much time between the suicide attempt and the offense *but also* the

[3] There was also a North Dakota statute that mandated an accomplice's testimony must be corroborated to maintain a conviction.

defendant's psychological problems and interactions with police could be credited for his behavior.

Petitioner here recognized that child sex cases have become "heinous crimes." This Court has repeatedly recognized the extreme prejudice inherent in an accusation in child sex or abuse cases, and explained that our criminal justice system must be cautious of adding undue prejudice to an already explosive allegation and situation through the use of evidence that raises a spurious tendency to seek a conviction based on an improper basis. See State v. Kromah, 2013 WL 239070 (filed January 23, 2013); State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct.App.2012)[4]; State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

[4] The Attorney General dismissed the certiorari petition to this Court in McKerley.

Moreover, as defense counsel argued, even if this evidence was properly admitted as relevant under Rule 401, SCRE, it should have been excluded under Rule 403, SCRE because its probative value was substantially outweighed by its unduly prejudicial effect and its tendency to *confuse* the jury and invite a verdict on an improper basis. See Rule 403, SCRE.

Issue Two: The suicide attempt photographs

The same argument against admission of this evidence applies to the two photographs corroborating the fact petitioner attempted to commit suicide. Those photographs were on file with the Court of Appeals, and should now be before this Court. This Court, like the Court of Appeals, would not be engaging a "gruesome photographs analysis" in this case. Rather, the photographs simply drew further attention to the fact that petitioner attempted suicide.

The solicitor mocked petitioner's testimony about his despondent feelings at the time he attempted to kill himself. R. p. 322. Defense counsel had correctly argued the suicide evidence diluted the presumption of innocence that is fundamental in a criminal case.

The suicide evidence was offered to have the jury conclude the defendant found taking his life was a better option than the punishment for his crime. Jurors are not supposed to be concerned with punishment and this was exactly what this evidence encouraged them to think about. Such speculation about punishment versus suicide is unbecoming, respectfully, of our criminal justice system. See Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989); State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897). Even if the photographs, as is the case with the suicide evidence itself, were relevant, they should have been excluded given their unduly prejudicial effect under Rule 403, SCRE.

As seen above, petitioner's defense was that some in his own family had turned against him, and wanted him put away for spite. The sheer number of allegations against petitioner made a fair trial difficult enough without this spurious evidence of guilt in the nature of his suicide attempt. Petitioner asked the Court of Appeals to reconsider its opinion in Orozco, and noted that all Five of the Justices of this Court had granted certiorari following it. Certiorari should respectfully now be granted on this important issue.

2.

The Court of Appeals erred by finding no error in the trial court allowing Dr. Alicia Benedetto to be qualified as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case. Moreover, the Court of Appeals erred by finding that once qualified as an expert witness, and therefore allowed her to give opinion testimony, that her testimony did not constitute highly prejudicial bolstering testimony since her child abuse testimony at times mirrored the facts of this case. (Issues 3-4).

Issue 3: Dr. Alicia Benedetto should not have been qualified as an expert in "child sexual abuse dynamics" which allowed her to give her opinion testimony.

In State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011) this Court noted that there was no objection to the qualifications of the witness *in that case.* However, the Court noted it had previously observed that the witness might not even need to be qualified as an expert. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

This Court held that it could "envision no circumstance where their qualification as an expert at trial would be appropriate" in the "*forensic interviewer" type context.* Although this Court was speaking of forensic interviewers, the testimony of Benedetto here on "child sexual abuse dynamics" was offered for the same purpose, which was to imply to the jury that someone who worked in this "specialty" of abused children could offer expertise which allegedly would assist the jury in deciding whether the minors were being truthful. The testimony would allegedly assist the jury within the confines of Rules 702 and 703, SCRE.

Defense counsel correctly argued that Benedetto would simply have the jury conclude that the alleged minor victims in this case acted consistently or shared behavioral characteristics with other victims of sex abuse. (Her testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse, the abused begin using drugs or drinking, the abused start "acting out" all certainly struck the jury as the same evidence as what occurred in this very case). As seen, Benedetto was unapologetic that she was a forensic interviewer and not a research professional. She should not have been qualified as an expert in this case. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

In State v. Anderson, 413 S.C. 212, 776 S.E.2d 76 (2015) this Court held that it was error to qualify witness Smith as an expert in "child abuse assessment." This Court cited Schumpert and Weaverling in support of its holding, and this case now presents the ideal vehicle to reconsider whether Schumpert and Weaverling are still good law or whether they should be formally overruled. Although she did not examine any of the alleged victims, she was not qualified to be a "child sex abuse dynamics" *or* a "child abuse assessment" expert. Whichever title Benedetto is given it implied a strong research component. Otherwise, it was just a forensic interviewer -- who did not even interview the child -- masquerading as an independent researcher and writer in either the area of "child sex abuse dynamics" or "child abuse assessment."

Petitioner is also aware that this Court in Anderson stated "child abuse assessment" testimony should not come from the same witness that examined the alleged victim because it runs an even greater danger of bolstering the child's testimony. Here, though, Benedetto, as stated, was a forensic interviewer, and not a researcher or writer on this subject. This Court, most respectfully, should now clarify that Anderson does not stand for the proposition that a former forensic

interviewer can simply be renamed a "child sexual abuse dynamics" or "child abuse assessment expert," and give the same testimony that a witness qualified in that area could tender to the jury. That is exactly what happened in this case. As undersigned counsel has argued in other similar cases before this Court, and the Court of Appeals, certain solicitors have made no secret that an "end run" can be made around this Court's instruction to the bench and bar in Kromah by simply renaming the forensic interviewer something else.

However, petitioner's broader point remains that it is time to reconsider the continued viability of Schumpert and Weaverling, and if those cases are not overruled, to decide whether the the state may use a forensic interviewer such as Benedetto to serve the same purpose of providing by simply renaming her a "child abuse assessment expert" or "child sexual abuse dynamics" expert.

Issue 4: The opinion testimony itself

As stated above, her testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse mirrored the evidence in this case. The same is true of Benedetto's testimony that sexual abuse can cause minors begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto also added that minors "acting out" was also not unusual when they were being sexually abused. R. p. 225, l. 14 – 226, l. 17. This Court is aware that solicitors are seeking to avoid allegations of bolstering by no longer putting up forensic interviewers as experts. However, the same bolstering occurred here under the guise of "child sexual abuse dynamics expert" testimony. State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).

This "child sexual abuse dynamics" evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011), held can no longer exist. State v. Weaverling and

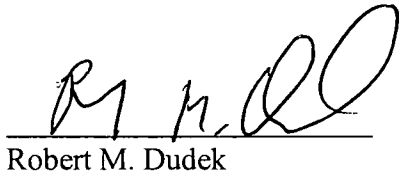
Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is the pre-gatekeeping case that is being used to justify impermissible bolstering such as occurred in this case.

The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse in other **documented** cases. That implies the expert is a researcher, and not just a renamed forensic interviewer. It is no longer enough, as this Court has stated, to avoid the Court's gatekeeper function, by merely stating the familiar mantra that any objection to reliability merely "goes to the weight, and not the admissibility of the evidence." The witness should not have been qualified as an expert and her testimony was explosively prejudicial bolstering given the unusual way in which this unqualified witness was used.

CONCLUSION

By reason on the foregoing arguments, certiorari should be granted.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

This 25th day of January, 2016

RECEIVED
JAN 25 2016
SC SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County
Doyet A. Early, III, Circuit Court Judge

Opinion No. 2015-UP-466 (S.C. Ct. App. filed 9/30/2015)
12-GS-02-01682, 00304, 00306-00312, 00314&00332

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER.

APPEALLANT CASE NO.2016-000005

CERTIFICATE OF SERVICE

I certify that a true copy of the petition for writ of certiorari and a copy of the appendix, in this case has been served on David Spencer, Esquire, and the S.C. Court of Appeals this 25th day of January, 2016.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 25th day
of January, 2016.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

RECEIVED
JAN 25 2018
SC SUPREME COURT

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER.

APPEALLANT CASE NO. 2016-000005

APPENDIX

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THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Harold Bennon Cartwright, III, Appellant.

Appellate Case No. 2013-000894

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2015-UP-466
Heard September 17, 2015 – Filed September 30, 2015

AFFIRMED

Chief Appellate Defender Robert Michael Dudek and Appellate Defender Susan Barber Hackett, both of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Assistant Deputy Attorney General David A. Spencer, both of Columbia; and Solicitor James Strom Thurmond, Jr., of Aiken, for Respondent.

PER CURIAM: Harold Cartwright appeals his convictions for nine counts of criminal sexual conduct with a minor in the first degree, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct in the third degree, and sixteen counts of a lewd act upon a child. Cartwright argues the trial court erred in (1) admitting evidence of his suicide attempt while he was in jail awaiting trial and (2) qualifying a witness and allowing her to testify as an expert in child sexual abuse dynamics. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in admitting evidence of Cartwright's suicide attempt: Rule 401, SCRE ("Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."); Rule 403, SCRE ("Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."); *State v. Orozco*, 392 S.C. 212, 218, 708 S.E.2d 227, 230 (Ct. App. 2011) ("An appellate court reviews 403 rulings, balancing whether the probative value of evidence was substantially outweighed by its prejudicial effect, pursuant to the abuse of discretion standard, and gives great deference to the trial court's decision."); *State v. Gray*, 408 S.C. 601, 609, 759 S.E.2d 160, 165 (Ct. App. 2014) ("Probative means tending to prove or disprove."); *Gray*, 408 S.C. at 610, 759 S.E.2d at 165 ("[A] court analyzing probative value considers the importance of the evidence and the significance of the issues to which the evidence relates."); *Orozco*, 392 S.C. at 219-20, 708 S.E.2d at 231 ("[E]vidence of a suicide attempt is probative of a defendant's consciousness of guilt and is generally admissible for whatever value the jury decides to give it."); *Orozco*, 392 S.C. at 220-21, 708 S.E.2d at 231-32 (finding evidence of a defendant's suicide attempt can be admissible to establish consciousness of guilt where the defendant has knowledge of the criminal charges against him and there is a nexus between the suicide attempt and the charges).

2. As to whether the trial court erred in qualifying a witness and allowing her to testify as an expert in child sexual abuse dynamics: Rule 702, SCRE ("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."); *State v. Chavis*, 412 S.C. 101, 106, 771

S.E.2d 336, 338 (2015) ("The qualification of an expert witness and the admissibility of the expert's testimony are matters within the trial court's sound discretion."); *State v. Schumpert*, 312 S.C. 502, 505, 435 S.E.2d 859, 861 (1993) ("The party offering the expert has the burden of showing his witness possesses the necessary learning, skill, or practical experience to enable the witness to give opinion testimony. Generally, however, defects in the amount and quality of education or experience go to the weight of the expert's testimony and not its admissibility."); *State v. Anderson*, Op. No. 27558 (S.C. Sup. Ct. filed Aug. 5, 2015) (Shearouse Adv. Sh. No. 30 at 44) (finding though it is an error to qualify a witness as an expert in forensic interviewing, a witness can "certainly" be qualified to testify to the behavioral characteristics of sex abuse victims); *Anderson*, Op. No. 27558 at 48, n. 8 (Toal, C.J., concurring) (indicating it is not improper bolstering for "an expert in child abuse assessment to testify regarding behavioral characteristics, such as delayed disclosure of abuse").

AFFIRMED.

FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.

4

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER.

APPEALLANT CASE NO. 2013-000894

Appeal from Aiken County

Doyet A. Early, III, Circuit Court Judge

Opinion No. 2015-UP-466

PETITION FOR REHEARING

Petitioner requests rehearing pursuant to Rule 221 (a), SCACR because this Court apparently overlooked the many reasons why State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) should be reconsidered. There was there was no South Carolina authority supporting admission of evidence of a suicide attempt as evidence of consciousness of guilt as this Court recognized in Orozco.

This Court, in its summary opinion, did not address the argument that the analogy of a suicide attempt to flight and guilty knowledge were deeply troubling for purposes well beyond the

defendant being aware of charges against him or that he is being sought by the police for purposes of arrest. Cf. State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (2006); (without proof that the accused was aware of the charges against him at the time of his flight, the evidence of flight was irrelevant and its admission was erroneous). State v. Thompson, 278 S.C. 1, 292 S.E.2d 581 (1982); See, also, State v. Brown, 528 A.2d 1098 (R.I.1987); Commonwealth v. Jones, 457 Pa. 563, 576, 319 A.2d 142, 150 (1974) (circumstances justify inference that accused's actions were motivated as result of his belief that officers were aware of his wrongdoing and *were seeking him* for that purpose), cited in State v. Beckham, 334 S.C. 302, 315, 513 S.E.2d 606, 612 (1999).

Beyond the nexus of attempted suicide to the awareness of an accusation or an arrest warrant or that police are looking for a person, *this evidence is troubling not only at as a legal matter but as a moral matter.* As defense counsel argued, Petitioner turned himself in to face the charges in this case. This indicated a belief in the criminal justice system, and a belief he would be exonerated. However, suicide is often a matter of despair rather than desperation. Meaning, it is *many times much more complicated than understanding the sad case of a suspect surrounded by armed police killing himself rather than being captured.* This case provides such an example. Petitioner thought that life was no longer living at "that time."

Suicide, as in this case, is often attributable to the feeling that the sheer number of obstacles in one's life have become too much to overcome. Here, Petitioner mourned the fact that his own daughter had turned on him.

To use a suicide attempt in a court of law in this state as evidence of guilt of a criminal offense to achieve a conviction should *most respectfully*, be distasteful and not allowed. This Court can take judicial notice that all Five Justices of the Supreme Court in Orozco voted to decide this very important legal and moral question before Petitioner Orozco decided to drop his appeal.

Petitioner does not want to repeat the arguments in the brief, and those made at oral argument. Suffice it to say that other jurisdictions have held such evidence inadmissible. See State v. Onorato, 171 Vt. 577, 762 A.2d 858 (2000); State v. Mann, 132 N.J. 410, 625 A.2d 1102 (1993); Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989); People v. Foster, 56 Ill.App.3d 22, 371 N.E.2d 961, 13 Ill.Dec. 869 (1977); State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897);

Photographs

The same argument against admission of this evidence applies to the two photographs corroborating the fact Petitioner attempted to commit suicide. Those photographs are on file with this Court. The Court is not engaging a "gruesome photographs analysis" in this case. Rather, the photographs simply drew further attention to the fact that Petitioner attempted suicide.

The solicitor mocked Petitioner 's testimony about his despondent feelings at the time he attempted to kill himself. R. p. 322. Defense counsel had correctly argued the suicide evidence diluted the presumption of innocence that is fundamental in a criminal case. This Court should respectfully address this argument.

Issue 3: Dr. Alicia Benedetto should not have been qualified as an expert in "child sexual abuse dynamics" which allowed her to give her opinion testimony.

Petitioner also requests rehearing on this issue because the Supreme Court in State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011) noted that there was no objection to the qualifications of the witness *in that case*. However, the Court wrote it had previously observed that

the witness might not even need to be qualified as an expert. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

The Supreme Court held that it could "envision no circumstance where their qualification as an expert at trial would be appropriate" in the *"forensic interviewer" type context.* Although it is difficult from the summary opinion to ascertain the application of the facts to the law, petitioner reiterates that the testimony of Benedetto here on "child abuse dynamics" was offered *for the same purpose, which was to imply to the jury that someone who worked in this "specialty" of abused children could offer expertise which allegedly would assist the jury in deciding whether the minors were being truthful.* Defense counsel correctly argued that Benedetto would simply have the jury conclude that the alleged minor victims in this case acted consistently or shared behavioral characteristics with other victims of sex abuse. As seen, Benedetto was unapologetic that she was a forensic interviewer and not a research professional. She should not have been qualified as an expert in this case. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

Issue 4: The opinion testimony itself

Petitioner seeks rehearing on the opinion issue itself because State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), which *is cited by this Court in the opinion*, does not support the admission of this testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse. All of this supposed "expertise" certainly struck the jury as the **same evidence** was what occurred in this very case.

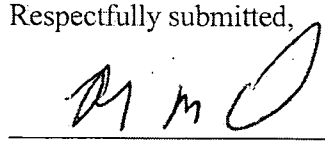
The same was true of Benedetto's testimony that sexual abuse can cause minors begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto also added that minors "acting out" was also not unusual when they were being sexually

abused. R. p. 225, l. 14 – 226, l. 17. This Court is aware that solicitors are seeking to avoid allegations of bolstering by no longer putting up forensic interviewers as experts. *However, the same bolstering occurred here under the guise of "child abuse dynamics."* State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).

Petitioner reiterates that this "child sexual abuse dynamics" evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011), held can no longer exist. Again, State v. Weaverling and Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is the pre-gatekeeping case that is being used to justify impermissible bolstering such as occurred in this case. This Court cited State v. Schumpert, 312 S.C. 502, 505, 435 SW.E.2d 859, 861 (1993) in its opinion, and Schumpert likewise should be overruled because it cannot be reconciled in an intellectual honest way with State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), and Kromah.

The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse. The witness should not have been qualified as an expert and her testimony was extremely prejudicial. Rehearing should respectfully be granted on these issues.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 15th day of October, 2015.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER .

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon David Spencer, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 15th day of October, 2015.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 15th day of October, 2015.

(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.

The South Carolina Court of Appeals

The State, Respondent,

v.

Harold Bennon Cartwright, III, Appellant.

Appellate Case No. 2013-000894

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

_____ C.J.

_____ J.

_____ J.

Columbia, South Carolina

cc:
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
David A. Spencer, Esquire
James Strom Thurmond, Jr., Esquire

FILED
December 4, 2015

Susan Barber Hackett, Esquire
The Honorable Doyet A. Early, III

RECEIVED
JAN 28 2016
SC SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE,

Respondent,

vs.

HAROLD BENNON CARTWRIGHT, III,

Petitioner.

Appellate Case No. 2016-000005

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF ISSUES ON APPEAL

I.

Testimony concerning Petitioner's suicide attempt is admissible as consciousness of guilt, and the trial court did not err in admitting this testimony into evidence for the jury's consideration (Petitioner's Issues 1&2).

II.

The trial court did not err in qualifying the expert in the field of child abuse dynamics where the expert was well qualified under Rule 702, SCRE with the requisite education, experience and training, and the testimony was reliable under Rule 703, SCRE; further, any argument that the testimony constituted impermissible bolstering is not preserved for review and the testimony does not constitute impermissible bolstering (Petitioner's Issues 3&4).

STATEMENT OF THE CASE

Petitioner Cartwright was indicted by the Aiken County Grand Jury for eight counts of criminal sexual conduct with a minor in the first degree, sixteen counts of lewd act on a minor, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct in the first degree, and one count of criminal sexual conduct in the third degree. Cartwright was tried by jury on April 15-18, 2013, before the Honorable Doyet A. Early, III. At the conclusion of the trial, the jury found Cartwright guilty as charged. Judge Early sentenced Cartwright to an aggregate sentence of forty years imprisonment.

Cartwright appealed his conviction and sentence, which was affirmed by the Court of Appeals in an unpublished summary opinion. 2015-UP-466 (filed September 30, 2016). After Cartwright's petition for rehearing was denied by the Court of Appeals, Cartwright filed a petition for writ of certiorari. This return follows.

STATEMENT OF FACTS

Petitioner Cartwright's biological daughter (Daughter) was the first witness at his trial. She was twenty-eight years old and now had a family of her own, but she came to court and told the jury about how Cartwright abused her starting at age four. The other two victims were Cartwright's stepdaughters.

Daughter was married with children at the time of trial, but she relived her abuse for the jury to hear. She testified the abuse started when Cartwright made her perform oral sex on him when she was only four years old. Her recollection was disturbingly graphic: "He would place my hand on his penis until he ejaculated and then he would have me place my mouth on him and lick the cum off of him." ROA p. 33, lines 17-19. Daughter further

explained: "He told me that it tasted like candy is why he told me to do it, that it was sweet." ROA P. 33, lines 21-22. Daughter testified this occurred several times a year, from the time she was four until she was ten years old. ROA p. 34, lines 2-3. Daughter told her mother, Melinda, but when they confronted Cartwright, he threatened to kill them and kill himself. The sexual abuse continued on after that – Cartwright subjected Daughter to oral sex, touched her, and made her touch him. ROA pp. 34-36. Daughter recalled another incident where Cartwright performed oral sex on Daughter. She testified this occurred only once. ROA pp. 37-38.

Cartwright utilized violence and bribery to keep the wraps on his perversions. Daughter testified he would hold a gun to her head and to his head; he threatened to kill her, her mom, and himself. Oftentimes, he gave Daughter money afterwards and took her places and bought her things. ROA pp. 38-39.

In first grade, Daughter disclosed abuse to someone at school and spoke with DSS. Cartwright took her on a drive after school and told her she dreamed it all and she needed to go back to school and tell them it was not true. She then recanted to DSS. ROA p. 36. The abuse occurred thereafter until Melinda and Daughter finally left Cartwright and moved to Georgia in 1995 when Daughter was ten years old. ROA pp. 36-37; p. 39.

Sixteen years later, in 2011, the Aiken County Sheriff's Office contacted her and interviewed her at her mother's house in Georgia. She told them about the abuse occurring so many years ago. Daughter disagreed with the assertion that Cartwright pushed for the prosecution of her now-husband for the statutory rape of Daughter in 2000. Daughter testified she is only holding a grudge against Cartwright for what he did to her as a child ("I

don't think that's a grudge"). ROA p. 52, lines 1-4. Daughter testified: "I would rather be at home with my children, but it's something that needs to be done; and I'm glad I finally get to tell what happened." ROA p. 40, lines 19-21.

On cross-examination, Cartwright's counsel asked Daughter how far away was Rome, Georgia (four hours), verified the reason Daughter did not disclose the abuse was because she was afraid, and verified Cartwright was not down in Rome, Georgia from the period of time between 1995 and when she finally disclosed in 2011, and verified Georgia had police departments and she had a husband to protect her. ROA p. 47, line 19 – p. 49, line 9. The testimony clearly was intended to suggest that she should not have been afraid anymore once she moved away.

Melinda, Daughter's mother, followed her as the next witness at trial. She confirmed Daughter told her she was sexually abused in 1989 or 1990. Melinda did not report this to law enforcement; she was scared for her life and her daughter's life because Cartwright threatened to shoot them. He also threatened to shoot himself. ROA pp. 54-55.

Cartwright's second victim was Cartwright's stepdaughter (Stepdaughter 1). She was twenty-one years old when she testified before the jury. She lived with her mother (Buffy), her sister (Stepdaughter 2), and Cartwright during 2000 and 2001. Stepdaughter 1 was only nine years old when Cartwright made her perform oral sex on him from underneath the desk in the computer room. ROA pp. 63-66. Stepdaughter 1 testified this occurred a few times a month. Cartwright would take Stepdaughter 1 shopping or out to eat. ROA p. 17. In July 2001, Stepdaughter 1 first told a neighbor, Sandra Parsons, and then DSS about the abuse. ROA p. 67. Cartwright was arrested and released on bond. Cartwright no longer lived at the

house, but Buffy continued to see him. The case was dismissed after Stepdaughter 1 told prosecutors that the abuse did not happen.[1] But Stepdaughter 1 told the jury that this was a lie. Cartwright moved back in with the family. Stepdaughter 1 was now eleven years old. ROA pp. 67-71.

The abuse took another form. Cartwright would "hump" Stepdaughter 1 and ejaculate on her leg. This happened three to seven times a week, mostly in her bed, but on weekends, this occurred in Cartwright and Buffy's bed. He would threaten to kill her and her family as well as himself. This continued while she was thirteen and fourteen years of age. ROA pp. 71-75. She discussed how he threatened her as follows: "He's pulled guns on me, put them to my head before, very angry. He's pulled guns on hisself, big shotguns saying he'd kill hisself after he kills all of us; knives, more than a couple of occasions." ROA p. 81, lines 1-5.

Cartwright took Stepdaughter 1 to get her tongue pierced; he made her promise to perform oral sex in exchange for the piercing. Although she tried to avoid completing this agreement, she eventually relented and provided oral sex. ROA pp. 76-78. Another time, she reluctantly fulfilled an exchange of sexual intercourse for money so she could visit an amusement park. Cartwright enforced this agreement by pulling a knife on her. She had intercourse with Cartwright at fifteen years old. ROA pp. 77-80.

Stepdaughter 1 left the house when she was sixteen years old. She testified she did not want to put up with the abuse anymore. In 2011, Stepdaughter 1 went to law enforcement to provide information about her ex-boyfriend, Timothy, who she testified was

[1] On cross-examination, Stepdaughter 1 testified Buffy convinced her to recant her allegations. ROA p. 86.

dealing drugs. During this interview she disclosed the past sexual abuse. ROA pp. 81-84. Michelle Prince testified she was employed by DSS and interviewed Stepdaughter 1 in 2001. Stepdaughter 1 reported sexual abuse to her. ROA pp. 97-99.

Stepdaughter 2 was eighteen years old when she testified at trial. She is Buffy's daughter and Stepdaughter 1's younger sister. Cartwright was her stepfather. Their relationship changed when she was around thirteen years old. Cartwright began to hump her legs in the morning, every morning. Cartwright would ejaculate on her leg, her bed, or her clothes. This occurred four to seven times a week. ROA pp. 101-104.

The family moved when their house was foreclosed on in 2009, and they lived in a shed. At this point, Cartwright thought it would be a good idea for Stepdaughter 2 to be home-schooled. He would be the instructor. They started having intercourse every morning that Buffy was at work. Cartwright decided to put Stepdaughter 2 put on birth control. Cartwright would take her shopping, buy her things, and offer her money. Stepdaughter 2 confirmed Cartwright's violent methods of controlling his family. He threatened with a gun to kill himself, Stepdaughter 2, and her mom. Stepdaughter 2 testified he would be violent and irate while handling knives as well. ROA pp. 106-111.

They moved out of the shed to a house when Stepdaughter 2 was fifteen years old. Her stepbrother, Hoss Cartwright (Hoss), moved in with the family, and Stepdaughter 2 went back to school the next year. Cartwright would tell her that her clothes were inappropriate and examine her at length. Cartwright reverted back to humping her legs after Hoss moved in. Once Hoss moved out, there was occasional intercourse again, but less often. ROA pp. 111-117.

Stepdaughter 2 recalled that when she was sixteen years old, Buffy was at work when Cartwright called Stepdaughter 2 from his room. Stepdaughter 2 refused to go in and Cartwright became enraged. When Buffy came home, she asked what was going on, and Stepdaughter 2 told her Cartwright was mad. At that point, Buffy and Cartwright went outside and talked. ROA pp. 118-120. After they both came back inside, Cartwright asked Buffy if she ever saw Stepdaughter 2's private parts and when Buffy replied she had not, Cartwright told Buffy that Stepdaughter 2 "has a pretty pussy." ROA p. 120, lines 15-20.

Cartwright accused Stepdaughter 2 of being in pornographic videos on the internet. Stepdaughter 2 told the jury she never was in any pornographic videos. When Stepdaughter 2 denied this to Cartwright, he threatened to kill her and her mother. Cartwright took Buffy alone into their bedroom with a knife which made Stepdaughter 2 worried – Buffy told Cartwright she was in the videos just to appease him. ROA pp. 121-122. On February 11, 2011, police met with Stepdaughter 2 and asked her if Cartwright ever did anything to her. She told the police no because she was scared of Cartwright. ROA pp. 122-124.

Buffy's testimony from a prior trial was read to the jury because she was medically unavailable. Her divorce from Cartwright became final a few days before she testified. Buffy admitted she put "some pressure" on Stepdaughter 1 to recant when she originally reported the abuse. Cartwright convinced her he had not done anything wrong. After the case was dismissed, Cartwright moved back in, but Cartwright and Buffy rarely had intercourse anymore. Shortly after Stepdaughter 1 moved out of the house, they lost the house and lived in a shed. ROA pp. 143-144.

Buffy testified that on February 19, 2011, she had a conversation outside the house

with Cartwright. Cartwright started crying and said maybe he did molest both stepdaughters. Inside the house, Cartwright told Buffy that Stepdaughter 2 "has the prettiest pussy." ROA pp. 146-147.

Buffy testified Cartwright told her to gather Stepdaughter 2's bedroom sheets, linens, underwear, and clothes to wash because they had his DNA on them. ROA p. 149, lines 2-8. Buffy testified Cartwright told her "he had been laying in the bed with [Stepdaughter 2] and his DNA was in the bed." ROA p. 149, lines 2-11. She did not wash the linens as asked and consented to police searching the house and seizing the linens the next day, on February 25, 2011. ROA p. 148-150.

On cross-examination, Buffy verified Stepdaughter 1 would sneak out at night, cuss Buffy out, drink, and get in trouble at school. But when asked if she spoke with Cartwright about sending Stepdaughter 1 to boot camp, she testified they discussed it, but Cartwright was against Stepdaughter 1 going. ROA pp. 151-153. Buffy verified she never slept with Cartwright in Stepdaughter 2's bed and she would not know why his DNA would end up there. ROA pp. 155-156. The DNA from the recovered fitted sheet from Stepdaughter 2's room was a 1 in 16 trillion match to Cartwright's DNA. ROA pp. 240-242.

Hoss Cartwright is Cartwright's biological son and stepbrother to the abused stepdaughters. Hoss wanted to get to know his father, so he moved into the house. Hoss and Stepdaughter 2 shared a bathroom and their bedrooms were right next to each other. Hoss testified every morning he would hear Cartwright knock on Stepdaughter 2's door and enter her bedroom. Cartwright would stay in the room for a long time, until Stepdaughter 2 got up to get ready for school. ROA pp. 165-167. Hoss verified Cartwright's violent steak.

Cartwright would threaten him, and one time Cartwright threated to blow the house up. Cartwright once held a knife to Stepdaughter 2's boyfriend's neck. ROA pp. 168-169.

Hoss also observed Cartwright examining Stepdaughter 2's clothing when she was getting ready for school. Hoss testified as follows:

> [H]e would tell her to sit in the floor, and just get in just in the weirdest positions to see if – well, I guess if he thought they were too exposed, exposing. He would – if he felt they were, he would not just be like hey, go change. He would be like I can see your pussy, your tits are hanging out. Just being too vulgar like a father shouldn't be.

ROA p. 169, lines 11-17.

Hoss testified Cartwright started claiming Stepdaughter 2 was in pornographic videos on the internet. Cartwright called Hoss into the bedroom and made him look at a picture on the computer of "random females" Hoss had never seen. The picture did not look like her at all but Cartwright became so enraged after Hoss disagreed with him that Hoss just agreed with Cartwright to appease him. ROA pp. 170-171. Hoss moved out of the house during Christmas break in 2010. ROA p. 171.

Hoss testified why he never told anyone about Cartwright:

> He's been to my mother's residence [in Georgia], my sister's residence, my grandmother's residence several times. He knows exactly where they're at and how to get there and he's told me several times that he's been up there without us knowing. So, I know exactly – I know that he knows how to get there and where we live, where our bedrooms are at. So, yeah, I was, you know, kind of scared to make him mad so he might come up there.

ROA p. 174, lines 14-21.

Investigator Evensen testified that after the disclosure of abuse, on March 12, 2012,

he met with Cartwright and his attorney, Bob Harte. Cartwright wanted to show the officer pornographic pictures on the internet that were supposed to be Stepdaughter 2. The meeting lasted an hour. No further investigation was necessary because she was not in any of the pictures, despite Cartwright's claims. ROA pp. 195-196.

James Hettich from the county jail testified that on April 13, 2011, Cartwright's cellmate reported that Cartwright was trying to kill himself. Hettich found Cartwright hanging from bedsheets wrapped around his neck. He was passed out and unconscious when they rescued him. ROA pp. 256-258. This was the same day that warrants for Daughter were served on him at the jail. ROA p. 183, lines 1-4.

Cartwright testified on his own behalf. Cartwright denied ever being physical with the family except for one instance. Cartwright contended Daughter was rebellious as a teenager and he caught her with a much older man when she was only fourteen years old. This man is now Daughter's husband. Cartwright maintained the pictures on the internet were pictures of Stepdaughter 2. Cartwright claimed he confronted Hoss about using pot and confronted Hoss and Stepdaughter 2 about shoplifting condoms from Wal-Mart. Cartwright claimed that a few days before the police searched the residence, Buffy pushed him down on the bed in Stepdaughter 2's bedroom and masturbated him with a pair of panties. He admitted having infrequent sexual encounters with his wife. He testified that the masturbation incident was not a welcome surprise. ROA pp. 269-288.

Cartwright explained why he attempted suicide:

> I turned myself in. I'd been there for 30 days. I couldn't get a bond. I was charged with some of the most heinous crimes that somebody could ever think about being charged with.

> I've never heard of anybody being charged with that many crimes even on TV, and I'm in my cell with all these things on my mind, and then the daughter that I loved, my biological daughter, hates me so much because I had her husband or her lover, whatever, locked up, the man that raped her when she was 14 years old, and she held a grudge against me, and they come and served me ten warrants. And, yes, sir, at that time I didn't feel I wanted to live any more.

ROA p. 291, lines 6-17.

ARGUMENT

I.

Testimony concerning Petitioner's suicide attempt is admissible as consciousness of guilt, and the trial court did not err in admitting this testimony into evidence for the jury's consideration.

Cartwright complains the trial court erred in admitting evidence that he attempted suicide by hanging himself in his jail cell. This evidence was properly admissible to show consciousness of guilt.

The Court of Appeals previously found such evidence may be admissible as consciousness of guilt. State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011). In that case, the defendant's wife was told by a sister that her niece reported being abused by defendant and it was reported to the sheriff. Later that day, emergency personnel responded to defendant's home after he attempted to poison himself with rat poison. His wife was at the house when the emergency personnel responded. Id. at 215-16, 708 S.E.2d at 228-29.

The Court of Appeals analogized the issue to cases where evidence of flight is admitted, noting evidence must indicate the defendant is aware he is being sought by authorities. Id. at 220, 708 S.E.2d at 231. The Court of Appeals concluded an inference could be made the defendant was aware of the charges because his wife was made aware of the charges before the suicide attempt and she was present when emergency personnel responded after the defendant ingested the poison. Id. at 220-21, 708 S.E.2d at 231-32.

In finding evidence of a suicide attempt admissible, the Court of Appeals noted, "the overwhelming majority of states considering this issue have determined that evidence of

attempted suicide is generally admissible to establish consciousness of guilt." Id. at 219, 708 S.E.2d at 231 (citing 29 Am.Jur.2d Evidence § 547 (evidence of attempted suicide by the accused may be admissible as evidence of consciousness of guilt)).

In the instant case, Cartwright was served with warrants for the crimes he committed against his biological daughter, and he attempted suicide later that day. This is a sufficient nexus for admissibility alone, but Cartwright's own testimony establishes the nexus. He testified, in relevant part:

> [A]nd then the daughter that I loved, my biological daughter, hates me so much because I had her husband or her lover, whatever, locked up, the man that raped her when she was 14 years old, and she held a grudge against me, and **they come and served me ten warrants**. And, yes, sir, at that time I didn't feel I wanted to live any more.

ROA p. 291, lines 6-17 (emphasis added).

Cartwright's reliance on State v. Onorato, 762 A.2d 858 (Vt. 2000) is misplaced. That case was an appeal **by the state** alleging the trial court abused its discretion in not admitting evidence of a suicide attempt. The Vermont Supreme Court refused to find evidence of a suicide attempt per se admissible as argued by the state and noted the "possible ambiguity of an accused's suicide attempt requires a careful consideration of the probative value such evidence offers." Id. at 860. The Vermont Court declined to reverse the trial court, noting: "the issue before us is not whether we would have ruled differently if we had the evidentiary issue before us as a trial court, but rather, whether the trial judge abused his discretion." Id.

Likewise, State v. Mann, 625 A.2d 1102, 1107 (N.J. 1993) offers Cartwright little

assistance. The New Jersey Supreme Court concluded it was error to not hold an *in camera* hearing prior to admitting evidence of a suicide attempt before the jury. However, the Mann court did not foreclose admission of a suicide attempt as evidence but merely advised trial judges that extreme caution should be used in admitting such evidence. The Court, in contradiction to Cartwright's arguments in the instant case, recognized its potential probative value, opining as follows:

> Daniel Webster once described suicide as a confession by conduct compelled by the overpowering force of a guilty conscience.
>
> > Meantime the guilty soul cannot keep its secret. . . . It betrays his discretion, it breaks down his courage, it conquers his prudence. When suspicions from without begin to embarrass him, and the net of circumstances to entangle him, the fatal secret struggles with still greater violence to burst forth. It must be confessed! It will be confessed! There is no refuge from confession, but suicide-and suicide is confession.

Mann, 625 A.2d at 1107 (citing Commonwealth v. Knapp, 7 American State Trials 395 (1830) (quoted in 2 Wigmore on Evidence § 276, at 132 (Chadbourn rev. 1979))).

In Pettie v. State, 560 A.2d 577 (Md. 1989), the Court never reached the issue of whether evidence of an attempted suicide was admissible. In Pettie, the Court found the State failed to prove the inmate even attempted suicide and was not just feigning a suicide. Specifically, the Court stated: "the facts here simply do not support the conclusion that Pettie tried to kill himself at all, much less that he did so as a reaction to any [sexual assault on another inmate]." Id. at 582.

Next, State v. Coudotte, 72 N.W. 913 (N.D. 1897), involves a unique situation which has been distinguished by numerous cases. As described in State v. Plunkett, 149 P.2d 101 (Nev. 1944), the Coudotte case "stands in a class by itself." Id. at 108. As the Court fully explained:

> [Coudotte] is a lone case which is distinguishable from the generality of authority on the point of attempted suicide by an accused being a circumstance in a homicide case proper to be considered by the jury in connection with all the evidence.... There were no other facts or circumstances with which it could be considered by the jury as tending to show guilt, and to be given such weight, or no weight, as the jury might determine. It was sought to be proven as an isolated circumstance sufficient in itself to furnish the corroboration of the testimony of an accomplice, required by the statute, as to the guilt of an accused. The court held that it was not enough and reversed the case. As pointed out in State v. Painter [329 Mo. 314, 44 S.W.2d 82], in reviewing the Coudotte case: "The court was not called upon to and did not decide whether or not, had there been otherwise a submissible case made, the attempt to commit suicide might have been proved as a circumstance for the consideration of the jury."

Id.

In People v. Foster, 371 N.E.2d 961 (Ill. App. Ct. 1977) *rev'd on other grounds by* People v. Foster, 392 N.E.2d 6 (Ill. 1979), the Illinois Court of Appeals found an insufficient nexus existed between the suicide attempt and the crime charged. In the instant case, Cartwright acknowledged during trial that his suicide attempt was prompted by new charges being made against him by a third victim, a victim he thought had gone away a long time ago.

Numerous courts around the country have considered this issue and held evidence of an attempted suicide, similar to evidence of flight, is admissible to show consciousness of

guilt and can be considered and given such weight as determined by the jury. See People v. Barrett, 136 P. 520 (Cal. Dist. Ct. App. 1913); McKinney v. State, 466 A.2d 356 (Del. 1983); Sloan v. State, 104 So.3d 1271 (Fla. Dist. Ct. App. 2013); Aldridge v. State, 494 S.E.2d 368, 370 (Ga. Ct. App. 1997) (noting "[e]vidence that the accused attempted to commit suicide is relevant. . . to show consciousness of guilt . . . or as showing an attempt to flee and escape forever from the temporal consequences of one's misdeeds" (citations and internal quotation marks omitted, ellipses in the original)); State v. Mitchell, 450 N.W.2d 828 (Iowa 1990); Commonwealth v. Sheriff, 680 N.E.2d 75, 83 (Mass. 1997) (finding evidence of a defendant's suicide attempt is admissible to show consciousness of guilt); State v. Painter, 44 S.W.2d 79 (Mo. 1931); State v. Campbell, 405 P.2d 978 (Mont. 1965); State v. Brown, 517 A.2d 831 (N.H. 1986); State v. Jaggers, 58 A. 1014, 1014 (N.J. 1904) (finding evidence of a suicide attempt while defendant was in custody "was plainly admissible"); State v. Mann, 625 A.2d 1102 (N.J. 1993); State v. Blancett, 174 P. 207 (N.M. 1918); State v. Hunt, 287 S.E.2d 818 (N.C. 1982); Commonwealth v. Sanchez, 610 A.2d 1020, 1027 (Pa. Super. 1992); State v. White, 649 S.W.2d 598 (Tenn. Crim. App. 1982).

The legal issue simply comes down to a question of balancing under Rule 403, SCRE. For evidence to be admissible, it must be relevant. Rule 402, SCRE. Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE. "Evidence is relevant if it tends to establish or make more or less probable some matter in issue upon which it directly or indirectly bears, and it is not required that the inference sought should necessarily follow from the fact

proved." State v. Sweat, 362 S.C. 117, 126-27, 606 S.E.2d 508, 513 (Ct. App. 2004). Relevant evidence may be excluded where its probative value is substantially outweighed by the danger of unfair prejudice. Rule 403, SCRE; State v. Pagan, 369 S.C. 201, 210, 631 S.E.2d 262, 266 (2006). A trial court's decision regarding the comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances. State v. McLeod, 362 S.C. 73, 81, 606 S.E.2d 215, 219 (Ct. App. 2004).

In the instant case, the evidence is simply not unfairly prejudicial. Juries are capable of understanding the various reasons a person may attempt suicide and no danger of unfair prejudice exists. No danger exists that the jury will utilize the evidence for any other purpose than the proper probative purpose, consideration of whether the suicide attempt is evidence of consciousness of guilt. However, as discussed in the case law of many jurisdictions, the evidence carries sufficient probative value as consciousness of guilt to be admissible.

Like many predators, Cartwright may have believed he would be able to intimidate his step-daughters and they would recant. Buffy convinced her oldest daughter to recant once before, and Cartwright may have counted on Buffy to come through for him again. However, his hopes of skirting ramification for his actions changed drastically when he learned Daughter disclosed his abuse to law enforcement. Cartwright could escape his past no more. Daughter recanted under pressure years ago. But Daughter was beyond his reach now and he was defenseless against the truth. At trial, Cartwright exhausted one desperate defense after another. But his scheme of using violence and threats to keep families in which his daughters, instead of his spouses, were his sexual partners, was coming to light. The jury was free to believe that he tried to kill himself because he loved his children too much, just

like they could have believed he never was violent or that three different victims and two mothers were vindictive and fabricated ornate tales of abuse, or that his biological daughter waited twelve years to get back at Cartwright for causing her current husband to be prosecuted, or that Stepdaughter 2 posted pictures of herself despite what every other person (including law enforcement) who saw the pornographic pictures testified to, or that Cartwright was victim to an elaborate scheme to get valuable items he allegedly kept in his double wide trailer. However, the jury used common sense and found him guilty. There was no error. Further, any error would be harmless beyond a reasonable doubt. State v. Mitchell, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985) (holding whether an error is harmless depends on the circumstances of the case, but it is harmless where it could not reasonably have changed the outcome of the trial).

II.

The trial court did not err in qualifying the expert in the field of child abuse dynamics where the expert was well qualified under Rule 702, SCRE, with the requisite education, experience and training, and the testimony was reliable under Rule 703, SCRE; further, any argument that the testimony constituted impermissible bolstering is not preserved for review and the testimony does not constitute impermissible bolstering.

Cartwright argues the trial court erred in admitting Dr. Benedetto as an expert just because she has not performed research. Essentially, Cartwright is asking this Court to turn a blind eye to the plain language of Rule 702, SCRE, which allows a person to gain the requisite knowledge to be qualified as an expert in a variety of ways, not just clinical research. His second argument is that Dr. Benedetto's testimony constituted impermissible bolstering. This argument was not raised below and is not preserved for appeal. Further, Dr. Benedetto's testimony is not impermissible bolstering.

The well-qualified expert

Cartwright made the following objection when the prosecution sought to admit Dr. Benedetto as an expert:

> Judge, at this time I would object to her being qualified as an expert. Child abuse dynamics is an empirical study that is based on the study of children and observing and watching their behaviors. She's testified today that she's done interviews in forensic settings. She has trained forensic examiners, officers and solicitors. And when I questioned her, I asked her if she had done any of the actual studies herself. She has indicated she has not. As to – and that will go to the subject matter and expert qualification. And, again, Judge, she'd have to show that it is a reliable study, a reliable science.

ROA p. 96, lines 1-12. The trial court ruled as follows:

> All right. I will deny your motion. I find that, based on her training, education, clinical experience, her various memberships in organizations, that she will be qualified as an expert in the trial of this case. She'll be allowed to give opinion testimony dealing with sexual abuse dynamics.

ROA p. 96, lines 13-18. His ruling notes a variety of ways an expert may gain the requisite experience. Under Rule 702, SCRE:

> 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.

Before admitting expert testimony, the trial judge must find: (1) the expert's testimony will assist the trier of fact; (2) the expert has the required knowledge, skill, experience, training, or education; and (3) the testimony is reliable. State v. Martin, 391 S.C. 508, 514, 706 S.E.2d 40, 42 (Ct. App. 2011).

"Expert testimony may be used to help the jury to determine a fact in issue based on the expert's specialized knowledge, experience, or skill and is necessary in cases in which the subject matter falls outside the realm of ordinary lay knowledge." Watson v. Ford Motor Co., 389 S.C. 434, 445, 699 S.E.2d 169, 175 (2010). "A trial court's decision to admit or exclude expert testimony will not be reversed absent a prejudicial abuse of discretion." State v. White, 382 S.C. 265, 269, 676 S.E.2d 684, 686 (2009). "There is no abuse of discretion as long as the witness has acquired by study or practical experience such knowledge of the subject matter of his testimony as would enable him to give guidance and assistance to the jury in resolving a factual issue which is beyond the scope of the jury's good judgment and

common knowledge." State v. Goode, 305 S.C. 176, 178, 406 S.E.2d 391, 393 (Ct. App. 1991). An expert can become sufficiently qualified to be able to provide an opinion helpful to the trier of fact in many ways. Fields v. J. Haynes Waters Builders, Inc., 376 S.C. 545, 556, 658 S.E.2d 80, 86 (2008).

In the instant case, Dr. Benedetto testified she is employed with the Assessment and Resource Center (ARC), which is a child advocacy center that is part of the South Carolina Department of Mental Health, for twelve years. She is the director of ARC since December 2012. She was a chief psychologist the preceding eleven years. ROA p. 204, lines 3-16.

Dr. Benedetto testified that along with administrative duties, she provides forensic interviews, training, and consultation on matters related to child abuse. ROA pp. 204-205. Dr. Benedetto is a licensed clinical psychologist in the State of South Carolina. ROA p. 205, lines 10-11.

Dr. Benedetto earned an undergraduate degree from New York University in psychology. She earned her Master's degree and Ph.D. from St. Johns University. ROA p. 205, lines 4-7. She then completed a one year internship at William S. Hall Psychiatric Institute through the Department of Mental Health in South Carolina. She continues to maintain continuing education credits and participates in ongoing learning opportunities. ROA p. 205, lines 14-20. She explained the purpose of continuing education is "to make sure that, as a psychologist, I stay abreast of all the most current research in particular in the area of child abuse." ROA p. 205, lines 21-24. Dr. Benedetto belongs to the American Psychological Association and the Richland County Multidisciplinary Team for child sexual abuse. ROA p. 207, lines 9-14.

She provides training known as Finding Words and Child First for law enforcement professionals, DSS caseworkers, solicitors, and other professionals. Training includes "all aspects of how to best question children, child development principles, **dynamics of child sexual abuse**, issues about memory and suggestibility." ROA p. 206, lines 1-11 (emphasis added). She also **teaches** an advanced course on the subject. ROA p. 206, lines 17-21.

Dr. Benedetto conducts forensic interviews on a daily basis. She also provides "therapeutic interventions and [is] trained in various therapy modalities to work with children." ROA p. 207, line 23 – p. 208, line 2. Dr. Benedetto estimates she has interviewed somewhere between 1,500 and 2,000 children. She has been qualified as an expert in various courts roughly a hundred times. ROA pp. 208-209.

Dr. Benedetto explained "[c]hild abuse dynamics refers to how children experience abuse." ROA p. 209, lines 13-17. She further explained: "There are many empirical studies of it. Many – there's a large body of research on various aspects of how children respond to abuse." ROA p. 209, lines 19-21.

Dr. Benedetto explained during Cartwright's voir dire that "I'm not a researcher. I'm a clinician. So, I conduct interviews. I don't conduct the studies." ROA p. 201, lines 18-19. Cartwright hangs his hat on this statement in hopes that this Court will not read the entirety of Rule 702, SCRE. However, qualifying Dr. Benedetto as an expert witness was not error. By way of example, in Graves v. CAS Medical Systems, 401 S.C. 63, 735 S.E.2d 650 (2012), our Supreme Court found the circuit court erred by not allowing a doctor to be qualified as an expert on Sudden Infant Death Syndrome (SIDS) even though the doctor testified she did not consider herself an expert on SIDS. Id. at 78, 735 S.E.2d at 657. The

Court noted "an expert need not be a specialist in the particular branch of the field." Id. The doctor had thirty years' experience as a neonatologist and stayed current on SIDS literature. The doctor routinely encountered SIDS in her practice. The Court found that the circuit court abused its discretion in excluding the testimony. Id. at 78, 735 S.E.2d at 657-58.

In Honea v. Prior, 295 S.C. 526, 389 S.E.2d 846 (Ct. App. 1988), Prior contended the circuit court erred in qualifying two social workers as experts to testify on a victim's mental condition. However, the Court of Appeals observed: "A witness may be competent to testify as an expert although the witness acquired his or her knowledge through practical experience **and not by scientific study, training, or research**." Id. at 530, 369 S.E.2d at 849 (emphasis added). The Court of Appeals found each social worker was qualified based on her education, post-graduate training, and clinical experience with victims of sexual assault, as well as her opportunities to observe the victim. Id. at 531, 369 S.E.2d at 849. In the instant case, Dr. Benedetto was well qualified to testify about child abuse dynamics. The trial court did not abuse its discretion.

Testimony does not constitute impermissible bolstering

The second issue Cartwright raises is the claim that Dr. Benedetto's testimony bolstered the victims' credibility, despite that Dr. Benedetto never testified about the victims or their credibility, and despite that Dr. Benedetto never met or interviewed the victims. The issue is not preserved for review.

Error preservation

"[A] specific objection to the admission of evidence must be made to preserve the issue for appeal." McKissick v. J.F. Cleckley & Co., 325 S.C. 327, 344, 479 S.E.2d 67, 75

(Ct. App. 1996). "The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge." Id. "The same ground argued on appeal must have been argued to the trial judge." Id. The exact name of the legal doctrine employed does not need to be used to preserve an argument, but it must be clear that the argument has been presented on that ground. State v. Russell, 345 S.C. 128, 546 S.E.2d 202 (Ct. App. 2001).

In the instant case, Cartwright's trial counsel objected to the testimony on the grounds that Dr. Benedetto was not qualified and that the science was not reliable. However, Cartwright's trial counsel did not object on the grounds that the testimony was bolstering. A party cannot argue one ground below then argue another on appeal. State v. Prioleau, 345 S.C. 404, 411, 548 S.E.2d 213, 216 (2001). This Court should not review the issue since it is not preserved for review.

Not bolstering – no comment by expert on victims' credibility

Cartwright relies on State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013); State v. Jennings, 394 S.C. 473, 480, 716 S.E.2d 91, 94 (2011); and State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct. App. 2012) to argue Dr. Benedetto's testimony impermissibly bolstered the victims' testimony. This identical argument was rejected in the well-written opinion by Judge Williams in State v. Brown, 411 S.C. 332, 768 S.E.2d 246 (Ct. App. 2015). In Brown, the State presented a witness who was qualified as an expert in child abuse dynamics but did not interview the victim and did not know the facts of the case. Nonetheless, Brown complained the testimony bolstered the victims' testimony. Judge Williams distinguished that case from the various cases like Kromah and McKerley where a

professional interviewing a victim indicated in their testimony they believed the victims' allegations of abuse. Id. at 344, 768 S.E.2d at 252. Judge Williams found those cases distinguishable because the expert in Brown never commented on the victims' allegations and testimony and did not make any statements prohibited in Kromah. Id. Judge Williams noted the expert merely testified to the general behavioral characteristics of child sex abuse victims and never related that testimony to the victims in Brown's case. Id. at 345, 768 S.E.2d at 253. Judge Williams concluded, "the fact that her testimony corroborated some of the minor victims' reasons for delaying disclosure of the abuse does not mean her testimony improperly bolstered their accounts." Id.

The instant case demonstrates proper expert testimony that gave the jury helpful background information about the dynamics of child abuse. Dr. Benedetto testified as follows about the area of expertise:

> The whole area of child sexual abuse dynamics really comes down to trying to understand how a child experiences abuse because, as adults, we think like adults and we think that if something happened to us we might respond in a certain way. And, so, understanding child abuse dynamics helps us understand, from the child's perspective, what the experience is like.

ROA p. 213, lines 9-15.

Dr. Benedetto noted "children are not little adults. They have a different understanding of the world. They have a different understanding of their power to make things happen in the world. And so, they do not respond the same way that adults do." ROA p. 213, line 24 – p. 214, line 3.

Dr. Benedetto discussed grooming, which Dr. Benedetto noted arises out of the need

for the abuser to maintain secrecy. ROA p. 214. The child's secrecy may be maintained by promises and gifts or bribes. Manipulation, such as withholding affection may be another tactic. ROA p. 215. Fear also plays a role in maintaining secrecy, as Dr. Benedetto explained:

> Children are afraid of a range of things when they are being sexually abused. They are in a situation where they feel, where they may feel powerless and helpless to change the situation. They may be afraid for their own safety or the safety of siblings or the safety of the other parent in the home.
>
> They may be afraid that the abuser will get in trouble and they may have a relationship with that person and not want him to get in trouble. They may fear that they will not be believed or that they themselves will get in trouble and abusers will often manipulate that particular fear to make the child feel as though he or she has been complicit somehow in the abuse, like he or she may get in trouble if somebody finds out, which further entrenches the idea of keeping it a secret.

ROA p. 216, lines 6-21. The prosecution followed up with a question about the effects of violence in the home on a child's disclosure, and Dr. Benedetto explained how adverse experiences, including domestic violence, would potentially cause a child to believe that failure to maintain secrecy may cause harm to the child or the non-offending parent. ROA pp. 216-217. In Dr. Benedetto's experience, some children have been concerned that someone might hurt themselves if the child told. ROA p. 217, lines 17-20.

Dr. Benedetto testified about how children will feel isolated, explaining:

> Children . . . are in a situation where they are not very powerful and they don't really know the world and what they can do to change things. And, so, within the home, if they don't feel that they may be supported there, they may feel that they have no other way out. They may feel that, for some reason, this is happening to them, but all they can do is tolerate it, put up with it, make the best of it rather than try to

seek a way out.

ROA p. 218, lines 4-11. This led to testimony discussing the term "delayed disclosure." Dr. Benedetto noted that "children routinely delay disclosure." ROA p. 218, lines 15-18.

Dr. Benedetto discussed aspects affecting disclosure. The child may not even know that she has been abused for a period of time. The child may weigh the consequences of disclosure, pondering whether she will be believed, whether she will get in trouble, whether it will make her situation with the abuser worse if nothing happens as a result of reporting. ROA pp. 218-219. Other reasons may be financial concerns, concerns for a parent that cares and loves the abuser, and the position of authority the abuser may have over the child. ROA pp. 219-220. Disclosure may be delayed into adulthood. ROA p. 221.

Dr. Benedetto also discussed the related concept of partial or tentative disclosure. The child will only disclose a small portion of what has occurred to test the waters and see what the reaction will be. The child often will go into "active disclosure" if they feel supported and believed, but may take back or deny abuse if they are not believed or negative consequences transpire. ROA pp. 221-222. Dr. Benedetto discussed recantation, noting that many times a child recants due to what occurs after their disclosure. Here, changes in a child's life after disclosure greatly affects the likelihood of disclosure, because from a child's perspective, anything changing a child's life may be a big deal. ROA p. 224, lines 14-22.

Dr. Benedetto also explained to the jury about "script disclosure" which describes a pattern of abuse occurring over a length of time. The child will describe multiple events or "how things usually went" rather than a disclosure in terms of "episodic memory." ROA p.223, lines 10-20.

Dr. Benedetto further testified about the patterns of behavior in a child who has been sexually abused. Some ramifications might be drug use as a coping mechanism, emotional damage resulting in anxiety or depression, eating disorders, or sexual reactivity. ROA pp. 224-225. Disassociation might be another way a child reacts. ROA p. 226.

In the instant case, the expert testimony was permissible under Rules 702 and 703, SCRE, because it was information helpful to the jury concerning a fact in issue, and the information Dr. Benedetto provided was information normally relied upon by experts in the field of child abuse. The testimony did not impermissibly bolster the victims' testimony.

Cartwright speciously argues that the prosecutors were trying to do an "end run" around Kromah, but this character attack is unfair, because prosecutors were merely following this Court's clear precedent allowing such testimony. This Court found over twenty years ago "that both expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect." State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993). Further, the prosecutors anticipated the preferred practice of this Court by calling an independent expert rather than relying on the forensic interviewer provide the expert testimony on behaviors of abused children. State v. Anderson, 413 S.C. 212, 218-19, 76 S.E.2d 76, 79 (2015). Cartwright only sheepishly acknowledges Anderson, but this Court reaffirmed its holding in Schumpert and cited State v. Weaverling, 337 S.C. 460, 473, 523 S.E.2d 787, 794 (Ct. App. 1999) favorably to state that experts witnesses, like Dr. Benedetto, are allowed to testify to behavioral characteristics of sex abuse victims. Id. at 218, 76 S.E.2d at 79.

The Court of Appeals observed, "Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible." Weaverling, 337 S.C. at 474, 523 S.E.2d at 794. "Such testimony is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault . . . . It assists the jury in understanding some of the aspects of the behavior of victims and provides insight into the sexually abused child's often strange demeanor." Id. at 475, 523 S.E.2d at 794 (internal citation omitted).

This Court noted: "Expert testimony on rape trauma may be more crucial in situations where children are victims. The inexperience and impressionability of children often render them unable to effectively articulate the events giving rise to criminal sexual behavior." State v. White, 361 S.C. 407, 414-15, 605 S.E.2d 540, 544 (2004) (finding testimony is admissible in prosecutions where the victim of sexual abuse is an adult).

In this case, Dr. Benedetto did not opine on the credibility of the victims. She did not even interview the victims or know the facts of the case. She provided general background testimony on the general behavioral characteristics of sexually abused children, but never related the testimony to the facts of this case. Brown.[2]

Cartwright asks this Court to overrule its own case law and yet fails to cite any out of state cases in his plea for such a drastic overhaul of case. That is simply because the overwhelming weight of authority finds this testimony admissible.

The Georgia's Court of Appeals rejected an argument that an expert's testimony

[2] The nature of Dr. Benedetto's expert testimony falls under what a Texas court has aptly described as "educator expert" evidence. Coble v. State, 330 S.W.3d 253 (Tx. Crim. App. 2010) (finding expert testimony about Texas prison classification system and prison violence admissible despite claim the testimony did not

"bolstered" the victim's testimony. Westbrooks v. State, 710 S.E.2d 594, 597-98 (Ga. Ct. App. 2011). The Georgia court found the forensic interviewer's testimony regarding partial disclosure and delayed disclosure was relevant and did not directly address the victim's credibility or express a direct opinion that the victim was sexually abused. Id. The Georgia court opined "the fact that such testimony may also indirectly involve the child's credibility" does not mean that it improperly bolsters the child's credibility. Id. at 598.

Similarly, South Dakota's Supreme Court also rejected the argument that an expert who testified as to the general characteristics of an abused child bolstered the victim's credibility, noting the expert did not interview the witness or testify that the victim had any of those characteristics. State v. Edelman, 593 N.W.2d 419, 423 (S.D. 1999).

The Supreme Court of Hawaii observed in 1990 that "sexual abuse of children 'is a particularly mysterious phenomenon.'" State v. Batangan, 799 P.2d 48, 51 (Haw. 1990) (quoting State v. Castro, 756 P.2d 1033, 1044 (Haw. 1988)). The Hawaii Supreme Court quoted with approval the observations of other courts as follows:

> While jurors may be capable of personalizing the emotions of victims of physical assault generally, and of assessing witness credibility accordingly, tensions unique to trauma experienced by a child sexually abused by a family member have remained largely unknown to the public. . . . [T]he routine indicia of witness credibility – consistency, willingness to aid the prosecution, straight forward rendition of the facts – may, for good reason, be lacking. As a result jurors may impose standards of normalcy on child victim/witnesses who consistently respond in distinctly abnormal fashion.

Batangan, 799 P.2d at 51 (quoting State v. Moran, 728 P.2d 248, 251 (Ariz. 1986) and State v. Middleton, 657 P.2d 1215, 1222 (Or. 1983) (Roberts, J., concurring)).

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relate to appellant personally; testimony was relevant as rebuttal "educator-expert" evidence).

The Batangan court further observed:

> Child victims of sexual abuse have exhibited some patterns of behavior which are seemingly inconsistent with behavioral norms of other victims of assault. Two such types of behavior are delayed reporting of the offenses and recantation of allegations of abuse. Normally, such behavior would be attributed to inaccuracy or prevarication. . . . In these situations it is helpful for the jury to know that many child victims of sexual abuse behave in the same manner. Expert testimony exposing jurors to the unique interpersonal dynamics involved in prosecutions for intrafamily child sexual abuse . . . may play a particularly useful role by disabusing the jury of some widely held misconceptions . . . so that it may evaluate the evidence free of the constraints of popular myths.

Batangan, 799 P.2d at 51-52 (citations and internal quotation marks omitted).

A law review article confirms the soundness of expert testimony on delayed disclosure:

> Psychological research demonstrates that delayed reporting is common among sexually abused children. Frequently when children finally disclose, they give slightly different versions of the abuse to different interviewers. Finally, although there is debate about how many sexually abused children recant, it is undisputed that some children recant and some recant their recantation. Thus, from a psychological point of view, expert testimony about delay, inconsistency, and recantation is not controversial. From the legal perspective, such testimony is not worrisome.

John E. B. Meyers, Expert Testimony in Child Sexual Abuse Litigation: Consensus and Confusion, 14 U.C. Davis J. Juv. L. & Pol'y, 45-46 (2010) (footnotes omitted).

Generally, "[e]xpert testimony that abused children often delay reporting the abuse . . . informs the jury that the victim's failure to disclose in a timely fashion does not necessarily exonerate the defendant without suggesting that the particular child witness in the case was

or was not abused." Commonwealth v. Bougas, 795 N.E.2d 1230, 1236 (Mass. App. Ct. 2003). "Further, disclosure in child abuse cases is generally delayed because of coercion, guilt, or some other reason, [and thus] there will be no physical evidence to corroborate the victim's allegations. Therefore . . . expert testimony will . . . assist the jury in understanding the evidence." People v. Beckley, 456 N.W.2d 391, 402 (Mich. 1990); see also State v. Carpenter, 556 S.E.2d 316, 321 (N.C. Ct. App. 2001) (finding expert testimony on delayed disclosure is "clearly instructive and helpful to the jury in understanding the evidence since the nature of the sexual abuse of children places lay jurors at a disadvantage"). "Indeed, the majority of states permit expert testimony to explain delayed reporting, recantation, and inconsistency . . . ." People v. Spicola, 947 N.E.2d 620, 635 (N.Y. 2011).

The expert testimony was certainly probative in light of the tactics taken by Cartwright at trial. Cartwright's counsel asked Daughter how far away Rome, Georgia, was from Aiken, implying that she was out of Cartwright's reach. He commented on how she testified she did not disclose because she was afraid, verified Cartwright no longer lived with her and her family from 1995 through 2011, verified there were police departments in Rome, suggested Daughter had a husband to protect her, and then asked: "So all this period of time, you never said anything to anybody, but the reason that you didn't was because you were afraid of him?" ROA p. 47, line 19 – p. 49, line 9. Cartwright is not prohibited from making this point to the jury, but the jury should know delayed disclosure is common because such phenomena is beyond their ken and is not atypical for victims of child sexual abuse. Ultimately, Cartwright's complaints are about the probative force of the evidence, not any danger of unfair prejudice. State v. Owens, 346 S.C. 637, 552 S.E.2d 745 (2001) ("Unfair

prejudice means an undue tendency to suggest a decision on an improper basis.") *overruled on other grounds by* State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005).

Accordingly, the trial court did not err in overruling the grasping-at-straws objection of trial counsel. Dr. Benedetto was qualified to testify as an expert. Further, the testimony did not constitute impermissible bolstering and that argument was not raised to the trial court. Therefore, the convictions and sentences should be affirmed.

CONCLUSION

For all of the foregoing reasons, the petition for writ of certiorari should be denied. Should this Court grant the writ, Respondent respectfully requests permission to more fully brief the issues herein.

Respectfully submitted,

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January 28, 2016

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County

The Honorable Doyet A. Early, III, Circuit Court Judge

THE STATE,

Respondent,

v.

HAROLD BENNON CARTWRIGHT, III,

Petitioner.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Return to Petition for Writ of Certiorari**, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

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This 28th day of January. 2016.

NORMA BIGBEE
LEGAL ASSISTANT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

Honorable Doyet A. Early, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER.

APPELLATE CASE NO. 2016-000005

BRIEF OF PETITIONER

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ARGUMENT

1.

The Court of Appeals erred by finding no error in the trial court admitting evidence petitioner attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE (Arguments 1& 2). 16

Issue Two: The suicide attempt photographs 21

The Court of Appeals erred by finding no error in the trial court allowing Dr. Alicia Benedetto to be qualified as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case. Moreover, the Court of Appeals erred by finding that once qualified as an expert witness, and therefore allowed her to give opinion testimony, that her testimony did not constitute highly prejudicial bolstering testimony since her child abuse testimony at times mirrored the facts of this case. (Issues 3-4) 23

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ISSUES PRESENTED

1.

Whether the Court of Appeals erred by finding no error in the trial court admitting evidence petitioner attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE?

2.

Whether the Court of Appeals erred by finding no error in the trial court admitting photographs of petitioner's prison cell to corroborate the fact he attempted to commit suicide since this evidence was similarly not relevant, and unduly prejudicial if relevant?

3.

Whether the Court of Appeals erred by finding no error in the trial court qualifying Dr. Alicia Benedetto as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case?

4.

Whether the Court of Appeals erred by finding no error in the trial court qualifying Benedetto as an expert allowing her to bolster the testimony of the alleged victims, where the jury would draw the impermissible inference that the alleged victims were conducting themselves consistently with other victims of child sexual abuse?

STATEMENT OF THE CASE

Petitioner was indicted by the Aiken County Grand Jury for eight counts of criminal sexual conduct with a minor in the first degree, sixteen counts of a lewd act with a minor, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct first degree, and one count of criminal sexual conduct in the third degree. R. p. 370 - 425.

His case came on for trial on April 15, 2013 before the Honorable Doyet A. Earley, III, and a jury. Michael Routzong and Dave Hayes represented petitioner. Kevin Molony was the assistant solicitor. R. p. 1

On April 18, 2013 the jury found petitioner guilty on each count presented to the jury. R. p. 356, l. 14 – 363, l. 22. Judge Early sentenced petitioner to concurrent sentences of thirty years imprisonment, twenty years imprisonment, and fifteen years imprisonment. However, the judge imposed a ten-year consecutive sentence for criminal sexual conduct in the third degree. Petitioner's sentence was therefore forty years imprisonment. R. p. 368, l. 4 – 369, l. 8.

The Court of Appeals affirmed in a summary opinion. State v. Harold Bennon Cartwright, III., 2015-UP-466 (filed September, 2015-UP-466 (filed September 30, 2015). App. 1-3. Petitioner sought rehearing. App. 4-9. Rehearing was denied on December 4, 2015. App. 10-11.

Petitioner sought certiorari, and the state filed a return. This Court granted certiorari in its order dated November 9, 2016. This brief of petitioner follows.

STATEMENT OF FACTS

An Introduction

Feelings of despair and hopelessness are among the many reasons people commit suicide. Respectfully, to simply assume a person is attempting suicide because they have been accused of committing a crime, and that are guilty of that crime, is as shallow as it is cruel and morally offensive.

All five members of this Court voted to grant certiorari on this identical issue in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011) on October 17, 2012. After briefs were submitted, Petitioner Orozco chose to dismiss his appeal, and this Court dismissed the appeal in its order dated September 5, 2013. This case now provides an excellent procedural vehicle to resolve this important legal and moral issue.

The qualification of Dr. Alicia Benedetto as an expert in "Child abuse dynamics," where she was a forensic interviewer, and not a researcher or academic, and her "general" opinion testimony which mirrored the facts of this case also makes this case an very good procedural vehicle for this Court to determine whether State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct.App. 1999), and State v. Schumpert, 312 S.C. 502, 435 S.E.2d 859 (1993) should now be overruled since they are inconsistent with the modern cases of State v. Kromah, 401 S.C. 340, 737, S.E.2d 490 (2013); State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009), and Watson v. Ford Motor Co., 389 S.C. 434, 446-47, 699 S.E.2d 169, 175 (2010).

Trial facts

Prior to trial defense counsel moved to exclude evidence that petitioner attempted to commit suicide while in the Aiken County Detention Center awaiting trial. The assistant solicitor noted that at the prior trial, which apparently ended in a mistrial, that the state had introduced evidence of

petitioner's suicide attempt and photographs to corroborate it. R. p. 5, ll. 4-18. The solicitor argued this evidence was admissible to show "a guilty conscience." He analogized the suicide evidence to evidence of flight. R. p. 5, ll. 11-18.

Defense counsel noted that petitioner had turned himself in to law enforcement. This showed he was willing to "face these charges." Further, the state had to establish a nexus between the suicide attempt and the charges against him. In addition, even if this evidence was relevant its unduly prejudicial effect outweighed its probative value under Rule 403, SCRE. R. p. 5, l. 20 – 7, l. 23. Finally, this evidence diluted the presumption of innocence, and it could be construed as evidence of bad character. R. p. 6, l. 19 – 7, l. 23.

The judge ruled that, in all likelihood, he would admit this suicide evidence. However, he stated that he understood defense counsel's argument about establishing the nexus, and his additional Rule 403, SCRE argument. R. p. 7, l. 24 – 9, l. 3.

"Expert" testimony

Defense counsel also moved to exclude the testimony of witness Dr. Alicia Benedetto. The solicitor said this witness had testified before Judge Early previously. The judge responded: "I know that, ma'am, but I do so many of these I really and truly cannot remember her." The solicitor maintained: "She will be qualified as an expert in child sexual abuse dynamics and will testify as to the behavioral issues of children that have been abused." The solicitor added that Dr. Benedetto could testify that children who are sexually abused "act out," and she could testify "how factors in the home can affect children that have been sexually abused and things of that nature." R. p. 14, l. 16 – 15, l. 25.

Defense counsel argued this testimony was not admissible under Rule 702, SCRE because it would not assist the jury. Defense counsel also argued that *the only issue is whether the alleged*

victims were testifying truthfully, and that matters of credibility are "strictly within the purview of the jury." R. p. 16, l. 1 – 18, l. 13. (emphasis added).

The judge said that testimony dealing with "behavioral characteristics were admissible so as long as it did not invade the province of the jury regarding credibility." Defense counsel and the judge then discussed State v. Weaverling, 337 S.C. 460, 473, 523 S.E.2d 787, 794 (Ct.App. 1999), and State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013). R. p. 16, l. 1 – 18, l. 13. Defense counsel noted that the appellate courts in this state were going in the direction of excluding this type of evidence. R. p. 17, ll. 23-25. Defense counsel further noted that State v. Kromah was the Court's latest holding on the subject, and it supported the defense position that the "expert testimony" in this case should be excluded. The judge observed that the witness had not talked with the minor witnesses, and he offered that testimony about "general behavioral responses" was admissible. R. p. 16, l. 1 – 21, l. 16.

As will be seen infra, petitioner testified and denied the sexual abuse. He claimed the accusations stemmed from resentment of him for having the boyfriend of his fourteen-year-old daughter prosecuted for having sex with her. Petitioner had also contacted law enforcement about his concerns that her photographs were being posted on the internet along with her friends. In addition, he suspected a sexual relationship between his son Hoss and his stepdaughter, and he had found marijuana in his room. Concerning the evidence of petitioner's suicide attempt, which was allowed into evidence over defense objection, petitioner attempted to explain that he felt hopeless "at that time" because he was not able make bond, and because some members of his family had had turned on him.

As will also been seen infra, there was also evidence in this case of recantations, and minors "acting out." Witness Benedetto would then give her "expert testimony" that recantations were not

uncommon and they did not mean that the children were not sexually abused. Further, Benedetto opined minors "acting out" was also symptomatic of sexual abuse.

[redacted] testifies

[redacted] was the biological daughter of petitioner and Melinda Lively. She was twenty-eight-years-old at the time of the trial. R. p. 31, l. 9 – 32, l. 6. Hoss Cartwright and Jamie Cartwright were her natural siblings. Her stepsiblings were [redacted] and [redacted] R. p. 32, ll. 7–12.

[redacted] claimed when she was four years old (i.e. 24 years previously) petitioner had her perform oral sex on him. [redacted] said she told her mother about this incident but her mother did not believe her. She also maintained petitioner threatened to kill her, her mother, and take his own life if she reported the incident. R. p. 32, l. 18 – 35, l. 4.

[redacted] maintained the abuse continued from the time she was six-years-old until she was ten-years-old when her mother left petitioner and moved them to Georgia. R. p. 35, l. 18 – 39, l. 23. [redacted] said after the oral sex petitioner would buy her things, and give her money. R. p. 39, ll. 2-5.

[redacted] future husband goes to jail for CSC

On cross-examination, [redacted] acknowledged she never said anything about the alleged sexual abuse from 1995 until 2011. She admitted she married Kevin [redacted] and that [redacted] had served three years in prison for criminal sexual conduct for his conduct involving her. She acknowledged her husband had to register as a sex offender because of that conviction. She refused to admit that petitioner was the person who successfully pushed for law enforcement to prosecute [redacted] for his improper sexual relationship with her. She did acknowledge after her parents were divorced that petitioner still had visitation privileges with her. R. p. 47, l. 3 – 50, l.10.

The ex-wife

Petitioner's ex-wife, Melinda Lively, then testified that [redacted] was her oldest daughter. Jamie Cartwright and Hoss Cartwright were her other children. R. p. 53, l. – 54, l. 6. Lively testified that [redacted] claimed she was sexually abused when she was four or five years old. Lively now maintained that she did not contact law enforcement because petitioner threatened at gunpoint to kill them if they told anybody. R. p. 54, l. 7 – 55, l. 3.

Lively admitted in her complaint for divorce in 1997 that she did not allege sexual abuse had taken place, and she agreed that petitioner was entitled to visitation with the supposedly sexually abused children. She said she did not allege anything, and she did not fight visitation because she did not have "any evidence" against petitioner. R. p. 55, l. 9 – 57, l. 6. Lively admitted she remembered petitioner alleging that Lively allowed her oldest daughter, [redacted], who was only fourteen-years-old, to engage in sexual relationship with a twenty-three year-old man. R. p. 59, l. 8 – 60, l. 14.

[redacted] testifies

[redacted] was petitioner's stepdaughter. She was twenty-one years old at the time of trial. R. p. 63, l. 2 – 65, l. 10. [redacted] said she was seven years younger than [redacted] and three years older than [redacted]. R. p. 64, ll. 4-12.

[redacted] maintained that when she was in the third grade petitioner made her perform oral sex. R. p. 65, l. 17 – 67, l. 1. [redacted] said this happened "a few times a month," and that petitioner would buy her gifts afterwards. R. p. 67, ll. 1-23. [redacted] acknowledged petitioner was arrested as a result of her allegations. However, [redacted] recanted her allegations when she was about ten years old, and she told the solicitor the sexual abuse complained of never actually happened. She said that petitioner moved back into the home shortly after she recanted. R. p. 68, l. 2 – 70, l. 24.

[redacted] claimed after petitioner returned to the household that he would "hump" her leg about "three to seven times a week." He continued to buy her gifts, and take her shopping. [redacted] alleged that petitioner threatened to kill the entire family, and then himself if she told. R. p. 70, l. 12 – 73, l. 13. [redacted] testified the oral sex ceased from the time she was nine years old until she was fifteen. At fifteen, [redacted] claimed she agreed to have sexual intercourse with petitioner under duress. R. p. 73, l. 11 – 80, l. 19.

On cross-examination [redacted] admitted she became involved in drugs with [redacted]. She acknowledged that she also became very rebellious. R. p. 93, l. 1. – 94, l. 13.

Recantation

Michelle Prince was a DSS employee who investigated [redacted] allegations. Prince acknowledged she was aware [redacted] had recanted. R. p. 96, l. 25 – 100, l. 12.

[redacted], the internet, and Hoss

[redacted] was petitioner's other stepdaughter. [redacted] was eighteen-years-old at the time of petitioner's trial. She testified she had a good relationship with petitioner when she was younger but she maintained that changed when she was about thirteen-years-old. She said petitioner then began "humping" her on the leg, and that she despised him. R. p. 101, l. 4 – 103, l. 8. [redacted] said petitioner would buy her items after the sexual abuse. She also said petitioner would become angry and threaten to kill the entire family. R. p. 104, l. 15 – 105, l. 16.

[redacted] said she later was homeschooled in a shed by petitioner, and at some point, they began having sexual intercourse. [redacted] said she began taking birth control pills, and she maintained that was petitioner's idea. R. p. 107, l. 10 – 109, l. 14.

[redacted] admitted that petitioner became very upset because there were photographs of her on the internet. [redacted] said she did not have any reason to be embarrassed about the photographs

because petitioner was mistaken in thinking they were photographs of her. R. p. 129, l. 5 – 131, l. 6. Petitioner would later strongly dispute the assertion of mistaken identification. [redacted] also denied a romantic relationship with petitioner's son, Hoss, as petitioner suspected. R. p. 131, ll. 3-12.

Buffy [redacted]

The testimony of Buffy [redacted] was read to the jury since a medical condition after the first trial prevented her from testifying live. R. p. 139, l. 21 – 141, l. 15. Buffy married petitioner in December of 1999 and their divorce was just finalized prior to her testimony in 2013. Buffy testified that [redacted] had alleged petitioner sexually abused her. Buffy admitted that [redacted] recanted her allegations, and Buffy now maintained that she "probably did put some pressure on [redacted] [to recant] because he [petitioner] had convinced me he had done nothing wrong." R. p. 142, l. 4 – 143, l. 25.

More on recantations

Petitioner moved back in after [redacted] recantation. R. p. 144, ll. 1-12. Buffy said that petitioner's stepdaughters, [redacted] and [redacted], always referred to him as "Daddy." She did not believe they were being molested. She also acknowledged that [redacted] had "some problems" such as sneaking out of the house. However, she was not positive that [redacted] also had begun drinking at a young age. R. p. 151, l. 22 – 155, l. 1.

[redacted] denied she tried to protect petitioner, and she said she simply did not believe anything of a sexual nature had been going on with the minors. R. p. 155, ll. 2-18. [redacted] maintained now that she may have been "naïve." R. p. 155, ll. 19-22.

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Hoss Cartwright

Eighteen-year-old Hoss Cartwright testified that petitioner made vulgar comments to his stepsister, [redacted] while they were growing up together. R. p. 169, ll. 2-19. Hoss also said he found petitioner's inspections of [redacted] clothes before school "odd." R. p. 169, ll. 8-17.

Hoss denied petitioner caught him smoking marijuana. Hoss essentially admitted he was smoking marijuana but he maintained that petitioner never caught him. R. p. 175, ll. 7-20. Hoss confirmed that petitioner thought he, Hoss, was having sex with his stepsister. R. p. 175, ll. 16-20.

Benedetto testimony

As seen, petitioner objected to the testimony of Dr. Alicia Benedetto prior to trial. R. p. 203, ll. 5-17. Benedetto testified she worked with the Assessment and Resource Center (ARC). Benedetto said, "most of what the ARC does is forensic interviews when there are allegations of abuse." R. p. 204, ll. 17-20.

Benedetto had a Ph.D. from St. Johns University in Psychology. R. p. 205, ll. 4-7. She had conducted a five-day training on Finding Words for prosecution officials. R. p. 206, ll. 1-21. Benedetto maintained her experience was not based "in books" but on the fact, "*I interview children every day.* That's basically what, what I do. So, at the ARC, *I conduct forensic interviews on a daily basis. I've done that for the past 12 years.*" R. p. 207, l. 20 – 208, l. 6. (emphasis added). Benedetto said she had been qualified before as an expert in "child sex abuse dynamics." R. p. 208, ll. 15 – 209, l. 3.

On cross-examination defense counsel inquired about exactly what "child abuse dynamics" involved. Benedetto said it "refers to how children experience abuse, and that's oftentimes what, what I'm qualified in." R. p. 209, ll. 3-17. When asked how many studies she had been involved in

regarding child abuse dynamic, Benedetto answered that she *conducted interviews and not studies.* She was not a researcher on the subject. R. p. 210, ll. 16-22.

Defense counsel Hayes then objected to Benedetto being qualified as an expert witness, and allowing her to give expert testimony. He noted that she testified and admitted her background was doing forensic interviews, and she was not involved in studies and research. The state had not shown that her testimony was objectively reliable. R. p. 211, ll. 1-12.

The judge denied the motion to exclude her testimony, and he ruled that Benedetto was qualified to give her opinion testimony regarding "child abuse dynamics." R. p. 211, l. 13 – 212, l. 12. The judge said he would later give an instruction on expert opinion testimony to the jury. R. p. 212, ll. 7-13.

What the jurors are told

Benedetto maintained she did not know anything about the facts of this prosecution. She said that "Child Sexual Abuse Accommodation Syndrome" involved a pattern of behavior "that a child may engage in that would otherwise seem to not make sense to us." R. p. 213, ll. 7-21. Benedetto said because a child responded differently than an adult to sexual abuse did not mean that the child was not telling the truth. R. p. 214, ll. 4-7.

Benedetto told the jurors that victims of child sexual abuse were told not to tell about the abuse. She said it was not unusual for an abuser to buy gifts for the abused children. R. p. 214, l. 10 – 215, l. 14. In addition, she said the children often thought they may be harmed if they did not keep the abuse a secret. R. p. 217, l. 5 – 220, l. 4.

Benedetto was then specifically asked about recantations. Benedetto answered that a child recanting or taking back their allegation of abuse did not mean that the abuse did not happen. She claimed, "we're open to the possibility that it's a true recantation, but we also know that *many times*

a child recants because of what happens after they tell, and so we want to be sure not to miss those cases." R. p. 223, l. 21 – 224, l. 11. (emphasis added). Benedetto maintained that sometimes children recanted because they feared having to change schools or other consequences based on their allegations. R. p. 224, ll. 12-22.

Benedetto also told the jurors that sexual abuse can cause minors to begin drinking or using drugs which have a negative influence on their health. R. p. 225, ll. 9-13. Benedetto added that minors "acting out" was also not unusual when they were being sexually abused. R. p. 225, l. 14 – 226, l. 17. Benedetto also maintained that if a child does **not** get upset or act out or show emotion that did not mean that they were not sexually abused. R. p. 226, ll. 18-21.

Suicide Attempt - proffer

The state proffered the testimony of Aiken County Detention Guard James Hettich. Hettichs testified on April 13, 2011 he observed petitioner hanging in his jail cell with a sheet tied from his bunk. R. p. 249, l. 5 – 251, l. 2. Hettich said that the sheet was tied tight, and that petitioner was unresponsive while hanging from the neck. "His touch was cold and clammy. He was unresponsive. He wasn't speaking. He was breathing however." R. p. 251, ll. 1-21.

Defense counsel told the judge that he did not have any additional arguments about why this suicide evidence should be excluded. The judge then cited the Court of Appeals opinion in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) as support for the suicide evidence being admitted.[1] The judge ruled the evidence was admissible. R. p. 253, l. 5 – 254, l. 1.

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[1] As seen above, certiorari was granted by this Court on October 17, 2012. This Court can take judicial notice of the fact that petitioner Orozco voluntarily dismissed his appeal after certiorari was granted by this Court, all five Justices, on the issue of whether this Court erred by holding evidence of his suicide attempt was admissible.

Jury in to hear suicide evidence

Hettich then testified that while working as a correctional officer at the Aiken County Detention Center on April 13, 2011 he was notified that petitioner was trying to harm himself. Hettich saw petitioner hanging from the top bunk by a sheet. He along with another deputy were able to untie the knot from the bed sheet. They laid petitioner on the floor. Two photographs, State's Exhibits 12 and 13, of petitioner's jail cell where the suicide attempt occurred were then introduced to corroborate the objectionable testimony. R. p. 257, l. 3 – 260, l. 15. Those photographs were before the Court of Appeals, and are now before this Court to review.

Petitioner testifies

Petitioner took the stand in his own defense, and denied he had molested his children or stepchildren. Petitioner noted that [redacted] had recanted her allegations, and that he later discovered photographs of [redacted] on the internet. Petitioner said despite her denial regarding the photographs he recognized all of the girls involved in the internet photographs. He testified that he notified Channel 12 News, and the North Augusta Police Department about the internet photographs. R. p. 280, l. 17 – 284, l. 12.

Petitioner confirmed that he found marijuana in Hoss's bedroom. He testified that Hoss and [redacted] both became angry with him. R. p. 285, l. 1 – 289, l. 3.

As for the suicide attempt, petitioner attempted to explain that he turned himself in after being accused of these crimes. Petitioner thought he understood why the false allegations were lodged against him. However, petitioner could not make bond, and he stood accused of "heinous" crimes. Petitioner offered that his biological daughter now hated him, and "at that time I did not feel like I wanted to live anymore." R. p. 289, l. 17 – 291, l. 17.

Court of Appeals

In a summary opinion the Court of Appeals cited State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011) as authority for holding the admission of the suicide attempt evidence was proper. App. 2. The Court also cited this Court's opinions in State v. Chavis, 412 S.C. 101, 106, 771 S.E.2d 336, 338 (2015); State v. Anderson, 413 S.C. 212, 776 S.E.2d 76 (2015), and State v. Schumpert, 312 S.C. 502, 505, 435 S.E.2d 859, 861 (1993), in support of its holding that Bennetto was properly qualified as an expert witness, and that her testimony was proper. App. 2-3.

Rehearing

Petitioner, on rehearing asked the Court to reconsider its opinion in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011) regarding the suicide attempt evidence. App. 4-6. Petitioner also wrote, regarding Dr. Benedetto "that State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), which *is cited by this Court in the opinion*, does not support the admission of this testimony about recantations not meaning sexual abuse did not occur, about abusers buying gifts for the abused, and about the abused being threatened about disclosure of the abuse. All of this supposed 'expertise' certainly struck the jury as the **same evidence** [of] what occurred in this very case." App. 7-8.

Petitioner also urged that the Court of Appeals should recognize that Weaverling[2] and Schumpert are no longer good law in light of the Kromah modern line of cases. He wrote that "Petitioner reiterates that this 'child sexual abuse dynamics' evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2011), held can no longer exist. Again, State v. Weaverling and Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is the pre-gatekeeping case that is being used to justify impermissible bolstering such as occurred in this case. This Court cited State v. Schumpert, 312 S.C. 502, 505, 435 S.E.2d 859,

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[2] State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct.App. 1999).

861 (1993) in its opinion, and Schumpert likewise should be overruled because it cannot be reconciled in an intellectually honest way with State v. Chavis, 412 S.C. 101, 771 S.E.2d 336 (2015), and Kromah. The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse. The witness should not have been qualified as an expert and her testimony was extremely prejudicial." App. 7-8. Rehearing was denied.

ARGUMENT

1.

The Court of Appeals erred by finding no error in the trial court admitting evidence petitioner attempted to commit suicide while incarcerated on the charges in this case since this evidence was irrelevant, and even if relevant its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, SCRE (Arguments 1& 2).

As seen, defense counsel objected to the state introducing evidence of petitioner's suicide attempt. Defense counsel noted that petitioner had turned himself in which showed he was willing to "face these charges." Counsel also argued that the state had to establish a nexus between the suicide attempt and the charges against him. Further, even if this evidence was relevant its unduly prejudicial effect outweighed its probative value under Rule 403, SCRE. R. p. 5, l. 20 – 7, l. 23. The suicide evidence also diluted the presumption of innocence, and it could also be construed as evidence of bad character. R. p. 6, l. 19 – 7, l. 23.

In State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct.App. 2011) the Court of Appeals noted that whether evidence of attempted suicide is probative of the accused's consciousness of guilt was an issue of first impression in South Carolina." The Court wrote that flight evidence was relevant when there was a nexus between the flight and the offense charged." R. p. 7. The Court reasoned evidence of the suicide attempt was relevant and admissible because the totality of the evidence created an inference that Orozco's actions in attempting suicide were motivated as a result of his belief that sexual misconduct allegations had been made against him.

There was no South Carolina authority supporting admission of evidence of a suicide attempt as evidence of consciousness of guilt as the Court of Appeals recognized in Orozco. The Court of Appeals declined petitioner's request that it reconsider its holding in Orozco. Further, the analogy

to flight and guilty knowledge is deeply troubling for problems well beyond the defendant being aware of charges against him or that he is being sought by the police for purposes of arrest. However, petitioner will deal first with the nexus which should involve much more than the defendant merely understanding charges have been lodged against him. Cf. State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (2006); State v. Thompson, 278 S.C. 1, 292 S.E.2d 581 (1982); See, also, State v. Brown, 528 A.2d 1098 (R.I.1987); Commonwealth v. Jones, 457 Pa. 563, 576, 319 A.2d 142, 150 (1974) (circumstances justify inference that accused's actions were motivated as result of his belief that officers were aware of his wrongdoing and *were seeking him* for that purpose), cited in State v. Beckham, 334 S.C. 302, 315, 513 S.E.2d 606, 612 (1999).

In State v. Pagan, 369 S.C. 201, 209, 631 S.E.2d 262, 266 (S.C. 2006), this Court held that proof that the accused was aware of the charges and sought to avoid them was critical. The Pagan Court held that without proof that the accused was aware of the charges against him at the time of his flight, the evidence of flight was irrelevant and its admission was erroneous.

Beyond the nexus of attempted suicide to the awareness of an accusation or an arrest warrant or that police are looking for a person, this evidence is troubling not only at as a legal matter but as a moral matter. As defense counsel argued, petitioner turned himself in to face the charges in this case. This indicated a belief in the criminal justice system, and a belief he would be exonerated. However, suicide is often a matter of despair rather than desperation. Meaning, it is *many times much more complicated than understanding the sad case of a suspect surrounded by armed police killing himself rather than being captured.* This case provides such an example. Petitioner thought that life was no longer worth living at "that time." He could not make bond, and members of his family had "turned on him." When a person's family, or part of his family, will not even support

him, the fact that thoughts that "life is no longer not living" creep into his head should not be surprising.

Suicide, as in this case, is often attributable to the feeling that the sheer number of obstacles in one's life have become too much to overcome. Here, petitioner mourned the fact that his own daughter had turned on him. To use a suicide attempt in a court of law in this state as evidence of guilt of a criminal offense to achieve a conviction should *most respectfully*, be distasteful (at a minimum), and not allowed.

In Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989) the court held it was error to admit evidence of an alleged suicide attempt as evidence of the accused's consciousness of guilt. The court cited various reasons for its holding. These reasons included that the inmate accused of various sex offenses may have feigned attempted suicide to invite mitigation on the sentence he was serving when the alleged sexual offense occurred. The court also noted that the suicide note itself was never even offered into evidence nor was it contents explained to the jury. The court refused the answer the question whether evidence of a suicide attempt *was ever admissible.*

In State v. Mann, 132 N.J. 410, 625 A.2d 1102 (1993), the court found it was reversible error to admit evidence of an attempted suicide without first conducting a full pretrial hearing on the issue. The defendant argued he had a preexisting propensity to commit suicide because of other factors in his life, and the court cautioned that such ambiguities weigh strongly in favor of extreme caution before such evidence can be admitted. A defendant's psychological, social or financial situation may play a role in the suicide attempt. In short, an accusation of criminal wrongdoing can be the last straw in an otherwise troubled life.

The court in Mann also reasoned that if evidence of a suicide attempt *was ever properly admitted that jury instructions were necessary* that if the jury could credit *any alternative*

explanation for the suicide attempt it could not infer consciousness of guilt. In South Carolina, of course, the analogy to flight in this context is equally troubling *since instructions of evidence of flight are improper*. See, State v. Grant, 275 S.C. 404, 408, 272 S.E.2d 169, 171 (1980).

The court in State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897), opined that a jury should never be able to treat a suicide attempt as evidence of guilt. The court reasoned that the one who flees seeks to escape punishment where one who attempts suicide *seeks to avoid the disgrace* that attaches to being charged with a crime. The court stated that this motive "of delicacy" would be more powerful in an innocent, rather than a guilty person. While it may have been a cultural truth the court also wrote the incidence of suicide was higher *among innocent than guilty persons.*[3]

The court in State v. Onorato, 171 Vt. 577, 762 A.2d 858 (2000) held that the probative value of an attempted suicide and suicide note was substantially outweighed by unfair prejudice and a confusion of the issues. The court noted that the reasons for an attempted suicide are "*numerous and complex, and may be even less indicative of guilt than flight evidence.*" The Court went on to say that evidence of attempted suicide is "highly equivocal and circumstantial" such that its admissibility "may introduce remote, secondary concerns that might confuse the jury."

In People v. Foster, 56 Ill.App.3d 22, 371 N.E.2d 961, 13 Ill.Dec. 869 (1977), the court held that evidence of the defendant's suicide attempts were not admissible because there was not a sufficient nexus between the actions taken and the crime charged. The court found that not only was there too much time between the suicide attempt and the offense *but also* the defendant's psychological problems and interactions with police could be credited for his behavior.

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[3] There was also a North Dakota statute that mandated an accomplice's testimony must be corroborated to maintain a conviction.

Petitioner here correctly recognized that child sex cases have become "heinous crimes." This Court has repeatedly recognized the extreme prejudice inherent in an accusation in child sex or abuse cases, and explained that our criminal justice system must be cautious of adding undue prejudice to an already explosive allegation and situation through the use of evidence that raises a spurious tendency to seek a conviction based on an improper basis. See State v. Kromah, 491 S.C. 340, 737 S.E.2d 490 (2013); State v. McKerley, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct.App.2012)[4]; State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

This suicide attempt evidence also diluted the presumption of innocence to which petitioner was entitled by allowing the jury to speculate, as the prosecution encouraged, that petitioner's suicide attempt in jail pre-trial was evidence of his guilt. The solicitor ridiculed petitioner's forced explanation to this evidence that despair led him to attempt to end his life, and not consciousness of guilt of these accusations. R. p. 189.

The evidence of petitioner's suicide attempt, and the photographs to corroborate it, as seem below in more detail, were erroneously admitted, and the opinion of the Court of Appeals should be reversed.

Moreover, as defense counsel argued, even if this evidence was properly admitted as relevant under Rule 401, SCRE, it should have been excluded under Rule 403, SCRE because its probative value was substantially outweighed by its unduly prejudicial effect and its tendency to *confuse the jury* and invite a verdict on an improper basis. See Rule 403, SCRE.

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4 The Attorney General dismissed the certiorari petition to this Court in McKerley.

Issue Two: The suicide attempt photographs

The same argument against admission of this evidence applies to the two photographs corroborating the fact petitioner attempted to commit suicide. Those photographs were on file with the Court of Appeals, and should now be before this Court. This Court, like the Court of Appeals, would not be engaging a "gruesome photographs analysis" in this case. Rather, the photographs simply drew further attention to the fact that petitioner attempted suicide.

As stated, the solicitor mocked petitioner's testimony about his despondent feelings at the time he attempted to kill himself in his closing argument to the jury encouraging it to convict petitioner. R. p. 189. Defense counsel had correctly argued the suicide evidence diluted the presumption of innocence that is fundamental in a criminal case.

The suicide evidence was offered to have the jury conclude the defendant found taking his life was a better option than the punishment for his crime. Jurors are not supposed to be concerned with punishment and this was exactly what this evidence encouraged them to think about. Such speculation about punishment versus suicide is unbecoming, respectfully, of our criminal justice system. See Pettie v. State, 316 Md. 509, 560 A.2d 577 (1989); State v. Coudotte, 7 N.D. 109, 72 N.W. 913 (1897). Even if the photographs, as is the case with the suicide evidence itself, were relevant, they should have been excluded given their unduly prejudicial effect under Rule 403, SCRE.

As seen above, petitioner's defense was that some in his own family had turned against him, and wanted him put away for spite. The sheer number of allegations against petitioner made a fair trial difficult enough without this spurious evidence of guilt in the nature of his suicide attempt. Petitioner asked the Court of Appeals to reconsider its opinion in Orozco, and noted that all Five of

the Justices of this Court had granted certiorari following it. This Court respectfully should now reverse the opinion of the Court of Appeals.

2.

The Court of Appeals erred by finding no error in the trial court allowing Dr. Alicia Benedetto to be qualified as an expert in "child sexual abuse dynamics" where she frankly acknowledged her job was to conduct interviews and not conduct research or studies and the judge thus abused his discretion by qualifying her as an expert to render opinion testimony under Rule 702, SCRE in this case. Moreover, the Court of Appeals erred by finding that once qualified as an expert witness, and therefore allowed her to give opinion testimony, that her testimony did not constitute highly prejudicial bolstering testimony since her child abuse testimony at times mirrored the facts of this case. (Issues 3-4).

Issue 3: Dr. Alicia Benedetto should not have been qualified as an expert in "child sexual abuse dynamics" which allowed her to give her opinion testimony.

In State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2013) this Court noted that there was no objection to the qualifications of the witness *in that case*. However, the Court noted it had previously observed that the witness might not even need to be qualified as an expert. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

This Court held that it could "envision no circumstance where their qualification as an expert at trial would be appropriate" in the *"forensic interviewer" type context*. Although this Court was speaking of forensic interviewers, the testimony of Benedetto here on "child sexual abuse dynamics" was offered for the same purpose, which was to imply to the jury that someone who worked in this "specialty" of abused children could offer expertise which allegedly would assist the jury in deciding whether the minors were being truthful. The testimony would allegedly assist the jury within the confines of Rules 702 and 703, SCRE.

Defense counsel correctly argued that Benedetto would simply have the jury conclude that the alleged minor victims in this case acted consistently or shared behavioral characteristics with other victims of sex abuse. As seen, she testified that recantations did not mean sexual abuse did not occur, and there were recantations in this case. She testified about abusers buying gifts for the abused, and there were evidentiary claims of that in this case. She testified about the abused being threatened about disclosure of the abuse, and there were evidentiary claims of that in this case. She testified about the abused turning to drugs or drinking, and there was evidence of that in this case. She testified about the abused starting to "act out," and there was evidence of that in this case. All of this "general abuse testimony" certainly had to strike the jury as the same evidence as what occurred in this very case.

As seen, Benedetto was unapologetic that she was *a forensic interviewer* and not a research professional. She did forensic interviews every day. She should not have been qualified as an expert in this case. See, State v. Douglas, 380 S.C. 499, 671 S.E.2d 606 (2009).

In State v. Anderson, 413 S.C. 212, 776 S.E.2d 76 (2015) this Court held that it was error to qualify witness Smith as an expert in "child abuse assessment." This Court cited Schumpert and Weaverling in support of its holding, and this case now presents the ideal vehicle to reconsider whether Schumpert and Weaverling are still good law or whether they should be formally overruled. Petitioner will explain further below why these pre-gatekeeping cases cannot survive Kromah and the modern jurisprudence, and they will only continue to foster great confusion among the bench and bar unless they are overruled.

Although she did not examine any of the alleged victims, she was not qualified to be a "child sex abuse dynamics" *or* a "child abuse assessment" expert. Whichever title Benedetto is given it implied *a strong research component*. Otherwise, it was just a forensic interviewer -- who did not

even interview the child – masquerading as an independent researcher and writer in either the area of "child sex abuse dynamics" or "child abuse assessment."

Petitioner is also aware that this Court in Anderson stated "child abuse assessment" testimony should not come from the same witness that examined the alleged victim because it runs an even greater danger of bolstering the child's testimony. Here, though, Benedetto, as stated, was a forensic interviewer, and not a researcher or writer on this subject. This Court, most respectfully, should now clarify that Anderson does not stand for the proposition that a former forensic interviewer can simply be renamed a "child sexual abuse dynamics" or "child abuse assessment expert," and give the same testimony that a witness qualified in that area could tender to the jury. That is exactly what happened in this case. As undersigned counsel has argued in other similar cases before this Court, and the Court of Appeals, certain solicitors have made no secret that an "end run" can be made around this Court's instruction to the bench and bar in Kromah by simply renaming the forensic interviewer something else.

However, petitioner's broader point remains, as explained further below, that it is time to reconsider the continued viability of Schumpert and Weaverling, and if those cases are not overruled, to decide whether the state may use a forensic interviewer such as Benedetto to serve the same purpose of providing by simply renaming her a "child abuse assessment expert" or "child sexual abuse dynamics" expert.

Issue 4: The opinion testimony itself and the outdated 1990's cases

As stated above, she testified recantations did not mean that sexual abuse did not occur, that abusers often bought gifts for the abused, and that the abused are often threatened about disclosure of the abuse, and they start to "act out." R. p. 225, l. 14 – 226, l. 17. The same is true of Benedetto's testimony that sexual abuse can cause minors to begin drinking or using drugs which

have a negative influence on their health. R. p. 225, ll. 9-13. All of this mirroring the same claims in this case which has the dangerous tendency to invite a verdict on a spurious basis.

This Court is aware that solicitors are seeking to avoid allegations of bolstering by no longer putting up forensic interviewers as experts. However, the same bolstering occurred here under the guise of "child sexual abuse dynamics expert" testimony. State v. Jennings, 394 S.C. 473, 716 S.E.2d 91 (2011); State v. McKerley, 397 S.C. 461, 725 S.E.2d 139 (Ct. App. 2012).

This "child sexual abuse dynamics" evidence served the same evil that State v. Kromah, 401 S.C. 340, 737 S.E.2d 490, 499, n.5, (2013), held can no longer exist. State v. Weaverling, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999), and Kromah can no longer be reconciled and Weaverling should respectfully be overruled as it is a pre-gatekeeping case that is being used to justify impermissible bolstering such as occurred in this case. In Weaverling, the Court of Appeals found it was proper for a social worker, who had never interviewed the alleged victim, to testify that it was not uncommon for past victims of sexual abuse to become sex offenders themselves.

In State v. Weaverling, 337 S.C. 460, 474, 523 S.E.2d 787, 794 (Ct. App. 1999) the Court of Appeals relied on this Court's opinion in State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993) that "[B]oth expert testimony and behavioral evidence are admissible as rape trauma evidence *to prove a sexual offense occurred* where the probative value of such evidence outweighs its prejudicial effect." (emphasis added). Schumpert was decided in 1993, and the Rules of Evidence did not take effect until **September 3, 1995.** See Rule 1103, SCRE.

State v. Henry, 329 S.C. 266, 277, 495 S.E.2d 463, 468 (Ct.App. 1997) is another outdated pre-gatekeeping case in the small mold. In Henry, the Court of Appeals found no error in allowing a person, Badger, who had a degree in sociology and a master's degree in social work to testify the

alleged victim suffered from post-traumatic stress disorder (PTSD) as a result of being sexually abused:

> "When meeting with child victims of sexual abuse, Badger provides individual therapy and treatment. She prepares assessments ***to determine whether the child has been sexually abused.*** Badger conducts workshops on how to interview child sexual abuse victims, *how to determine whether they were abused*, and how to treat sexual abuse. In March of 1991, Badger met with Victim three times for a total of approximately three hours. At each meeting, Badger spent five to ten minutes alone with Victim's mother in order to obtain some background information. The purpose of the meetings was to treat Victim for sexual abuse. Victim described the sexual abuse. *Badger opined Victim suffered from PTSD. Badger based her diagnosis and opinion as to PTSD on the history received from Victim, Badger's personal observations of Victim, Victim's demeanor, and symptoms exhibited by Victim. Badger did not talk to anyone other than Victim and her mother when forming her opinion.* Psychotherapists "believe that they would be biased by other information and therefore they do not collect collateral information before they do their interview and make their diagnosis."

(emphasis added).

In modern times, as explained in Watson v. Ford Motor Co., 389 S.C. 434, 446- 47, 699 S.E.2d 169, 175 (2010): "Expert testimony is not admissible unless it satisfies all three requirements with respect to subject matter, expert qualifications, and reliability. Thus, only after the trial court has found that expert testimony *is necessary to assist the jury* in resolving factual questions, the *expert is qualified* in the particular area, and the testimony is reliable, may the trial court admit the evidence and permit the jury to assign it such weight as it deems appropriate. See State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009) (observing that the "familiar evidentiary mantra that a challenge to evidence goes to 'weight, not admissibility' may be invoked only after the trial court has vetted the matters of qualifications and reliability and admitted the evidence"). It is against this backdrop that we analyze whether the trial court erred in admitting the challenged expert evidence."

Petitioner respectfully does not think the reasoning of Shumpert, Weaverling, and Henry can survive the holdings of Kromah; and the gatekeeping function and reliability modern cases of State v. White, and Watson v. Ford Motor Co.. This Court, for that reason, should respectfully overrule them to prevent the pervasive confusion that now exists with attempting to harmonize them.

Two days prior to the filing of this brief of petitioner, this Court, in State v. Berry, Op. No. 27690, Shearouse's Adv. Sh. No. 46, at pp. 47-50 (filed December 7, 2016), vacated the ruling of the Court of Appeals in State v. Berry, 413 S.C. 118, 775 S.E.2d 51 (Ct.App. 2015) in which that Court held, citing Weaverling and Schumpert, held that the testimony of an expert psychologist and social worker regarding behaviors observed in victim and symptoms of post-traumatic stress disorder (PTSD) was admissible, and did not constitute improper bolstering under Kromah.[5]

The jury in this case heard that the actions of the state's complaining alleged child sexual abuse witnesses were on all fours with the actions and characteristics of other victims of child sexual abuse in other **documented** cases. That implies the expert is a researcher, and not just a renamed forensic interviewer.

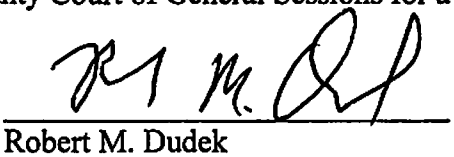
It is no longer enough, as this Court has stated, to avoid the Court's gatekeeper function, by merely stating the familiar mantra that any objection to reliability merely "goes to the weight, and not the admissibility of the evidence." The witness here should not have been qualified as an expert and her testimony was explosively prejudicial bolstering given the unusual way in which this unqualified witness was used. Petitioner respectfully submits that the Court of Appeals opinion should be reversed in this case, and the holdings of Weaverling, Schumpert, and Henry should be overruled.

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[5] While this Court vacated on procedural grounds the opinion certainly has drawn notice.

CONCLUSION

By reason of the foregoing arguments, the opinion of the Court of Appeals should be reversed, and this case remanded to the Aiken County Court of General Sessions for a new trial.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 9th day of December, 2016.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Aiken County

Honorable Doyet A. Early, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HAROLD BENNON CARTWRIGHT, III,

PETITIONER.

APPELLANT CASE NO. 2016-000005

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Brief of Petitioner in the above referenced case has been served upon David Spencer, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Brief of Petitioner has been served on Harold Bennon Cartwright,III, #355084, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 9th day of December, 2016.

Robert M. Dudek
Chief Appellate Defender
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 9th day of December, 2016.

(L.S)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County
Doyet A. Early, III, Circuit Court Judge

THE STATE,

Respondent,

vs.

HAROLD BENNON CARTWRIGHT, III,

Petitioner.

Appellate Case No. 2016-000005

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STATEMENT OF ISSUES ON APPEAL

I.

Testimony concerning Petitioner's suicide attempt is admissible as consciousness of guilt, and the trial court did not err in admitting this testimony into evidence for the jury's consideration (Petitioner's Issues 1&2).

II.

The trial court did not err in qualifying the expert in the field of child abuse dynamics where the expert was well qualified under Rule 702, SCRE with the requisite education, experience and training, and the testimony was reliable under Rule 703, SCRE; further, any argument that the testimony constituted impermissible bolstering is not preserved for review and the testimony does not constitute impermissible bolstering (Petitioner's Issues 3&4).

STATEMENT OF THE CASE

Petitioner Cartwright was indicted by the Aiken County Grand Jury for eight counts of criminal sexual conduct with a minor in the first degree, sixteen counts of lewd act on a minor, two counts of criminal sexual conduct with a minor in the second degree, one count of criminal sexual conduct in the first degree, and one count of criminal sexual conduct in the third degree. Cartwright was tried by jury on April 15-18, 2013, before the Honorable Doyet A. Early, III. At the conclusion of the trial, the jury found Cartwright guilty as charged. Judge Early sentenced Cartwright to an aggregate sentence of forty years imprisonment.

Cartwright appealed his conviction and sentence, which was affirmed by the Court of Appeals in an unpublished summary opinion. 2015-UP-466 (filed September 30, 2015). After Cartwright's petition for rehearing was denied by the Court of Appeals, Cartwright filed a petition for writ of certiorari. After this Court granted the petition, Cartwright submitted his brief. This brief of respondent follows.

STATEMENT OF FACTS

Petitioner Cartwright's biological daughter (Daughter) was the first witness at his trial. She was twenty-eight years old and now had a family of her own, but she came to court and told the jury about how Cartwright abused her starting at age four. The other two victims were Cartwright's stepdaughters.

Daughter was married with children at the time of trial, but she relived her abuse for the jury to hear. She testified the abuse started when Cartwright made her perform oral sex on him when she was only four years old. Her recollection was disturbingly graphic: "He

would place my hand on his penis until he ejaculated and then he would have me place my mouth on him and lick the cum off of him." ROA p. 33, lines 17-19. Daughter further explained: "He told me that it tasted like candy is why he told me to do it, that it was sweet." ROA P. 33, lines 21-22. Daughter testified this occurred several times a year, from the time she was four until she was ten years old. ROA p. 34, lines 2-3. Daughter told her mother, Melinda, but when they confronted Cartwright, he threatened to kill them and kill himself. The sexual abuse continued on after that – Cartwright subjected Daughter to oral sex, touched her, and made her touch him. ROA pp. 34-36. Daughter recalled another incident where Cartwright performed oral sex on Daughter. She testified this occurred only once. ROA pp. 37-38.

Cartwright utilized violence and bribery to keep his perversions hidden. Daughter testified he would hold a gun to her head and to his head. He threatened to kill her, her mom, and himself. Oftentimes, he gave Daughter money afterwards and took her places and bought her things. ROA pp. 38-39.

In first grade, Daughter disclosed abuse to someone at school and spoke with DSS. Cartwright took her on a drive after school and told her she dreamed it all and she needed to go back to school and tell them it was not true. She subsequently recanted to DSS. ROA p. 36. The abuse occurred thereafter until Melinda and Daughter finally left Cartwright and moved to Georgia in 1995 when Daughter was ten years old. ROA pp. 36-37; p. 39.

Sixteen years later, in 2011, the Aiken County Sheriff's Office **contacted her** and interviewed her at her mother's house in Georgia. She told them about the abuse occurring

so many years ago. Daughter disagreed with defense counsel's assertion that Cartwright pushed for the prosecution of her now-husband for the statutory rape of Daughter in 2000. Daughter testified she only holds a grudge against Cartwright for what he did to her as a child ("I don't think that's a grudge"). ROA p. 52, lines 1-4. Daughter testified: "I would rather be at home with my children, but it's something that needs to be done; and I'm glad I finally get to tell what happened." ROA p. 40, lines 19-21.

On cross-examination, Cartwright's counsel asked Daughter how far away was Rome, Georgia (four hours), verified the reason Daughter did not disclose the abuse was because she was afraid, verified Cartwright was not down in Rome, Georgia from the period of time between 1995 and when she finally disclosed in 2011, and verified Georgia had police departments and she had a husband to protect her. ROA p. 47, line 19 – p. 49, line 9. The cross-examination clearly was intended to suggest she should not have been afraid to disclose the abuse anymore once she moved away.

Melinda, Daughter's mother, followed her as the next witness at trial. She confirmed Daughter told her she was sexually abused in 1989 or 1990. Melinda did not report this to law enforcement – she was scared for her life and her daughter's life because Cartwright threatened to shoot them. He also threatened to shoot himself. ROA pp. 54-55.

Cartwright's second victim was Cartwright's stepdaughter (Stepdaughter 1). She was twenty-one years old when she testified before the jury. She lived with her mother (Buffy), her sister (Stepdaughter 2), and Cartwright during 2000 and 2001. Stepdaughter 1 was only nine years old when Cartwright made her perform oral sex on him from underneath the desk

in the computer room. ROA pp. 63-66. Stepdaughter 1 testified this occurred a few times a month. Cartwright would take Stepdaughter 1 shopping or out to eat. ROA p. 17. In July 2001, Stepdaughter 1 first told a neighbor, Sandra Parsons, and then DSS about the abuse. ROA p. 67. Cartwright was arrested and released on bond. Cartwright no longer lived at the house, but Buffy continued to see him. The case was dismissed after Stepdaughter 1 told prosecutors the abuse did not happen.[1] But Stepdaughter 1 told the jury that this was a lie. Cartwright moved back in with the family. Stepdaughter 1 was now eleven years old. ROA pp. 67-71.

The abuse took another form. Cartwright would "hump" Stepdaughter 1 and ejaculate on her leg. This happened three to seven times a week, mostly in her bed, but on weekends, this occurred in Cartwright and Buffy's bed. He threatened to kill her and her family as well as himself. This continued while she was thirteen and fourteen years of age. ROA pp. 71-75. She discussed how he threatened her as follows: "He's pulled guns on me, put them to my head before, very angry. He's pulled guns on hisself, big shotguns saying he'd kill hisself after he kills all of us; knives, more than a couple of occasions." ROA p. 81, lines 1-5.

Cartwright took Stepdaughter 1 to get her tongue pierced; he made her promise to perform oral sex in exchange for the piercing. Although she tried to avoid completing this agreement, she eventually relented and provided oral sex. ROA pp. 76-78. Another time, she reluctantly fulfilled an exchange of sexual intercourse for money so she could visit an

[1] On cross-examination, Stepdaughter 1 testified Buffy convinced her to recant her allegations. ROA p. 86.

amusement park. Cartwright enforced this agreement by pulling a knife on her. She had intercourse with Cartwright at fifteen years old. ROA pp. 77-80.

Stepdaughter 1 left the house when she was sixteen years old. She testified she did not want to put up with the abuse anymore. In 2011, Stepdaughter 1 went to law enforcement to provide information about her ex-boyfriend, Timothy, who she testified was dealing drugs. During this interview she disclosed the past sexual abuse. ROA pp. 81-84. Michelle Prince testified she was employed by DSS and interviewed Stepdaughter 1 in 2001. Stepdaughter 1 reported sexual abuse to her. ROA pp. 97-99.

Stepdaughter 2 was eighteen years old when she testified at trial. She is Buffy's daughter and Stepdaughter 1's younger sister. Cartwright was her stepfather. Their relationship changed when she was around thirteen years old. Cartwright began to hump her legs in the morning, every morning. Cartwright would ejaculate on her leg, her bed, or her clothes. This occurred four to seven times a week. ROA pp. 101-104.

The family moved when their house was foreclosed on in 2009, and they lived in a shed. At this point, Cartwright thought it would be a good idea for Stepdaughter 2 to be home-schooled. He would be the instructor. They started having intercourse every morning Buffy was at work. Cartwright decided to put Stepdaughter 2 put on birth control. Cartwright took her shopping, bought her things, and offered her money. Stepdaughter 2 confirmed Cartwright's violent methods of controlling his family. He threatened with a gun to kill himself, Stepdaughter 2, and her mom. Stepdaughter 2 testified he violently and irately brandished knives as well. ROA pp. 106-111.

They moved out of the shed to a house when Stepdaughter 2 was fifteen years old. Her stepbrother, Hoss Cartwright (Hoss), moved in with the family, and Stepdaughter 2 went back to school the next year. Cartwright would tell her that her clothes were inappropriate and examine her at length. Cartwright reverted back to humping her legs after Hoss moved in. Once Hoss moved out, there was occasional intercourse again, but less often. ROA pp. 111-117.

Stepdaughter 2 recalled when she was sixteen years old, Buffy was at work when Cartwright called Stepdaughter 2 from his room. Stepdaughter 2 refused to go in and Cartwright became enraged. When Buffy came home, she asked what was going on, and Stepdaughter 2 told her Cartwright was mad. At that point, Buffy and Cartwright went outside and talked. ROA pp. 118-120. After they both came back inside, Cartwright asked Buffy if she ever saw Stepdaughter 2's private parts and when Buffy replied she had not, Cartwright told Buffy that Stepdaughter 2 "has a pretty pussy." ROA p. 120, lines 15-20.

Cartwright accused Stepdaughter 2 of being in pornographic videos on the internet. Stepdaughter 2 told the jury she never was in any pornographic videos. When Stepdaughter 2 denied this to Cartwright, he threatened to kill her and her mother. Cartwright took Buffy alone into their bedroom with a knife which made Stepdaughter 2 worried – Buffy told Cartwright she was in the videos just to appease him. ROA pp. 121-122. On February 11, 2011, police met with Stepdaughter 2 and asked her if Cartwright ever did anything to her. She told the police no because she was scared of Cartwright. ROA pp. 122-124.

Buffy's testimony from a prior trial was read to the jury because she was medically

unavailable. Her divorce from Cartwright became final a few days before she testified. Buffy admitted she put "some pressure" on Stepdaughter 1 to recant when she originally reported the abuse. Cartwright convinced her he had not done anything wrong. After the case was dismissed, Cartwright moved back in, but Cartwright and Buffy rarely had intercourse anymore. Shortly after Stepdaughter 1 moved out of the house, they lost the house and lived in a shed. ROA pp. 143-144.

Buffy testified that on February 19, 2011, she had a conversation outside the house with Cartwright. Cartwright started crying and said maybe he did molest both stepdaughters. Inside the house, Cartwright told Buffy that Stepdaughter 2 "has the prettiest pussy." ROA pp. 146-147.

Buffy testified Cartwright told her to gather Stepdaughter 2's bedroom sheets, linens, underwear, and clothes to wash because they contained his DNA. ROA p. 149, lines 2-8. Buffy testified Cartwright told her "he had been laying in the bed with [Stepdaughter 2] and his DNA was in the bed." ROA p. 149, lines 2-11. She did not wash the linens as asked and consented to police searching the house and seizing the linens the next day, on February 25, 2011. ROA p. 148-150.

On cross-examination, Buffy verified Stepdaughter 1 would sneak out at night, cuss Buffy out, drink, and get in trouble at school. But when asked if she spoke with Cartwright about sending Stepdaughter 1 to boot camp, she testified they discussed it, but Cartwright was against Stepdaughter 1 going. ROA pp. 151-153. Buffy verified she never slept with Cartwright in Stepdaughter 2's bed and she would not know why his DNA would end up

there. ROA pp. 155-156. The DNA from the recovered fitted sheet from Stepdaughter 2's room was a 1 in 16 trillion match to Cartwright's DNA. ROA pp. 240-242.

Hoss Cartwright is Cartwright's biological son and stepbrother to the abused stepdaughters. Hoss wanted to get to know his father, so he moved into the house. Hoss and Stepdaughter 2 shared a bathroom and their bedrooms were right next to each other. Hoss testified every morning he would hear Cartwright knock on Stepdaughter 2's door and enter her bedroom. Cartwright would stay in the room for a long time, until Stepdaughter 2 got up to get ready for school. ROA pp. 165-167. Hoss verified Cartwright's violent streak. Cartwright would threaten him, and one time Cartwright threatened to blow the house up. Cartwright once held a knife to Stepdaughter 2's boyfriend's neck. ROA pp. 168-169.

Hoss also observed Cartwright examining Stepdaughter 2's clothing when she was getting ready for school. Hoss testified as follows:

> [H]e would tell her to sit in the floor, and just get in just in the weirdest positions to see if – well, I guess if he thought they were too exposed, exposing. He would – if he felt they were, he would not just be like hey, go change. He would be like I can see your pussy, your tits are hanging out. Just being too vulgar like a father shouldn't be.

ROA p. 169, lines 11-17.

Hoss testified Cartwright started claiming Stepdaughter 2 was in pornographic videos on the internet. Cartwright called Hoss into the bedroom and made him look at a picture on the computer of "random females" Hoss had never seen. The picture did not look like her at all but Cartwright became so enraged after Hoss disagreed with him that Hoss just agreed with Cartwright to appease him. ROA pp. 170-171. Hoss moved out of the house during

Christmas break in 2010. ROA p. 171.

Hoss testified why he never told anyone about Cartwright:

> He's been to my mother's residence [in Georgia], my sister's residence, my grandmother's residence several times. He knows exactly where they're at and how to get there and he's told me several times that he's been up there without us knowing. So, I know exactly – I know that he knows how to get there and where we live, where our bedrooms are at. So, yeah, I was, you know, kind of scared to make him mad so he might come up there.

ROA p. 174, lines 14-21.

Investigator Evensen testified that after the disclosure of abuse, on March 12, 2012, he met with Cartwright and his attorney, Bob Harte. Cartwright wanted to show the officer pornographic pictures on the internet that were supposed to be Stepdaughter 2. The meeting lasted an hour. **No further investigation was necessary because she was not in any of the pictures, despite Cartwright's claims.** ROA pp. 195-196.

James Hettich from the county jail testified that on April 13, 2011, Cartwright's cellmate reported Cartwright was trying to kill himself. Hettich found Cartwright hanging from bedsheets wrapped around his neck. He was passed out and unconscious when they rescued him. ROA pp. 256-258. This was the same day that warrants for Daughter were served on him at the jail. ROA p. 183, lines 1-4.

Cartwright testified on his own behalf. Cartwright denied ever being physical with the family except for one instance. Cartwright contended Daughter was rebellious as a teenager and he caught her with a much older man when she was only fourteen years old. This man is now Daughter's husband. Cartwright maintained the pictures on the internet

were pictures of Stepdaughter 2. Cartwright claimed he confronted Hoss about using pot and confronted Hoss and Stepdaughter 2 about shoplifting condoms from Wal-Mart. Cartwright claimed a few days before the police searched the residence, Buffy pushed him down on the bed in Stepdaughter 2's bedroom and masturbated him with a pair of panties. He admitted having infrequent sexual encounters with his wife. He testified the masturbation incident was not a welcome surprise. ROA pp. 269-288.

Cartwright explained why he attempted suicide:

> I turned myself in. I'd been there for 30 days. I couldn't get a bond. I was charged with some of the most heinous crimes that somebody could ever think about being charged with. I've never heard of anybody being charged with that many crimes even on TV, and I'm in my cell with all these things on my mind, and then the daughter that I loved, my biological daughter, hates me so much because I had her husband or her lover, whatever, locked up, the man that raped her when she was 14 years old, and she held a grudge against me, **and they come and served me ten warrants.** And, yes, sir, at that time I didn't feel I wanted to live any more.

ROA p. 291, lines 6-17.

ARGUMENT

I.

Testimony concerning Petitioner's suicide attempt is admissible as consciousness of guilt, and the trial court did not err in admitting this testimony into evidence for the jury's consideration.

Cartwright complains the trial court erred in admitting evidence that he attempted suicide by hanging himself in his jail cell. This evidence was properly admissible to show consciousness of guilt. Cartwright argues South Carolina should adopt a *per se* prohibition against admitting evidence of a defendant's suicide attempt, relying on out of state authority that does not make such a far reaching rule. Juries are called upon to listen and make judgments in cases occurring in settings of abject misery, containing brutal violence or complex scientific evidence, and jurors are routinely required to make inferences from evidence susceptible to multiple interpretations. Juries are capable of considering the evidentiary worth of evidence of a suicide attempt and such evidence should be admissible if a sufficient nexus is established between the attempt and the charge.

In the instant case, no dispute exists as to the nexus: Cartwright testified he attempted suicide in response to being served with warrants for his sexual assaults on his daughter. Further, his suicide attempt carries added relevance because it corroborates the victims' testimony: **all three victims testified Cartwright claimed he would kill himself if they ever told anyone about the sexual abuse.** Tr. p. 35, lines 3-4; p. 55, lines 2-3; p. 73, line 13. Cartwright meant what he said.

The Court of Appeals previously found evidence of a suicide attempt admissible as

consciousness of guilt. State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011). In that case, the defendant's wife was told by a sister that her niece reported being abused by defendant and it was reported to the sheriff. Later that day, emergency personnel responded to defendant's home after he attempted to poison himself with rat poison. His wife was at the house when the emergency personnel responded. Id. at 215-16, 708 S.E.2d at 228-29.

The Court of Appeals analogized the issue to cases where evidence of flight is admitted, noting evidence must indicate the defendant is aware he is being sought by authorities. Id. at 220, 708 S.E.2d at 231. The Court of Appeals concluded an inference could be made the defendant was aware of the charges because his wife was made aware of the charges before the suicide attempt and she was present when emergency personnel responded after the defendant ingested the poison. Id. at 220-21, 708 S.E.2d at 231-32.

In finding evidence of a suicide attempt admissible, the Court of Appeals noted, "the overwhelming majority of states considering this issue have determined that evidence of attempted suicide is generally admissible to establish consciousness of guilt." Id. at 219, 708 S.E.2d at 231 (citing 29 Am.Jur.2d Evidence § 547 (evidence of attempted suicide by the accused may be admissible as evidence of consciousness of guilt)).

In the instant case, Cartwright was served with warrants for the crimes he committed against his biological daughter, and he attempted suicide later that day. This is a sufficient nexus for admissibility alone, but Cartwright's own testimony establishes the nexus. He testified, in relevant part:

> [A]nd then the daughter that I loved, my biological daughter, hates me so much because I had her husband or her lover,

> whatever, locked up, the man that raped her when she was 14 years old, and she held a grudge against me, and **they come and served me ten warrants**. And, yes, sir, at that time I didn't feel I wanted to live any more.

ROA p. 291, lines 6-17 (emphasis added).

Cartwright's reliance on State v. Onorato, 762 A.2d 858 (Vt. 2000) is misplaced. That case was an appeal **by the state** alleging the trial court abused its discretion in not admitting evidence of a suicide attempt. The Vermont Supreme Court refused to find evidence of a suicide attempt *per se* admissible as argued by the state and noted the "possible ambiguity of an accused's suicide attempt requires a careful consideration of the probative value such evidence offers." Id. at 860. The Vermont Court declined to reverse the trial court, noting, "[T]he issue before us is not whether we would have ruled differently if we had the evidentiary issue before us as a trial court, but rather, whether the trial judge abused his discretion." Id.

Likewise, State v. Mann, 625 A.2d 1102, 1107 (N.J. 1993) offers Cartwright faint assistance. The New Jersey Supreme Court concluded it was error to not hold an *in camera* hearing prior to admitting evidence of a suicide attempt before the jury. However, the Mann court did not foreclose admission of a suicide attempt as evidence but merely advised trial judges that extreme caution should be used in admitting such evidence. The Court, in contradiction to Cartwright's arguments in the instant case, recognized its potential probative value, opining as follows:

> Daniel Webster once described suicide as a confession by conduct compelled by the overpowering force of a guilty conscience.

> Meantime the guilty soul cannot keep its secret. . . . It betrays his discretion, it breaks down his courage, it conquers his prudence. When suspicions from without begin to embarrass him, and the net of circumstances to entangle him, the fatal secret struggles with still greater violence to burst forth. It must be confessed! It will be confessed! There is no refuge from confession, but suicide-and suicide is confession.

Mann, 625 A.2d at 1107 (citing Commonwealth v. Knapp, 7 American State Trials 395 (1830) (quoted in 2 Wigmore on Evidence § 276, at 132 (Chadbourn rev. 1979))).

In Pettie v. State, 560 A.2d 577 (Md. 1989), another case upon which Cartwright relies, the Court never reached the issue of whether evidence of an attempted suicide was admissible. In Pettie, the Court found the State failed to prove the inmate even attempted suicide and was not just feigning a suicide. Specifically, the Court stated: "the facts here simply do not support the conclusion that Pettie tried to kill himself at all, much less that he did so as a reaction to any [sexual assault on another inmate]." Id. at 582. Obviously, Cartwright attempted suicide in the present case. He admitted he did in response to being served with warrants for sexually assaulting his daughter.

Next, Cartwright relies on a nineteenth century case, State v. Coudotte, 72 N.W. 913 (N.D. 1897),[2] which involves a unique situation distinguished by numerous cases since. As

[2] Cartwright relies on this outlier nineteenth century case, and in his argument on the next issue, without a hint of irony, claims State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993) is outdated.

described in State v. Plunkett, 149 P.2d 101 (Nev. 1944), the Coudotte case "stands in a class by itself." Id. at 108. As the Court fully explained:

> [Coudotte] is a lone case which is distinguishable from the generality of authority on the point of attempted suicide by an accused being a circumstance in a homicide case proper to be considered by the jury in connection with all the evidence.... There were no other facts or circumstances with which it could be considered by the jury as tending to show guilt, and to be given such weight, or no weight, as the jury might determine. It was sought to be proven as an isolated circumstance sufficient in itself to furnish the corroboration of the testimony of an accomplice, required by the statute, as to the guilt of an accused. The court held that it was not enough and reversed the case. As pointed out in State v. Painter [329 Mo. 314, 44 S.W.2d 82], in reviewing the Coudotte case: "The court was not called upon to and did not decide whether or not, had there been otherwise a submissible case made, the attempt to commit suicide might have been proved as a circumstance for the consideration of the jury."

Id.

As mentioned before, Cartwright himself established the nexus between the suicide attempt and being served with warrants for his sexual assault on his daughters. This undermines Cartwright's reliance on People v. Foster, 371 N.E.2d 961 (Ill. App. Ct. 1977) *rev'd on other grounds by* People v. Foster, 392 N.E.2d 6 (Ill. 1979), in which the Illinois Court of Appeals found an insufficient nexus existed between the suicide attempt and the crime charged. In the instant case, Cartwright acknowledged during trial that his suicide attempt was prompted by new charges being made against him by a third victim, a victim he thought had gone away a long time ago.

Numerous courts around the country considering this issue held evidence of an attempted suicide, similar to evidence of flight, is admissible to show consciousness of guilt and can be considered and given such weight as determined by the jury. See People v. Barrett, 136 P. 520 (Cal. Dist. Ct. App. 1913); McKinney v. State, 466 A.2d 356 (Del. 1983); Sloan v. State, 104 So.3d 1271 (Fla. Dist. Ct. App. 2013); Aldridge v. State, 494 S.E.2d 368, 370 (Ga. Ct. App. 1997) (noting "[e]vidence that the accused attempted to commit suicide is relevant. . . to show consciousness of guilt . . . or as showing an attempt to flee and escape forever from the temporal consequences of one's misdeeds" (citations and internal quotation marks omitted, ellipses in the original)); State v. Mitchell, 450 N.W.2d 828 (Iowa 1990); Commonwealth v. Sheriff, 680 N.E.2d 75, 83 (Mass. 1997); State v. Painter, 44 S.W.2d 79 (Mo. 1931); State v. Campbell, 405 P.2d 978 (Mont. 1965); State v. Brown, 517 A.2d 831 (N.H. 1986); State v. Jaggers, 58 A. 1014, 1014 (N.J. 1904) (finding evidence of a suicide attempt while defendant was in custody "was plainly admissible"); State v. Mann, 625 A.2d 1102 (N.J. 1993); State v. Blancett, 174 P. 207 (N.M. 1918); State v. Hunt, 287 S.E.2d 818 (N.C. 1982); Commonwealth v. Sanchez, 610 A.2d 1020, 1027 (Pa. Super. 1992); State v. White, 649 S.W.2d 598 (Tenn. Crim. App. 1982).

The legal issue simply comes down to a question of balancing under Rule 403, SCRE. Evidence must be relevant to be admissible. Rule 402, SCRE. Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE. "Evidence is relevant if it tends to establish or make more or

less probable some matter in issue upon which it directly or indirectly bears, and it is not required that the inference sought should necessarily follow from the fact proved." State v. Sweat, 362 S.C. 117, 126-27, 606 S.E.2d 508, 513 (Ct. App. 2004). Relevant evidence may be excluded where its probative value is substantially outweighed by the danger of unfair prejudice. Rule 403, SCRE; State v. Pagan, 369 S.C. 201, 210, 631 S.E.2d 262, 266 (2006). A trial court's decision regarding the comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances. State v. McLeod, 362 S.C. 73, 81, 606 S.E.2d 215, 219 (Ct. App. 2004).

In the instant case, the evidence is not unfairly prejudicial. Juries are capable of understanding the various reasons a person may attempt suicide and no danger of unfair prejudice exists. No danger exists that the jury utilized the evidence for any other purpose than the proper probative purpose, consideration of whether the suicide attempt is evidence of consciousness of guilt. However, the evidence carries sufficient probative value as consciousness of guilt to be admissible.

Cartwright complains admitting this evidence is "distasteful," a poor choice of words in a case like this. Daughter was required to tell a court room of strangers how her father told her to lick semen off his penis and he told her it tasted like candy. ROA. p. 33. It is frankly distasteful that someone (often children) should need to explain such sordid details to a courtroom of strangers to vindicate their rights, but it is necessary. Juries should hear the truth and the truth is Cartwright betrayed a momentary sense of remorse for his deprivations when he attempted suicide.

Like many predators, Cartwright likely believed he could intimidate his step-daughters and they would recant. Buffy convinced her oldest daughter to recant before, and Cartwright may have counted on Buffy to come through for him again. However, his hopes of skirting the ramifications of his actions changed drastically when he learned Daughter disclosed his abuse to law enforcement. Cartwright could escape his past no more. Daughter recanted under pressure years ago. But Daughter was beyond his reach now and he was defenseless against the truth. At trial, Cartwright exhausted one desperate defense after another. But his scheme of using violence and threats to keep families in which his daughters, instead of his spouses, were his sexual partners, came to light. The jury was free to believe he tried to kill himself because he loved his children too much, just like they could have believed he never was violent or three different victims and their two mothers were vindictive and fabricated ornate tales of abuse, or that his biological daughter waited twelve years to get back at Cartwright for causing her current husband to be prosecuted (even tricking law enforcement to contact her), or that Stepdaughter 2 posted pictures of herself despite what every other person (including law enforcement) who saw the pornographic pictures testified to, or that Cartwright was victim to an elaborate scheme to get valuable items he allegedly kept in his double wide trailer. However, the jury used common sense and found him guilty. There was no error. Further, any error was harmless beyond a reasonable doubt. State v. Mitchell, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985) (holding whether an error is harmless depends on the circumstances of the case, but it is harmless where it could not reasonably have changed the outcome of the trial).

II.

The trial court did not err in qualifying the expert in the field of child abuse dynamics where the expert was well qualified under Rule 702, SCRE, with the requisite education, experience and training, and the testimony was reliable under Rule 703, SCRE; further, any argument that the testimony constituted impermissible bolstering is not preserved for review and the testimony does not constitute impermissible bolstering.

Cartwright argues the trial court erred in admitting Dr. Benedetto as an expert just because she has not performed research. Essentially, Cartwright is asking this Court to turn a blind eye to the plain language of Rule 702, SCRE, which allows a person to gain the requisite knowledge to be qualified as an expert in a variety of ways, not just clinical research. His second argument is that Dr. Benedetto's testimony constituted impermissible bolstering. This argument was not raised below and is not preserved for appeal. Further, Dr. Benedetto's testimony is not impermissible bolstering.

The well-qualified expert

Cartwright made the following objection when the prosecution sought to admit Dr. Benedetto as an expert:

> Judge, at this time I would object to her being qualified as an expert. Child abuse dynamics is an empirical study that is based on the study of children and observing and watching their behaviors. She's testified today that she's done interviews in forensic settings. She has trained forensic examiners, officers and solicitors. And when I questioned her, I asked her if she had done any of the actual studies herself. She has indicated she has not. As to – and that will go to the subject matter and expert qualification. And, again, Judge, she'd have to show that it is a reliable study, a reliable science.

ROA p. 96, lines 1-12. The trial court ruled as follows:

> All right. I will deny your motion. I find that, based on her training, education, clinical experience, her various memberships in organizations, that she will be qualified as an expert in the trial of this case. She'll be allowed to give opinion testimony dealing with sexual abuse dynamics.

ROA p. 96, lines 13-18. His ruling notes a variety of ways an expert may gain the requisite experience. Under Rule 702, SCRE:

> 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.

Before admitting expert testimony, the trial judge must find: (1) the expert's testimony will assist the trier of fact; (2) the expert has the required knowledge, skill, experience, training, or education; and (3) the testimony is reliable. State v. Martin, 391 S.C. 508, 514, 706 S.E.2d 40, 42 (Ct. App. 2011).

"Expert testimony may be used to help the jury to determine a fact in issue based on the expert's specialized knowledge, experience, or skill and is necessary in cases in which the subject matter falls outside the realm of ordinary lay knowledge." Watson v. Ford Motor Co., 389 S.C. 434, 445, 699 S.E.2d 169, 175 (2010). "A trial court's decision to admit or exclude expert testimony will not be reversed absent a prejudicial abuse of discretion." State v. White, 382 S.C. 265, 269, 676 S.E.2d 684, 686 (2009). "There is no abuse of discretion as long as the witness has acquired by study or practical experience such knowledge of the subject matter of his testimony as would enable him to give guidance and assistance to the

jury in resolving a factual issue which is beyond the scope of the jury's good judgment and common knowledge." State v. Goode, 305 S.C. 176, 178, 406 S.E.2d 391, 393 (Ct. App. 1991). An expert can become sufficiently qualified to be able to provide an opinion helpful to the trier of fact in many ways. Fields v. J. Haynes Waters Builders, Inc., 376 S.C. 545, 556, 658 S.E.2d 80, 86 (2008).

In the instant case, Dr. Benedetto testified she is employed with the Assessment and Resource Center (ARC), which is a child advocacy center that is part of the South Carolina Department of Mental Health, for twelve years. She is the director of ARC since December 2012. She was a chief psychologist the preceding eleven years. ROA p. 204, lines 3-16.

Dr. Benedetto testified that along with administrative duties, she provides forensic interviews, training, and consultation on matters related to child abuse. ROA pp. 204-205. Dr. Benedetto is a licensed clinical psychologist in the State of South Carolina. ROA p. 205, lines 10-11.

Dr. Benedetto earned an undergraduate degree from New York University in psychology. She earned her Master's degree and Ph.D. from St. Johns University. ROA p. 205, lines 4-7. Thereafter, she completed a one-year internship at William S. Hall Psychiatric Institute through the Department of Mental Health in South Carolina. She continues to maintain continuing education credits and participates in ongoing learning opportunities. ROA p. 205, lines 14-20. She explained the purpose of continuing education is "to make sure that, as a psychologist, I stay abreast of all the most current research in particular in the area of child abuse." ROA p. 205, lines 21-24. Dr. Benedetto belongs to the

American Psychological Association and the Richland County Multidisciplinary Team for child sexual abuse. ROA p. 207, lines 9-14.

She provides training known as Finding Words and Child First for law enforcement professionals, DSS caseworkers, solicitors, and other professionals. Training includes "all aspects of how to best question children, child development principles, **dynamics of child sexual abuse**, issues about memory and suggestibility." ROA p. 206, lines 1-11 (emphasis added). She also **teaches** an advanced course on the subject. ROA p. 206, lines 17-21.

Dr. Benedetto conducts forensic interviews on a daily basis. She also provides "therapeutic interventions and [is] trained in various therapy modalities to work with children." ROA p. 207, line 23 – p. 208, line 2. Dr. Benedetto estimates she has interviewed somewhere between 1,500 and 2,000 children. She was qualified as an expert in various courts roughly a hundred times. ROA pp. 208-209.

Dr. Benedetto explained "[c]hild abuse dynamics refers to how children experience abuse." ROA p. 209, lines 13-17. She further explained: "There are many empirical studies of it. Many – there's a large body of research on various aspects of how children respond to abuse." ROA p. 209, lines 19-21.

Dr. Benedetto explained during Cartwright's voir dire that **"I'm not a researcher. I'm a clinician. So, I conduct interviews. I don't conduct the studies."**[3] ROA p. 201, lines 18-19. Cartwright hangs his hat on this statement in hopes that this Court will not read

[3] Cartwright falsely claims Dr. Benedetto was "masquerading as an independent researcher and writer." BOA p. 25. No evidence in the record supports this spurious and unnecessary attack on a dedicated professional. Neither she nor the State misled the jury.

the entirety of Rule 702, SCRE. However, qualifying Dr. Benedetto as an expert witness was not error. By way of example, in Graves v. CAS Medical Systems, 401 S.C. 63, 735 S.E.2d 650 (2012), our Supreme Court found the circuit court erred by not allowing a doctor to be qualified as an expert on Sudden Infant Death Syndrome (SIDS) even though the doctor testified she did not consider herself an expert on SIDS. Id. at 78, 735 S.E.2d at 657. The Court noted "an expert need not be a specialist in the particular branch of the field." Id. The doctor had thirty years' experience as a neonatologist and stayed current on SIDS literature. The doctor routinely encountered SIDS in her practice. The Court found that the circuit court abused its discretion in excluding the testimony. Id. at 78, 735 S.E.2d at 657-58.

In Honea v. Prior, 295 S.C. 526, 389 S.E.2d 846 (Ct. App. 1988), Prior contended the circuit court erred in qualifying two social workers as experts to testify on a victim's mental condition. However, the Court of Appeals observed: "A witness may be competent to testify as an expert although the witness acquired his or her knowledge through practical experience **and not by scientific study, training, or research**." Id. at 530, 369 S.E.2d at 849 (emphasis added). The Court of Appeals found each social worker was qualified based on her education, post-graduate training, and clinical experience with victims of sexual assault, as well as her opportunities to observe the victim. Id. at 531, 369 S.E.2d at 849. In the instant case, Dr. Benedetto was well qualified to testify about child abuse dynamics. The trial court did not abuse its discretion.

Testimony does not constitute impermissible bolstering

The second issue Cartwright raises is the claim that Dr. Benedetto's testimony

bolstered the victims' credibility, despite that Dr. Benedetto never testified about the victims or their credibility, and despite that Dr. Benedetto never met or interviewed the victims. The issue is not preserved for review.

Error preservation

"[A] specific objection to the admission of evidence must be made to preserve the issue for appeal." McKissick v. J.F. Cleckley & Co., 325 S.C. 327, 344, 479 S.E.2d 67, 75 (Ct. App. 1996). "The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge." Id. "The same ground argued on appeal must have been argued to the trial judge." Id. The exact name of the legal doctrine employed does not need to be used to preserve an argument, but it must be clear the argument was presented on that ground. State v. Russell, 345 S.C. 128, 546 S.E.2d 202 (Ct. App. 2001).

In the instant case, Cartwright's trial counsel objected to the testimony on the grounds that Dr. Benedetto was not qualified and that the science was not reliable. However, Cartwright's trial counsel did not object on the grounds that the testimony was bolstering. A party cannot argue one ground below then argue another on appeal. State v. Prioleau, 345 S.C. 404, 411, 548 S.E.2d 213, 216 (2001). This Court should not review the issue since it is not preserved for review.

Not bolstering – no comment by expert on victims' credibility

Cartwright relies on State v. Kromah, 401 S.C. 340, 737 S.E.2d 490 (2013); State v. Jennings, 394 S.C. 473, 480, 716 S.E.2d 91, 94 (2011); and State v. McKerley, 397 S.C. 461,

464, 725 S.E.2d 139, 141 (Ct. App. 2012), to argue Dr. Benedetto's testimony impermissibly bolstered the victims' testimony. This identical argument was rejected in the well-written opinion by Judge Williams in State v. Brown, 411 S.C. 332, 768 S.E.2d 246 (Ct. App. 2015).

In Brown, the State presented a witness who was qualified as an expert in child abuse dynamics but did not interview the victim and did not know the facts of the case. Nonetheless, Brown complained the testimony bolstered the victims' testimony. Judge Williams distinguished that case from the various cases like Kromah and McKerley where a professional interviewing a victim indicated in their testimony they believed the victims' allegations of abuse.[4] Id. at 344, 768 S.E.2d at 252. Judge Williams found those cases distinguishable because the expert in Brown never commented on the victims' allegations and testimony and did not make any statements prohibited in Kromah. Id. Judge Williams noted the expert merely testified to the general behavioral characteristics of child sex abuse victims and never related that testimony to the victims in Brown's case. Id. at 345, 768 S.E.2d at 253. Judge Williams concluded, "[T]he fact that her testimony corroborated some of the minor victims' reasons for delaying disclosure of the abuse does not mean her

[4] The problem in those cases was the prosecutor asked improper questions and the forensic interviewer answered them truthfully. The fault in those cases clearly lies with the prosecutor as well as the judge that allowed the improper questions, but not the expert witness that is required to ask all non-sustained questions asked of them. However, Cartwright inexplicably attempts to demonize forensic interviewers who perform a valuable task in the criminal justice system. See State v. Anderson, 413 S.C. 212, 221, 76 S.E.2d 76, 80 (2015) ("We recognize the difficulty of the work performed by the dedicated employees of Child Advocacy Centers, and nothing in our opinion today should be read as critical of the important service they provide for the children of the State."). Further, Cartwright seems to want to blacklist any witness with forensic interviewing experience from testifying about something they are obviously qualified to discuss, child abuse.

testimony improperly bolstered their accounts." Id.[5]

The instant case demonstrates proper expert testimony which provided the jury helpful background information about the dynamics of child abuse. Dr. Benedetto testified as follows about the area of expertise:

> The whole area of child sexual abuse dynamics really comes down to trying to understand how a child experiences abuse because, as adults, we think like adults and we think that if something happened to us we might respond in a certain way. And, so, understanding child abuse dynamics helps us understand, from the child's perspective, what the experience is like.

ROA p. 213, lines 9-15.

Dr. Benedetto noted "children are not little adults. They have a different understanding of the world. They have a different understanding of their power to make things happen in the world. And so, they do not respond the same way that adults do." ROA p. 213, line 24 – p. 214, line 3.

Dr. Benedetto discussed grooming, which Dr. Benedetto noted arises out of the need

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[5] Cartwright also references this Court's opinion in State v. Berry, Op. No. 27690 (S.C. Sup.Ct. filed Dec. 7, 2016) which affirmed in result, but vacated, the Court of Appeals' opinion solely on error preservation. This Court found the Court of Appeals should not have reviewed the substantive issues because they were not preserved. The State agrees with both this Court's view of error preservation and the Court of Appeals' analysis of the merits. However, in Berry, the State's expert interviewed the victim and testified the victim suffered from post-traumatic stress disorder. State v. Berry, 413 S.C. 118, 775 S.E.2d 51 (Ct. App. 2015). Accordingly, that case is factually dissimilar from the present case in which Dr. Benedetto did not interview the victims or was aware of the facts of the case. It certainly is presumptive to consider that case as proof of a sea change in this Court's view of expert testimony on the common characteristics of sexually abused children considering this Court's recent opinion in Anderson.

for the abuser to maintain secrecy.[6] ROA p. 214. The child's secrecy may be maintained by promises and gifts or bribes. Manipulation, such as withholding affection may be another tactic. ROA p. 215. Fear also plays a role in maintaining secrecy, as Dr. Benedetto explained:

> Children are afraid of a range of things when they are being sexually abused. They are in a situation where they feel, where they may feel powerless and helpless to change the situation. They may be afraid for their own safety or the safety of siblings or the safety of the other parent in the home.
>
> They may be afraid that the abuser will get in trouble and they may have a relationship with that person and not want him to get in trouble. They may fear that they will not be believed or that they themselves will get in trouble and abusers will often manipulate that particular fear to make the child feel as though he or she has been complicit somehow in the abuse, like he or she may get in trouble if somebody finds out, which further entrenches the idea of keeping it a secret.

ROA p. 216, lines 6-21. The prosecution followed up with a question about the effects of violence in the home on a child's disclosure, and Dr. Benedetto explained how adverse experiences, including domestic violence, would potentially cause a child to believe that failure to maintain secrecy may cause harm to the child or the non-offending parent. ROA pp. 216-217. In Dr. Benedetto's experience, some children were concerned someone might hurt themselves if the child told. ROA p. 217, lines 17-20.

Dr. Benedetto testified about how children will feel isolated, explaining:

> Children . . . are in a situation where they are not very powerful and they don't really know the world and what they

[6] Dr. Benedetto also described grooming to include the process a perpetrator may go through to gain the family's confidence and gain access to the home, which seems inapplicable to the instant case.

> can do to change things. And, so, within the home, if they don't feel that they may be supported there, they may feel that they have no other way out. They may feel that, for some reason, this is happening to them, but all they can do is tolerate it, put up with it, make the best of it rather than try to seek a way out.

ROA p. 218, lines 4-11. This led to testimony discussing the term "delayed disclosure." Dr. Benedetto noted that "children routinely delay disclosure." ROA p. 218, lines 15-18.

Dr. Benedetto discussed aspects affecting disclosure. The child may not even know that she has been abused for a period of time. The child may weigh the consequences of disclosure, pondering whether she will be believed, whether she will get in trouble, whether it will make her situation with the abuser worse if nothing happens as a result of reporting. ROA pp. 218-219. Other reasons may be financial concerns,[7] concerns for a parent that cares and loves the abuser, and the position of authority the abuser may have over the child. ROA pp. 219-220. Disclosure may be delayed into adulthood. ROA p. 221.

Dr. Benedetto discussed the related concept of partial or tentative disclosure. The child will only disclose a small portion of what occurred to test the waters and see what the reaction will be. The child often will go into "active disclosure" if they feel supported and believed, but may take back or deny abuse if they are not believed or negative consequences transpire. ROA pp. 221-222. Dr. Benedetto discussed recantation, noting many times a child recants due to what occurs after their disclosure. Here, changes in a child's life after disclosure, such as changing schools or being placed in foster care,[8] greatly affects the

[7] This motive to not disclose does not seem to be present in the instant case.
[8] These concerns did not seem to be implicated in the instant case.

likelihood of disclosure, because from a child's perspective, anything changing a child's life may be a big deal. ROA p. 224, lines 14-22.

Dr. Benedetto also explained to the jury about "script disclosure" which describes a pattern of abuse occurring over a length of time. The child will describe multiple events or "how things usually went" rather than a disclosure in terms of "episodic memory." ROA p.223, lines 10-20.

Dr. Benedetto further testified about the patterns of behavior in sexually abused children. Some ramifications might be drug use as a coping mechanism, emotional damage resulting in anxiety or depression, eating disorders, sexual reactivity, sexual withdrawal, or sexual problems in general. ROA pp. 224-225. Disassociation might be another way a child reacts. ROA p. 226.[9]

In the instant case, the expert testimony was permissible under Rules 702 and 703, SCRE, because it was information helpful to the jury concerning a fact in issue, and the information Dr. Benedetto provided was information normally relied upon by experts in the field of child abuse. The testimony did not impermissibly bolster the victims' testimony.

This Court found "that both expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect." State v. Schumpert, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993). Further, the prosecutors anticipated the preferred practice of this

[9] In the instant case, it does not seem that any of the victims suffered from eating disorders, nor suffered disassociation (a blunted affect). Aside from daughter's possible consensual relationship at age fourteen, no abnormal sexual activity or inactivity was discussed at trial.

Court by calling an independent expert rather than relying on the forensic interviewer to provide the expert testimony on behaviors of abused children. State v. Anderson, 413 S.C. 212, 218-19, 76 S.E.2d 76, 79 (2015). In Anderson, this Court reaffirmed its holding from Schumpert and cited State v. Weaverling, 337 S.C. 460, 473, 523 S.E.2d 787, 794 (Ct. App. 1999) favorably to explain expert witnesses, like Dr. Benedetto, are allowed to testify to behavioral characteristics of sex abuse victims. Id. at 218, 76 S.E.2d at 79. While Cartwright inexplicably complains Weaverling and Schumpert cannot be reconciled with Kromah, this Court already did so in Anderson.

The Court of Appeals observed, "Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible." Weaverling, 337 S.C. at 474, 523 S.E.2d at 794. "Such testimony is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault . . . . It assists the jury in understanding some of the aspects of the behavior of victims and provides insight into the sexually abused child's often strange demeanor." Id. at 475, 523 S.E.2d at 794 (internal citation omitted).

This Court noted: "Expert testimony on rape trauma may be more crucial in situations where children are victims. The inexperience and impressionability of children often render them unable to effectively articulate the events giving rise to criminal sexual behavior." State v. White, 361 S.C. 407, 414-15, 605 S.E.2d 540, 544 (2004) (finding testimony is admissible in prosecutions where the victim of sexual abuse is an adult).

In the instant case, Dr. Benedetto did not opine on the credibility of the victims. She

did not even interview the victims or know the facts of the case. She provided general background testimony on the general behavioral characteristics of sexually abused children, but never related the testimony to the facts of this case. Brown.[10] See also State v. Jones, 417 S.C. 319, 790 S.E.2d 17 (Ct. App. 2016) (finding expert witness never commented on the credibility of victim or her mother but merely offered reasons why children might delay disclosing instances of sexual abuse and why a non-offending caregiver may have an unusual reaction when learning about the abuse. The testimony assisted the jury's understanding of the complex dynamics of sexual abuse cases).

Cartwright asks this Court to overrule its own case law and yet fails to cite any out of state cases in his plea for such a drastic overhaul of established case law. That is simply because the overwhelming weight of authority finds this testimony admissible. The Nebraska Supreme Court observed the following:

> The reasoning for a rule allowing an expert to testify about sexual abuse in generalities, **without being familiar with the alleged victim**, is that few jurors have sufficient familiarity with child sexual abuse to understand the dynamics of a sexually abusive relationship, and the behavior exhibited by sexually abused children is often contrary to what most adults would expect.

State v. Roenfeldt, 486 N.W.2d 197, 204 (Neb. 1992) (emphasis added, citation and internal quotation marks omitted).

The Georgia's Court of Appeals rejected an argument that an expert's testimony

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[10] The nature of Dr. Benedetto's testimony falls under what a Texas court aptly described as "educator expert" evidence. Coble v. State, 330 S.W.3d 253 (Tx. Crim. App. 2010) (finding expert testimony about the prison classification system and prison violence admissible

"bolstered" the victim's testimony. Westbrooks v. State, 710 S.E.2d 594, 597-98 (Ga. Ct. App. 2011). The Georgia court found the forensic interviewer's testimony regarding partial disclosure and delayed disclosure was relevant and did not directly address the victim's credibility or express a direct opinion that the victim was sexually abused. Id. The Georgia court opined "the fact that such testimony may also indirectly involve the child's credibility" does not mean that it improperly bolsters the child's credibility. Id. at 598.

Similarly, South Dakota's Supreme Court also rejected the argument that an expert who testified as to the general characteristics of an abused child bolstered the victim's credibility, noting the expert did not interview the witness or testify that the victim had any of those characteristics. State v. Edelman, 593 N.W.2d 419, 423 (S.D. 1999).

The Supreme Court of Hawaii observed in 1990 that "sexual abuse of children 'is a particularly mysterious phenomenon.'" State v. Batangan, 799 P.2d 48, 51 (Haw. 1990) (quoting State v. Castro, 756 P.2d 1033, 1044 (Haw. 1988)). The Hawaii Supreme Court quoted with approval the observations of other courts as follows:

> While jurors may be capable of personalizing the emotions of victims of physical assault generally, and of assessing witness credibility accordingly, tensions unique to trauma experienced by a child sexually abused by a family member have remained largely unknown to the public. . . . [T]he routine indicia of witness credibility – consistency, willingness to aid the prosecution, straight forward rendition of the facts – may, for good reason, be lacking. As a result jurors may impose standards of normalcy on child victim/witnesses who consistently respond in distinctly abnormal fashion.

Batangan, 799 P.2d at 51 (quoting State v. Moran, 728 P.2d 248, 251 (Ariz. 1986) and State

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despite not relating to appellant personally, but was "educator-expert" evidence).

v. Middleton, 657 P.2d 1215, 1222 (Or. 1983) (Roberts, J., concurring)).

The Batangan court further observed:

> Child victims of sexual abuse have exhibited some patterns of behavior which are seemingly inconsistent with behavioral norms of other victims of assault. Two such types of behavior are delayed reporting of the offenses and recantation of allegations of abuse. Normally, such behavior would be attributed to inaccuracy or prevarication. . . . In these situations it is helpful for the jury to know that many child victims of sexual abuse behave in the same manner. Expert testimony exposing jurors to the unique interpersonal dynamics involved in prosecutions for intrafamily child sexual abuse . . . may play a particularly useful role by disabusing the jury of some widely held misconceptions . . . so that it may evaluate the evidence free of the constraints of popular myths.

Batangan, 799 P.2d at 51-52 (citations and internal quotation marks omitted).

A law review article confirms the soundness of expert testimony on delayed disclosure:

> Psychological research demonstrates that delayed reporting is common among sexually abused children. Frequently when children finally disclose, they give slightly different versions of the abuse to different interviewers. Finally, although there is debate about how many sexually abused children recant, it is undisputed that some children recant and some recant their recantation. Thus, from a psychological point of view, expert testimony about delay, inconsistency, and recantation is not controversial. From the legal perspective, such testimony is not worrisome.

John E. B. Meyers, Expert Testimony in Child Sexual Abuse Litigation: Consensus and Confusion, 14 U.C. Davis J. Juv. L. & Pol'y, 45-46 (2010) (footnotes omitted).

Generally, "[e]xpert testimony that abused children often delay reporting the abuse . .

. informs the jury that the victim's failure to disclose in a timely fashion does not necessarily exonerate the defendant without suggesting that the particular child witness in the case was or was not abused." Commonwealth v. Bougas, 795 N.E.2d 1230, 1236 (Mass. App. Ct. 2003). "Further, disclosure in child abuse cases is generally delayed because of coercion, guilt, or some other reason, [and thus] there will be no physical evidence to corroborate the victim's allegations. Therefore . . . expert testimony will . . . assist the jury in understanding the evidence." People v. Beckley, 456 N.W.2d 391, 402 (Mich. 1990); see also State v. Carpenter, 556 S.E.2d 316, 321 (N.C. Ct. App. 2001) (finding expert testimony on delayed disclosure is "clearly instructive and helpful to the jury in understanding the evidence since the nature of the sexual abuse of children places lay jurors at a disadvantage"). "Indeed, the majority of states permit expert testimony to explain delayed reporting, recantation, and inconsistency . . . ." People v. Spicola, 947 N.E.2d 620, 635 (N.Y. 2011).

The New Jersey Supreme Court declared the following: "There does not appear to be a dispute about acceptance within the scientific community of the clinical theory that CSAAS [Child Sexual Abuse Accommodation Syndrome] identifies or describes behavioral traits commonly found in child abuse victims." State v. J.Q., 617 A.2d 1196, 1206 (N.J. 1993) (finding testimony about CSAAS is admissible to show victim displayed symptoms of child abuse or to explain delayed disclosure or recantation, but not to establish guilt or innocence).

The expert testimony was certainly probative in light of the tactics taken by Cartwright at trial. Cartwright's counsel asked Daughter how far away Rome, Georgia, was from Aiken, implying that she was out of Cartwright's reach. He commented on how she

testified she did not disclose because she was afraid, verified Cartwright no longer lived with her and her family from 1995 through 2011, verified there were police departments in Rome, suggested Daughter had a husband to protect her, and then asked: "So all this period of time, you never said anything to anybody, but the reason that you didn't was because you were afraid of him?" ROA p. 47, line 19 – p. 49, line 9. Cartwright is not prohibited from making this point to the jury, but the jury should know delayed disclosure is common because such phenomena is beyond their ken and is not atypical for victims of child sexual abuse. Ultimately, Cartwright's complaints are about the probative force of the evidence, not any danger of unfair prejudice. State v. Owens, 346 S.C. 637, 552 S.E.2d 745 (2001) ("Unfair prejudice means an undue tendency to suggest a decision on an improper basis.") *overruled on other grounds by* State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). "To show prejudice, there must be a reasonable probability that the jury's verdict was influenced by the challenged evidence." State v. Lee, 399 S.C. 521, 527, 732 S.E.2d 225, 228 (Ct. App. 2012).

Accordingly, the trial court did not err in overruling the grasping-at-straws objection of trial counsel. Dr. Benedetto was qualified to testify as an expert. Further, the testimony did not constitute impermissible bolstering and that argument was not raised to the trial court. Therefore, the convictions and sentences should be affirmed.

CONCLUSION

For all of the foregoing reasons, the conviction and sentence should be affirmed.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

January 4, 2017

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County
Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-000005

THE STATE,

Respondent,

v.

HAROLD BENNON CARTWRIGHT, III,

Petitioner.

CERTIFCATE OF COUNSEL

The undersigned certifies that this Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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PROOF OF SERVICE

I, Keely Carter, certify that I have served the within Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Dudek
South Carolina Commission on Indigent Defense
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I further certify that all parties required by Rule to be served have been served.

This 4th day of January, 2017.

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THE STATE OF SOUTH CAROLINA
In The Supreme Court

The State, Respondent,

v.

Harold Bennon Cartwright, III, Petitioner.

Appellate Case No. 2016-000005

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Opinion No. 27842
Heard March 22, 2017 – Filed September 26, 2018

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of South Carolina Commission on Indigent Defense, of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson and Senior Assistant Attorney General David A. Spencer, both of Columbia; and Solicitor James Strom Thurmond, Jr., of Aiken, all for Respondent.

CHIEF JUSTICE BEATTY: Harold Cartwright, III (Cartwright) was convicted of one count of first-degree criminal sexual conduct (CSC), eight counts

of first-degree CSC with a minor, two counts of second-degree CSC with a minor, one count of third-degree CSC, and sixteen counts of committing a lewd act on a minor. Cartwright appealed, arguing the trial court abused its discretion in: (1) ruling evidence of his suicide attempt was admissible to show consciousness of guilt; and (2) qualifying a witness and allowing her to testify as an expert in the field of "child sexual abuse dynamics." The Court of Appeals affirmed. *State v. Cartwright*, Op. No. 2015-UP-466 (S.C. Ct. App. filed Sept. 30, 2015). This Court granted Cartwright's petition for a writ of certiorari. We affirm.

I. Factual / Procedural History

Cartwright married Melinda Lively (Lively) in 1987. From that relationship, the couple had three children, Daughter, Hoss Cartwright (Hoss), and Jamie Cartwright. After Cartwright's divorce from Lively in 1997, Cartwright married Buffy Brown (Buffy) in 1999. Prior to marrying Cartwright, Buffy had two children, Stepdaughter One and Stepdaughter Two. In 2011, an Aiken County grand jury indicted Cartwright for sexually abusing Daughter and Stepdaughters One and Two between 1989 and 2011.

At the time of trial, Daughter was twenty-eight years old. Daughter recalled that, in 1989 when she was four, Cartwright had her perform oral sex on him. Daughter testified further that, when she was five years old, she told Lively about the abuse, but Lively refrained from contacting the police because Cartwright threatened to kill Daughter, Lively, and himself. Lively recalled Daughter mentioning the abuse, and corroborated Daughter's recollection that Lively did not contact law enforcement because she was also afraid of Cartwright. Additionally, Daughter explained to the jury that, when she was six, Cartwright ejaculated in her mouth. Daughter stated she spoke with the South Carolina Department of Social Services (DSS) about the incident, but she recanted because Cartwright instructed her to tell DSS that the abuse never happened. Daughter maintained that Cartwright never had sexual intercourse with her, but the sexual abuse continued every year until 1995, when she was ten. Furthermore, in response to the State's question about bribes, Daughter testified Cartwright would give her money, take her places, and buy her various items.

In 2011, detectives from the Aiken County Sheriff's Department contacted Daughter as part of an ongoing investigation of the alleged abuse of Stepdaughters One and Two. At that time, Daughter gave a statement to investigators detailing the abuse, which she later recounted at trial. Additionally, on cross-examination, Daughter acknowledged that, from 1995 until 2011, she never mentioned the alleged

sexual abuse because she was afraid of Cartwright.[1]

Stepdaughter One was twenty-one at the time of Cartwright's trial. She recalled that Cartwright began abusing her when she was nine. Thereafter, during the years of 2000 and 2001, Cartwright made Stepdaughter One perform oral sex on him multiple times a month. In July of 2001, Stepdaughter One disclosed the abuse to Sandra Parsons, a neighbor, and Michelle Prince, an Aiken County DSS employee. As a result, Cartwright was arrested in September of 2001 and released on bond. However, Stepdaughter One's mother, Buffy, convinced her to tell the prosecutors the abuse did not happen. Stepdaughter One explained that, after she recanted, Cartwright returned to the home and the abuse continued in the form of "humping."

Stepdaughter One further testified that, in 2002 when she was eleven, Cartwright began going into her room, rubbing his penis on her leg, and ejaculating on and in between her legs, "three to seven times a week." The abuse continued until 2006 when Stepdaughter One was fifteen. During this time, Cartwright threatened her with a knife and she eventually agreed to have sexual intercourse with him in exchange for money so she could visit an amusement park. Stepdaughter One maintained Cartwright would bribe her in the form of clothes, food, and transportation. According to Stepdaughter One, Cartwright threatened to kill her, Buffy, Stepdaughter Two, and himself.

Stepdaughter Two was eighteen at the time of Cartwright's trial. She alleged that Cartwright began sexually abusing her in 2008, when she was thirteen. She stated he would come into her room before school multiple times a week and hump her leg. Stepdaughter Two explained he would ejaculate on her, on her bed, and on her clothes. According to Stepdaughter Two, Cartwright threatened "to kill all of us and himself."

Stepdaughter Two testified that, when she was fourteen, Cartwright began having non-consensual sex with her. She recounted that, in May of 2010, after Hoss moved in, Cartwright stopped having sex with her, but continued to hump her before

[1] Daughter also stated her husband, Kevin Autry (Kevin), was convicted in 2000 for second-degree CSC with a minor in which she was the victim. Cartwright's trial counsel suggested Cartwright pushed the prosecution of Kevin. In response, Daughter denied that her testimony was the result of a grudge she held against Cartwright.

school. Hoss recalled that every morning he would hear Cartwright enter Stepdaughter Two's bedroom and stay for an extended period of time.

Investigators questioned Stepdaughter Two about the alleged sexual abuse. She initially told them Cartwright had not touched her because she was afraid of him but, after further questioning, she told the investigators Cartwright molested her.

Buffy testified that Cartwright would spend ten to twenty minutes waking up Stepdaughter One each morning before school. Buffy admitted that she put "some pressure" on Stepdaughter One to recant when Stepdaughter One originally reported the abuse because Cartwright convinced Buffy that he had done nothing wrong.

Buffy acknowledged that on February 19, 2011, Cartwright revealed to her that he may have molested both stepdaughters. Thereafter, Buffy explained Cartwright instructed her to wash Stepdaughter Two's bed linens and underwear because he had been laying in the bed with Stepdaughter Two and his DNA was in the bed. However, Buffy declined to wash the linens and consented to police searching the house and seizing the linens on February 25, 2011. The DNA recovered from Stepdaughter Two's bed sheet was a 1 in 16 trillion match to Cartwright's DNA.

As part of its case, the State called Dr. Alicia Benedetto, a clinical psychologist, as an expert in "child sexual abuse dynamics." Over defense counsel's objection, the trial court qualified Dr. Benedetto as an expert in clinical psychology. Dr. Benedetto acknowledged that she had not talked to any witnesses or victims in the case. She explained that "Child Sexual Abuse Accommodation Syndrome" involved patterns of behavior that children engage in that may not make sense to adults. She stated that children often respond to sexual abuse in a different manner than adults. She acknowledged that a child's response, although different from an adult's, is not necessarily indicative of abuse or untruthfulness. She explained that, to maintain the secrecy of the abuse, it was common for an abuser to bribe or buy gifts for the abused children. Dr. Benedetto asserted that manipulation and fear also play roles in maintaining secrecy. Specifically, she testified "[children] may be afraid for their own safety or the safety of siblings or the safety of the other parent in the home." Additionally, she noted that sexual abuse may cause children to "act out" and abuse alcohol or drugs.

When asked about recantations, Dr. Benedetto maintained that "children routinely delay reporting" and any delay was not indicative of whether or not sexual abuse occurred. Dr. Benedetto added "[c]ertainly we're open to the possibility that

it is a true recantation, but we also know that many times a child recants because of what happens after they tell. And, so, we want to be sure not to miss those cases."

At the conclusion of the State's case, James Hettich, an Aiken County Detention Center guard, was offered to establish that Cartwright attempted to commit suicide while detained prior to trial. On April 13, 2011, Hettich found Cartwright hanging from his bunk with a sheet wrapped tightly around his neck. Hettich recalled that Cartwright was unresponsive, but still breathing.

Cartwright took the stand in his own defense. He denied molesting any of the children and claimed that the semen found on Stepdaughter Two's sheets came from Buffy pushing him onto Stepdaughter Two's bed and masturbating him with underwear.

Cartwright offered the following explanation as to why he attempted suicide:

> I turned myself in. I'd been there for 30 days. I couldn't get a bond. I was charged with some of the most heinous crimes that somebody could ever think about being charged with. . . . I'm in my cell with all these things on my mind, and then the daughter that I loved, [Daughter], hates me so much because I had her husband . . . locked up . . . and she held a grudge against me, and they come [sic] and served me ten warrants. . . . [A]t that time I didn't feel I wanted to live any more [sic].

Ultimately, the jury found Cartwright guilty of all charges. The trial court sentenced him to concurrent terms of thirty years' imprisonment for first-degree CSC and each first-degree CSC with a minor, twenty years' imprisonment for each second-degree CSC with a minor, fifteen years' imprisonment for each lewd act on a minor, and a consecutive term of ten years' imprisonment for third-degree CSC. The Court of Appeals affirmed.

II. Standard of Review

"The admission or exclusion of evidence is a matter addressed to the sound discretion of the trial court and its ruling will not be disturbed in the absence of a manifest abuse of discretion accompanied by probable prejudice." *State v. Douglas*, 369 S.C. 424, 429, 632 S.E.2d 845, 847–48 (2006). "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 429–30, 632 S.E.2d at 848.

III. Discussion

A. Attempted Suicide as Evidence of Guilt

1. Arguments

On appeal, Cartwright argues the Court of Appeals erred by finding the trial court did not abuse its discretion admitting evidence, including photographs, that Cartwright attempted to commit suicide while incarcerated. Cartwright maintains this evidence was irrelevant and, even if relevant, its probative value was substantially outweighed by its unduly prejudicial effect under Rule 403, of the South Carolina Rules of Evidence.

In regards to relevance, Cartwright asserts the State failed to establish a nexus between the suicide attempt and the charges against him. Cartwright maintains the nexus should involve much more than the defendant merely understanding he has been charged with committing a crime. While acknowledging he was aware of the charges, Cartwright asserts that, because he turned himself in, his subsequent attempted suicide cannot be viewed as relevant evidence of guilt and, therefore, admissible. Furthermore, Cartwright contends suicide is a complex act that, in his case, was caused by not being able to make bond and, as Cartwright maintains, the fact that his own daughter turned on him.

2. Analysis

"Evidence is relevant if it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy." Rule 401, SCRE; *State v. Alexander*, 303 S.C. 377, 401 S.E.2d 146 (1991). "All relevant evidence is admissible, except as otherwise provided . . . ." Rule 402, SCRE; *State v. Langley*, 334 S.C. 643, 515 S.E.2d 98 (1999). "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." Rule 403, SCRE. "The determination of the prejudicial effect of the evidence must be based on the entire record and the result will generally turn on the facts of each case." *State v. Gillian*, 373 S.C. 601, 609, 646 S.E.2d 872, 876 (2007). "Evidence is unfairly prejudicial if it has an undue tendency to suggest a decision on an improper basis, such as an emotional one." *State v. Wilson*, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001).

This Court has not addressed whether evidence of an attempted suicide is admissible as evidence of guilt. However, the Court of Appeals has held evidence

of a suicide attempt is probative of a defendant's consciousness of guilt, so long as the circumstances justify an inference that the defendant's suicide attempt was motivated by his belief that he was being sought by authorities for the offense for which he is on trial. *State v. Orozco*, 392 S.C. 212, 708 S.E.2d 227 (Ct. App. 2011), *overruled on other grounds by State v. Stukes*, 416 S.C. 493, 787 S.E.2d 480 (2016) (overruling prior cases to the extent the holdings condoned the use of a jury instruction the Court deemed an impermissible charge on the facts). The court further held evidence of a suicide attempt is "generally admissible for whatever value the jury decides to give it." *Id*. at 220, 708 S.E.2d at 231. In so holding, the Court of Appeals reasoned that "[a suicide attempt] is easily analogized to other types of circumstantial evidence of guilt based on the accused's behavior after the crime." *Orozco*, 392 S.C. at 218, 708 S.E.2d at 230; *see State v. Edwards*, 383 S.C. 66, 72, 678 S.E.2d 405, 408 (2009) (holding witness intimidation evidence, if linked to the defendant, may be admitted to show a consciousness of guilt). We find the *Orozco* framework does not provide adequate safeguards, for suicide-attempt evidence is fraught with the potential for extreme prejudice. Because the admission of such evidence should be approached with the utmost caution, we decline to follow *Orozco*.

Evidence of attempted suicide is not easily analogized to evidence of guilt. Because this Court has not addressed whether evidence of an attempted suicide by a defendant is admissible, we surveyed other jurisdictions. As a result, we conclude that evidence of attempted suicide may be admitted, provided that the State establishes a clear and unmistakable nexus linking the suicide attempt to a guilty conscience derivative of the offense for which the defendant is on trial. We found a New Jersey case, *State v. Mann*, 625 A.2d 1102, 1107 (N.J. 1993), instructive insofar as the admissibility of such evidence is concerned.

In *Mann*, the New Jersey Supreme Court determined evidence of attempted suicide is admissible to show consciousness of guilt, but requires the trial court to hold a hearing outside the presence of the jury to evaluate whether evidence of the suicide attempt supports an inference that the defendant was seeking to avoid prosecution. *Id*. at 1108. The *Mann* court recognized that humans commit, and attempt to commit, suicide for a myriad of reasons including, but not limited to, prison conditions, family issues, financial problems, mental illness, emotional instability, disbelief in the justice system, stress, failure, and embarrassment. *Id.* Acknowledging the complex nature of the evidence, the *Mann* court instructed trial courts to consider defendants' alternative explanations, as well as the possible prejudice to a defendant from the introduction of the attempted suicide evidence. Additionally, the court noted trial courts "should ensure that a defendant has been

given adequate notice of the State's intention to offer proof of the attempted suicide." *Id.*

Persuaded by the guidelines set forth in *Mann*, we decline to adopt a per se rule either admitting or excluding this evidence. Instead, we find its admission should be made on a case-by-case basis. Additionally, we specifically depart from *Mann's* requirement of jury instructions when suicide evidence is admitted.

Accordingly, in future cases, we instruct trial courts to conduct a hearing outside of the presence of the jury. During this hearing, at which the State and the defendant shall be permitted to introduce evidence, the trial court shall determine whether the State has proven that: (1) a jury could reasonably find that a suicide attempt occurred; (2) the defendant was aware of the occurrence of the alleged crimes at the time of the suicide attempt; and (3) an unmistakable nexus exists by clear and convincing evidence linking the suicide attempt to a guilty conscience derivative of the offense for which the defendant is on trial. If the trial court concludes that the three factors have been established, the evidence is relevant and may be admitted, subject to a Rule 403, SCRE analysis. The suicide-attempt evidence may be admitted only when all three factors have been met, and the evidence survives a Rule 403 analysis. We recognize that in view of our rigorous framework, suicide-attempt evidence will rarely be admitted.

While this case presents a close question, we find the facts here survive the strict test for admissibility, including the trial court's Rule 403 determination that the probative value of the suicide-attempt evidence was not substantially outweighed by the danger of unfair prejudice. Prison authorities found Cartwright hanging in his cell, the same day Cartwright was served with additional warrants. Cartwright admitted that he attempted suicide after he became aware of the new charges. The record further reflects Cartwright threatened to commit suicide if the victims (Daughter, Stepdaughter One, and Stepdaughter Two) told anyone about the sexual abuse. The fact that Cartwright acted on his threat and attempted suicide enhances the probative value of the evidence. Therefore, we hold evidence of Cartwright's suicide attempt was relevant and properly admitted.[2]

The final issue regarding suicide-attempt evidence is whether the trial court should charge the jury on such evidence. We have carefully canvassed the law in other jurisdictions, and we conclude the trial court shall not provide a limiting

[2] Likewise, Cartwright's complaint of undue prejudice from the admission of two photographs of his prison cell is meritless.

instruction or otherwise comment to the jury on this evidence. *See* S.C. Const. art. V, § 21 ("Judges shall not charge juries in respect to matters of fact, but shall declare the law."). The absence of a jury instruction shall in no manner foreclose the ability of the State and the defendant to make permissible jury arguments[3] respecting the jury's consideration of the suicide-attempt evidence.

B. Expertise and Bolstering

1. Arguments

Cartwright asserts the Court of Appeals erred in affirming the trial court's decision to qualify Dr. Alicia Benedetto as an expert in "child sexual abuse dynamics" where she acknowledged her job was to conduct interviews and not conduct research or studies. Cartwright argues that, ultimately, Dr. Benedetto is a forensic interviewer giving the same testimony as a witness qualified in that area. Therefore, Cartwright maintains the trial court abused its discretion by qualifying Dr. Benedetto as an expert in "child sexual abuse dynamics" to render opinion testimony under Rule 702, SCRE.

2. Analysis

To be admissible, the trial court must first determine whether the expert testimony satisfies Rule 702, SCRE. Rule 702 provides: "[i]f 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." Additionally, if the expert testimony is admissible under Rule 702, SCRE, the trial court must determine if its probative value is outweighed by its prejudicial effect. *State v. Council*, 335 S.C. 1, 20, 515 S.E.2d 508, 518 (1999).

Because child abuse assessment testimony is non-scientific, the trial court must determine whether: (1) the qualifications of the expert are sufficient; and (2) the expert's testimony will be reliable. *State v. Chavis*, 412 S.C. 101, 106–07, 771 S.E.2d 336, 339 (2015). "There is no formulaic approach for determining the foundational requirements of qualifications and reliability in non-scientific evidence." *Id*. at 108, 771 S.E.2d at 339. "However, evidence of mere procedural consistency does not ensure reliability without some evidence demonstrating that the

[3] We do not suggest there are no limits to a party's jury argument, for the law provides limits, as enhanced by Due Process protections.

individual expert is able to draw reliable results from the procedures of which he or she consistently applies." *Id.*

Over defendant's objection, the trial court qualified Dr. Benedetto as an expert in clinical psychology and, citing *State v. Weaverling*, 337 S.C. 460, 523 S.E.2d 787 (Ct. App. 1999),[4] allowed Dr. Benedetto "to render opinions on sexual abuse dynamics."

Dr. Benedetto graduated with a B.A. in psychology from New York University, and a Masters and Ph.D. from St. John's University. She completed her internship at William S. Hall Psychiatric Institute. Dr. Benedetto stated she was a licensed clinical psychologist and was the chief psychologist, for eleven years, at the Assessment and Resource Center (ARC), a children's advocacy center under the South Carolina Department of Mental Health. In that capacity, Dr. Benedetto explained "at the ARC, I conduct forensic interviews on a daily basis." Although Dr. Benedetto acknowledged there are many empirical studies on how children respond to abuse, she maintained that she was not a researcher, but instead a clinician.

While Dr. Benedetto's background and daily job duties consisted of conducting forensic interviews, the admission of which this Court cautioned against in *State v. Kromah*,[5] Dr. Benedetto's education, formal training, and significant contact with sexually abused children qualified her to give an opinion on the behavioral characteristics of sexually abused children. *See State v. Jones*, 417 S.C. 319, 790 S.E.2d 17 (Ct. App. 2016) (holding expert's testimony on "child sex[ual] abuse dynamics" properly admitted by trial court because the testimony was reliable and the subject was beyond the ordinary knowledge of the jury); *State v. Barrett*, 416 S.C. 124, 785 S.E.2d 387 (Ct. App. 2016) (finding no error in the trial court

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[4] In *Weaverling*, the Court of Appeals determined "[e]xpert testimony concerning common behavioral characteristics of sexual assault victims" is not only relevant, but also "helpful in explaining to the jury the typical behavior patterns of adolescent victims." 337 S.C. at 474-75, 523 S.E.2d at 794. Additionally, the court concluded "[t]here is no requirement the sexual assault victim be personally interviewed by the expert before the expert can give behavioral evidence testimony." *Id.* at 475, 523 S.E.2d at 794.

[5] 401 S.C. at 357 n.5, 737 S.E.2d at 499 n.5 (stating "we can envision no circumstance where [forensic interviewers'] qualification as an expert at trial would be appropriate").

qualifying victim's forensic interviewer as an expert mental health professional in the area of child sexual abuse characteristics where the expert was a licensed professional counselor with a master's degree in clinical psychology). Therefore, we find the trial court did not err in qualifying Dr. Benedetto as an expert in "child sexual abuse dynamics."

Even if Dr. Benedetto was properly qualified as an expert, Cartwright contends her testimony was highly prejudicial. Cartwright maintains that, because Dr. Benedetto's testimony mirrored the claims in his case, her testimony was the equivalent of improper bolstering by a forensic interviewer. Cartwright's contention is meritless. Cartwright ignores the fact that Dr. Benedetto is not the typical forensic interviewer. Dr. Benedetto has advanced educational degrees in psychology and has formally studied human behavior.

Cartwright is correct that "[w]hile experts may give an opinion, they are not permitted to offer an opinion as to the credibility of others." *State v. Chavis*, 412 S.C. 101, 109, 771 S.E.2d 336, 340 (2015). "'Specifically, it is improper for a witness to testify as to his or her opinion about the credibility of a child victim in a sexual abuse matter.'" *Id*. (*quoting Kromah*, 401 S.C. at 358-59, 737 S.E.2d at 500 (cautioning forensic interviewers to avoid "any statement that indirectly vouches for the child's believability")); *see State v. Jennings*, 394 S.C. 473, 480, 716 S.E.2d 91, 94 (2011) (finding error where there was "no other way to interpret the language used in the reports other than to mean the forensic interviewer believed the children were being truthful"). Further, "[i]t is axiomatic that the credibility of the testimony of these witnesses is for the jury." *State v. Wright*, 269 S.C. 414, 417, 237 S.E.2d 764, 766 (1977).

We find Dr. Benedetto's testimony did not improperly bolster the victims' credibility. Rather, her testimony served the purpose of explaining the behaviors common to sexually abused children. Here, she never interviewed the victims and never stated she believed the victims were telling the truth. Dr. Benedetto simply described, in general terms, the reasons why children recant. Additionally, Dr. Benedetto explained that abusers often bought gifts for victims, that victims are often threatened about disclosure of the abuse, and that victims may start to act out and begin drinking or using drugs. Thus, although Dr. Benedetto's testimony corroborated some of the minor victims' general behavior, she properly testified in broad terms based on her expert qualifications. Therefore, the Court of Appeals correctly determined Dr. Benedetto's testimony did not result in improper vouching for the credibility of the victims.

IV. Conclusion

Based on the foregoing, we: (1) affirm the decision of the Court of Appeals holding the trial court did not abuse its discretion admitting evidence of the attempted suicide; (2) set forth the framework trial courts must apply in future cases when evidence of a suicide attempt is offered to prove consciousness of guilt; (3) affirm the decision of the Court of Appeals finding the trial court correctly qualified Dr. Benedetto as an expert in clinical psychology and allowed her to render an opinion on "child sexual abuse dynamics"; and (4) affirm the decision of the Court of Appeals determining Dr. Benedetto's testimony did not constitute improper bolstering.

AFFIRMED.

KITTREDGE and JAMES, JJ., concur. HEARN, J., concurring in a separate opinion in which Acting Justice J. Cordell Maddox, Jr., concurs.

JUSTICE HEARN: I write separately to express my view that evidence of a suicide attempt, standing alone, is not probative of guilt and should not be admitted into evidence. However, because I believe any error in admitting Cartwright's suicide attempt in this case was harmless, I concur in the result reached by the majority.

Like the majority, I disagree with the court of appeals that a suicide attempt is easily analogized to other types of circumstantial evidence of guilt. *See State v. Onorato*, 762 A.2d 858, 859–60 (Vt. 2000) ("The underlying reasons motivating an attempt to take one's life can be both numerous and highly complex, and may be even less indicative of guilt than flight evidence."). I do not, for example, find evidence of a suicide attempt similar to evidence of flight or witness intimidation or other incriminating behavior following the commission of a crime. In my view, a suicide attempt without some tangible inculpatory evidence—such as a note penned in the defendant's hand which states that his suicide was motivated by guilt stemming from his commission of the crime—should never be admitted. *See Stephenson v. State*, 29 N.E.3d 111, 120 (Ind. 2015) ("We decline to find that the mere existence of an attempted suicide, without more, is relevant evidence of a person's guilty conscience about committing a charged crime, ..."). While I disagree with the result ultimately reached by the Supreme Court of New Jersey in *State v. Mann,* 625 A.2d 1102 (N.J. 1993), it recognized that the reasons people commit suicide and attempt to commit suicide are diverse and complex. A panoply of mental and emotional health issues factor into a person's decision to take his or her own life and without clear corroboration that the attempt was motivated by guilt, such evidence is simply too speculative in my view to be admissible in a criminal trial. Even prior to the turn of the twentieth century, courts recognized suicide and attempts to commit suicide may be brought about by numerous factors, including prison conditions, family issues, financial problems, mental illness, emotional instability, lack of confidence in the justice system, stress, failure, and embarrassment—all factors that can weigh heavily on the minds of the guilty and not guilty alike. *See State v. Coudotte*, 72 N.W. 913, 916 (N.D. 1897) ("When we essay the task of accounting for suicide on any general grounds, we undertake a task that, from its very nature, is impossible of performance. The human mind is so wonderfully, yet so delicately, constructed, the human passions are so powerful, yet so varied, that it is idle for any one person to pretend to enter the consciousness of another, and account for the inner workings of that other mind."). Absent tangible evidence that connects the suicide attempt to consciousness of guilt, I do not believe a defendant's actions in trying to take his own life should be brought before the jury.

Nonetheless, in this case, there was overwhelming evidence of the defendant's guilt apart from his suicide attempt, including DNA evidence recovered from Stepdaughter Two's bed sheets. Accordingly, although I would find error in the admission of Cartwright's suicide attempt into evidence, I would deem it harmless and affirm his conviction.

Acting Justice J. Cordell Maddox, Jr., concurs.

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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October 16, 2018

The Honorable Liz Godard
P.O. Box 583
Aiken, SC 29802-0583

REMITTITUR

Re: State v. Harold B. Cartwright, III
Lower Court Case No. 2012-GS-02-01682
Appellate Case No. 2016-000005

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
David A. Spencer, Esquire
James Strom Thurmond, Jr., Esquire

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF **AIKEN**	)	**SECOND** JUDICIAL CIRCUIT
HAROLD CARTWRIGHT, #355084	)	Case No. 2019CP0201582
Applicant,	)	**APPLICATION FOR POST-CONVICTION RELIEF**
v.	)	
State of South Carolina.	)	

As required by Rule 71.1(b), SCRCP, this application is in conformity with Form 5 of the SCRCP Appendix of Forms.

1. Place of Detention: Applicant is detained in the South Carolina Department of Corrections at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899.

2. Name and location of Court which imposed sentence: Aiken County Court of General Sessions, 109 Park Ave SE, Aiken, SC 29801.

3. Name(s) of co-defendant(s) (if any): None.

4. The indictment number(s) upon which and the offenses for which sentence was imposed:

   (a) 2012-GS-02-00304 (Criminal Sexual Conduct, First Degree). M041010

   (b) 2012-GS-02-00306 (Criminal Sexual Conduct with a Minor, First Degree). 2012GS0200306

   (c) 2012-GS-02-00307 (Lewd Act Upon a Child). 2012GS0200307

   (d) 2012-GS-02-00308 (Lewd Act Upon a Child). M041011

   (e) 2012-GS-02-00309 (Lewd Act Upon a Child). M041012

   (f) 2012-GS-02-00310 (Lewd Act Upon a Child). M041013

   (g) 2012-GS-02-00311 (Lewd Act Upon a Child). M041014

   (h) 2012-GS-02-00312 (Lewd Act Upon a Child). M041016

   (i) 2012-GS-02-00313 (Lewd Act Upon a Child). M041009

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C.C.P. & G.S.
Deputy Clerk

(j) 2012-GS-02-00314 (Lewd Act Upon a Child). M015656

(k) 2012-GS-02-00315 (Lewd Act Upon a Child). M015659

(l) 2012-GS-02-00316 (Lewd Act Upon a Child). M015662

(m) 2012-GS-02-00317 (Lewd Act Upon a Child). M015657

(n) 2012-GS-02-00318 (Lewd Act Upon a Child). M015661

(o) 2012-GS-02-00319 (Criminal Sexual Conduct with a Minor, First Degree). M041043

(p) 2012-GS-02-00320 (Lewd Act Upon a Child). M04160

(q) 2012-GS-02-00321 (Criminal Sexual Conduct with a Minor, First Degree). M041044

(r) 2012-GS-02-00322 (Lewd Act Upon a Child). M041051

(s) 2012-GS-02-00323 (Criminal Sexual Conduct with a Minor, First Degree). M041045

(t) 2012-GS-02-00324 (Lewd Act Upon a Child). M041052

(u) 2012-GS-02-00325 (Criminal Sexual Conduct with a Minor, First Degree). M041046

(v) 2012-GS-02-00326 (Lewd Act Upon a Child). M041053

(w) 2012-GS-02-00327 (Criminal Sexual Conduct with a Minor, First Degree). M041047

(x) 2012-GS-02-00328 (Lewd Act Upon a Child). M041054

(y) 2012-GS-02-00329 (Criminal Sexual Conduct with a Minor, First Degree). M041048

(z) 2012-GS-02-00330 (Lewd Act Upon a Child). M041055

(aa) 2012-GS-02-00331 (Criminal Sexual Conduct with a Minor, First Degree). M041049

(bb) 2012-GS-02-00332 (Lewd Act Upon a Child). M041066

5. The date upon which the sentence was imposed and the terms of the sentence:

(a) April 18, 2013.

(b) Thirty (30) years imprisonment for the Criminal Sexual Conduct, First Degree, conviction (2012-GS-02-00304).

(c) Thirty (30) years imprisonment for the Criminal Sexual Conduct with a Minor, First Degree, convictions (2012-GS-02-00306; 019; 021; 023; 025; 027; 029; 031).

(d) Twenty (20) years imprisonment for the Criminal Sexual Conduct with a Minor, Second Degree, conviction (2012-GS-02-00315).

(e) Fifteen (15) years imprisonment for the Lewd Act Upon a Child convictions (2012-GS-02-00307–318; 320; 322; 324; 326; 328; 330; 332).

(f) Ten (10) years imprisonment for the Criminal Sexual Conduct, Third Degree, conviction (2012-GS-02-1682).

(g) Concurrent sentences for the following convictions: Criminal Sexual Conduct, First Degree; Criminal Sexual Conduct with a Minor, First Degree; Criminal Sexual Conduct Second Degree; and Lewd Act Upon a Child.

(h) Consecutive sentence for the Criminal Sexual Conduct, Third Degree, conviction.

6. A finding of guilty was made:

(a) After a jury trial before the Honorable Doyet A. Early, III.

7. Did you appeal from the judgment of conviction and/or the imposition of the sentence?

(a) Yes.

8. If you answered "yes" to number (7), list:

(a) The name of each Court to which you appealed:

i. South Carolina Court of Appeals.

ii. South Carolina Supreme Court.

(b) The result in each Court to which you appealed:

i. Affirmed convictions and sentences (S.C. Court of Appeals).

ii. Affirmed convictions and sentences (S.C. Supreme Court).

(c) The date of each result:

i. December 4, 2015 (S.C. Court of Appeals; Unpublished Opinion).

ii. September 26, 2018 (S.C. Supreme Court; Published Opinion).

(d) If known, citations of any written opinions or ordered entered pursuant to such result:

i. *State v. Cartwright*, Op. No. 2015-UP-466 (S.C. Ct. App. filed on December 4, 2015).

ii. *State v. Cartwright*, 425 S.C. 81, 819 S.E.2d 756 (2018); Op. No. 27842 (S.C. Sup. Ct. filed on September 26, 2018).

9. If you answered "no" to number (7), state your reasons for not appealing:

(a) Not applicable. Applicant filed a Direct Appeal of his convictions and sentences.

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Trial Counsel denied Applicant's right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 3 and 14 of the South Carolina Constitution. *See* S.C. Code § 17-27-20(A)(1), (4), and (6). Specifically, Trial Counsel's unreasonably deficient performance prejudiced Applicant because there is a reasonable probability that, but for Trial Counsel's errors, the result of the proceeding would have been different. *See Strickland v. Washington*, 466 U.S. 668 (1984).

(b) Appellate Counsel denied Applicant's right to effective assistance of counsel as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 3 and 14 of the South Carolina Constitution. Specifically, Appellate Counsel's unreasonably deficient performance prejudiced Applicant because there is a reasonable probability that, but for Appellate Counsel's

errors, the result of the proceeding would have been different. *See Strickland v. Washington*, 466 U.S. 668 (1984).

11. State concisely and in the same order the facts which support each of the grounds set out in number (10):

(a) Trial Counsel's acts or omissions of ineffective assistance of counsel include but not are not limited to the following allegations:

(i) Trial Counsel failed to conduct a reasonable investigation and to develop all available, relevant, and admissible or mitigating evidence in preparation of Applicant's defense. *See Wiggins v. Smith*, 539 U.S. 510 (2003).

(ii) Trial Counsel failed to adequately investigate A.R.'s involement in a drug investigation by law enforcement which prompted the unrelated statement implicating Applicant of sexual abuse.

(iii) Trial Counsel failed to adequately investigate and compare the timeline of when Applicant lived in the home and the timing of the allegations.

(iv) Trial Counsel failed to either obtain or review with Applicant all discovery in preparation for trial.

(v) Trial Counsel failed to properly cross-examine and impeach the State's witnesses based on their inconsistent testimony from the first trial to the second trial and the witnesses' prior statements to law enforcement.

(vi) Trial Counsel failed to adequatcly prepare for trial by not interviewing witnesses who could have testified regarding Applicant's good character and reputation when it was reasonable and necessary to present this evidence at trial and request a jury instruction on good character and reputation. *See State v.* Harrison, 343 S.C. 165, 539 S.E.2d 71 (Ct. App. 2000).

(vii) Trial Counsel provided erroneous legal advice regarding Applicant's testimony that was not within the range of competence demanded of attorneys in criminal cases.

(viii) Trial Counsel failed to object to and preserve for appellate review the Court's jury instructions that improperly shifted the burden of proof and misstated the law.

(ix) Trial Counsel's failure to object to and preserve for appellate review inadmissible and unduly prejudicial evidence during Applicant's trial.

(x) Trial Counsel failed to object to and preserve for appellate review the State's improper closing argument that was a misstatement of the evidence and unduly prejudicial.

(b) Specifically, Appellate Counsel's acts or omissions of ineffective assistance of counsel include but not are not limited to the following allegations:

(i) Appellate Counsel failed to file a Petition for Writ of Certiorari in the United States Supreme Court on the novel issue in South Carolina of whether evidence of an attempted suicide is admissible as evidence of guilt.

12. Prior to this application, have you filed with respect to this conviction:

(a) Any petition in a State Court under South Carolina Law? Applicant filed a Direct Appeal: Petition for Rehearing in the S.C. Court of Appeals and Petition for Writ of Certiorari to the Court of Appeals in the S.C. Supreme Court.

(b) Any petition in State or Federal Courts for Federal Habeas Corpus or Post-Conviction Relief? No. Applicant has not previously filed an application for Post-Conviction Relief or Petition for Writ of Habeas Corpus in either state or federal court.

(c) Any petition in the Supreme Court of the United States for certiorari other than petitions, if any, already specified in number (8)? No.

(d) Any other petitions motions or applications in this or any other Court? No.

13. If you answered "yes" to any part of number (12), list with respect to each petition, motion, or application:

(a) The specific nature thereof:

i. Petition for Rehearing in the S.C. Court of Appeals.

ii. Petition for Writ of Certiorari to the Court of Appeals in the S.C. Supreme Court.

(b) The name and location of the Court in which each was filed:

i. South Carolina Court of Appeals.

ii. South Carolina Supreme Court.

(c) The disposition thereof:

i. Denied.

ii. Granted; Affirmed.

(d) The date of each such disposition:

i. December 4, 2015.

ii. September 26, 2018

14. Has any ground set forth in number (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? No.

15. If you answered "yes" to number (14), identify:

(a) The grounds which have been presented:

i. Not applicable.

(b) The proceedings in which each ground was raised:

i. Not applicable.

16. If any ground set forth in number (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Post-Conviction Relief is the proper forum and remedy for these allegations because the grounds for relief presented in this application are evidence of ineffective assistance of counsel, issues not preserved for appellate review, and/or were not appropriate to raise or were not properly raised on Direct Appeal.

17. Were you represented by an attorney at any time during the course of:

(a) Your plea hearing? Not applicable.

(b) Your trial? Yes.

(c) Your sentencing? Yes.

(d) Your appeal, if any, from the judgment of conviction and/or imposition of the sentence? Yes.

(e) Preparation, presentation or consideration of any petitions, motions, or application with respect to this conviction, which you filed? Yes.

18. If you answered "yes" to one or more parts of number (17), list:

(a) The name and address of each attorney who represented you:

(i) Michael Routzong, Jr., Esq., 215 N. Harvin, Sumter, SC 29150.

(ii) David Hayes, Esq., PO Drawer 2247, Aiken, SC 29802.

(iii) Robert Dudek, Esq., PO Box 11589, Columbia, SC 29211.

(iv) Dayne C. Phillips, 1614 Taylor Street, Ste D., Columbia, SC 29201.

(b) The proceedings at which each attorney represented you:

(i) Michael Routzong represented Applicant at trial.

(ii) David Hayes represented Applicant at trial.

(iii) Robert Dudek represented Applicant on direct appeal.

(iv) Dayne C. Phillips is currently representing Applicant on this application for Post-Conviction Relief.

19. State clearly the relief you seek in filing this application:

Applicant seeks Post-Conviction Relief by vacating his convictions and sentences and remanding the indictments for a new trial based on ineffective assistance of counsel.

20. Are you now under sentence from any other court that you have not challenged?

No. Applicant is not under sentence from any other court.

[Verification to Follow]

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Aiken)

I, Harold Cartwright, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

SWORN to and subscribed before me this 21
day of June, 2019

Notary Public (L.S.)

My Commission Expires: 9.30.26

Revised 3/2003

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Benson Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address: [redacted])
City, State [redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0201682
A/W#: 12-D102-0034
Date of Offense: 2/8/2011 - 2/24/2011
S.C. Code § : 16-03-0654
CDR Code #: 0162

SENTENCE SHEET 0-10 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Criminal sexual conduct - Third degree

in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State,

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCIA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Angela Sandefur
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 01576
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT
THIRD DEGREE

§ 16-03-0654

At a Court of General Sessions, convened on November 12, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County, South Carolina, at divers times on or between February 8, 2011 and February 24, 2011, willfully and unlawfully commit the offense of criminal sexual conduct in the third degree by engaging in sexual battery with the victim, [redacted], under any one or more of the following circumstances: the actor used force or coercion to accomplish the sexual battery in the absence of aggravating circumstannces; and/or the actor knew or had reason to know that the victim was mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish battery, all in violation of §16-03-0654 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Benson Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,Stat)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0201682
A/W#: 12-DI02-0034
Date of Offense: 2/8/2011 - 2/24/2011
S.C. Code § : 16-03-0654
CDR Code #: 0162

SENTENCE SHEET 0-10 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct - Third degree
in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W., Bill* SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 56-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (If paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Angel Sanders
Court Reporter: Lisa Davenport
Presiding Judge: [signature]
Judge Code: 01Fo
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff's Office

Kristopher Evensen

Law Enforcement Case #: 11-012299

JWW

ARREST WARRANT NUMBER

12-DI02-0034

DIRECT INDICTMENT

FILED NOV 8 12

C.C.C.P. & G.S.

Deputy Clerk

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: November 8, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0201682

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0162

Indictment for

CRIMINAL SEXUAL CONDUCT
THIRD DEGREE

§ 16-03-0654

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT
THIRD DEGREE

§ 16-03-0654

At a Court of General Sessions, convened on November 12, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County, South Carolina, at divers times on or between February 8, 2011 and February 24, 2011, willfully and unlawfully commit the offense of criminal sexual conduct in the third degree by engaging in sexual battery with the victim, [redacted], under any one or more of the following circumstances: the actor used force or coercion to accomplish the sexual battery in the absence of aggravating circumstannces; and/or the actor knew or had reason to know that the victim was mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish battery, all in violation of §16-03-0654 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,State)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200304
A/W#: M041010
Date of Offense: 10/17/2006 - 10/16/2008
S.C. Code § : 16-03-0652
CDR Code #: 0160

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct - First degree

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: KC Mo — Molony, Kevin N — 60679 SC Bar# — Defendant — Attorney for Defendant — 71861 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 ~~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: _____ _____
☒ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Stepper
Court Reporter: Lisa Davenport

Presiding Judge W. B. Easler Jr.
Judge Code: 0134
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

FILED 9 February 2012

M041010 Lisa Godard
CCCP&GS
Shannon D. Rosenkranz
Deputy Clerk

ACTION OF GRAND JURY

Bill True

Whitney Cathcart
Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200304

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0160

Indictment for

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

§ 16-03-0652

J. STROM THURMOND, SOLICITOR

1371

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT FIRST DEGREE

§ 16-03-0652

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, did in Aiken County on or between October 17, 2006 and October 16, 2008 commit the crime of Criminal Sexual Conduct In The First Degree, in that the Defendant did commit a sexual battery upon and with the body of [redacted] a person of fifteen (15) to sixteen (16) years of age. Such sexual battery was accomplished by the use of force of a high and aggravated nature and/or the victim submitted to the sexual battery under circumstances where she was also the victim of forcible confinement and/or kidnapping. All in violation of §16-3-652 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,State,)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200306
A/W#: 12-D102-0096
Date of Offense: 10/17/2000 - 10/16/2001
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 6-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As indicted, ☐ Lesser included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: K. McLeod 00679 _____ [signature] 7/18/13
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 56-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge [signature]
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

SRB

ARREST WARRANT NUMBER

FILED 9 February 20 12

12-DI02-0096 L. Lockard CCCP&GS

Shannon A. Rosenkranz
Deputy Clerk

ACTION OF GRAND JURY

Bill - True

Wesley Earhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200306

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between October 17, 2000 and October 16, 2001, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was nine (9) years of age at the time of the incident. All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address: [redacted])
City,State [redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200307
A/W#: 12-DI02-0097
Date of Offense: 10/17/2000 - 10/16/2001
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

In violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☑ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Stepp
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

FILED 9 February 2012

12-DI02-0097

Dan Ford
CCP&GS Clerk

Kennon O. Rosenkranty
Deputy Clerk

ACTION OF GRAND JURY

Bill - True

Wesley Eubanks

Foreperson of Grand Jury

Date: February 9, 2012

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012GS0200307

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE

vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

1377

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
LEWD ACT UPON A CHILD

§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2000 and October 16, 2001, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,State,Z [redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200308
A/W#: M041011
Date of Offense: 10/17/2006 - 10/16/2007
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Maloney, Kevin N SC Bar# 66679 Defendant Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Anne Sanders
Court Reporter: Lisa Davenport
SCCA/217 (03/2011)

Presiding Judge D. Early
Judge Code: 0136
Sentence Date: 4-18-13

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
LEWD ACT UPON A CHILD

§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2006 and October 16, 2007, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted] a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,Stat)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200308
A/W#: M041011
Date of Offense: 10/17/2006 - 10/16/2007
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 6-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: K. Mx
Moloney, Kevin N — SC Bar# 66679 — Defendant — Attorney for Defendant — SC Bar# 71861

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Anne Sanders
Court Reporter: Lisa Davenport
SCCA/217 (03/2011)

Presiding Judge D. Early
Judge Code: 0136
Sentence Date: 4-18-13

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: IR#11-012299

BRB

ARREST WARRANT NUMBER

FILED 9 February 20 12

M041011

L. Holland
CLERK OF COURT

Shannon W. Rosenkranz
Deputy Clerk

ACTION OF GRAND JURY

Bill True

Wesley Earhart
Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200308

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

1382

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
LEWD ACT UPON A CHILD

§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between October 17, 2006 and October 16, 2007, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted] a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address: [redacted])
City,State [redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200315
A/W#: M015659
Date of Offense: 2/8/2009 - 2/7/2010
S.C. Code § : 16-03-0655(3)
CDR Code #: 0397

SENTENCE SHEET 0-20 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

In violation of § 16-03-0655(3) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: Maloney, Kevin N 80679 SC Bar# Defendant Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge W. B. Easterling
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015659

FILED 9 February 2012
Lisa Eckstrand
CCP&GS Clerk
Sharron D.C. Rosen County
Deputy Clerk

ACTION OF GRAND JURY

Bill - True

Wyley Erlewine

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200315

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0307

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE

§ 16-03-0655(3)

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE SECOND DEGREE
	)	

§ 16-03-0655(3)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between February 8, 2009 and February 7, 2010, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery upon [redacted] a minor who was fourteen (14) years of age at the time of the incident, and Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim. All in violation of §16-3-655 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address: [redacted])
City,State,Z [redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200316
A/W#: M015662
Date of Offense: 2/8/2010 - 2/7/2011
S.C. Code § : 16-03-0655(3)
CDR Code #: 0397

SENTENCE SHEET 0-20yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

in violation of § 16-03-0655(3) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Mullinax, Kevin N 80679 SC Bar# Defendant Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 20 ~~days/months/years~~ ☐ 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (If paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge M M Carty
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015662

FILED 9 February 20 12

L. Holland
C.C.C.P.&G.S.

Shannon M. Rosenkranz
Deputy Clerk

ACTION OF GRAND JURY

Bill - True

Wesley Cathcart
Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200316

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0397

Indictment for

CRIMINALD SEXUAL CONDUCT WITH A MINOR IN THE SECOND DEGREE

§ 16-03-0655(3)

J. STROM THURMOND, SOLICITOR

1388

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINALD SEXUAL CONDUCT WITH A
COUNTY OF AIKEN	)	MINOR IN THE SECOND DEGREE
	)	

§ 16-03-0655(3)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between February 8, 2010 and February 7, 2011, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, In that the Defendant did commit a sexual battery upon [redacted] a minor who was fifteen (15) years of age at the time of the incident(s), and the Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim. All in violation of §16-3-655 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Benson Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,State)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS02000318
A/W#: M015661
Date of Offense: 2/8/2010 - 2/7/2011
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing a Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
McInnis, Kevin M SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of (15) 25 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (If paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~/Deputy Clerk Sharon Langley
Court Reporter: Lisa Davenport

Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-012299

BRB

ARREST WARRANT NUMBER

M015661

FILED 9 February 2012
Lisa Godard
CLERK OF COURT
Deputy Clerk

ACTION OF GRAND JURY

B:V- True

Wesley Earhart

Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200318

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

1391

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	LEWD ACT UPON A CHILD
COUNTY OF AIKEN	)	
	)	§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between February 8, 2010 and February 7, 2011, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address: [redacted])
City, State, [redacted])
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200331
A/W#: M041049
Date of Offense: 1/7/1995 - 1/6/1996
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Moloney, Kevin M SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCIA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Hippin
Court Reporter: Lisa Davenport

Presiding Judge _____
Judge Code: 0156
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1995 and January 6, 1996, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted], a minor who was ten (10) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,Stat)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200331
A/W#: M041049
Date of Offense: 1/7/1995 - 1/6/1996
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Mabony, Kevin M SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 30 (30) 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Hippin
Court Reporter: Lisa Davenport

Presiding Judge _____
Judge Code: 0156
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041049

FILED 9 February 2012
Lisa Strickland
CCP&GS Code
Shannon D. Rosenkrantz
Deputy Clerk

ACTION OF GRAND JURY

B:K- True

Wesley Earhardt
Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200331

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

CDR #: 0385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

J. STROM THURMOND, SOLICITOR

1396

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A
MINOR IN THE FIRST DEGREE

§ 16-03-0655(1)

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III did in Aiken County at divers times on or between January 7, 1995 and January 6, 1996, commit the crime of Criminal Sexual Conduct With A Minor In The First Degree, in that the Defendant did commit a sexual battery upon [redacted] a minor who was ten (10) years of age at the time of the incident(s). All in violation of §16-3-655, 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Addre)
City,S)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200332
A/W#: M041056
Date of Offense: 1/7/1995 - 1/6/1996
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16

In violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5%)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 56-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (If paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sandefur
Court Reporter: Lisa Davenport
SCCA/217 (03/2011)

Presiding Judge _____
Judge Code: 036
Sentence Date: 4-18-13

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
LEWD ACT UPON A CHILD

§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1995 and January 6, 1996, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted])
Address:)
City,State,Z [redacted])
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200332
A/W#: M041056
Date of Offense: 1/7/1995 - 1/6/1996
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Ann Landeza
Court Reporter: Lisa Davenport
Presiding Judge: [signature]
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

WITNESSES

Aiken County Sheriff

Kristopher Evensen

Law Enforcement Case #: 11-12299

BRB

ARREST WARRANT NUMBER

M041056

FILED 9 February 2012

Lisa Godard
CCP&GS
Clerk
Shannon D. Rosenkranz
Deputy Clerk

ACTION OF GRAND JURY

B/B - True

Wesley Eberhardt
Foreperson of Grand Jury
Date: February 9, 2012

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012GS0200332

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

FEBRUARY TERM 2012

THE STATE
vs.

HAROLD BENNON CARTWRIGHT III

1401

CDR #: 2468

Indictment for

LEWD ACT UPON A CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

INDICTMENT FOR
LEWD ACT UPON A CHILD

§ 16-15-0140

At a Court of General Sessions, convened on February 13, 2012, the Grand Jurors of Aiken County present upon their oath:

That HAROLD BENNON CARTWRIGHT III, being over the age of fourteen (14) years, did in Aiken County at divers times on or between January 7, 1995 and January 6, 1996, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [redacted], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All 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.

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2019 -CP- 02 -01582

HAROLD CARTWRIGHT
Plaintiff(s)

vs.

STATE OF SOUTH CAROLINA
Defendant(s)

APPLICATION FOR POST-CONVICTION RELIEF

Submitted By: Dayne C. Phillips, Esq.
Address: 1614 Taylor Street, Ste. D., Columbia, SC 29201

SC Bar #: 77712
Telephone #: (803) 807-0234
Fax #: (803) 380-8035
Other: 803-272-4503
E-mail: dayne@pricebenowitz.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION *(Check all that apply)*

***If Action is Judgment/Settlement do not complete*

☐ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION *(Check One Box Below)*

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199) _____

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20__ __-NI-_____-_____ .____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299) _____

Torts – Personal Injury
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399) _____

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499) _____

Inmate Petitions
- ☒ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599) _____

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899) _____

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799) _____

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699) _____
- ☐ Sexual Predator (510)
- ☐ Permanent Restraining Order (680)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Pre-Suit Discovery (670)

FILED 06/21/20 19 2:30
C.C.C.P. & G.S.
Charla Griffin Pleasant
Deputy Clerk

Submitting Party Signature: Dayne C. Phillips

Date: June 21, 2019

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

ARREST WARRANT

M-041056

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clop 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL **ORIGINAL** **ORIGINAL** **ORIGINAL**

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1995 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1995 AND JANUARY 7, 1996, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

4655

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

FILED 2011 Apr 26 P 2:57 Rebecca Woodard C.C.P.&G.S. Aiken County, SC

1404

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 or about 10/1/1995 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011 (L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL **ORIGINAL** **ORIGINAL**

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: OSC

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

CODEFENDANTS

_____

_____

1405

ARREST WARRANT

M-041055

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1994 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1994 AND JANUARY 7, 1995, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM, [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

FILED 20 11 C.C.P. & G.S. Deputy Clerk

1406

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 or about 10/1/1994 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011)
(L.S.))
Signature of Issuing Judge)
Rodger Emerson Edmonds)
Judge Code: 5655)

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [signature]

on 04-20-11

Type and Amount: GSL

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Telephone: _____

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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

1407

ARREST WARRANT

M-041054

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clo 5506

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 23, 2003 SCCA 618

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1993 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

FILED April 26 20 11
Lisa Hedard
C.C.C.P.&G.S.
Deputy Clerk

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1993 AND JANUARY 7, 1994, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

1408

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 or about 10/1/1993 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011 (L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: GSC

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
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Telephone: _____

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Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

CODEFENDANTS

_____

_____

1409

ARREST WARRANT

M-041053

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clop 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1992 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1992 AND JANUARY 7, 1993, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

SWORN TO AND SUBSCRIBED BEFORE ME this 26 day of April 20 11

Signature of Affiant

Liz Godard

C.C.C.P.&G...

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801

Affiant's Telephone (803)642-1763

Deputy Clerk

1410

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 or about 10/1/1992 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011)
(L.S.))
Signature of Issuing Judge)
Rodger Emerson Edmonds)
Judge Code: 5655)

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-20-71

Type and Amount: OSC

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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Name: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

1411

ARREST WARRANT

M-041052

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clop 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 318

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1991 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

SWORN TO BEFORE ME THIS 26 DAY OF April 20 11
Liz Godard
NOTARY PUBLIC FOR S.C.
My Commission Expires: Pauline Finney 1-29-17

I further state that there is probable cause to believe that the defendant named above committed the crime set forth and that probable cause is based on the following facts:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1991 AND JANUARY 1, 1992, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

1412

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 or about 10/1/1991 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Zhuywk

on 04-25-11

Type and Amount: GSC

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
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Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

CODEFENDANTS

_____

_____

1413

ARREST WARRANT

M-041051

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clapp 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1990 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1990 AND JANUARY 7, 1991, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

Sworn to before me this 26 day of April 20 14

Signature of Affiant

C.C.P.&G.S.

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801

Affiant's Telephone (803)642-1763

Deputy Clerk

1414

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 or about 10/1/1990 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: OSC

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

1415

ARREST WARRANT

M-041050

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clapp 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL **ORIGINAL** **ORIGINAL** **ORIGINAL**

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1988 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1988 AND JANUARY 7, 1990, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM, [redacted], WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

FILED April 26 2011

C.C.C.P.&G.

Deputy Clerk

Signature of Affiant 4659

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801

Affiant's Telephone (803)642-1763

1416

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 or about 10/1/1988 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL **ORIGINAL** **ORIGINAL**

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: 6SC

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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Name: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

1417

ARREST WARRANT

M-041050

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Ugg 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S C Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1988 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1988 AND JANUARY 7, 1990, THE DEFENDANT, HAROLD B. CARTWRIGHT III, DID WILLFULLY AND LEWDLY COMMIT A LEWD AND LASCIVIOUS ACT UPON THE VICTIM [redacted] WHO WAS UNDER THE AGE OF SIXTEEN AND ALSO THE DAUGHTER OF THE DEFENDANT, BY FONDLING HER AND HAVING HER PERFORM ORAL SEX ON HIM WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRES OFTHE PERSON OR CHILD. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-15-140 OF THE S.C. CODE OF LAWS.

FILED April 26 20 11

C.C.C.P.&G.

Deputy Clerk

Signature of Affiant 4659

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801

Affiant's Telephone (803)642-1763

1418

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 or about 10/1/1988 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 04/13/2011

(L.S.)

Signature of Magistrate/Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: 6SC

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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Name: _____
Address: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

1419

ARREST WARRANT

M-041049

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. [illegible]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/07/1995 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF JANUARY 7, 1995 AND JANUARY 7, 1996, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted], WHO BEING 10 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

FILED April 26 20 11
4659 Liz Godard
C.C.C.P.&G.S.
Deputy Clerk

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

1420

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 or about 1/7/1995 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/13/2011

(L.S.)

Signature of Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: GSC

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

ARREST WARRANT

M-041048

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clop 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/07/1994 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF JANUARY 7, 1994 AND JANUARY 7, 1995, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted] WHO BEING 9 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

FILED April 26 20 11

459 Liz Goddard C.C.C.P.&G.S.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North, East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

1422

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 or about 1/7/1994 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-25-11

Type and Amount: GSC

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

1423

ARREST WARRANT

M-041047

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clay 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 515

AFFIDAVIT

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/07/1993 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF JANUARY 7, 1993 AND JANUARY 7, 1994, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted] WHO BEING 8 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

FILED April 26 20 14
Liz Bedard
C.C.C.P.&G.S.
Pauline Fleming PCT

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

1424

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 or about 1/7/1993 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/12/2011 (L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds
Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-20-11

Type and Amount: OSC

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

1425

ARREST WARRANT

M-041046

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. [illegible]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/07/1992 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF JANUARY 7, 1992 AND JANUARY 7, 1993, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted] WHO BEING 7 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

FILED April 26 20 11
4459 Inv. Evensen
C.C.C.P.&G.S.
Deputy Clerk

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

1426

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 or about 1/7/1992 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5658

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge [illegible]

on 04-12-11

Type and Amount: GSC

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

Name: _____
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Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
_____
Telephone: _____

CODEFENDANTS

_____

_____

ARREST WARRANT

M-041045

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

54-CPL6536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 618

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/07/1991 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF JANUARY 7, 1991 AND JANUARY 7, 1992, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted] WHO BEING 6 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26 DAY OF April, 2011

Signature of Affiant

4659 Liz Eastard

C.C.C.P.&G.

Deputy Clerk

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

1428

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 or about 1/7/1991 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Zhlyewlz

on 04L20-11

Type and Amount: GSL

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Telephone:

Name:
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Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

ARREST WARRANT

M-041044

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

Sgt. Clf 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL **ORIGINAL**

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 23, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/07/1990 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF JANUARY 7, 1990 AND JANUARY 7, 1991, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted] WHO BEING 5 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

FILED April 26 2011
Lisa Hedard
C.C.C.P.G.S.
Deputy Clerk

1430

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 or about 1/7/1990 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/27/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5635

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL **ORIGINAL** **ORIGINAL**

BAIL set by

Judge [illegible]

on 04-25-11

Type and Amount: GSC

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Name:
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Telephone:

Name:
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Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

1431

ARREST WARRANT

M-041043

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-12299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Cartwright, Harold on 4-13-11

S.C. Cpl 5536

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ***ORIGINAL***

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA §18

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/1988 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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:

UPON INFORMATION AND BELIEF, BETWEEN THE DATES OF OCTOBER 1, 1988 AND JANUARY 7, 1990, THE DEFENDANT, HAROLD BENNON CARTWRIGHT III, DID ENGAGE IN A SEXUAL BATTERY WITH THE VICTIM, [redacted], WHO BEING 4 YEARS OF AGE AND BEING THE DAUGHTER OF THE DEFENDANT, BY HAVING HER PERFORM ORAL SEX ON HIM. THIS OFFENSE OCCURRING ON [redacted] AVENUE, NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA. THIS BEING IN VIOLATION OF SECTION 16-3-655 OF THE S.C. CODE OF LAWS.

FILED April 26 20 11
Jean Howard
C.C.C.P.&G.S.
Paulette Turney DC

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

1432

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 or about 10/1/1988 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

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 04/13/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ***ORIGINAL*** ***ORIGINAL***

BAIL set by

Judge Schwab

on 04-20-11

Type and Amount: GSC

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

ARREST WARRANT

M-041010

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct - First degree
Violation Code 16-03-0652

Offense Code: 0160

Code/Ordinance Sec: 16-03-0652

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S C Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/17/2006 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct - First degree
Violation Code 16-03-0652

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:

Upon information and belief, that between October 17, 2006 and October 17, 2007, the defendant, Harold Bennon Cartwright.III, did commit CSC, 1st by pushing the victim, [redacted] onto the couch and putting a knife to her throat and stomach. The defendant then forced her to have unconsented sexual intercourse with him. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-03-0652.

Signature of Affiant 4659

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

FILED

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 or about 10/17/2006 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree
Violation Code 16-03-0652

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 03/11/2011

(L.S.)

Signature of Issuing Judge

Roger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

1434

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: ~~30,000~~ denied

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

ARREST WARRANT

M-041011

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec. 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Herold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer 4856

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/17/2006 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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:

Upon information and belief, that between October 17, 2006 and October 17, 2007, the defendant, Harold Bennon Cartwright,III, did willfully and lewdly commit a lewd and lascivious act upon the victim [redacted] who was under the age of sixteen, by inserting his penis in to her vagina with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the child. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-15-0140.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

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 or about 10/17/2006 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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 03/17/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 19,000

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
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Name: _____
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Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

1437

ARREST WARRANT

M-041012

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

MAR 11 11 12:55 PM

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

T. Fields 4656

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

ORIGINAL

Form Approved by S C Attorney General April 21, 2003 SCCA 516

AFFIDAVIT

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/17/2005 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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:

Upon information and belief, that between October 17, 2005 and October 17. 2006, the defendant, Harold Bennon Cartwright,III, did willfully and lewdly commit a lewd and lascivious act upon the victim [redacted] who was under the age of sixteen, by humping her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the child. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-15-0140.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED MAR 23 2011 C.C.P.&G. Detroit

1438

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 or about 10/17/2005 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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 03/11/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 10,000

Name of Surety

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Telephone:

Name:
Address:
Telephone

Name:
Address:
Telephone:

CODEFENDANTS

ARREST WARRANT

M-041013

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer 4856

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

MAR 11 11 12:55 P

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/17/2004 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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:

Upon information and belief, that between October 17, 2004 and October 17, 2005, the defendant, Harold Bennon Cartwright,III, did willfully and lewdly commit a lewd and lascivious act upon the victim [redacted] who was under the age of sixteen, by humping her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the child. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-15-0140.

Signature of Affiant 4659

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

FILED
MAR 23 2011
C.P.&G.S.
Deputy Clerk

1440

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 or about 10/17/2004 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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 03/11/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 10,000

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

ARREST WARRANT

M-041014

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/17/2003 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars.

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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:

Upon information and belief, that between October 17, 2003and October 17, 2004, the defendant, Harold Bennon Cartwright,III, did willfully and lewdly commit a lewd and lascivious act upon the victim [redacted] who was under the age of sixteen, by humping her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the child. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-15-0140.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

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 or about 10/17/2003 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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 03/11/2011)
(L.S.))
Signature of Issuing Judge)
Rodger Emerson Edmonds)
Judge Code: 5655)

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

1442

BAIL set by

Judge Williams

on 3-18-11

Type and Amount: 10,000

Name of Surety: _____

_____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

_____

_____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
_____
Telephone: _____

Name: _____
Address: _____
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Telephone: _____

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Address: _____
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Name: _____
Address: _____
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Telephone: _____

CODEFENDANTS

_____

_____

1443

ARREST WARRANT

M-041016

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec. 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL

MAR11 11 12:53pd

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S C Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 12/03/2002 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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:

Upon information and belief, that between December 3, 2002 and October 17, 2003, the defendant, Harold Bennon Cartwright,III, did willfully and lewdly commit a lewd and lascivious act upon the victim [redacted] who was under the age of sixteen, by humping her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the child. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-15-0140.

Signature of Affiant 4655

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED 2011 Mar 23 P 4:37 Rodger E. Edmonds Clerk of Court P.&G.S. Deputy Clerk

1444

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 or about 12/3/2002 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below.

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)
Violation Code 16-15-0140

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 03/11/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493
Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 19,000

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

ARREST WARRANT

M-041009

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE IR#11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal sexual conduct - Third degree
Violation Code 16-03-0654

Offense Code: 0162

Code/Ordinance Sec: 16-03-0654

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

S T Fields 4856

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/17/2007 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct - Third degree
Violation Code 16-03-0654

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:

Upon information and belief, between the dates of October 17, 2007 and October 17, 2008, the defendant, Harold Bennon Cartwright III did commit CSC,3rd by coercing the victim [redacted] have sexual intercourse with him. The Defendant used intimidation and force to make the victim have sex with him. This offense occurring at [redacted] Culley Street, North Augusta, Aiken County, South Carolina. This being in violation of SC Code Section 16-03-0654.

Signature of Affiant 4659

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

Sworn to and subscribed before me on March 23 2011

Jennifer Lee Lockard

Clerk of Court

FILED

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 or about 10/17/2007 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree
Violation Code 16-03-0654

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/court 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 03/11/2011

(L.S.)

Signature of Issuing Judge

Rodger Emerson Edmonds

Judge Code: 5655

Judge's Address Post Office Box 6493
North Augusta, SC 29861-6493

Judge's Telephone (803)202-3580

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

1446

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 10,000

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

1447

ARREST WARRANT

M-015656

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, Committing Lewd Act Upon Child Under 16

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Certified Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 01/01/2008 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, Committing Lewd Act Upon Child Under 16

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:

Between 01-01-08 and 09-01-09 in the county of Aiken, the Defendant, one Harold Bennon Cartwright III, did willfully and lewdly commit a lewd and lascivious act upon the Victim [redacted], who was under the age of sixteen, by "humping" her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the Child. This incident took place at [redacted] Culley Street, North Augusta, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant 4659

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED March 23 20 11
C.C.P.&G.S. Deputy Clerk

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 or about 1/1/2008 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, Committing Lewd Act Upon Child Under 16

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 03/04/2011 (L.S.)

Signature of Issuing Judge

Donald L Hatcher

Judge Code: 7104

Judge's Address 50 Canal Street, Suite 14
Graniteville, SC 29829-
Judge's Telephone (803)663-6634

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

1448

BAIL set by

Judge Williamson

on 3-18-1

Type and Amount. 10,000

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name
Address.
Telephone:

Name:
Address.
Telephone:

Name:
Address:
Telephone

Name:
Address:
Telephone:

Name:
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Telephone:

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Name:
Address:
Telephone:

Name:
Address.
Telephone:

CODEFENDANTS

1449

ARREST WARRANT

M-015659

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

Offense Code: 0397

Code/Ordinance Sec: 16-03-0655(B)(2)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-12-11

Signature of Constable/Law Enforcement Officer 4986

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/2009 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

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:

Between 10-01-09 and 04-01-10 in the county of Aiken, the Defendant, one Harold Bennon Cartwright III, did engage in a sexual battery with the Victim [redacted] 15 yoa), by having sexual intercourse with her. This information was disclosed by the Victim during a forensic interview. The Defendant was the Victim's step-father and was in a position of familial authority to coerce the Victim to submit. This incident took place at [redacted] Lee Street, Clearwater, SC. This being in violation of the South Carolina Code of Laws as amended.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED 11 MAR 23 P 12:50 C.C.C.P.&G.S. Aiken County

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 or about 10/1/2009 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

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 03/04/2011 (L.S.)

Signature of Issuing Judge

Donald L Hatcher

Judge Code: 7104

Judge's Address 50 Canal Street, Suite 14
Graniteville, SC 29829-
Judge's Telephone (803)663-6634

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

0541

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 30,000

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defendant Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

_____ _____

_____ _____

_____ _____

WITNESSES

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

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Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____
Telephone: _____

CODEFENDANTS

_____

_____

1451

ARREST WARRANT

M-015662

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

Offense Code: 0397

Code/Ordinance Sec: 16-03-0655(B)(2)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer 4866

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

MAR 4 11 4:46 PM

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 04/01/2010 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

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:

Between 04-01-10 and 02-07-11 in the county of Aiken, the Defendant, one Harold Bennon Cartwright III, did engage in a sexual battery with the Victim [redacted] 15 yoa), by having sexual intercourse with her. This information was disclosed by the Victim during a forensic interview. The Defendant was the Victim's step-father and was in a position of familial authority to coerce the Victim to submit. This incident took place at [redacted] Winter Place Drive, Trenton, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant 4659

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-
Affiant's Telephone (803)642-1763

FILED Mar 23 2011 Deputy Clerk 1452

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 or about 4/1/2010 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

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 03/04/2011 (L.S.)

Signature of Issuing Judge

Donald L Hatcher

Judge Code: 7104

Judge's Address 50 Canal Street, Suite 14
Graniteville, SC 29829-
Judge's Telephone (803)663-6634

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 30,000.

Name of Surety

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

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Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

ARREST WARRANT

M-015657

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SS [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

S. Fields 4886

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

FILED 4:11 PM MAR

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 516

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 10/01/2009 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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:

Between 10-01-09 and 04-01-10 in the county of Aiken, the Defendant, one Harold Bennon Cartwright III, did willfully and lewdly commit a lewd and lascivious act upon the Victim [redacted] who was under the age of sixteen, by "humping" her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the Child. This incident took place at [redacted] Lee Street, Clearwater, SC. This being in violation of the South Carolina Code of Laws as amended.

4659

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

FILED 11 Mar 23 2011 Penny Woodard C.C.P.&G.S. Aiken County, SC Deputy Clerk

1454

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 or about 10/1/2009 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

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 03/04/2011

(L.S.)

Signature of Issuing Judge

Donald L. Hatcher

Judge Code: 7404

Judge's Address 50 Canal Street, Suite 14
Graniteville, SC 29829-

Judge's Telephone (803)663-6634

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

BAIL set by

Judge Williamson

on 3-18-11

Type and Amount: 19,000

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name

Address.

Telephone

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address

Telephone:

Name:

Address:

Telephone:

Name:

Address.

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

ARREST WARRANT

M-015661

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Aiken

THE STATE 11-012299

against

Harold Bennon Cartwright, III

Address: [redacted]

Trenton, SC 29847-

Phone: SSN: [redacted]

Sex: M Race: W Height: 6 Weight: 245

DL State: DL #:

DOB: [redacted] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Inv. Kristopher Evensen - 4659

Offense: Sex / Lewd Act, Committing a Lewd Act Upon Child Under 16

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Harold Bennon Cartwright III on 3-17-11

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
P O Box 583
109 Park Avenue
Aiken, SC 29802

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

FILED 4 11 4:46PM

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Inv. Kristopher Evensen who being duly sworn deposes and says that defendant Harold Bennon Cartwright, III did within this county and state on or about 04/01/2010 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, Committing a Lewd Act Upon Child Under 16

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:

Between 04-01-10 and 02-07-11 in the county of Aiken, the Defendant, one Harold Bennon Cartwright III, did willfully and lewdly commit a lewd and lascivious act upon the Victim [redacted] who was under the age of sixteen, by "humping" her leg with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or the Child. This incident took place at [redacted] Winter Place Drive, Trenton, SC. This being in violation of the South Carolina Code of Laws as amended.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Aiken)

Affiant's Address 420 Hampton Avenue North East
Aiken, SC 29801-

Affiant's Telephone (803)642-1763

FILED 3-23-11 C.P.&G.S. Deputy Clerk

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 or about 4/1/2010 defendant Harold Bennon Cartwright, III did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, Committing a Lewd Act Upon Child Under 16

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 03/04/2011 (L.S.)

Signature of Issuing Judge

Donald L Hatcher

Judge Code: 7104

Judge's Address 50 Canal Street, Suite 14
Graniteville, SC 29829-

Judge's Telephone (803)663-6634

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

1456

BAIL set by

Judge: Williamson

on: 3.18.11

Type and Amount: 10,000

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
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Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

1457

15:41:15 Tuesday, August 06, 2019

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 08/06/19
OMCOMITA RELEASE DATE SCREEN C056427
SCDC# > 355084 LOC: **MCCORMICK**
CARTWRIGHT III, HAROLD BENNON SCDC CLASSIFICATION..: **VIOLENT**
OFFENDER TYPE...: **ADULT-STRAIGHT SENTENCE** SEXUAL REGISTRY..: **Y**
SEXUAL PREDATOR..: **PENDING**
DNA STATUS.....: **COMPLETED**
GPS REQUIREMENT..: **Y**
PREA DECISION....:
PREA VICTIM.....: PREA PERP..:
CURRENT SENTENCE: **040-00-000** CONSECUTIVE SENTENCE ..: **Y**
040-00-000 CURRENT SENT START DATE: **03/17/2011**
PROJECTED COMPLETION DATES
MAXOUT DATE .....: **08/08/2041** CURRENT EWC .: **3 F 5**
YOA SIX YEAR DATE: **/ /** CURRENT EEC .: **B7**
INITIAL PAROLE DATE: **10/18/2038** NEXT PAROLE HEARING DATE: **10/18/2038**

TOTAL GT DAYS EARNED .....: **000000** LABOR CREW/WORK PROG DATE: **99/99/9999**
TOTAL EARNED WORK CREDITS ..: **000719** LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ....: **000431** **CURRENT OR PRIOR SEX CONDUCT CONVICT**
TOTAL EXTRA EARNED CREDITS .: **000** SUPERVISED REENTRY DATE..: **00/00/00**
TOTAL SERVICE TIME EARNED ..: **003019** ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

South Carolina Department of Corrections
Classification Summary Reports

Date: Tuesday, August 6, 2019

Classification Summary Reports

Inmate Number 355084 Submit

Classification Summary Report for CARTWRIGHT III, HAROLD BENNON :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 08/06/2019

SCDC# 00355084 CARTWRIGHT III, HAROLD BENNON FBI# 38897AA8

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

INSTITUTION: MCCORMICK

SECURITY/CUST: 3 MINIMUM IN

CURR INCARC SENT: 40 YRS 0 MOS 0 DAYS

VICTIM WITNESS: [redacted] SEPREQ:N

MED CLASS [redacted]

INST RESTRICT: DAILY NURSING COVERAGE

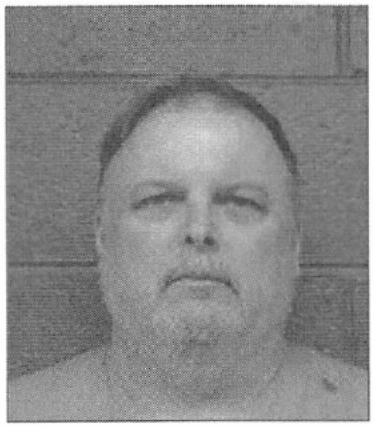
MENTAL CLASS: [redacted]

CURRENT PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 54



RESIDENT STABILITY: NA

DORMROOMBUNK_CODE: F1 0188 B

PROJ MAXOUT DATE: 08/08/2041

PROJ PAROLE DATE: 10/18/2038

EWC JOB: GENERAL WORKER

ASSIGNMENT: MAINTENANCE

EWC LEVEL: 3F5 EEC LEVEL:

EDUC PGM: GED/HS GRAD INDEPEND STUD

SECURITY THREAT GROUP DESCRIPTION: NONE

SECURITY THREAT GROUP STATUS: NONE

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV	CAT	INDICT
CRIMNAL SEX CNDCT 3RD DE	10	0	0	AIKEN	04/18/2013	N	4	12GS0201682
CRIM SEX COND.W/MINOR(1S	30	0	0	AIKEN	04/18/2013	V	5	12GS0200306
LEWD ACT/CHILD UNDER 16	15	0	0	AIKEN	04/18/2013	N	4	12GS0200307
CRIMNAL SEX CNDCT 1ST DE	30	0	0	AIKEN	03/17/2011	V	5	12GS0200304
CRIM SEX COND.W/MINOR(2N	30	0	0	AIKEN	03/17/2011	V	4	12GS0200315
CRIM SEX COND.W/MINOR(1S	30	0	0	AIKEN	03/17/2011	V	5	12GS0200331
CRIM SEX COND.W/MINOR(2N	20	0	0	AIKEN	03/17/2011	V	4	12GS0200316
LEWD ACT/CHILD UNDER 16	15	0	0	AIKEN	03/17/2011	N	4	12GS0200332
LEWD ACT/CHILD UNDER 16	15	0	0	AIKEN	03/17/2011	N	4	12GS0200308+
LEWD ACT/CHILD UNDER 16	15	0	0	AIKEN	03/17/2011	V	4	12GS0200318

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

HOLD IRO CATEG:

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

NO NON-ASSAULTIVE DISCIPLINARIES HISTORY

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

10/29/2013	MCCORMICK	INCARCERATED	ADMINISTRATIVE
10/28/2013	KIRKLAND	INCARCERATED	MEDICAL
06/06/2013	MCCORMICK	INCARCERATED	ADMINISTRATIVE
04/23/2013	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
GENERAL WORKER	10/22/2013	-		3F5
GENERAL WORKER	06/11/2013	10/21/2013	LATERAL TRANSFER	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON

BONUS 15 OR MORE	02/17/2017	-

********** END OF REPORT **********

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[Version: *1.4.16* Built: *06/21/2018 03:28:42 PM* Time: *03:43:22 PM*]

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0201682
A/W#: 12-DI02-0034
Date of Offense: 2/8/2011 - 2/24/2011
S.C. Code § : 16-03-0654
CDR Code #: 0162

SENTENCE SHEET 0-10 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct - Third degree
in violation of § 16-03-0654 of the S.C. Code of Laws, bearing CDR Code # 0162
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

I, Lt. Gerard Clerk of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing is a true and correct copy of the original document which have been filed in my office this 18 day of Apr 2013
Clerk of Court

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200306
A/W#: 12-DI02-0096
Date of Offense: 10/17/2000 - 10/16/2001
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 6-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: K. Mc Weeks, John W. "Bill" | 8679 SC Bar# | Defendant | Attorney for Defendant | 7186 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender
Other: _____

STATE OF SOUTH CAROLINA COUNTY OF AIKEN I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office. Given under my hand and seal this 18 day of April 2013. C.C.C.&G.S. Aiken County, S.C. Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge T. H. Early Jr.
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200307
A/W#: 12-DI02-0097
Date of Offense: 10/17/2000 - 10/16/2001
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 20679 _____ _____ 71861
Weeks, John W."Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender under Rule 5[illegible]
Other: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing consists of a true and correct copy of the original documents which have been filed in my office this 15 day of April 2013
C.C.C.&G.S., Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk D Rason Stepp
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200304
A/W#: M041010
Date of Offense: 10/17/2006 - 10/16/2008
S.C. Code § : 16-03-0652
CDR Code #: 0160

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct - First degree
in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ Molony, Kevin N. | EC679 SC Bar# | _____ Defendant | _____ Attorney for Defendant | 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: _____ _____
☒ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing consists of one true and correct copy of the original documents which have been filed in my office this 18th day of April 2013.
GIVEN under my hand and seal of office this 18th day of April 2013.
Liz Godard, C.C.P. & G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Stepper
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: [redacted]TA, SC 29841)
DL#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200315
A/W#: M015659
Date of Offense: 2/8/2009 - 2/7/2010
S.C. Code § : 16-03-0655(3)
CDR Code #: 0397

SENTENCE SHEET 0-20yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Criminal Sexual Conduct with Minor Under 16 years of age - Second degree

in violation of § 16-03-0655(3) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☒MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Maloney, Kevin M SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine: _____		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Lisa Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing consistutes a true and correct copy of the original documents which have been filed in my office this 18th day of April, 2013.
Lisa Godard
C.C.P.&G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)

COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200331
A/W#: M041049
Date of Offense: 1/7/1995 - 1/6/1996
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree
in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ Molony, Kevin M 80679 SC Bar# _____ Defendant _____ Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 (30) 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine: _____		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender
Other: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Cloninger, Clerk of the Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing is a true and correct copy of the original document which have been filed in my office this 18 day of April 2013
Liz Cloninger
C.C.P. & G.S., Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Hippin
Court Reporter: Lisa Davenport

Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200329
A/W#: M041048
Date of Offense: 1/7/1994 - 1/6/1995
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Dodd, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013.
Liz Dodd
C.C.P. & G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge: _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF ~~STATE~~ Aiken)
VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200327
A/W#: M041047
Date of Offense: 1/7/1993 - 1/6/1994
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 6-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal Sexual Conduct with Minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013.
Liz Godard
C.C.C.P.G.S. Aiken County, S.C.
Sherry Langley
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~ Deputy Clerk Sherry Langley
Court Reporter: Lisa Davenport

Presiding Judge MB Early
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200325
A/W#: M041046
Date of Offense: 1/7/1992 - 1/6/1993
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐SERIOUS ☒MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 (30) ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corps
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Lizzie Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina hereby certify that the foregoing constitutes a true and correct copy of the original document which has been filed in my office this 18 day of April, 2013.
Clerk of Court

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Skipper
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200323
A/W#: M041045
Date of Offense: 1/7/1991 - 1/6/1992
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal Sexual Conduct with Minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Molony, Kevin N 80679 SC Bar# _____ Defendant _____ Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013.
Liz Godard
S.C.C.P.G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 013
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200321
A/W#: M041044
Date of Offense: 1/7/1990 - 1/6/1991
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 76561
Maloney, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Goland, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing is/is/are a true and correct copy of the original document(s) which have been filed in my office this 18 day of April 2013
CLERK OF COURT, Aiken County, S.C.
Sherry Langley
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~/ Deputy Clerk Sherry Langley
Court Reporter: Lisa Davenport

Presiding Judge W. Bo Early
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken) IN THE COURT OF GENERAL SESSIONS
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2012GS0200319
A/W#: M041043
Date of Offense: 1/7/1989 - 1/6/1990
S.C. Code § : 16-03-0655(1)
CDR Code #: 0385

SENTENCE SHEET 0-30yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

in violation of § 16-03-0655(1) of the S.C. Code of Laws, bearing CDR Code # 0385
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Melony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 30 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender
Other: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Lil Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of original documents which have been filed in my office
18 day of Oct 2013
C.C.C.P.&G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Stepp
Court Reporter: Lisa Davenport

Presiding Judge _____
Judge Code: 036
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200316
A/W#: M015662
Date of Offense: 2/8/2010 - 2/7/2011
S.C. Code § : 16-03-0655(3)
CDR Code #: 0397

SENTENCE SHEET 0-20yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Criminal Sexual Conduct with Minor Under 16 years of age - Second degree
in violation of § 16-03-0655(3) of the S.C. Code of Laws, bearing CDR Code # 0397
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Maloney, Kevin N — 80679 SC Bar# — Defendant — Attorney for Defendant — 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 20 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender
Other: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Gerard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April, 2013.
SEAL
Clerk of Court, Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge M M Carty
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200332
A/W#: M041056
Date of Offense: 1/7/1995 - 1/6/1996
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Weeks, John W. "Bill" SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April, 2013.
C.C.P. & G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200330
A/W#: M041055
Date of Offense: 1/7/1994 - 1/6/1995
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning
$ _____ paid to Public Defender
Other: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013
CCCP&GS, Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~ Deputy Clerk Sherry Langley
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200328
A/W#: M041054
Date of Offense: 1/7/1993 - 1/6/1994
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013.
C.C.C.&G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sharon Skipper
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200326
A/W#: M041053
Date of Offense: 1/7/1992 - 1/6/1993
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Maloney, Kevin M SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Lil Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office
18 day of April 2013
C.C.P.&G.S. Aiken County, S.C.
Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200324
A/W#: M041052
Date of Offense: 1/7/1991 - 1/6/1992
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Maloney, Kevin M SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J),(Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.96

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA, COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing is a true and correct copy of the original document which has been filed in my office this 18 day of April, 2013.
C.C.C.&G.S., Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Sherry Langley
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200322
A/W#: M041051
Date of Offense: 1/7/1990 - 1/6/1991
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning
$ _____ paid to Public Defender
Other: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Goodard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 15 day of May, 2013.
C.C.P.&G.S., Aiken County, SC
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~/ Deputy Clerk Sharon Stepp
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
~~COUNTY~~ OF Aiken)
STATE)
VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200320
A/W#: M041050
Date of Offense: 1/7/1989 - 1/6/1990
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ Molony, Kevin N | 80679 SC Bar# | _____ Defendant | _____ Attorney for Defendant | 71816 SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, the Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 20th day of April
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: [redacted]TA, SC 29841)
DL#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200308
A/W#: M041011
Date of Offense: 10/17/2006 - 10/16/2007
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 6-15 yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Molony, Kevin N | 66679 SC Bar# | Defendant | Attorney for Defendant | 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA, COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April, 2013
Liz Godard
C.C.P.&G.S. Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport
Presiding Judge DM Early III
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200309
A/W#: M041012
Date of Offense: 10/17/2005 - 10/16/2006
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16
in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Molony, Kevin N 80679 SC Bar# Defendant Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA, COUNTY OF AIKEN, Common Pleas and General Sessions, I, Liz Godard, Clerk of Court for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April, 2013. C.C.C.P.&G.S., Aiken County, S.C. Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~/ Deputy Clerk Sherry Langley
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200310
A/W#: M041013
Date of Offense: 10/17/2004 - 10/16/2005
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Molony, Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive Weekly/Monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender (unless)
Other: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Goddard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original document which has been filed in my office this 18 day of April, 2013.
Liz Goddard, CCC/Aiken County, SC
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~/ Deputy Clerk Sharon Skipper
Court Reporter: Lisa Davenport

Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200311
A/W#: M041014
Date of Offense: 10/17/2003 - 10/16/2004
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing or Attempting Lewd Act Upon Child under 16
in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ Molony, Kevin N 80679 SC Bar# _____ Defendant _____ Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing instrument is a true and correct copy of the original documents which has been filed in my office this 18 day of April, 2013.
Clerk of Court, Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

Clerk of Court/ Deputy Clerk Ann Sanders
Court Reporter: Lisa Davenport

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200312
A/W#: M041016
Date of Offense: 12/3/2002 - 10/16/2003
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Molony, Kevin N — 80679 SC Bar# — Defendant — Attorney for Defendant — 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender
Other: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court/Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 15 day of Apr 2013
C.C.C.P. & G.S., Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~ Deputy Clerk Sharon Skipper
Court Reporter: Lisa Davenport
Presiding Judge MM Carlton
Judge Code: 036
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200318
A/W#: M015661
Date of Offense: 2/8/2010 - 2/7/2011
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing a Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
~~Mclony,~~ Kevin N SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of (15) 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered** **PTUP** _____
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Jodi Gunter Carroll, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013
Jodi Gunter Carroll
CCCP&GS, Aiken County, SC
Sherry Langley
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

~~Clerk of Court~~/ Deputy Clerk Sherry Langley
Court Reporter: Lisa Davenport

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200317
A/W#: M015657
Date of Offense: 2/8/2009 - 2/7/2010
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____ 80679 _____ _____ 71861
Maloney, Kevin S SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning
$ _____ paid to Public Defender
Other: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Lil Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County South Carolina do hereby certify that the foregoing compilation is a true and correct copy of the original documents which have been filed in my office this 18 day of April 2013
Lil Godard
Clerk of Court, Aiken County, S.C.
Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

~~Clerk of Court~~/ Deputy Clerk Sharon Stoppe
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Aiken)
STATE VS.)
Harold Bennon Cartwright III)
AKA:)
Race: White Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: NORTH AUGUSTA, SC 29841)
DL#: SID#: [redacted])
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0200314
A/W#: M015656
Date of Offense: 2/8/2008 - 2/7/2009
S.C. Code § : 16-15-0140
CDR Code #: 2468

SENTENCE SHEET 0-15yrs.

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Lewd Act, Committing Lewd Act Upon Child Under 16

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☒Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☒ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Molony, Kevin N 80679 SC Bar# _____ Defendant _____ Attorney for Defendant 71861 SC Bar#

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 15 ~~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: 2012 GS 02 00304
☐ 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.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp.
May serve W/E begining _____
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: _____

STATE OF SOUTH CAROLINA COUNTY OF Aiken I, Liz Gerard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original document which have been filed in my office this 18th day of April, 2013. Liz Gerard Clerk of Court Aiken County, S.C. By: Shena Shipp Deputy Clerk

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Shena Langley
Court Reporter: Lisa Davenport
Presiding Judge _____
Judge Code: 0136
Sentence Date: 4-18-13

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA COUNTY OF AIKEN	)	IN THE COURT OF COMMON PLEAS FOR THE SECOND JUDICIAL CIRCUIT
Harold Cartwright, SCDC # 355084, Applicant, v. State of South Carolina, Respondent.	)	Case No.: 2019-CP-02-01582 **RETURN AND MOTION FOR MORE DEFINITE STATEMENT**

FILED 10-3 2019 8:48 SP
C.C.P. & G.S.
Deputy Clerk

In response to the Post-Conviction Relief application filed June 26, 2019, Respondent (the State) would show this Court:

I. Procedural History

Harold Cartwright (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. Applicant was indicted during the February 2012 term of the Aiken County Grand Jury for criminal sexual conduct, first degree (2012-GS-02-00304), eight counts of criminal sexual conduct with a minor, first degree (2012-GS-02-00306, 319, 321, 323, 325, 327, 329, 331), nineteen counts of lewd act upon a child (2012-GS-02-00307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 320, 322, 324, 326, 328, 330, 332), and criminal sexual conduct, third-degree (2012-GS-01682). Applicant was represented by Michael Routzong and David Hayes, Esquire (Trial Counsel). The case was prosecuted by Kevin Molony and Ashley Agnew, Assistant Solicitors of the Second Circuit. On April 15-18, 2013, Applicant proceeded to trial before the Honorable Judge Doyet A. Early, III, and a jury. The jury found Applicant guilty as indicted and Applicant was sentenced to Applicant to concurrent sentences of 30 years for criminal sexual conduct, first degree, and criminal sexual conduct with a minor, first degree, and a concurrent term of fifteen years for the lewd act upon a

child convictions, and consecutive ten years' imprisonment for criminal sexual conduct, third-degree.

Applicant subsequently filed a Notice of Appeal. On appeal, Applicant was represented by Chief Appellate Defender Robert M. Dudek and Appellate Defender Susan Hackett (Appellate Counsel). In an unpublished opinion, the South Carolina Court of Appeals affirmed Applicant's conviction and sentences following oral arguments. State v. Harold Cartwright III, No. 2013-000894 (Ct. App. filed September 30, 2015). On September 26, 2018, the South Carolina Supreme Court affirmed Applicant's convictions and sentences. State v. Harold Cartwright III, Op. No. 278842 (S.C. Sup. Ct. filed September 26, 2018).

III. Current Application

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for several reasons, which Respondent interprets as the following:

(1) Ineffective Assistance of Trial Counsel

a. Failure to investigate

   i. Failure to "adequately investigate A.R.'s involvement in a drug investigation by law enforcement which prompted the unrelated statement implicating Applicant of sexual abuse."
   ii. Failure to "adequately investigate and compare the timeline of when Applicant lived in the home and the timing of the allegations."

b. Failure to obtain or review discovery
c. Failure to "cross-examine and impeach State's witnesses based on their inconsistent testimony from the first trial to the second trial and the witnesses' prior statements to law enforcement."
d. Failure to interview "witnesses who could have testified regarding Applicant's good character and reputation when it was reasonable and necessary to present this evidence at trial and request a jury instruction on good character and reputation."
e. Trial counsel "provided erroneous legal advice regarding Applicant's testimony that was not within the range of competence demanded of attorneys in criminal cases."

f. Trial Counsel "failed to object and preserve for appellate review the Court's jury instructions that improperly shifted the burden of proof and misstated the law."
g. Trial Counsel failed to object to and preserve for appellate review inadmissible and unduly prejudicial evidence during Applicant's trial.
h. Trial Counsel failed to object to and preserve for appellate review the State's improper closing argument that was misstatement of the evidence and unduly prejudicial."

(2) Ineffective Assistance of Appellate Counsel

a. Appellate Counsel "failed to file a Petitioner for Writ of Certiorari in the United States Supreme Court on the novel issue in South Carolina of whether evidence of an attempted suicide is an admission of guilt."

As requested relief, Applicant states that he wants the Court to "vacate his convictions and sentences and remanding the indictments for a new trial based on ineffective assistance of counsel."

Attached herewith and incorporated herein by reference are the records of the Aiken County Clerk of Court regarding the subject trial challenged in this application, the application, and Applicant's file from the South Carolina Department of Corrections. Respondent will forward a copy of the trial transcript at a later date. Respondent reserves the right to amend its return upon the receipt of other relevant records.

IV. Response to Allegations of Ineffective Assistance of Trial Counsel

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008). In a post-conviction relief action, an applicant bears the burden of proving the allegations in his or her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland, 466 U.S. 668. Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, an applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

First, Applicant alleges Trial Counsel failed to investigate Applicant's case. Respondent submits Applicant can satisfy neither requirement of the Strickland test for this allegation. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

Second, Applicant alleges Trial Counsel was ineffective for "failing to obtain or review discovery." Respondent submits Applicant can satisfy neither requirement of the Strickland test for this allegation. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

Third, Applicant alleges Trial Counsel was ineffective for failing to "cross-examine and impeach State's witnesses based on their inconsistent testimony from the first trial to the second trial and the witnesses' prior statements to law enforcement." However, Applicant fails to identify any supporting facts regarding this allegation, including which witnesses should have been impeached and what inconsistent testimony said witness provided. Accordingly, Respondent moves herein for a more definite statement on this allegation.

Fourth, Applicant alleges Trial Counsel failed to interview "witnesses who could have testified regarding Applicant's good character and reputation when it was reasonable and necessary to present this evidence at trial and request a jury instruction on good character and reputation." However, Applicant fails to identify any supporting facts regarding this allegation, including what witnesses Trial Counsel should have called to testify and what testimony said

witnesses could have provided to assist Applicant's case. Accordingly, Respondent moves herein for a more definite statement regarding this allegation.

Fifth, Applicant alleges Trial Counsel was ineffective for "provid[ing] erroneous legal advice regarding Applicant's testimony that was not within the range of competence demanded of attorneys in criminal cases." However, Applicant wholly fails to provide any supporting facts regarding this allegation. Without this additional information, it is impossible for Respondent to fully respond to this allegation. Accordingly, Respondent moves herein for a more definite statement regarding this allegation.

Sixth, Applicant alleges Trial Counsel "failed to object and preserve for appellate review the Court's jury instructions that improperly shifted the burden of proof and misstated the law." Respondent submits Applicant can satisfy neither requirement of the Strickland test for this allegation. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

Seventh, Applicant alleges Trial Counsel failed to object to and preserve for appellate review inadmissible and unduly prejudicial evidence during Applicant's trial. However, Applicant fails to identify any supporting facts regarding this allegation, including what prejudicial evidence Trial Counsel should have objected to and preserved for appeal. Accordingly, Respondent moves herein for a more definite statement regarding this allegation.

Eighth, Applicant alleges Trial Counsel failed "to object to and preserve for appellate review the State's improper closing argument that was misstatement of the evidence and unduly prejudicial." However, Applicant fails to identify any supporting facts regarding this allegation,

including what statement from the State's closing argument was improper. Accordingly, Respondent moves herein for a more definite statement regarding this allegation.

IV. Response to Allegations of Ineffective Assistance of Appellate Counsel

Applicant alleges ineffective assistance of appellate counsel. A defendant is entitled to effective assistance of appellate counsel. Southerland v. State, 337 S.C. 610, 615, 524 S.E.2d 833, 836 (1999). Although appellate counsel is required to provide effective assistance of counsel, "appellate counsel is *not* required to raise every non-frivolous issue that is presented by the record." Thrift v. State, 302 S.C. 535, 539, 397 S.E.2d 523, 526 (1990) (citing Jones v. Barnes, 463 U.S. 745 (1983)). "For judges to second-guess reasonable professional judgments and impose on ... counsel a duty to raise every 'colorable' claim suggested by a client would disserve the very goal of vigorous and effective advocacy. . . ." Tisdale v. State, 357 S.C. 474, 476, 594 S.E.2d 166, 167 (2004) (citing Jones, 463 U.S. at 754). Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment, the failure to appeal all trial errors is not ineffective assistance of counsel. Griffin v. Aiken, 775 F.2d 1226 (4th Cir. 1985).

Generally, in analyzing a claim of ineffective assistance of appellate counsel, the Court applies the Strickland test just as it would when analyzing a claim of ineffective assistance of trial counsel. See Southerland, 337 S.C. at 616, 524 S.E.2d at 836 (1999). Thus, in this case, we ask first whether Appellate Counsel's performance was deficient, and two, whether Applicant was prejudiced by Appellate Counsel's deficient performance. Bennett v. State, 383 S.C. 303, 309, 680 S.E.2d 273, 276 (2009). To prove prejudice, an applicant must show that, but for counsel's errors, there is a reasonable probability he would have prevailed on appeal. Anderson v. State, 354 S.C. 431, 434, 581 S.E.2d 834, 835 (2003).

When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the court must examine the record to determine "whether appellate counsel failed to present significant and obvious issues on appeal." Gray v. Greer, 800 F.2d 644, 646 (7th Cir. 1986). Generally, the presumption of effective assistance of counsel will be overcome only when the alleged ignored issues are clearly stronger than those actually raised on appeal. Id. Further, "neither Anders nor any other decision of [the United States Supreme Court] suggests. . . that the indigent defendant has a constitutional right to compel appointed counsel to press nonfrivolous points requested by the client, if counsel, as a matter of professional judgment, decides not to present those points." Jones v. Barnes, 463 U.S. 745, 751, 103 S. Ct. 3308, 3312, 77 L. Ed. 2d 987 (1983). It is clear from a reading of Anders that the decision to file, or not file, a no-merit brief rests solely with appellate counsel. Poston v. State, 303 S.C. 167, 168, 399 S.E.2d 592 (1989).

Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of appellate counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. Motion for More Definite Statement

In his application, Applicant fails to set forth with specificity the facts and circumstances upon which several of his claim of ineffective assistance of trial counsel are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must ". . . specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South Carolina (1976). In an application for post-conviction relief, it is incumbent upon Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing

will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965).

Applicant has failed to state with any specificity the specific facts giving rise to his third, fourth, fifth, sixth, seventh, and eighth ineffective assistance of trial counsel claims, as discussed above. Additionally, these allegations are not supported by any other additional information in the application. Respondent moves pursuant to Rule 12(e), SCRCP, to require Applicant to provide a more definite statement of his allegations of ineffective assistance of trial counsel. The Uniform Post-Conviction Procedure Act requires applicants to "specifically set forth the grounds upon which the application is based." S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Furthermore, Rule 8(a), SCRCP, requires all civil pleadings include "a short and plain statement of the facts showing that the pleader is entitled to relief." Therefore, Respondent moves to require Applicant to file an amended application well in advance of the hearing scheduled in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the allegations.

VII. Any Future Amendments and Invocation of Discovery Process

Applicant must specify any claims he intends to raise at the evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCP. All claims should be made well in advance of the evidentiary hearing. Because Applicant has an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing.

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCP.

Pursuant to § 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VIII. Response to Any and All Other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

IX. Request for an Evidentiary Hearing and an Amended Application

WHEREFORE, having made its return, Respondent requests an evidentiary hearing be held on the claims of ineffective assistance of trial and appellate counsel that were sufficiently alleged. Respondent further requests Applicant, through his counsel, amend the application to provide the required specificity for the aforementioned allegations of ineffective assistance of trial counsel.

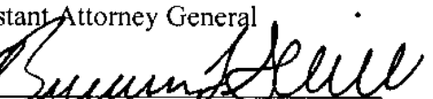
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Oct 3, 2019