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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE CLARENDON COUNTY
COURT OF COMMON PLEAS

The Honorable Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2024-002086

In the Matter of the Care and Treatment of Alonza V. Gibson, Jr., ... Appellant.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF CLARENDON	)	CASE #: 2022-CP-14-00547
	)	
IN THE MATTER OF THE	)	
CARE AND TREATMENT OF	)	ORDER OF COMMITMENT
ALONZA VICTORLON	)	
GIBSON, JR., A/K/A ERIC	)	
VICTORLON GIBSON, JR.,	)	
	)	
RESPONDENT.	)	

The trial of this case was held in the Clarendon County Court of Common Pleas the week of December 2, 2024. A jury of citizens from Clarendon County heard this case pursuant to a request for a jury trial filed by the State. Christopher Runyan from the Attorney General's Office represented the State and Respondent Alonza Victorlon Gibson, Jr., was represented by Kindle K. Johnson, Esquire. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Alonza Victorlon Gibson, Jr., is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED THAT:

- (a) Respondent, Alonza Victorlon Gibson, Jr. is committed to the South Carolina Department of Mental Health for his long-term control, care and treatment;
- (b) Respondent, Alonza Victorlon Gibson, Jr. is to continue to be detained at the Clarendon County Detention Center, and then transported to the secure facility of the Department of Mental Health. The Detention Center or the Sheriff's Department is to transport Respondent on such scheduled date as is coordinated with the Department of Mental Health.

AND IT IS SO ORDERED.


 [Redacted] Judge 2168
 Third Judicial Circuit
 Court of Common Pleas

December 4, 2024
 Manning, South Carolina

2024 DEC 4 PM 12:28
 Beulah Roberts, Clerk-Clarendon S.C.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED IN THIS OFFICE
 DATE 12/14/2024

 CLERK OF COURT
 CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA **TRANSCRIPT OF RECORD**

COUNTY OF CLARENDON CASE NO.: 2022-CP-14-00547

ORIGINAL

December 2nd-4th, 2024

BEFORE: The Honorable Brian Gibbons

IN THE MATTER OF THE CARE AND TREATMENT OF:

ALONZA VICTORLON GIBSON, JR.,

APPEARANCES:

Kindle Johnson, Esq.

Appearing for Alonza V. Gibson, Jr.

Christopher Runyan, Esq.

Appearing for the State.

Official Stenographer Court Reporter

Natalie Dahl, RPR

National Registered Professional Reporter

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EXHIBITS

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Transcript Legend

Dash (--) Indicates an interruption in speech
 Ellipses (...) Indicates trailing off in speech
 Phonetic (ph) Indicates a phonetic word
 (sic) Indicates word(s) is as said

P R O C E E D I N G S

THE COURT: All right. Ladies and gentlemen, just one trial for this week. The State of South Carolina is divided into circuits and each circuit has at least one resident judge. I'm over the circuit in the upstate, but just like all circuit judges, I travel around a good bit, holding courts in different circuits.

I'm from Orangeburg, so this is like home for me, just right up the road in Orangeburg County. I always enjoy coming to this area of South Carolina.

This a civil term of court, common pleas, so everything should be over with by Wednesday. I promise you, ladies and gentlemen, I understand the inconvenience that jury service causes you in your personal lives, along with court staff and the bailiffs. So we'll do our best to minimize that and make this an enjoyable and educational week.

The first thing we have to do is determine your qualifications and eligibility to serve as jurors. All right. Ladies and gentlemen, now we're going to have the State call the case that is set for trial this week, and I'm going to have some specific questions that are pertaining just to this particular type of case, and then we'll go from

1 there.

2 Mr. Attorney General, if you will, call the
3 case.

4 MR. RUNYAN: Yes, Your Honor. We're here
5 today in the matter and care of treatment Alonza
6 Victorlon Gibson, Jr., also known as Eric Victorlon
7 Gibson, Jr. This is Case No. 2022-CP-14-00547.

8 THE COURT: All right. Thank you.

9 So, ladies and gentlemen, the State of South
10 Carolina in this case is represented by a lawyer
11 who is with the Attorney General's Office in South
12 Carolina.

13 If you will introduce yourself to the jury,
14 I'm sorry.

15 MR. RUNYAN: I'm Chris Runyan. I'm an
16 Assistant Attorney General with the Office of the
17 Attorney General.

18 THE COURT: Thank you.

19 It is called the respondent in this case, the
20 person who is on trial here is Mr. Alonza Gibson,
21 also known as Eric Gibson, Jr. He is seated there
22 with his attorney, Ms. Kindle Johnson.

23 If you will, introduce yourself to the jury.

24 MS. JOHNSON: Thank you. I'm Kindle Johnson.
25 I have a law firm called K. Johnson Law Firm.

1 THE COURT: So, ladies and gentlemen, what
2 this case is about is kind of a different case from
3 what you might expect. Again, this is civil court,
4 but this is a case called an SVP or a Sexually
5 Violent Predator case where the State -- this is
6 concerning whether or not Mr. Gibson meets the
7 definition of what is called a Sexually Violent
8 Predator. He, as the lawyers will tell you and as
9 this trial proceeds, if you are selected to be on
10 the jury, you know, Mr. Gibson was convicted of a
11 crime, and he served a sentence. He has completed
12 that sentence.

13 The issue here is whether or not he is still
14 or what can be categorized as a Sexually Violent
15 Predator. If the jury finds that he is not, then
16 he will be released, because he served his time.
17 And if he is, I won't tell the jury what happens
18 then. But that is generally what the case is
19 about. I wanted to give you an idea, because there
20 are certain questions I have to ask while we try to
21 get a jury for this case.

22 All right. So in no particular order, I'll
23 ask these questions.

24 Is any member of the jury panel related by
25 blood or marriage, have a close or personal

1 relationship with any of the attorneys involved in
2 this case or with Mr. Eric Gibson, Jr.? If so,
3 please stand.

4 No response.

5 Does anyone know of these allegations of Mr.
6 Gibson's offense which caused him to be convicted
7 of a crime? If so, please stand.

8 No response.

9 This case involves an action by the State,
10 which is, again, represented by the Attorney
11 General's Office, to commit Mr. Gibson for
12 treatment. Would the fact that Mr. Gibson has been
13 convicted previously of a sex offense, and has
14 completed his criminal sentence related to that
15 conviction, prevent anyone from being fair and
16 impartial in the trial of this case? If so, please
17 stand.

18 All right. Thank you.

19 Has any member of the jury panel or any of
20 your close personal friends or immediate family
21 ever been the victim of a sexual assault? If so,
22 please stand.

23 Juror number?

24 JUROR: 63.

25 THE COURT: All right. I'm not going to go

1 into the specifics. Can you be fair and impartial?

2 JUROR: No.

3 THE COURT: Thank you. Juror what?

4 JUROR: 63.

5 THE COURT: Thank you.

6 And stay with us, I didn't excuse you yet.

7 Yes? Juror number?

8 JUROR: 125.

9 THE COURT: And how do you answer that
10 question?

11 JUROR: No.

12 THE COURT: You cannot be fair impartial?

13 Okay. Thank you.

14 Anyone else for that question?

15 Thank you.

16 Has any member of the jury panel or any of
17 your close personal friends or immediate members of
18 your immediate family ever been charged or
19 convicted of a sexual offense? If so, please
20 stand. If you have someone like a friend or
21 immediate family member charged with or convicted
22 of a sexual offense.

23 Yes, ma'am, juror number?

24 JUROR: 132.

25 THE COURT: And friend, family member?

1 JUROR: Family member.

2 THE COURT: What happened? Was the person
3 convicted?

4 JUROR: Yes.

5 THE COURT: Can you be fair and impartial?

6 JUROR: Yes.

7 THE COURT: Thank you.

8 Juror number?

9 JUROR: 195.

10 THE COURT: Close friend or family member?

11 JUROR: Family member.

12 THE COURT: Was that person convicted?

13 JUROR: Yes.

14 THE COURT: Can you be fair and impartial?

15 JUROR: Yes.

16 THE COURT: Thank you.

17 Any member of the jury panel currently or
18 formerly work in the fields of psychiatry,
19 psychology, or have any legal training or
20 experience like working for a law firm or forensic
21 psychiatrist, forensic psychologist? Anyone have
22 that kind of training? If so, please stand.

23 No response.

24 Has anyone ever been represented by any of
25 the attorneys involved in this case? If so, please

1 stand.

2 No response.

3 All right. There is a couple of witnesses
4 who may or may not testify in this case, and I'm
5 going to read the names out and what they do for a
6 living. The question will be: If you are related
7 to any of these people by blood or marriage or have
8 any close personal or social relationship: Mr.
9 Gibson, right there; Dr. Marie Gehle, G-E-H-L-E.
10 She's with the South Carolina Department of Mental
11 Health. Dr. Emily Gottfried, who is with the
12 Medical University of South Carolina Sex Behaviors
13 Clinic.

14 Anyone recognize those names?

15 All right. No response.

16 Any member of the jury panel ever been
17 involved in a prison ministry or prison outreach
18 program or any other program involving contact with
19 incarcerated persons?

20 Yes, sir, juror number?

21 JUROR: I'm a New York state correctional
22 officer.

23 THE COURT: Can you be fair and impartial?

24 JUROR: Yes.

25 THE COURT: What is your juror number?

1 JUROR: 28.

2 THE COURT: 28. Thank you.

3 All right. Has any member of the jury panel
4 ever had a member of their family or close personal
5 friend ever been subjected to a civil commitment
6 proceeding like in probate court where you have to
7 have someone committed involuntarily? If so,
8 please stand.

9 You're --

10 JUROR: 63.

11 THE COURT: Thank you. You can be seated.

12 Anybody related to each other out there? I
13 have to ask that question, believe it or not. A
14 month ago I'm trying a case in Chesterfield, and
15 day three of the trial, not only do I have first
16 cousins on the same jury, but they live in the same
17 house, and that is a true story. Anyway.

18 Yes, ma'am?

19 JUROR: That's my uncle (indicates).

20 THE COURT: Your juror number?

21 JUROR: 189.

22 THE COURT: And, sir, what is your number?

23 JUROR: 244.

24 THE COURT: Okay. But you don't all live in
25 the same house, do you?

1 JUROR: No.

2 THE COURT: Can you be all both be fair and
3 impartial if you are selected?

4 JUROR 189: Yes.

5 JUROR 244: Yes.

6 THE COURT: All right. Thank you.

7 Any juror have any moral, religious, or
8 philosophical reason why he or she cannot be fair
9 and impartial in a case that may involve acts of
10 sexual crimes or what's called sexually violent
11 crimes? If so -- except for 63, 125 -- if so,
12 please stand.

13 No response.

14 Any further voir dire from the State?

15 MR. RUNYAN: No, Your Honor.

16 THE COURT: From the Respondent?

17 MS. JOHNSON: May we approach?

18 (Whereupon, a bench conference was had.)

19 THE COURT: Any member of the jury panel, a
20 member of your immediate family, or a close
21 personal friend ever worked in a job or profession
22 that involves dealing with victims of sexual abuse
23 or sexual assault? If so, please stand.

24 Thank you. Juror 63 can be seated.

25 Beside her, your juror number?

1 JUROR: 62.

2 THE COURT: 62, interesting, right beside
3 each other.

4 How do you answer that?

5 JUROR: I can be fair.

6 THE COURT: I got that, but you have -- do
7 you work with victims of sexual abuse?

8 JUROR: My mother did.

9 THE COURT: What does she do?

10 JUROR: She's deceased now.

11 THE COURT: What did she do?

12 JUROR: Victims advocate.

13 THE COURT: You can be fair and impartial?

14 JUROR: Yes, sir.

15 THE COURT: Yes, ma'am.

16 JUROR: 79. I'm an emergency room nurse.

17 THE COURT: So you deal with that. Can you
18 be fair and impartial?

19 JUROR: Yes, sir.

20 THE COURT: Thank you.

21 Yes, ma'am.

22 JUROR: 49. I was an emergency room nurse.

23 THE COURT: Can you be fair and impartial?

24 JUROR: Yes.

25 THE COURT: Yes.

1 JUROR: 202. I'm a former victims advocate.

2 THE COURT: Can you be fair and impartial?

3 Yes, sir.

4 JUROR: 91.

5 THE COURT: Can you be fair and impartial?

6 JUROR: Yes, sir.

7 THE COURT: Thank you very much.

8 Does any member of the jury panel have any
9 moral or religious convictions which will prevent
10 you from being fair and impartial -- if you haven't
11 already answered it -- in a case that involves a
12 person who has been convicted of a previous or
13 prior crime? If so, please stand.

14 No response.

15 All right. Last question. Any -- this case
16 is going to involve primarily the testimony of two
17 experts with different opinions. Typically, when
18 you testify in court, when a witness testifies,
19 that witness can only testify about what someone
20 saw, heard, something like that. They can't
21 testify to an opinion.

22 However, there is an exception for witnesses
23 who are qualified because of their experience,
24 training, education in a particular field. They
25 can testify and form an opinion, okay.

1 Is there any member of the jury panel who
2 would give more weight to the testimony of a
3 witness simply because they are an expert, or do
4 you understand -- or someone doesn't understand --
5 that that is something you are to consider with the
6 weight of all of the evidence. Does anyone not
7 understand that?

8 Good.

9 Any further voir dire?

10 MS. JOHNSON: No, sir.

11 MR. RUNYAN: No, sir.

12 THE COURT: All right. So this is what is
13 going to happen. The clerk's office has a software
14 program that is randomly collating your all's
15 names, non-numerical and non-alphabetical order.

16 It's been awhile since I did a case like
17 this, Mr. Attorney General, Mr. Runyan. Do you all
18 seat the jury the same as in general sessions
19 court, or is it on paper like civil?

20 MR. RUNYAN: On paper. Four strikes.

21 THE COURT: Okay. You know how to do that,
22 Ms. Beulah?

23 THE CLERK: Yes, sir.

24 THE COURT: So we'll do 23 names or whatever,
25 and out of the top 20, each side gets to strike

1 four potentials, and go from there.

2 So what is happening is she's generating a
3 list. The lawyers will get a list. I'll give them
4 a couple of minutes to look at it, and each side
5 gets to -- for lack of a better word -- strike who
6 they don't want to be on the trial jury. Each side
7 gets four. Out of the first 20 names, the State
8 gets four, Respondent gets four, so we're left with
9 12, and that is your jury. The bottom three, each
10 side for the alternate, each side gets one. That
11 is how it works.

12 You all didn't know that, but now you do. So
13 while we have your attention, because I have
14 nothing better to do right now, I'm going to talk
15 to you briefly so you get a little something out of
16 your service here, even if you are not selected to
17 be on the trial jury, we'll do a civics lesson.
18 We'll make this enjoyable and educational.

19 There is 46 counties in South Carolina, each
20 of those is what is called a judicial circuit.
21 There are 16 judicial circuits in South Carolina.
22 I already told you I'm over the Sixth Judicial
23 Circuit. Why is it number six? I don't know. The
24 legislature would know. That is Chester,
25 Fairfield, and Lancaster. Why are there three? I

1 don't know. But, again, that is a Clarendon, Lee,
2 Williamsburg, and Sumter. Charleston and Berkeley,
3 for example, are together, and they are in number
4 nine. I don't know why they are number nine.
5 Number one, believe it or not, is Orangeburg,
6 Calhoun, Dorchester. Why are they the first time
7 circuit? I don't know.

8 But, anyway, each one of those circuits -- we
9 call them "circuits" in our state. Other states
10 may call it "districts," but each one of those
11 circuits have an elected district attorney or an
12 elected prosecutor, called a solicitor.

13 Your solicitor here is Chip Finney. He lives
14 in Sumter, and he is in charge of prosecuting all
15 of the crimes that may occur in your circuit.

16 Also, each circuit has an appointed public
17 defender. You know, every person is presumed
18 innocent until proven guilty in a court of law, so
19 the government will prosecute you, but they also
20 have to ensure of your rights, your Constitutional
21 rights that we all have. That is why the
22 government will also provide you with a lawyer if
23 you cannot afford one.

24 So that is how the system is set up. Each
25 system has a resident judge.

1 You can hand them out, Ms. Beulah.

2 Thank you.

3 So each circuit has at least one resident
4 judge, sometimes more. The bigger circuits have
5 more than one judge.

6 While they are looking and figuring out what
7 they are going to do, there are 52 circuit judges
8 in South Carolina. There is 66 family court judges
9 in South Carolina. Before I was elected to serve
10 as a circuit judge, where I have served almost 12
11 years now, I was a family court judge. I did
12 divorces and custody, and all of that kind of
13 stuff, child support, and all of that. That was
14 interesting.

15 But, anyway, I'm glad to be on circuit court
16 now. But there are 52 circuit court judges, and
17 all state court judges are elected by our
18 legislature. We're one of only two states in the
19 United States where our legislature elects state
20 court judges after candidates go through an
21 extensive background and screening process to make
22 sure they are qualified.

23 Can anyone tell me who the other state is in
24 the United States that elects judges that way,
25 state court judges? Any guess? I mean, you'll get

1 a prize if you get it.

2 JUROR: Texas.

3 THE COURT: No. It is Virginia. South
4 Carolina and Virginia are the only two states in
5 the United States whose state house and state
6 senate elect state court judges. To be a state
7 court judge, you have to be a lawyer, practice for
8 a certain number of years, and then you have to go
9 through that process.

10 Anyway, you learned a little civics today.
11 Way to go. I'll be quiet now.

12 (A brief pause in the proceedings.)

13 THE COURT: You all ready?

14 MR. RUNYAN: Yes.

15 MS. JOHNSON: Yes.

16 THE CLERK: Striking with the numbers on the
17 outside, beginning with the State.

18 MR. RUNYAN: State strikes No. 14.

19 MS. JOHNSON: Respondent strikes No. 2.

20 THE CLERK: Did you say 2?

21 MR. JOHNSON: Yes, ma'am.

22 THE CLERK: Okay. State?

23 MR. RUNYAN: State strikes Juror No. 17.

24 THE CLERK: Respondent?

25 MS. JOHNSON: Respondent strikes -- going on

1 the outside numbers?

2 THE CLERK: Uh-huh.

3 MS. JOHNSON: No. 6.

4 THE CLERK: 6?

5 MR. JOHNSON: Yes, ma'am.

6 THE CLERK: State?

7 MR. RUNYAN: State strikes No. 7.

8 THE CLERK: Respondent?

9 MS. JOHNSON: Respondent strikes No. 11.

10 THE CLERK: State?

11 MR. RUNYAN: State strikes No. Juror 15.

12 THE CLERK: Respondent?

13 MS. JOHNSON: Respondent strikes No. 20.

14 THE CLERK: Alternate?

15 MR. RUNYAN: State strikes No. 23.

16 MR. JOHNSON: Respondent strikes No. 21.

17 THE CLERK: All right. On the regular jury,
18 the State struck Nos. 7, 14, 15, and No. 17?

19 MR. RUNYAN: That's correct.

20 THE CLERK: Respondent struck No. 2, 6, 11,
21 and No. 20?

22 MS. JOHNSON: Correct.

23 THE CLERK: On the alternate, State struck
24 23, and Respondent No. 21?

25 MR. JOHNSON: Yes.

1 MR. RUNYAN: Yes, ma'am.

2 THE COURT: Go ahead and seat them, yes,
3 ma'am.

4 THE CLERK: Ladies and gentlemen, if I call
5 your name, please come through the aisle here and
6 go to the bailiff. Ladies and gentlemen, if you
7 have a jacket or purse or whatever, please bring
8 that with you.

9 No. 202, Cathy W. Rose. No. 66, Joe N.
10 Gamble. No. 158, William J. Miller. No. 199,
11 Sherman Robinson. No. 53, Desarae Downey. No.
12 201, Karen K. Romano. No. 145, Ronald Mathis.
13 No. 86, Jearl E. Harrison, Jr. No. 101, Jeanette
14 O. Holcombe. No. 196, Tammie H. Richburg. No.
15 245, Amanda Williamson. No. 211, Roger Shelton.
16 Alternate No. 62, Toi Frazier.

17 THE COURT: Any matters of law regarding jury
18 selection from the State?

19 MR. RUNYAN: No, Your Honor.

20 THE COURT: From the Respondent?

21 MS. JOHNSON: No, sir.

22 THE COURT: Thank you.

23 If you can, swear in the trial jury, Madam
24 Clerk, and I'll send them on their way.

25 (Whereupon, the jury was sworn.)

1 THE COURT: Thank you. Ladies and gentlemen,
2 sorry to have you keep getting up and down, but I'm
3 going to send you back into your jury room now to
4 get acquainted with each other. Don't talk about
5 the case. You know nothing about the case. Can't
6 talk about it until the end.

7 I'll get you back here before we take a break
8 for lunch. I know what time it is. I'll get you
9 back here, and you'll probably be able to leave for
10 the day, but I need to talk to the lawyers and
11 stuff. So head back to your jury room, and you can
12 get acquainted with each other, but do not talk
13 about the case. Thank you.

14 (The jury exits at 11:41 a.m., and the
15 following is heard out of the presence of the jury.)

16 THE COURT: You probably think you won the
17 lottery. But, like I said, ladies and gentlemen,
18 that's the only case scheduled for trial this week.
19 So you have completed your jury service. You don't
20 have to worry about calling back tonight. You're
21 done. Thank you for being up here, and you are
22 exempt for three years. You are free to leave.

23 (Whereupon, the prospective jury panel exits
24 the courtroom at 11:44 a.m.)

25 THE COURT: Schedule-wise, talk to me. So we

1 all agree we're not doing anything today as far as
2 the trial?

3 MR. RUNYAN: That's correct. Dr. Gottfried
4 is available first thing in the morning whenever
5 you want to start.

6 THE COURT: It's been a couple of years, but
7 the State has the burden of proof, so the State
8 goes first?

9 MR. RUNYAN: Correct.

10 THE COURT: And, in fact, Ms. Johnson, were
11 you the attorney on the case I did last time? I
12 still have my charge.

13 MS. JOHNSON: Judge, I've been doing so many
14 of them.

15 THE COURT: 2018, James Williams, Lancaster?

16 MS. JOHNSON: No, I don't think that is mine,
17 Your Honor.

18 THE COURT: I know the law was amended, and I
19 reviewed all of that stuff. We'll do all of that
20 this afternoon. It is almost noon now. Are you
21 good -- I want to dismiss this jury, but can we go
22 ahead and take a lunch?

23 MR. RUNYAN: Fine with me.

24 THE COURT: We'll reconvene at 1:30. Let me
25 bring the jury back here, and I'll get them out of

1 here. What time do you want to start tomorrow?

2 9:30?

3 MR. RUNYAN: 9:30.

4 THE COURT: Is that okay with you? I know
5 you drive from Conway?

6 COURT REPORTER: That's fine, sir.

7 THE COURT: All right. Bring the jury back
8 out.

9 (The jury enters at 11:47 a.m., and the
10 following is heard in the presence of the jury.)

11 THE COURT: You have already been sworn, so I
12 want to talk to you real quick. First of all,
13 we're not going to do anything with you all today.
14 I have to deal with some legal issues with the
15 lawyers. That is how this works. You are the
16 judge of the facts, fact finders. I'm the judge of
17 the law, so I have to do some law stuff that is
18 none of your all's concern with the lawyers this
19 afternoon.

20 Like I indicated earlier, one of the
21 witnesses can't be here until tomorrow morning. So
22 we won't actually start this trial with you guys
23 until tomorrow morning, okay. So you will be free
24 to leave here in a moment, and then you just have
25 to be here tomorrow morning at 9:30.

1 We'll -- I'll tell you this. As the judge of
2 the facts, your job as the jury is to determine
3 from this witness stand and whatever exhibits that
4 may come into evidence what your verdict should be.
5 In other words, when you leave here, you can't
6 start Googling names in your phone or talk to other
7 people about what you are doing, okay, because you
8 would be violating your oath to try this case from
9 the evidence in this courtroom and this courtroom
10 alone.

11 Now, I'm not naive everyone here on the jury
12 has a significant other that you live with or are
13 close with, and they ask, Did you get on the jury?
14 Yeah. What kind of case is it? It's a civil case,
15 but the judge said I can't talk about it. That is
16 the easiest way to answer the question. If they
17 persist, say, Look, the judge said I can't. I'm
18 used to being the bad guy. That's fine.

19 You can't Google names. Don't do any
20 research on the case. You're not commissioned to
21 be like a private detective or anything now that
22 you are on jury duty. Your job is to respond to
23 the evidence presented in this courtroom and use
24 that to determine what the verdict will be.

25 Everyone understand?

1 Okay. So you can't even talk to each other
2 until I tell you you can talk to each other about
3 your verdict. Your verdict may be as soon as
4 tomorrow afternoon. You may get the case to
5 decide. Then again, it may go into Wednesday
6 morning. We don't know. We have to see how the
7 evidence develops. But you are not going to be
8 here all week. I just wanted you to know.

9 Anyone have any questions?

10 Perfect. You are free to leave. What time
11 tomorrow morning? 9:30, right.

12 Can you talk to anyone with about the case?

13 JUROR: No.

14 THE COURT: Even with yourselves?

15 JUROR: No.

16 THE COURT: Good. Everyone understand?

17 See you back at 9:30.

18 We're done until 1:30, and then we'll do
19 whatever motions in limine, and go from there. See
20 you all then.

21 (A lunch recess was taken.)

22 THE COURT: All right. Mr. Runyan?

23 MR. RUNYAN: Yes, Your Honor. May it please
24 the Court?

25 THE COURT: Yes.

1 MR. RUNYAN: We have four motions in limine
2 that have been provided to you. These are standard
3 motions that we file in every SVP case. Ms.
4 Johnson is familiar with them, and it is my
5 understanding that she agrees to them in their
6 essence, and I'll let her speak to them, but I
7 think we can dispose of them fairly quickly.

8 THE COURT: All right. Let's do them in
9 order to keep the record clear.

10 MR. RUNYAN: First is to limit testimony or
11 statements during openings or closing referring to
12 him going to a prison, being punished, being put in
13 for an indeterminate time, or being behind the wire
14 on SCDC's property, anything like that. We think
15 it is prejudicial to the State. It is a civil
16 proceeding, and we typically go with committed to a
17 secured facility operated by the Department of
18 Mental Health.

19 That is our first motion.

20 THE COURT: Ms. Johnson, you agree with that?

21 MS. JOHNSON: For the most part, Your Honor.
22 I do think that we should be allowed to use the
23 statutory language, and I thought indeterminate
24 time was in that.

25 MR. RUNYAN: I don't know if it is.

1 MS. JOHNSON: It might be part of the old
2 statute. But we ask that we simply be allowed to
3 -- I mean, we're not asking to say that he's going
4 to be stuck in there for life or something like
5 that, but I do think that it is important that the
6 jury know that we don't know when my client might
7 be released.

8 THE COURT: The statute says -- and I'm
9 reading from Paragraph 1, which details SC Code
10 44-48-10 of your motion -- "should the jury find
11 that he's a Sexually Violent Predator, he will be
12 confined for long-term care, control, and treatment
13 at the SVP Unit, which is operated by the
14 Department of Mental Health, at either of at least
15 two locations, including one on the property of
16 Department of Corrections."

17 So you are saying you should be able to --

18 MS. JOHNSON: Your Honor, we're going to
19 limit our testimony simply to the statute, so that
20 is all.

21 THE COURT: All right. That is all I needed
22 to know. So it appears that you all agree then?

23 MR. RUNYAN: We agree, in essence. I mean, I
24 do have an issue with her saying he can be put --
25 he's going to be committed for an indeterminate

1 period of time, because it is a determinate period
2 of time. She wants to bar us from talking about
3 annual reviews, but they are reviewed annually.

4 THE COURT: That's the thing. I was going to
5 get into that, because one of your motions in
6 limine, Ms. Johnson, was keeping them from talking
7 about how he can be reviewed annually. I mean, if
8 you open the door talking about an indeterminate --
9 or whatever that language is, he should be able to
10 argue and introduce evidence that, well, no, he
11 gets to get out every year or attempt to get out
12 based upon what the annual review is.

13 MS. JOHNSON: To be clear, Your Honor, I'm
14 not going to use the phrase "indeterminate." I was
15 going to particular stick to the statute.

16 THE COURT: So first one is granted.

17 MR. RUNYAN: This is one of Ms. Johnson's as
18 well, and I think we agree on this one. This is to
19 limit the testimony about the type of treatment
20 that Mr. Gibson may receive if he's committed.
21 That is not relevant to the mission of the jury
22 here. They are to determine three factors:
23 Whether or not he has a qualifying conviction; that
24 he has a mental abnormality personality disorder;
25 and that that personality disorder makes him likely

1 to engage in acts of sexual violence.

2 The supreme court -- the United States
3 Supreme Court said that it is not a prerequisite
4 for any treatment to work. That was in Kansas v.
5 Hendrix. So any talk about the type of treatment
6 he received or whether it worked while he's there,
7 that is what we are trying to limit here.

8 We have no problem with him saying he can
9 seek treatment on the outside, if there is out
10 treatment available, but we don't want to -- it is
11 misleading to the jury if we start talking about
12 the types of treatment and whether or not they'll
13 work for him.

14 THE COURT: Ms. Johnson?

15 MS. JOHNSON: We won't get into that, Your
16 Honor, either. But I did tell opposing counsel
17 that we are going -- we would like to mention the
18 fact that treatment is available outside of putting
19 him in an institution or into Well Path. Only
20 availability, but not details of what treatment is.
21 I also agree that is not relevant.

22 MR. RUNYAN: We have no problem for them to
23 say it's available.

24 THE COURT: Second motion in limine, granted
25 by consent, with the exception that the defense can

1 elicit testimony that there is treatments available
2 outside of confinement.

3 MR. RUNYAN: Third motion in limine is a
4 post-Covid motion and probably one of the final
5 cases that we've been cleaning up on our dockets
6 that's been out for a while, 2022 docket. This is
7 to limit any testimony to the amount of time he's
8 spent in the detention center. There has been some
9 defense attorneys says he's been in for a thousand
10 days. You know, the statute says they are to be
11 confined until disposition of the action.

12 THE COURT: Ms. Johnson, what is your
13 position on that?

14 MS. JOHNSON: Your Honor, we're not getting
15 into how long he's been waiting.

16 THE COURT: Okay. I have a checkmark on that
17 one, so you were going to win that one.

18 Third motion in limine is granted.

19 MR. RUNYAN: Our fourth motion is a product
20 of the statutory changes that came out in May of
21 2023 changing the definition of likely to engage in
22 acts of sexual violence to mean that a person is
23 predisposed when engaged in existential violence,
24 and more probably than not, will engage in acts of
25 sexual violence to such a degree they pose a menace

1 to the health and safety of others.

2 THE COURT: Which kind of goes to the
3 preponderance of the evidence, which leads to more
4 than 51 percent. I see where you are going.

5 MR. RUNYAN: Right. And we got into great
6 discussions and arguments with the Department of
7 Health over their interpretation of the statute.
8 The governor's office ordered DMH to request an
9 opinion from the solicitor general's office. That
10 has been provided to the Court. We think the
11 solicitor general's opinion is correct when they
12 conclude that: "We do not believe the inclusion of
13 the phrase of "more probably than not" requires a
14 statistical finding that the person's chance of
15 reoffending is greater than 50 percent."

16 It is just not required by statute.

17 THE COURT: Well, the statute says what the
18 statute says. You know, you have to -- you know --
19 and, of course, Ms. Johnson, I want to be heard by
20 you, but, you know, my gut is to agree with the
21 State on that. I mean, you know, the statute is
22 what the statute is. I mean, that's plain language
23 of the statute. The statute doesn't go on to
24 define more than 50 percent or just 50 percent or
25 anything, but I want you to make a full record.

1 What is your position on this?

2 MS. JOHNSON: Your Honor, we are in agreement
3 with that as well.

4 THE COURT: Okay.

5 MS. JOHNSON: It is not specifically in the
6 statute.

7 Now, my witness is going to testify that that
8 is what she uses her basis for coming up with her
9 opinion.

10 THE COURT: Oh, I'm sure.

11 MR. JOHNSON: But we agree, it is not in the
12 statute.

13 THE COURT: And I think your witness, your
14 expert, is allowed to give the reason why she
15 thinks the way she does. I mean, the jury can hear
16 that and determine it and give it the weight and
17 the credibility they believe it deserves.

18 All right. So fourth motion in limine is
19 granted.

20 MR. RUNYAN: That is all from the State.
21 Thank you, Your Honor.

22 THE COURT: All right. Let's deal with your
23 motions in limine then.

24 MS. JOHNSON: Thank you, Your Honor. And I
25 have spoken with Attorney Runyan about some of

1 these, and we're in agreement about some.

2 On number one of my motions in limine, that
3 is regarding the PPG and the admissibility of the
4 PPG, not only of the PPG -- testimony regarding the
5 PPG, but I went further, and it is about Dr.
6 Gottfried being a witness -- being allowed to be
7 called as an expert witness.

8 My understanding is that the State agrees
9 that Dr. Gottfried will not testify as to the PPG.
10 So, for that, we're in agreement.

11 However, we still have the outstanding issue
12 of whether Dr. Gottfried will be allowed to testify
13 as an expert witness in this case. I mean, we are
14 not saying that she lacks qualifications. She
15 certainly has experience, and she certainly has the
16 education. But because she based her opinion --
17 that PPG went into her opinion. It was a basis for
18 her opinion, and because of the fact that it is an
19 unreliable science, which the State of South
20 Carolina has agreed on, we agree she should be
21 excluded from allowing to testify as an expert
22 witness.

23 THE COURT: All right. What is the State's
24 response?

25 MR. RUNYAN: On the first point, Your Honor,

1 on the actual testimony regarding the PPG, we agree
2 that the court of appeals' opinion says that it is
3 not admissible in the courts of South Carolina at
4 this time.

5 Now, I will note that that cert is pending on
6 that, and the question or the answer is not settled
7 yet, but we understand the ruling of the Court in
8 Daily and are not going to solicit testimony from
9 Dr. Gottfried regarding the PPG test.

10 The other part of this is meritless. Dr.
11 Gottfried does a comprehensive evaluation where she
12 does multiple testings, including the PPG. She
13 does calculations and assessments. She does a
14 clinical interview of Mr. Gibson. She bases it on
15 lots of factors. She has a 66-page report that
16 lists all the different reasons why she thinks he
17 is a sexually violent predator.

18 I will note that the PPG only goes to her
19 diagnosis of sexual sadism. She also diagnoses him
20 with other specified personality disorder with
21 antisocial and psychopathic traits, which has
22 nothing to do with the PPG. All of those things
23 are factored into her opinion. To say she can't
24 testify simply because -- I guess her argument is
25 Dr. Gottfried gave the PPG, she said he's a

1 sexually violent predator, that is the end of the
2 story. I mean, that's not the case.

3 THE COURT: Kind of the fruit of the
4 poisonous tree analogy. You know, since she did
5 that, that tainted her entire opinion. I agree
6 with the State. I mean, I think this is a clear
7 repeating expert case where one witness says he
8 doesn't meet the qualifications for SVP under the
9 statute. The State's witness says he does. I'm
10 going to let the jury hear that, and they'll make a
11 determination as to which opinion they wish to hang
12 their hats on based upon everything that comes in.
13 All right.

14 MS. JOHNSON: Your Honor, my second motion is
15 to exclude any testimony regarding Dr. Gottfried's
16 incomplete or invalid test results, specifically in
17 her report -- let's see -- she references under the
18 MMPI-3 -- Minnesota Multi-phasic Personality
19 Inventory 3 -- that Mr. Gibson is under-reporting,
20 and she references how he tried to showed himself
21 in a positive light. But she says -- and I quote
22 -- "in light of this response style, this profile
23 is rendered invalid, and further interpretations
24 cannot be made."

25 So she invalidated that test. And, again,

1 under the Personality Assessment Inventory, she
2 referenced under-reporting and said, again, "in
3 light of these findings, the results are invalid,
4 and further interpretations cannot be made."

5 And so we are asking to exclude any reference
6 to these tests because she said these are invalid
7 tests and no further interpretations can be made.

8 THE COURT: Yes, sir.

9 MR. RUNYAN: Your Honor, you know, she gives
10 these battery of tests. Some of them have results,
11 some don't. Her inquiry doesn't end there. The
12 MMPI specifically is a psychological test that
13 assess personality disorders. What she came up
14 with is Mr. Gibson didn't take the test he was
15 supposed to at all. I mean, there was no way she
16 -- he was not truthful in his answers. He
17 presented himself, as she said, in an overly
18 positive light. These are all things that, while
19 the test results we're, quote/unquote, invalid, she
20 uses the fact that he didn't respond to them
21 honestly in her assessment of whether or not he's
22 being forthright and forthcoming. One of the
23 hallmarks of a personality disorder that he has is
24 that he's evasive, he's deceitful, and these
25 invalid results are just another way to corroborate

1 that finding.

2 I would note also that Dr. Gehle gave him an
3 MMPI, and she came up with the same things. And
4 I'll quote from her: "That he portrayed himself in
5 an overly positive and virtuous manner. He denied
6 minor falls and shortcomings that are acknowledged
7 by most. It was evident that the validity of the
8 result was impacted by his under-reporting."

9 So she came up with the same results as Dr.
10 Gottfried. Dr. Gehle also diagnosed him with the
11 same personality disorder with antisocial traits.
12 That MMPI is one of the things that Dr. Gehle used
13 in the basis of her opinion, and it's the same
14 thing that Dr. Gottfried used in the basis of her
15 opinion. So she should be allowed to testify to
16 what results he got, and how they impacted her
17 decision in her opinion.

18 THE COURT: All right.

19 MS. JOHNSON: If I may, to rebut that. If
20 one of the issues about what an expert can testify
21 to involves the reliability of their tests, and
22 this doctor is specifically saying in a report,
23 essentially, that these test results are not
24 reliable, then I think that in and of itself they
25 are not reliable for the expert to testify to them.

1 Moreover, I think that the way that she has
2 then taken this test that she says is invalid, but
3 sway them against my client, that suggests that
4 that testimony is going to be unfairly prejudicial.
5 And I would argue, Your Honor, what is the
6 relevance of the test if it is invalid, if she said
7 it's not valid?

8 THE COURT: All right. I deny your motion in
9 limine. In my opinion, it goes towards the
10 credibility and evidence, not to admissibility.

11 MS. JOHNSON: Thank you, Your Honor.

12 So as far as No. 3 is concerned regarding
13 inadmissible hearsay, we've resolved several of
14 these, like the prior statements about my client's
15 criminal acts, which my understanding is that the
16 State is going to go into them, but not, sort of,
17 the gory details, which is one of the issues that I
18 had. I understand that the courts have ruled many
19 times over that the expert can base their opinion
20 on these criminal acts, even if they are not
21 convictions, but to get into some details that
22 would be so exceptionally prejudicial is my issue.
23 I believe we sort of resolved that. Mr. Runyan and
24 I have not had that problem with past trials
25 anyway.

1 MR. RUNYAN: I think, Your Honor, she can
2 object to what she thinks is objectionable at the
3 time. Because we don't know what they'll say at
4 this point, but we tend to stay away from
5 graphically violent details. But as she said, the
6 foundational case in this is Eittle (phonetic).
7 It's in our memo of law. Recently, as of Wednesday
8 last week, there is an unpublished opinion that
9 came out, Tracey Fabian, where she said, you know,
10 it was fine to discuss dismissed charges, and the
11 details of the dismissed charges.

12 THE COURT: I think the State is right on
13 that.

14 MS. JOHNSON: Yes, Your Honor. And, of
15 course, I will still object when needed.

16 THE COURT: Of course, and preserve the
17 record.

18 Subitem C on that, the PPG test, you all
19 agreed to that?

20 MS. JOHNSON: Resolved.

21 So it really leaves the issue of Dr. Gehle's
22 testimony. And, Your Honor, it is really just two
23 -- two statements that Dr. Gottfried references in
24 her report, and they are under "collateral
25 information." One of them is on Page 7 when she

1 says: "During Dr. Gehle's evaluation, Mr. Gibson,
2 quote, said he repeated the ninth grade, but he was
3 evasive in his responses to follow-up questions" --
4 yadda, yadda.

5 We would ask that that be excluded because it
6 is hearsay. Also, Your Honor, I believe that if it
7 is Dr. Gehle's words, she would be the appropriate
8 one to testify as to that.

9 So that is our motion on that. And, also, of
10 course, Your Honor, we believe that it's unfairly
11 prejudicial.

12 MR. RUNYAN: Again, Your Honor, you know, Dr.
13 Gottfried is allowed to explain the basis of her
14 opinion. She's going to explain why experts in
15 their field look at prior evaluations. She
16 reviewed Dr. Gehle's report of the prior evaluation
17 to try to corroborate what Dr. Gehle saw with her
18 opinion.

19 In fact, Dr. Gehle's opinion does corroborate
20 with Dr. Gottfried's opinion; that he was evasive,
21 and he was evasive in both interviews. That is
22 another data point that Dr. Gottfried uses to come
23 up with her other diagnosis of other specified
24 personality disorder with antisocial traits. You
25 know, I think an expert is allowed to discuss -- I

1 don't know if it is overly prejudicial to say that
2 he was evasive during an interview, because both
3 doctors are going to say he was.

4 So Dr. Gottfried is allowed to discuss the
5 information that she used in forming the basis of
6 her opinion under 703, unless it is a 703 argument,
7 and I just don't see that in this example.

8 THE COURT: I agree with the State on that.
9 Just like everything that Dr. Gehle used in coming
10 up with her opinion that he doesn't meet the
11 qualifications for a sexually violent predator.
12 That is fair game as well. I mean, you know, I
13 think this record needs to be clear that when in
14 doubt, I'm going to let it in. All right?

15 MS. JOHNSON: Okay.

16 Your Honor, I believe we also resolved --
17 let's see. Number 4 and 4 are about -- we've
18 talked about that in Mr. Runyan's motions.

19 So No. 6 I discussed with Attorney Runyan,
20 which crimes he's going to seek to introduce about
21 my client. I've got the two assault and batteries;
22 one in 2022, one in 2019. We have the underlying
23 sexual violent offenses, as well as there is
24 another assault and battery, threatening a public
25 official in 2012.

1 I know there is going to be some reference to
2 the extent, like, the length of my client's records
3 and that sort thing, but I believe we have No. 6
4 resolved. If I think there is any issue,
5 obviously, I'll object beyond that.

6 THE COURT: Okay.

7 MS. JOHNSON: Let's see. I believe we got
8 No. 7 resolved.

9 So No. 8 is as it relates to psychopathy. We
10 are arguing that that is not relevant and also
11 unfairly prejudicial. In her report, in Dr.
12 Gottfried's report, as it relates to psychopathy,
13 she says -- has diagnosed my client not with
14 psychopathy, but with psychopathic traits. She
15 said, "Psychopathy refers to early onset specific
16 constellation of traits and behaviors reflecting a
17 person's long-term functioning that results in
18 social dysfunction. It is in this that
19 psychopathy, although not classified, is a
20 personality disorder in the DSM-5, and nomenclature
21 is consistent with a personality disorder."

22 We argue that it is not relevant and unfairly
23 prejudicial, because it is not considered a
24 personality disorder under the DSM-5, and of course
25 the sexually violent predator cases deal with

1 personality disorders and mental health issues that
2 would cause a person to recidivate for sexually
3 violent offenses.

4 So, in that, we also think it is confusing to
5 the jury to hear information about these
6 psychopathic traits that Dr. Gottfried diagnosed
7 him with.

8 THE COURT: All right.

9 MR. RUNYAN: Your Honor, the test that she's
10 referred to is called a Hare PCLR. It is a
11 well-established test in establishing clinical
12 psychopathy. Psychopathy is a risk for sexual
13 recidivism. It is relevant in that if someone has
14 psychopathic traits or is a psychopath, it puts
15 them at a higher risk to sexually recidivate, which
16 is at the heart of the SVP law.

17 The argument that Ms. Johnson makes that it
18 is not a disorder pursuant to the DSM-5, there are
19 thousands of disorders that are not in the DSM-5.
20 In fact, it has language that says "included, but
21 not limited to" because they can't list them all.

22 I would note that the DSM-5 does talk about
23 the psychopathy, specifically antisocial
24 personality disorder, on Page 745 -- 748 of the
25 DSM-5. When talking about diagnostic features for

1 antisocial personality disorder, it says: "The
2 essential feature of antisocial personality
3 disorder is a pervasive pattern of disregard for
4 and violation of the rights of others that begins
5 in early childhood or early adolescence and
6 continues into adulthood. This pattern has also
7 been referred to as psychopathy, sociopathy, or
8 dissocial personality disorder."

9 On Page 885, in discussing antisocial
10 personality disorder, it notes that you can use
11 specifiers for antisocial personality disorders
12 with psychopathic features. They say "On
13 specifiers, a distinct variant often turns
14 psychopathy -- or primary psychopathy -- is marked
15 by a lack of anxiety or fear and by a bold
16 interpersonal style that may mask maladaptive
17 behaviors. This psychopathic variant is
18 characterized by low levels" -- and it goes on.
19 But it is in the DSM-5.

20 Dr. Gottfried has diagnosed him with other
21 specified personality disorders with antisocial and
22 psychopathic traits. She will testify about the
23 score she gave him on the Hare PCLR.

24 If I remember the report, he scored one point
25 below the cutoff for being considered a psychopath.

1 So he's not, but he's pretty close. Those features
2 are directly relevant to his maladaptive
3 personality, inflexibility, his pervasive rule
4 violation, his pervasive grounds for being
5 arrested.

6 I would note that Dr. Gehle also diagnosed
7 with him other specified personality disorder with
8 antisocial traits. So I think psychopathy is not
9 only in the DSM-5, it's a specifier, and it is
10 also -- more important to me is that it is a risk
11 factor for sexual recidivism, and I think she
12 should be allowed to talk about that.

13 MS. JOHNSON: And, Your Honor, this might be
14 something that might be resolved if we have -- if
15 the expert will state this, but my understanding is
16 that it actually does not -- it is not an indicator
17 of sexually violent recidivism; that it is, sort
18 of, a mental health issue, but it does not indicate
19 that a person is more likely than not to --

20 THE COURT: You can clean that up with a
21 simple question of the expert; is that what you are
22 telling me?

23 MS. JOHNSON: Well, yes, but, I mean, outside
24 of the presence of the jury, because I still do
25 think it is still unfairly prejudicial, and I think

1 it's confusing, Your Honor.

2 THE COURT: I disagree with you on that, but
3 you are protected on the record. I think this is
4 all relevant, competent evidence that this jury can
5 hear in determining whether or not he is a sexually
6 violent predator under the act. I think that is
7 just the basis of this expert's opinion, just like
8 everything Dr. Gehle heard and what she considered
9 and based her opinion on.

10 MS. JOHNSON: Finally, Your Honor, we are
11 asking for a bench trial in lieu of the jury trial.
12 My issue with these cases, Your Honor, is that the
13 jury just really seems to have an intense dislike
14 of people who commit sexually violent offenses, any
15 sexual offense, really. I believe that that then
16 suggests that my client is not going to be able to
17 get a fair trial in these cases.

18 I will be forthright with the Court, I do not
19 have law to suggest that he is entitled to a bench
20 trial, unlike being entitled to a jury trial. But
21 I do think it goes to due process. He is entitled
22 to a fair trial, and so that is our argument for
23 that.

24 MR. RUNYAN: Well, Your Honor, the statute
25 clearly states that within 30 days of the order of

1 evaluation, the State or the Respondent has a
2 statutory right to a jury trial in these types of
3 cases. It is not a Constitutional right; it is a
4 statutory right to a jury trial. The State
5 exercised its right timely for a jury trial, and we
6 are not willing to waive that at this point.

7 THE COURT: All right. That motion is
8 denied.

9 MS. JOHNSON: Thank you, Your Honor.

10 THE COURT: Anything else?

11 MS. JOHNSON: No, sir.

12 THE COURT: Anything else from the State?

13 MR. RUNYAN: No, Your Honor.

14 THE COURT: All right. Your witness will be
15 ready to roll?

16 MR. RUNYAN: 9:30.

17 THE COURT: Just have the one witness?

18 MR. RUNYAN: Correct.

19 THE COURT: Do you intend to call any other
20 witnesses?

21 MR. RUNYAN: No, Your Honor.

22 THE COURT: And you have Dr. Gehle. What
23 time will she be here? Is she going to be here for
24 Dr. Gottfried's testimony?

25 MS. JOHNSON: I'm going to call her and ask

1 that she's here around that time, but she usually
2 shows up about an hour, hour-and-a-half into it.

3 Is Your Honor inclined to -- if we're hitting
4 around 11:00 or 11:30, are you inclined to take a
5 break for lunch and then to Dr. --

6 THE COURT: Usually, 12:00, 12:30, because
7 they start looking at the clock. But I don't mind
8 breaking in the middle of a witness' testimony,
9 unless you don't want me to.

10 MS. JOHNSON: No, sir. I was just going to
11 tell her to come around 11:00 or 11:30.

12 THE COURT: Yeah. Tell her around 11:00.
13 That is fine.

14 Anything else?

15 MS. JOHNSON: I have a copy of my client's
16 report that I was going to give to him. He asked
17 me for it, so I was going to provide it to him.

18 Also -- beg the Court's indulgence?

19 THE COURT: Sure. Go ahead.

20 (Whereupon, Ms. Johnson confers with Mr.
21 Gibson.)

22 MS. JOHNSON: So my client and I had some
23 discussions, and he still has outstanding questions
24 that I have attempted to answer, but I don't think
25 that is sufficient, so I would just ask Your Honor

1 to rule on these questions that he has. I don't
2 know that they are motions, but I want to address
3 them on the record, Your Honor.

4 THE COURT: Okay. Go ahead.

5 Yes, sir.

6 Help him formulate his question.

7 MS. JOHNSON: Yes. One of the issues is that
8 my client did not believe that he should even be
9 eligible to be considered a sexually violent
10 predator for the purposes of this petition, because
11 his sexually violent offense -- he was in prison
12 and released, then picked up another offense, and
13 then they flagged him for the sexually violent
14 predator petition.

15 THE COURT: So there is a question as to
16 whether or not this conviction qualifies as a
17 sexually violent offense?

18 MS. JOHNSON: Not whether the conviction
19 qualifies -- well, this -- the assault and battery
20 I believe is the one that they pulled him on, and I
21 know that is not the sexually violent offense. It
22 wasn't ruled one or noted to be one.

23 It is really a matter of timeliness, because
24 they released him after he committed a sexually
25 violent offense, and then the Court -- or the

1 petition picked him up.

2 THE COURT: But what is the question?

3 What's your question?

4 MR. GIBSON: I mean, I pled guilty in 2022,
5 and then that is what started this whole....

6 THE COURT: Guilty in 2022? How much time
7 did you get?

8 MR. GIBSON: 18 months, credit.

9 THE COURT: 18 months for CSC third.

10 MR. GIBSON: That is 2023. What brought this
11 is the first case. They are trying to say that,
12 okay, years ago, when I pled guilty in 2013, that
13 they were looking at me then, and 11 years later,
14 as soon as I got a similar charge, and that was
15 with my girlfriend, my live-in girlfriend, they are
16 trying to say that now that I got the SVP thing,
17 you know, probable cause tried to find SVP, and now
18 they are trying to say -- I don't have the right
19 words.

20 MS. JOHNSON: Your Honor, this would
21 technically be, like, a motion to dismiss, because
22 my client does not believe that they should have --

23 THE COURT: Right. Your client does not
24 believe that there is a jurisdictional basis to
25 even be having this hearing?

1 MS. JOHNSON: Exactly, Your Honor.

2 THE COURT: All right. I got it. That's a
3 legal argument.

4 What's the State's position?

5 MR. RUNYAN: In 2013, he was convicted of
6 criminal sexual conduct in the third degree, which
7 is a qualifying conviction under the statute. The
8 statute allows for every time someone goes in SCDC
9 and has a qualifying conviction, they are subject
10 to review by the multi-disciplinary team.

11 Mr. Gibson was reviewed a couple of times by
12 the multi-disciplinary team after a 2013
13 conviction, in which they did not find he should be
14 reviewed.

15 Then, in 2022, he was given a criminal sexual
16 conduct in the first degree charge, assault and
17 battery charge, and I think there was a kidnapping
18 charge as well, and he nolle prossed two of them
19 and pled to assault and battery. So he went back
20 into prison, that started the SVP process, they
21 reviewed him and --

22 THE COURT: The fact that there was a CSC
23 charge -- CSC first, even though he pled to an A&B
24 first, it still triggered a review?

25 MR. RUNYAN: Yeah. And that is in the case

1 law that says any time someone -- it doesn't have
2 to be a sexual offense. In fact, he could have
3 gone in for a burglary --

4 THE COURT: Any type of conviction triggers a
5 reevaluation, and the qualifying conviction was
6 back from 2013?

7 MR. RUNYAN: Correct, Your Honor.

8 MS. JOHNSON: I do believe Jim Falk
9 represented my client, and my understanding is that
10 this was dealt with at the probable cause hearing
11 as well; was it not?

12 MR. RUNYAN: I can't remember.

13 THE COURT: All right. Well, that motion to
14 dismiss is denied. I believe the Court does have
15 jurisdiction to hear this matter.

16 But, again, that is something for the jury to
17 determine.

18 MR. JOHNSON: Beg the Court's indulgence.

19 THE COURT: Sure.

20 (Whereupon, Ms. Johnson confers with Mr.
21 Gibson.)

22 MS. JOHNSON: Do you have any further
23 questions for the Court?

24 MR. GIBSON: No.

25 THE COURT: Anything else?

1 MS. JOHNSON: Nothing from me.

2 THE COURT: Thank you.

3 And thank you, sir.

4 Anything else?

5 MR. RUNYAN: No, Your Honor.

6 THE COURT: We're in recess until tomorrow
7 morning 9:30.

8 MS. JOHNSON: Can I have 10 minutes to talk
9 to my client before we leave?

10 THE COURT: Absolutely.

11 (WHEREUPON, THE PROCEEDINGS FOR DECEMBER 2ND,
12 2024 CONCLUDED.)

13 (THE FOLLOWING PROCEEDINGS WERE HAD ON
14 DECEMBER 3RD, 2024 OUT OF THE PRESENCE OF THE
15 JURY.)

16 (State's Exhibits 1-5 marked.)

17 THE COURT: Anything before we bring the jury
18 in?

19 MR. RUNYAN: A lot of times I have the judge
20 tell the jury that, you know, we're not allowed to
21 talk to them, and if they see them in the
22 hallways we're not saying hi, but we're not being
23 rude. I had a juror try to talk to me, and I don't
24 want them to think that we are rude or unkind.

25 THE COURT: That's fine. I told them they

1 can't talk to anyone about the case, so that's no
2 problem.

3 Ms. Johnson?

4 MS. JOHNSON: May I have two minutes? My
5 client just got dressed, so I just wanted to have a
6 talk with him.

7 THE COURT: Sure. Okay.

8 (A brief pause in the proceedings.)

9 MS. JOHNSON: We're ready, Your Honor.

10 THE COURT: All right. Bring the jury in.

11 (The jury enters at 9:39 a.m., and the
12 following is heard out of the presence of the jury.)

13 THE COURT: Good morning, ladies and
14 gentlemen. Before we get started, let me talk to
15 you and kind of tell you how everything is going to
16 flow.

17 You know, most people don't have the chance
18 to attend actual court sessions, much less
19 participate in them. Those people tend to think
20 what they see on TV or movies or read in books is
21 always the way the trials are, full of intense
22 action, riveting circumstances, that kind of thing.
23 That's not reality, okay. The search for justice,
24 the search for truth, or the search for a verdict
25 is sometimes somewhat burdensome and slow and a

1 repetitive process, okay.

2 So I urge you to listen carefully to the
3 witnesses who testify. And, of course, I'll charge
4 you on the law at the end of the case and let you
5 know what you are to consider from the law as you
6 decide to deliberate on your verdict, okay.

7 Again, as I've told you yesterday, ladies and
8 gentlemen, this is a different type of civil case.
9 This is what is called a sexually violent predator
10 case where the State of South Carolina is
11 petitioning -- filed a petition in this case
12 concerning the care and treatment of this gentleman
13 over here, who they allege is a sexual violent
14 predator.

15 The State of South Carolina has the burden of
16 proof in this case, and I'll describe that to you
17 when I give you the law. Because they have the
18 burden of proof, they go first.

19 What will happen is both sides in the defense
20 can make an opening statement as well, but both
21 sides will make an opening statement to you. The
22 lawyers tell you briefly about the case and give
23 you an outline of what they think the evidence will
24 show, okay.

25 Then, after opening statements, you will hear

1 testimony and evidence in this case. You will hear
2 from, I believe, two expert witnesses, who are
3 doctors, who evaluated this gentleman, and who will
4 give you their opinions.

5 Like what I told you about expert witnesses,
6 because of a witness' training and experience and
7 knowledge and education, if I qualify them as an
8 expert, okay, they are allowed to give an opinion.

9 Now, to give an opinion, that doesn't mean
10 you have to accept it. I mean, it is simply for
11 you to consider when you consider all of the
12 evidence. You give it the weight you believe it
13 deserves.

14 So after the testimony and evidence phase of
15 the trial, that's when we have closing arguments,
16 and that is when lawyers speak directly to you and
17 argue to you as to what your verdict should be.

18 Now, remember, ladies and gentlemen, the
19 lawyers speak directly to you in forms of opening
20 statements or argument, but that is not evidence.
21 That is them telling you about the case. The
22 evidence is what comes from this witness stand and
23 whatever reports or papers or pictures or whatever
24 else may come into evidence. That is what evidence
25 is.

1 So following all of that, whenever that is
2 done, and that may be sometime today, we'll see how
3 that goes, and that is when I'll charge you or
4 instruct you on the law of South Carolina as it
5 pertains to the issues that have arisen in this
6 case, and that is how you arrive at your verdict.

7 You take what the law as I give it to you,
8 not what you think the law ought to be, but as I
9 give it to you, and you must apply and accept as
10 correct the law I give you. You put that law to
11 the facts as you find them to be, because you are
12 the judge of the facts, okay.

13 So you, the judge of the facts, along with
14 the judge of the law -- excuse me, the judge of the
15 law, that is how you reach your verdict. I'll go
16 over all of that at the end.

17 When we take a break after or during the
18 first witness' testimony, whenever it is going to
19 be, that is when I'll let you decide amongst
20 yourselves, and it can't be the alternate, who will
21 be your foreperson, okay. A foreperson is simply
22 the person who -- spokesperson here in the
23 courtroom for the jury. That will also be the
24 person who heads up the deliberations and goes from
25 there. The foreperson is the only person that can

1 write on the verdict form. The verdict has to be
2 unanimous, and I'll go over all of that towards the
3 end.

4 So having said that, listen carefully to the
5 lawyers as they speak to you. There may be from
6 time to time -- I need to talk to you about
7 objections, because people see that on TV and
8 movies. So since I'm the judge of the law, in
9 court, we have rules of evidence. Just like
10 businesses have certain rules or sports, for
11 example. The NFL game last night, there was
12 certain rules you have to go by.

13 Same thing in court. It is called Rules of
14 Evidence. The reason we have these rules is not to
15 try to keep stuff from you for you to consider, all
16 right. It is because you need to get the best
17 evidence possible to make your decision. That is
18 why we have rules.

19 So when a lawyer on one side thinks that a
20 question or something that is offered into evidence
21 may violate the rules of procedure or rules of
22 evidence, that lawyer will say "objection." Then I
23 have to make a legal ruling as to whether or not
24 that thing can come into evidence, or whether or
25 not that question can be answered.

1 If I overrule an objection, that means it can
2 come into evidence or the witness can testify. If
3 I sustain an objection, that means the question
4 can't be answered or the thing cannot come into
5 evidence.

6 Ladies and gentlemen, you are not to
7 speculate about what the answer would have been or
8 what the thing would have shown, because, see, that
9 is outside of what the evidence is. You can only
10 judge this case from the evidence presented in this
11 courtroom, okay.

12 Again don't talk to anyone about this case.
13 You know, even in Manning, a beautiful town, small
14 town, when we take lunch break, if you see someone
15 at lunch, you know, if you say, hey, to them, mild
16 greetings, sometimes that can be misconstrued,
17 because if someone on the other side sees that, you
18 know. So just be careful who you talk to, even
19 just in greetings and that kind of thing.

20 So that is the flow of the case. At this
21 point in time, I'll have the attorneys give opening
22 statements to you.

23 MR. RUNYAN: May it please the Court, Ms.
24 Johnson?

25 THE COURT: Yes, sir.

1 MR. RUNYAN: Morning, ladies and gentlemen.
2 As I introduced myself, I'm Chris Runyan. I'm an
3 Assistant Attorney General, and I work at the
4 Office of Attorney General in Columbia, South
5 Carolina, for Alan Wilson.

6 Before we start, I want to thank you, and you
7 probably have been thanked a lot already, and
8 probably will be thanked throughout the day and
9 possibly tomorrow. There is a good reason for
10 that, it's because we need you.

11 As the judge told you, your duty here, your
12 service to your citizens of Clarendon County is
13 very important. You help us answer questions that
14 can't be answered any other way. You are the
15 finders of the fact, as the judge told you. We
16 need that in our system of justice for people like
17 yourselves to come at inconvenient times in your
18 lives. It is always inconvenient. My wife just
19 got called for jury duty the week after New Year's.
20 So any time is inconvenient, so we thank you for
21 being here, and thank you for your service.

22 You could be wondering why the Attorney
23 General's Office is here and not a local attorney.
24 In 1998, roughly 26 years ago, I think, the
25 legislature, the lawmakers passed a law called the

1 Sexually Violent Predator Act. When they wrote
2 that, they wrote that the Attorney General's Office
3 is the agency that will litigate these cases on
4 behalf of the State. That is the sole reason why
5 I'm here and not the local attorney.

6 Now, the State is seeking involuntary civil
7 commitment of Mr. Alonza Gibson. At this point,
8 you might be wondering what a sexually violent
9 predator is or what does it mean. Well, when the
10 legislature passed the law, it had two things in
11 mind: There are individuals in the state who
12 suffer from a mental abnormality or personality
13 disorder that makes them likely to engage in acts
14 of sexual violence. The second thing is they
15 believe that these people need to be in treatment
16 in a secured facility.

17 Now, the State contends that Mr. Gibson is
18 one of those people. Now, I'm going to apologize
19 to you, because as you probably figured out by now,
20 this is not a normal civil case. When we come to
21 court in a civil case, we think car wreck, someone
22 slips and fell at Food Lion looking for
23 compensation for injuries. That is the type of
24 thing we think of with civil cases. We don't think
25 sexually violent predator.

1 So I'm going to apologize to you because the
2 facts that you are going to have to hear today
3 about sexual assaults and other assaults that Mr.
4 Gibson has been convicted of are going to be
5 concerning, and you may not like it. You may not
6 like the things he's done, but you have to remember
7 that Mr. Gibson's liberty is at stake. So we're
8 not here to punish Mr. Gibson. He's already been
9 punished. He served the criminal sentence, and
10 done his time.

11 We're here to determine whether or not he
12 needs to be treated because he has a mental or
13 personality disorder. So it is important you have
14 to hear those facts, because those are the facts
15 you'll derive a verdict from, and it is important
16 to know what is at stake in this case.

17 So what must we prove to you? There is three
18 elements on what a sexually violent predator is.
19 First is: Does Mr. Gibson have a sexually violent
20 offense? The statute lists what a sexual violent
21 offense is, and I submit to you that you will see
22 and hear evidence that Mr. Gibson has been
23 convicted of criminal sexual conduct in the third
24 degree. It is a qualifying offense under this
25 statute.

1 Second thing we have to prove is whether or
2 not Mr. Gibson has a mental abnormality or
3 personality disorder.

4 Third thing we have to prove is: Does that
5 mental abnormality or personality disorder make Mr.
6 Gibson likely to engage in acts of sexual violence
7 if he is not confined to long-term control and care
8 and treatment.

9 On two and three, we need help from mental
10 health professionals. We can't make those
11 determinations. He was court appointed to be
12 evaluated by the Department of Mental Health, and
13 you will hear testimony from Dr. Marie Gehle from
14 the Department of Mental Health, who -- as the
15 judge told you, we have two experts with different
16 opinions.

17 Dr. Gehle will tell you that he does not meet
18 the criteria to be committed. The statute allows
19 us to get a second opinion, just like in any case.

20 My wife recently had wrist surgery. She went
21 to the first doctor. He poked and prodded and
22 asked her what happened and gave her x-rays and
23 told her, you know, she just needs to rest it for a
24 couple of weeks. She didn't like that opinion, so
25 she got a second opinion. She didn't think that

1 thorough enough, so she got a second opinion. They
2 got an MRI, poked and prodded, asked what happened,
3 did an x-ray, did an MRI, and found she had torn
4 ligaments. So she had surgery and got it fixed.

5 That is what happened in this case. We
6 disagreed with what the Department of Mental Health
7 said, so went and got a second opinion.

8 You will hear from our doctor, Dr. Gottfried,
9 from the University of South Carolina. She
10 believes that Mr. Gibson meets the criteria. Does
11 he have a mental abnormality disorder? I think you
12 will find that both doctors -- you'll hear evidence
13 that both doctors agree he has a personality
14 disorder, a personality disorder with antisocial
15 traits, other specified personality disorder,
16 antisocial and psychopathic traits. You'll hear
17 that from both doctors, so listen to that
18 carefully.

19 And then you'll hear about the actuarial
20 assessments they did, the testing, and how they
21 formulated the risk assessment as to whether or not
22 he's likely to engage in acts of sexual violence.
23 Is he predisposed to acts of sexually violence to
24 such a degree he poses a menace to the health and
25 safety of others?

1 You'll hear from both doctors. You'll hear
2 about the evaluations and what they did. At the
3 end of the day, it is for you to judge their
4 thoroughness, their credibility, what they
5 considered, and what they didn't consider, what
6 they said on the stand. It is up for you to
7 determine that. It is up to us to present the
8 facts, and you are to determine what they are.

9 After you hear that, you'll render a verdict,
10 and it is a simple "yes" or "no."

11 As the judge told you, we have the burden of
12 proof. I told you what we have to prove, but what
13 level do we have to prove it to you? In most civil
14 cases, it is called "preponderance of the
15 evidence." If you can think about two scales, the
16 Lady of Justice holding scales, a scale on this
17 side and one on this side. One has a hundred rocks
18 that weigh a hundred pounds, and one side has two
19 rocks that weight 50 pounds. They are different,
20 but both weigh a hundred pounds. As my law
21 professor told me, say a bird flies by and a
22 feather floats down and lands on one side of the
23 scale and tips the scale ever so slightly. In a
24 normal civil case, that is what side you go with.

25 This is not a normal civil case. We have a

1 higher burden, and we have a higher burden because
2 of the liberty interest that I told you about. Our
3 burden is beyond a reasonable doubt. Now, you
4 probably heard that on TV and news. It is a higher
5 standard. The judge is going to tell you what
6 "beyond a reasonable doubt" means, and when he
7 does, you go with what he says.

8 I'm going to suggest to you that beyond a
9 reasonable doubt is not beyond all doubt, every
10 doubt, any possible doubt. It is if you are firmly
11 convinced by the evidence, then we have met our
12 burden beyond a reasonable doubt.

13 So what do I want you to do? Law is not a
14 first career for me. I was a cellular tower
15 builder for 20 years. I went around the country
16 and built cell towers. I had a midlife crisis and
17 decided to go to law school, so here I am. But I
18 had a superintendent that told me early in my
19 career, Chris, what do you want? I don't see any
20 reason why -- I have taken that through my life,
21 and I don't see a reason why I shouldn't ask for
22 what I want, and what I want is simply this:
23 Listen to the evidence. Listen to the evidence.
24 Listen to the facts, and listen to both, what the
25 State has to offer, and also what Mr. Gibson has to

1 offer. Listen to both of them very carefully. I
2 think as you do it, it is going to be clear that
3 you should find that Mr. Gibson is a sexually
4 violent predator.

5 Thank you for your time and attention.

6 THE COURT: All right. Thank you.

7 Ms. Johnson.

8 MS. JOHNSON: May it please the Court?

9 Good morning, ladies and gentlemen. You have
10 to excuse me because it is cold, and I've had a
11 runny nose. Thankfully, it started at trial.

12 So good morning. Attorney Runyan is correct,
13 I do want to thank you all for being here. As I
14 mentioned earlier, I'm Kindle Johnson, and that is
15 my client, Alonza Gibson. I'm here to defend him.

16 So you might have heard, as Mr. Runyan talked
17 about, that this case involves sexually violent
18 predator law. I'm not going to talk too long, but
19 it is very interesting, sort of a nuance part of
20 the law. Some states have it; some don't. We
21 happen to have one that has it.

22 Basically, it says that, you know, some
23 people are so dangerous -- they committed a sexual
24 violent crime, and they are so dangerous that now
25 we're concerned about putting them out in the

1 public, and so we are going to force them to
2 undergo treatment, not just any treatment, but
3 inpatient treatment. We're going to force them to
4 go somewhere, stay there, and they can't get out
5 until they are fully treated. And that is kind of
6 what it is today.

7 So, specifically, the law says -- and, by the
8 way, it is called the Sexually Violent Predator
9 Law. You will probably hear it today called SVP or
10 something like that, a little abbreviation for it.
11 But, essentially, it is a person who has been
12 convicted of a sexually violent offense, and who
13 suffers from mental abnormality, like a personality
14 disorder, that makes the person likely to engage in
15 acts of sexual violence if not confined in a
16 secured facility for long-term care, control, and
17 treatment.

18 So there is a couple of things that are going
19 to really be what you have to decide, but I'm going
20 to help you. You really won't have to decide a few
21 things because I'm going to admit that they are
22 true today.

23 One, my client -- you are going to see, the
24 evidence will show -- he has a prior conviction for
25 a sexual violent offense. Now, interestingly,

1 sexually violent offenses has a list of certain
2 offenses. For example, it doesn't necessarily
3 include certain acts of assault and battery. It is
4 just a list of certain crimes that the government
5 came up with. So he's been convicted of one of
6 those.

7 You'll hear that he has a record, not only of
8 sexually violent offenses, but he does have a
9 criminal record. So you'll hear about that today.

10 You are going to hear that he went to prison,
11 and I think it is really important to know that you
12 don't have to decide whether he should be punished,
13 because it's already been done. He served his
14 time. So today is not about putting him back in
15 prison. It is done. It is literally about forcing
16 him into inpatient treatment or allowing him to do
17 outpatient treatment. That is really what it is
18 about at its core. So those two we're not going to
19 quibble about.

20 Another interesting thing you'll hear from
21 two doctors, and this is not a thing where I tear
22 down doctors, or Attorney Runyan tears down
23 doctors. They are quite qualified, experienced
24 doctors. They differ. Their opinions differ a
25 little bit in this case, so you'll hear them

1 testify.

2 What you are going to hear them agree to is
3 that my client does have a personality disorder, so
4 the record is going to show that today. It is
5 probably not going to be something that you will
6 have to decide later on. That's the case based on
7 the evidence from the doctors that I believe will
8 be shown today.

9 So, really, the question is whether you
10 believe that my client, that his mental
11 abnormality, makes him likely to engage in acts of
12 sexual violence such that he has to be forced into
13 a facility. When we talk about likely, you know --
14 when the legislature decided to make this law, they
15 gave a little more detail. They said this term
16 "predispose." So you'll hear when the judge reads
17 the law to you that one of the things you have to
18 answer is: Do you believe that he's predisposed to
19 engage in acts of sexual violence? I think that is
20 really important, too. Because you can think
21 someone is predisposed to go out and commit a
22 crime. People have personality disorders and walk
23 among us, and they get along in society just fine
24 -- well, I say "just fine," but they are not doing
25 crimes.

1 In this case, you have to think that he is
2 likely to commit acts of sexual violence. So even
3 if you thought, well, he's going to get out and get
4 in a fight with his cousin, or something like that,
5 get arrested, that is not enough. You have to
6 believe that he's actually going to commit acts of
7 sexual violence, again, more likely than not, and
8 you have to believe that he poses -- because of
9 that, he poses a menace to society, essentially.

10 So that is what you are looking at today. Is
11 he more likely than not to engage in sexual
12 violence, and because of that, should you put him
13 in inpatient treatment against his will, or should
14 you allow him to go to home and get treatment that
15 way?

16 At the end of this, I'm asking that you send
17 Alonza home. He served his time, and he needs a
18 chance to establish his life.

19 The last thing I'm going to say to you is
20 that you are going to hear details, and they are
21 not fun details. They are not fun. They are not
22 happy details. I thank you for bearing with us in
23 this trial, because we have to give you some of
24 those details so you'll understand the full extent
25 of the case. But I ask that you remember that my

1 client has already been punished for many of those
2 things, and today it is not about punishing him.
3 It is about treatment.

4 So, with that, we'll start the case. Thank
5 you for your time.

6 THE COURT: Thank you, Mr. Johnson.

7 Call your first witness.

8 MR. RUNYAN: State calls Dr. Gottfried.

9 (EMILY GOTTFRIED, having been duly sworn,
10 testified as follows:)

11 **DIRECT EXAMINATION**

12 **BY MR. RUNYAN:**

13 **Q** Good morning, Dr. Gottfried.

14 **A** Good morning.

15 **Q** I'm going to stand back here so I can hear,
16 so let me know if -- I'm not yelling at you when I
17 ask these questions.

18 **A** Okay.

19 **Q** Dr. Gottfried, would you tell us by whom you
20 are employed and what capacity?

21 **A** Sure. So I work at Medical University of
22 South Carolina in Charleston. I'm an associate
23 professor of psychiatry and behavioral sciences,
24 and I also serve as the director of our sexual
25 behavior clinic in MUSC.

1 **Q** In order to be employed in that capacity, are
2 you required to have certain education?

3 **A** Yes.

4 **Q** Where did you do your undergrad, and what
5 degree did you obtain?

6 **A** Undergrad, San Diego State University and
7 obtained a bachelor's in psychology.

8 **Q** Did you pursue graduate work?

9 **A** Yes.

10 **Q** What did you do?

11 **A** After college, I went to New York City and
12 did a master's at Columbia University also in
13 psychology. I then went to Florida State
14 University where I got a master's of science degree
15 in clinical psychology, and then a doctor of
16 philosophy or Ph.D. in clinical psychology.

17 **Q** Now, did you complete any internships or
18 postdoctoral programs?

19 **A** Yes.

20 **Q** Where?

21 **A** As part of your training during graduate
22 school, you are required to get a certain number of
23 practical hours. So for my practicums, I worked at
24 the Federal Bureau of Prisons, I worked at two
25 state forensic psychiatric hospitals, community

1 mental health. And prior to graduating with your
2 Ph.D., you do a full-time, 2,000 hour pre-doctoral
3 clinical psychology internship. For that, I did my
4 internship at Patton State Hospital, which is in
5 the Department of State Hospitals in southern
6 California.

7 And then after I graduated from Florida
8 State, I went to Augusta, Georgia where I did a
9 one-year specialized on postdoctoral fellowship in
10 forensic psychology, and I did that at the Medical
11 College of Georgia in partnership with their state
12 forensic psychiatric hospital in Augusta.

13 Q Okay. Have you published articles in the
14 area?

15 A I have.

16 Q And have you works been peer reviewed?

17 A Yes.

18 Q Can you explain to us, briefly, what type of
19 articles and peer reviews?

20 A Sure. So my research primarily is focused on
21 assessment, so that's testing and measurement. I
22 also do a lot of research on sexual behavior,
23 including sexual arousal in men and women, and
24 improving the validity or the science behind how we
25 do testing in forensic psychology.

1 **Q** Have you presented your work at professional
2 conferences?

3 **A** I have.

4 **Q** About how many?

5 **A** I believe I have 73 publications, and for the
6 peer reviewed studies, I have 33 or 34 in science
7 journals.

8 **Q** Are you a member of any professional
9 organizations?

10 **A** I am.

11 **Q** What are those?

12 **A** I am a member of several within forensic
13 psychology. I'm a member of the APA, American
14 Psychological Association. Then, the APA, because
15 it is so big, they have a lot of divisions and
16 sections, and I'm a member of Division 12, which is
17 clinical psychology. I also currently serve as the
18 president of the assessment section of APA Division
19 12. In addition to APA, I'm a member of the
20 Society for Personality Assessments. I'm a member
21 of ATSA, Association for the Treatment and
22 Prevention of Sexual Abuse. So that is kind of the
23 professional organization for individuals who do
24 sexual behavior risk assessments, evaluations, and
25 treatment.

1 I guess about three years ago I was elected
2 to the board of directors for ATSA.

3 Let's see. What else? I'm a member of the
4 American Academy of Forensic Sciences. Maybe a
5 couple more different professional organizations.

6 Q Are you required to have a license to
7 practice psychology as part of your employment?

8 A Yes.

9 Q Where are you licensed and how long have you
10 been licensed?

11 A I've been licensed since 2015 in both South
12 Carolina and Georgia.

13 Q Doctor, can you tell us what your job duties
14 are at the Medical University?

15 A Certainly. At MUSC, I'm an associate
16 professor, and I work in community and public
17 safety psychiatry divisions. That is our forensic
18 psychiatry part of MUSC. In that capacity, I
19 conduct forensic evaluations. Those are
20 evaluations that are court ordered or requested by
21 attorneys to help explain mental health concepts as
22 they have to do with the law. So I do a lot of
23 competency to stand trial. I do violent risk
24 assessments. I do sexual behavior risk
25 assessments. I also supervise and teach medical

1 students, psychiatry residents, postdoctoral
2 fellows specializing in forensic psychiatry and
3 psychology.

4 Then, in my role as the director of the
5 Sexual Behaviors Clinic and Lab, I oversee all of
6 the administrative tasks, conduct research, and I
7 do evaluations and treatment typically for men --
8 some women -- who are charged with or convicted of
9 sexual offenses.

10 Q Tell us, generally, what is psychology?

11 A Psychology, really, generally, is the study
12 of the human mind and the behavior and why people
13 interact with the environment as they do.

14 Q What is clinical psychology?

15 A Clinical psychology is the specialized
16 treatment, assessment, diagnosis of mental illness,
17 and also there is a large research component of
18 that as well.

19 Q And then taking that one step further, what
20 is forensic psychology?

21 A Forensic psychology is the intersection
22 between psychology and the law. As I mentioned a
23 couple minutes ago, typically forensic
24 psychologists conduct evaluations to assist the
25 trier of fact, that can be a jury or a judge,

1 understand like advanced mental health issues as
2 they pertain to the law or the criminal justice
3 system.

4 Q Does your work as a forensic psychologist
5 allow you to conduct clinical psychological
6 evaluations of individuals?

7 A Yes.

8 Q In general, approximately, how many
9 individuals have you evaluated in your career?

10 A Thousands.

11 Q Now, of those individuals that you evaluated,
12 what different types of evaluations have you done?

13 A I would say the largest part of my
14 evaluations is sexual behavioral evaluations.
15 There was a period of time where I did a lot of
16 competency to stand trial. I still do that, but
17 not quite as often. I do violent risk assessments,
18 sexual violent risk assessments, treatment,
19 planning for individuals who are getting out of
20 federal prisons from sexual offenses and are going
21 to be on probation. So I do treatment assessments
22 with them, risk assessments. I do evaluations for
23 individuals who want to be law enforcement
24 officers. They have to have a psychological
25 evaluation before they can do that. So a variety

1 of things related to the legal system.

2 Q So how many evaluations in SVP -- sexually
3 violent predator -- proceedings have you performed
4 in your role?

5 A Let's see. Since I started MUSC, I've been
6 referred 97 sexually violent predator evaluations.

7 Q Okay. Have you been qualified as an expert
8 in the field of forensic psychology in circuit
9 court in SVP proceedings?

10 A Yes.

11 Q About how many times?

12 A 26 times in South Carolina for SVP
13 proceedings.

14 MR. RUNYAN: Your Honor, at this time I move
15 for Dr. Gottfried to be recognized as an expert in
16 clinical and forensic psychology and in forensic
17 sex offender evaluations.

18 THE COURT: Any objection to that
19 qualification?

20 MS. JOHNSON: No objection.

21 THE COURT: Thank you.

22 Ladies and gentlemen, she's certified as an
23 expert in those fields; that means, again, she can
24 testify of her opinion. Remember what I told you
25 about expert witnesses, okay.

1 **Q** **(BY MR. RUNYAN)** How were you approached to
2 conduct an evaluation of Mr. Gibson?

3 **A** So the Attorney General's Office, your
4 office, contacted the sexual behaviors lab at MUSC
5 and requested an independent evaluation for him.

6 **Q** What type of evaluation did you conduct in
7 this case?

8 **A** It is called a "pre-commitment evaluation."

9 **Q** What does that mean? What is the question
10 you're asking?

11 **A** So, generally, I'm assessing whether the
12 person -- if they are being sent to me, I know they
13 have at least one sexual violent offense they have
14 been convicted of, so that is the first part. The
15 question is: Do they have a mental abnormality or
16 personality disorder that predisposes them to acts
17 of sexual violence and makes them likely to engage
18 in acts of sexual violence?

19 **Q** How are you paid to conduct your evaluation
20 in this case?

21 **A** The Attorney General's Office, we have a -- I
22 don't know the contract, but an agreement when they
23 request us to do an evaluation. There is a flat
24 rate that goes back to MUSC. That flat rate covers
25 the three days of evaluation, the record review,

1 writing the report, one day of testimony.

2 Q Have you personally received this fee?

3 A I don't.

4 Q Does the fee that MUSC receives, does your
5 salary change depending on the results of your
6 evaluation?

7 A My salary changes when I get a promotion or
8 something like that, but it has nothing to do with
9 the work that I do, related to SVP or any other
10 evaluations that I do.

11 Q Doctor, can you describe to us what your
12 protocols are or steps you are taking in conducting
13 evaluations of this type?

14 A After we get a case referred to us, then the
15 Attorney General's Office will send us a large
16 amount of documents. I'll review all of those
17 documents, see if there is something that I think
18 we're missing. If I am, I'll request that
19 information.

20 After that, I schedule three appointment
21 dates for the examinee, or the individual I'll be
22 evaluating. They come in and do a battery of
23 tests. I do a clinical interview with them. I
24 score some measures on them, and then I kind of put
25 it altogether and write a report.

1 **Q** At the beginning of your evaluation, was Mr.
2 Gibson informed about what you were doing?

3 **A** Yes. We have a pretty long consent form that
4 goes through every possible test that we might
5 commence with that person, that the results of the
6 evaluation aren't confidential, because it's been
7 requested by a third party in this case, the
8 Attorney General's Office. They are given an
9 opportunity to ask questions or consult with their
10 attorney, if they want to. They sign a consent
11 form. And then on each subsequent appointment
12 date, they review that consent form, and then they
13 sign a re-reading of that consent. So they consent
14 on each appointment date.

15 **Q** As part of your evaluation, did you meet and
16 interview Mr. Gibson?

17 **A** I did.

18 **Q** Is the person you evaluated in the courtroom
19 today?

20 **A** Yes.

21 **Q** Can you point him out to us?

22 **A** Yes. He's sitting with Attorney Kindle.

23 MR. RUNYAN: Your Honor, I ask that the
24 record reflect that Dr. Gottfried identified Mr.
25 Gibson as the individual she interviewed during her

1 evaluation.

2 THE COURT: So noted.

3 Q (BY MR. RUNYAN) Dr. Gottfried, how many
4 occasions did you meet with Mr. Gibson?

5 A He came on three occasions.

6 Q During your clinical interview with Mr.
7 Gibson, what, if any, behavioral observations did
8 you note that were significant, in your opinion?

9 A I would say that Mr. Gibson was more
10 difficult to interview. He was really evasive. He
11 was defensive. He seemed pretty angry with the
12 evaluation process. He had frustration. He
13 frequently provided answers that had a lot of
14 words, but not a lot of substance. He generally
15 didn't answer direct questions, and he often said
16 "I don't know" to seemingly simple questions.

17 Q Now, in addition to being able to interview
18 him, what information did you use to aid you to
19 conduct this evaluation?

20 A I have a lot of records on Mr. Gibson. So he
21 had records from a large number of police
22 departments, including police departments in
23 Manning, Columbia, West Columbia, Sumter. Then I
24 had a number of court documents from this court,
25 general sessions, Clarendon County general

1 sessions, a Manning court. I had records from
2 general sessions court in Sumter, West Columbia,
3 and Lexington County. I also had records from the
4 South Carolina Department of Probation, Parole and
5 Pardon Services. I had records from the South
6 Carolina Department of Corrections from his period
7 of incarceration. I also records from Clarendon
8 County Sheriff's Detention Center. I had his
9 criminal history reports, and the evaluation that
10 had previously been conducted by Dr. Gehle at the
11 Department of Mental Health.

12 **Q** Now, is the type of information you listed,
13 is that typically reasonably relied on by experts
14 in your field when conducting these types of
15 evaluations?

16 **A** Yes.

17 **Q** Did you rely and consider these records in
18 your opinion?

19 **A** I did.

20 **Q** Doctor, can you explain to us how an
21 individual's past sexual offense behaviors relate
22 to their future sexual offense behavior?

23 **A** So the best predicator is to look at
24 someone's past behavior. We want to look at the
25 characteristics and the offense behaviors of prior

1 offenses, because that can help us predict how
2 likely someone is to do it again, and if another
3 offense were to occur, what the offense
4 characteristics, the victim pool, might look like.

5 Q What do you mean by "offensive
6 characteristics"?

7 A The offense characteristics, so the details
8 of the offenses, the behaviors exhibited by the
9 defendant, things that would characterize or -- the
10 characteristics of the offense itself.

11 Q So why is it important to learn about a
12 person's personal history for these types of
13 evaluations?

14 A These are comprehensive evaluations. I don't
15 think it is a good job to just have someone come in
16 and talk to them about their sexual behaviors and
17 offenses. I'm looking at the broad spectrum of
18 mental illnesses. So I want to get a full
19 background history on them. I want to know about
20 their functioning in various periods of their life.
21 So I get a complete history of them.

22 Q So in part of your interview, did you discuss
23 Mr. Gibson's personal history?

24 A I did.

25 Q Did you discuss his -- tell us what you found

1 in his general childhood or family history that was
2 important to you.

3 **A** He reported having a pretty unremarkable
4 childhood. He didn't report a history of physical
5 or sexual abuse. He didn't report being neglected.
6 He was born in Sumter, raised by both of his
7 parents. He didn't report having a lot of
8 behavioral problems as a child. He wasn't in
9 foster care. He didn't report anything remarkable
10 about his childhood.

11 **Q** What, if any, conclusions did you make about
12 his educational history?

13 **A** Mr. Gibson reported that he never received
14 special education services. He reported being
15 retained and having to repeat the ninth grade.
16 Records indicated that he repeated the fourth and
17 ninth grade. He said that he left school when he
18 was in the ninth grade. He said the reason is that
19 he got kicked out for fighting and never went back.
20 He reported that he later got an online diploma.

21 **Q** What if any conclusions did you make about
22 Mr. Gibson's employment or financial history that
23 were significant to your opinion?

24 **A** Mr. Gibson reported working a variety of jobs
25 in painting, concrete, roofing. He said he had

1 plenty of jobs across his lifetime. He said that
2 he walked out on one job without giving notice. I
3 don't believe that he said he was ever fired by
4 from a job.

5 He described some irresponsibility related
6 with finances, specifically he said that he was, I
7 believe, around \$32,000 delinquent on child support
8 payments, that he had been arrested for failing to
9 make child support payments. I think that is the
10 main thing about financial/employment history.

11 Q What, if anything, about his social history
12 was important to you, in your opinion?

13 A I like to assess someone's social network. I
14 want to see what kind of support they are going to
15 be able to draw from when they get released. We
16 know that social support is an overly strong
17 predictor for good outcomes. Although Mr. Gibson
18 described having a number of people in his social
19 support network, based on his self-report, it
20 didn't seem like they were very positive social
21 influences. A number of them had been arrested
22 before, served time in prison. I think one served
23 time for sexual offense. He talked about getting
24 support from his daughter. He also said he hadn't
25 had contact with her for ten years. I thought some

1 of that was notable.

2 During the social history and throughout my
3 clinical interview, he exhibited a lot of hostility
4 towards women. He described women as generally
5 being really aggressive, that they lie and get men
6 in trouble a lot of times. He reported that he
7 didn't think it was possible for someone to rape
8 someone that they were in a relationship with, so I
9 thought that was notable as well.

10 Q What, if any, conclusions did you make about
11 his mental health history that was significant?

12 A Mr. Gibson reported never being diagnosed
13 with mental illness or receiving any mental health
14 treatment, and there is no records to suggest that
15 he has. He reported a history of inner-personal
16 slights, so getting really offended or upset when
17 he felt disrespected by other people. He described
18 getting into fights as a juvenile and as an adult.

19 I talked to him a little bit about being
20 deceitful or lying, because that is part of my risk
21 assessment that I factor in. He says that he never
22 lies, but he did describe using an alias in the
23 past.

24 Q Using an alias?

25 A A fake name.

1 **Q** What, if any, conclusion did you make about
2 Mr. Gibson's substance abuse history?

3 **A** He reported some use of substances. He has a
4 history of using alcohol, smoking marijuana, using
5 cocaine, using methamphetamine, but he really
6 didn't describe or report any problems with
7 substance abuse or any symptoms that would suggest
8 an alcohol or substance abuse disorder.

9 **Q** What, if any, conclusions did you make about
10 Mr. Gibson's relationship history that was
11 important to you, in your opinion?

12 **A** Mr. Gibson reported that he never had been
13 married. He said that he had one daughter, who I
14 believe will turn 19 sometime this month, in
15 December. He reported having a lot of trouble
16 identifying the number of important, significant,
17 romantic relationships that he's had. He said that
18 he had more than 30, a lot, but when asked if they
19 were all important and significant, he seemed
20 confused by that question. He said that he doesn't
21 think that he's ever been in love before.

22 He described a history of some domestic
23 violence within his romantic relationships, having
24 a problem with partners cheating on him or being
25 disrespectful to him, and some physical aggression,

1 but he had difficulty identifying the number of
2 partners that he had gotten into physical
3 altercations with or the number of times.

4 Q Doctor, lastly, what, if any, conclusions did
5 you make about Mr. Gibson's sexual history that was
6 significant to your opinion?

7 A One thing I need to mention with the sexual
8 history and other parts of my interview, he
9 reported a lot of different information during my
10 clinical interview than he did during Dr. Gehle's
11 interview. So, for example, he told me that he
12 first had consensual sex with another person when
13 he was 21. He told her when he was 16. He told me
14 that he thought he had over or around 200 sex
15 partners. He told her --

16 MS. JOHNSON: Objection; hearsay.

17 THE COURT: Overruled.

18 A He told her that he had one to 25 sex
19 partners. He described some impersonal promiscuous
20 sexual activity. He said he had been unfaithful to
21 sexual partners. I think that he was really
22 defensive when talking about his current sexuality,
23 how he was getting his sexual needs met. He said
24 that he doesn't masturbate at all, and he overall
25 denied having any sexual interest that other people

1 generally don't have or might not enjoy.

2 **Q (BY MR. RUNYAN)** Doctor, so that is his
3 personal history. Let's move on to criminal
4 history. Why is it important to look at prior
5 criminal history?

6 **A** We are looking at a person's ability to
7 follow the rules in general. We're looking at any
8 patterns of behavior between offenses. It's also
9 important to assess whether they had violent
10 offenses. We know that a history of violence can
11 be predicted of future violence and sexual
12 violence. So looking at the details of violent
13 offenses is also important because that can give us
14 an idea if another offense would be -- would occur.
15 That can tell us the severity of it, the level of
16 violence, and the amount of damage done.

17 **Q** So do you want to look -- do doctors in your
18 field want to look at offenses even if they are not
19 sexual?

20 **A** Correct.

21 **Q** Would doctors in your field want to look at
22 charges that did not end up in convictions?

23 **A** Yes.

24 **Q** Why is that?

25 **A** Again, we're looking at patterns of behavior.

1 So all of the information that I gathered, I'm
2 going to review it. It is going to be a data
3 point. I'm never going to draw a conclusion off of
4 one piece of information or one test. These are
5 all data points I'm collecting and seeing patterns,
6 if they line up with each other.

7 So even if someone has been charged with
8 something, but not convicted, it still factors into
9 my opinion because I'm looking for a pattern of
10 behavior. I'm using those charges that didn't
11 result in a conviction to score certain risk
12 measures that we use, charges and not just
13 convictions.

14 And so if somebody came in and was
15 forthcoming, maybe I wouldn't need any of the
16 external information, but I'm putting all of this
17 altogether. It's helping me to formulate a
18 diagnosis, their risk assessment, specifically
19 looking at patterns of behavior.

20 **Q** Now, in your review of Mr. Gibson's criminal
21 history, what about his adult non-sexual criminal
22 history that was significant to you, in your
23 opinion?

24 **A** Mr. Gibson has a pretty extensive history of
25 being arrested. He was arrested on at least 29

1 different occasions over a 22-year period. So from
2 2000 to 2022, he was charged with a lot of crimes.
3 He wasn't convicted of all of them, but I think I
4 counted approximately 29 of those charges resulted
5 in conviction.

6 He's been charged with a wide range of
7 offenses, including assault and battery, petty
8 larceny, violations of probation and parole,
9 failing to register as a sex offender, trespassing,
10 burglary, contributing to the delinquency of a
11 minor, threatening a person or life of a public
12 official. So a variety of offenses including the
13 sexual offenses.

14 MR. RUNYAN: May I approach the witness, Your
15 Honor?

16 THE COURT: Yes.

17 Q (BY MR. RUNYAN) Doctor, I'm going to give you
18 what is marked as State's Exhibit 1. Do you
19 recognize those documents?

20 A Yes.

21 Q Are they something you reviewed in this case?

22 A Yes.

23 Q Is there anything that indicates their
24 authenticity?

25 A Yes.

1 **Q** What is it?

2 **A** I guess the certified stamp that it is a true
3 copy from the clerk of court of this court.

4 **Q** Call you tell us what it is?

5 **A** These are two sentencing sheets. The first
6 is from 2024, and it is when he was sentenced to
7 assault and battery second degree. The other is
8 the sentencing sheet for the 2012 offense of
9 threatening the life of a public official. The
10 third document is the indictment for both of those,
11 assault and battery second degree and threatening
12 the life of a public official.

13 **Q** What county are those convictions from?

14 **A** These are Clarendon County.

15 **Q** Can you tell us, Doctor, briefly, what about
16 those offenses are important to you in rendering
17 your opinion?

18 **A** Well, in addition to these, I noted that he
19 had a number of convictions for assault and battery
20 spanning multiple counties. The level of violence
21 in the assault and batteries I think was important,
22 in my opinion.

23 **Q** What, if anything, did he tell you about
24 these offenses, those offenses specifically?

25 **A** I'm not sure if he told me specifically about

1 these. I know that these offenses -- I believe
2 these offenses took place in the Clarendon County
3 Detention Center where he struck a victim in the
4 head and required that -- the victim required
5 stitches. He threatened to kill a correctional
6 officer. I believe that he told me that the cuffs
7 were too tight and he was upset about it, but I
8 don't know fully if that was the same incident as
9 the one in 2012.

10 Q I'll give you State's Exhibit 2. Do you
11 recognize that, Doctor?

12 A Yes.

13 Q Is that something you reviewed in this case?

14 A Yes.

15 Q Is there anything on there that indicates
16 that the document's authenticity?

17 A Yes. They both have the raised seal, the
18 stamp, and they also are stamped by the Sumter
19 County Clerk of Court.

20 Q And what are those documents?

21 A The first is the sentencing sheet for a 2018
22 charge of assault and battery in the first degree,
23 and the second is the indictment for that. They
24 are both out of Sumter.

25 Q And tell us what, if anything, is significant

1 about these convictions, in your opinion?

2 **A** Well, these are related to an assault and
3 battery in Sumter in 2018, in which Mr. Gibson was
4 convicted for having an altercation with a
5 73-year-old woman at her house. She had visible
6 injuries to her face, knots --

7 MS. JOHNSON: I renew my objection.

8 THE COURT: Objection overruled.

9 **A** Swelling on her forehead. It was reported
10 that she was profusely bleeding out of her nose.
11 So what is striking is the level of violence that
12 kind of -- the assault and battery ranged over
13 multiple counties, and it wasn't his first assault
14 and battery.

15 **Q (BY MR. RUNYAN)** Any other non-sexual offenses
16 that you reviewed that you feel were important
17 enough to talk about the details?

18 **A** Not really. I mean, he had several
19 convictions and multiple charges for assault and
20 battery against both men and women.

21 **Q** All right. Let's move to non-sexual. Based
22 on your interview and review of records, at the
23 time you interviewed him, was he charged and
24 convicted of any sexual violent offenses?

25 **A** Yes.

1 **Q** What were they?

2 **A** He was charged with sexual offenses on three
3 separate dates. He was ultimately only convicted
4 of one of those offenses. In 2009, he was charged
5 with assault and battery of a high and aggravated
6 nature, criminal sexual conduct in the first
7 degree, and kidnapping. All of those charges were
8 ultimately dismissed.

9 In 2012, he was charged with criminal sexual
10 conduct in the first degree, kidnapping, assault
11 and battery in the first degree, assault and
12 battery in the second degree, and strong arm
13 robbery. He pled guilty to criminal sexual conduct
14 in the third degree.

15 And then in 2012 he was charged with domestic
16 violence of a high and aggravated nature and
17 criminal sexual conduct in the first degree, and he
18 was convicted of assault and battery with second
19 degree, and the criminal sexual conduct was
20 dismissed.

21 **Q** Did you review law enforcement court records
22 concerning these specific offenses and charges?

23 **A** I did.

24 **Q** Did you talk to Mr. Gibson about these
25 specific convictions and charges?

1 **A** I did.

2 **Q** Doctor, tell us why it is necessary to
3 examine the underlying details of convictions and
4 charges?

5 **A** So, again, in order to determine or have
6 extra or data points, if someone has a diagnosis,
7 that might predispose them to acts of sexual
8 violence. We are looking at patterns of behavior,
9 and that suggests perhaps arousal to those
10 behaviors. So it was important to look at what is
11 reported in the police reports, the court
12 documents, talk to the person about their insight
13 and understanding of what they were charged with or
14 convicted of, and it is also important for the risk
15 formulation.

16 **Q** You mentioned in 2009 a series of charges
17 that were dismissed. One of them included criminal
18 sexual conduct in the first degree. Can you tell
19 us what about that offense or that charge was
20 important to you in rendering your opinion?

21 **A** Yes. So the reported victim in that case was
22 a 37-year-old woman. The police reports indicate
23 that Mr. Gibson came to her house and --

24 MS. JOHNSON: Objection; hearsay. Renewing
25 my objection.

1 THE COURT: Objection overruled.

2 Ladies and gentlemen, let's take a quick
3 morning recess. Don't talk about the case. I'll
4 get you out of here shortly, okay.

5 You all decide who your foreperson is going
6 to be also. It can't be the alternate.

7 We're in recess.

8 (A recess was taken.)

9 THE COURT: All right.

10 MS. JOHNSON: May I have a standing objection
11 so I'm not interrupting?

12 THE COURT: Sure. You are protected for the
13 record.

14 MS. JOHNSON: I don't know if you will allow
15 this to be a standing objection, but objecting to
16 her issuing an opinion based on my motion that she
17 should not be testifying as to an opinion given
18 that she did the PPR.

19 THE COURT: I think you need to make a
20 contemporaneous objection. I'll overrule it since
21 we did that in pretrial. I'll count it as a
22 standing objection.

23 MR. JOHNSON: Thank you, Your Honor.

24 THE COURT: All right. You can bring them
25 out.

1 (The jury enters at 11:01 a.m., and the
2 following is heard in the presence of the jury.)

3 THE COURT: Ladies and gentlemen, did you
4 elect a foreperson?

5 Good.

6 You? What is your juror number?

7 JUROR: 196.

8 THE COURT: 196 is the forelady of the jury.
9 Thank you for agreeing to serve as such, and I'll
10 go over with you what you are supposed to do when
11 we get to that point.

12 JUROR: Yes, sir.

13 THE COURT: Thank you.

14 You may resume.

15 **Q (BY MR. RUNYAN)** Dr. Gottfried, before we
16 broke, we were discussing the 2009 charges that
17 were ultimately -- you said he was not convicted of
18 criminal sexual conduct in the first degree. Will
19 you tell us about what those charges were important
20 in rendering your opinion?

21 **A** Yes. So, in 2009, it was reported to police
22 or the police reports indicated that it was a
23 37-year-old victim, and that Mr. Gibson went to her
24 house and said somebody was looking for her. They
25 started walking down the street, and he struck her

1 on the side of the face with a wrench. She lost
2 consciousness for some period of time. When she
3 came to, he reportedly dragged her into a yard and
4 pulled down her pants and raped her vaginally,
5 anally, and orally. It was in the reports that he
6 said that if she told anyone, he would get his
7 father's gun and shoot her, and then he fled the
8 scene.

9 She was transported to the hospital and had a
10 rape kit completed. That was 2009, and he was
11 arrested for that.

12 In 2011, those charges were dismissed due to
13 a lack of victim cooperation, is what the record
14 said.

15 Q Now, were you made aware that, ultimately,
16 those charges were expunged from his record?

17 A Recently I learned they were expunged, yes.

18 Q Okay. So since he wasn't convicted and they
19 were ultimately expunged, why is this charge
20 important?

21 A I'm still looking at patterns of behavior of
22 what people have reported that he's done. I got
23 some information from him about these allegations.
24 Once I go over all of them, there was some
25 patterns, to me, that there were allegations

1 spanning over 13 years that had similar reported
2 behaviors.

3 Q Do you use these offenses in your actuarial
4 assessment?

5 A Yes. There are assessment measures that I
6 use in which you count any charge. Convictions
7 count more. They get counted more, given more
8 points or given more weight, but you still count
9 charges for two of them measures that I give.

10 Q Now, moving on, Doctor, you mentioned in 2013
11 criminal sexual conduct in the third degree; is
12 that correct?

13 A Yes.

14 MR. RUNYAN: May I approach the witness, Your
15 Honor?

16 THE COURT: Yeah.

17 Q (BY MR. RUNYAN) I'll give you what is marked
18 as State's Exhibit 4. Can you tell us if you
19 recognize that document?

20 A Yes.

21 Q Is it something that you reviewed for this
22 case?

23 A Yes.

24 Q Is there anything that indicates its
25 authenticity?

1 **A** Yes. There is a stamp that it is a certified
2 true copy by the clerk of court of Clarendon
3 County.

4 **Q** Tell us what those documents are.

5 **A** The first is the sentencing sheet from a
6 criminal sexual conduct in the third degree, and
7 the others are the indictments for those charges
8 from that day, including the criminal sexual
9 conduct in the first degree.

10 **Q** Is this a conviction?

11 **A** He was convicted of criminal sexual conduct
12 in the third degree.

13 **Q** What was he charged with?

14 **A** He was charged with criminal sexual conduct
15 in the first degree, kidnapping, strong arm
16 robbery, assault and battery in the first degree.

17 **Q** Call you tell us -- give us the brief details
18 of these events.

19 **A** According to the police reports, officers
20 were dispatched to Clarendon Memorial Hospital
21 emergency department where a 17-year-old reported
22 that she had been raped. She reported that she had
23 been sitting under a tree at about 1:30 in the
24 morning. A male stranger -- reported to be Mr.
25 Gibson -- approached her, started talking to her,

1 agreed to buy her a pack of cigarettes.

2 At some point, they walk to an abandoned
3 building where he pulled up her shirt, a fight
4 ensued. Specifically it was reported that he
5 struck her in the eye. When she tried to fight
6 back, he choked her causing her to lose
7 consciousness for some period of time. He
8 attempted to remove her clothing and vaginally
9 raped her. He covered her mouth during that
10 because she was reportedly screaming.

11 **Q** What about Mr. Gibson's criminal offense
12 behavior in this conviction is significant with
13 regard to your opinion?

14 **A** I think that the level of violence is
15 important, and especially in light of his other
16 offenses and looking at a pattern of behavior. So
17 I noted on the sexual offense conviction and
18 allegations that the level of violence was greater
19 than what we think was necessary to carry out a
20 rape. So a lot of violence.

21 A stranger victim is important when looking
22 at someone's risk. You know, I would say those are
23 the most important parts.

24 **Q** What did Mr. Gibson say to you that was
25 important about these offenses?

1 **A** He said this victim lied and said that he
2 raped her. They had gotten into a physical
3 altercation, but that she called rape, and they
4 couldn't prove it, which was confusing because he
5 pled guilty to this as a sexual offense, but wasn't
6 clear in explaining that discrepancy.

7 I also noted that he had told Dr. Gehle that
8 he had been dating that victim on and off, but all
9 other reports indicated that they were strangers to
10 each other.

11 **Q** Doctor, I'm going to give you what's been
12 premarked as State's 3. Do you recognize that
13 document?

14 **A** Yes.

15 **Q** Is it something you reviewed in this case?

16 **A** Yes.

17 **Q** Is there anything there to identify it as
18 being authentic?

19 **A** Yes. It has the seal and stamp that it is a
20 true copy from the, I believe, clerk of court in
21 Lexington County.

22 **Q** And what is this conviction for?

23 **A** This is the sentencing sheet for assault and
24 battery in the second degree from 2022, as well as
25 the indictment.

1 **Q** Now, you mentioned previously that he was
2 charged with a criminal sexual conduct in the first
3 degree in 2022. That was dismissed; is that
4 correct?

5 **A** Yes.

6 **Q** Does this stem from the same facts?

7 **A** Yes.

8 **Q** What about the details of this offense are
9 important to you in his behavior in this conviction
10 and charge for CSC first?

11 **A** So for this one, officers were dispatched to
12 the emergency room of Lexington Medical Center.
13 This was a 41-year-old woman who reported that she
14 got assaulted by her boyfriend of, I think she
15 said, one to one-and-a-half months. She was
16 walking, and he came up behind her, presented a
17 knife, pushed her into a parking lot. Again,
18 presented the knife, hit her with a closed fist,
19 threw her to the ground, physically assaulted her
20 while she was on the ground, vaginally raped her
21 while she was on the ground.

22 At the hospital, the records indicated that
23 she had lacerations to her head. Her face was
24 swollen. Something -- a laceration to her eye. I
25 think those are the most important details.

1 Q But he was not convicted of a sexual offense?

2 A He was convicted of assault and battery.

3 Q All right. Doctor, we've covered the sexual
4 offenses, and I'll move to other areas.

5 As part of your evaluation, do you look at
6 institutional misconducts, Department of
7 Corrections jail misconducts?

8 A Yes.

9 Q Why?

10 A We're looking at someone's ability to follow
11 the rules in a controlled environment. Prison and
12 jails have a lot of rules, so we call them "secure
13 environments." We're looking at their ability to
14 have regard for the rules and be able to control
15 behavior.

16 Q Did you review records from South Carolina
17 Department of Corrections?

18 A I did.

19 Q Are correctional records types of records
20 that experts rely on in your field?

21 A Yes.

22 Q Did Mr. Gibson have any offenses while he was
23 incarcerated with the Department of Corrections?

24 A He did.

25 Q What was significant about those reported to

1 you?

2 **A** I noted that he was investigated for
3 disciplinary reports or infractions about 17 times.
4 He was convicted of seven disciplinary infractions
5 at South Carolina Department of Corrections for
6 striking an inmate with or without a weapon. He
7 had three convictions for fighting without a
8 weapon. One for damaging or destroying property.
9 Threatening to inflict harm on an inmate, and then
10 striking an employee with or without a weapon. So
11 a number of them were violent offenses.

12 **Q** Did Mr. Gibson have any offenses while
13 detained in Clarendon County?

14 **A** He did.

15 **Q** Why were they important to your case?

16 **A** So I looked at the jail records from his most
17 recent period of detention. It was approximately a
18 year period, and he had about seven incident
19 reports over that year, primarily related to
20 threatening staff or having verbal altercations
21 with staff or fighting other detainees.

22 **Q** Did he have any sexual offense treatment
23 while in prison?

24 **A** He did not.

25 **Q** Does that fact figure into your conclusions?

1 **A** It does.

2 **Q** Why?

3 **A** For a couple different reasons. So,
4 specifically for Mr. Gibson, he was ordered to
5 attend sexual behavior counseling while he was out
6 on probation and parole. He failed to do that, so
7 that demonstrates that he didn't complete it, that
8 he didn't think he needed it or that he disregarded
9 that part of his requirement. And then when he had
10 another opportunity to do it while in the
11 Department of Corrections, he didn't do it.

12 We know that sexual behavior treatment can be
13 effective. Even if someone has a lot of sexual
14 offenses, if they engage in treatment and learn the
15 tools they need, that can lower their risk. So the
16 fact that he didn't complete treatment and had
17 opportunities to do so factors into my opinion.

18 **Q** As a part of your evaluation, do you look at
19 probation or community supervision records?

20 **A** Yes.

21 **Q** Why is that?

22 **A** Again, I'm looking at their ability to follow
23 the rules to control their behavior, to cooperate
24 with conditions imposed on them.

25 **Q** Did you review records from South Carolina

1 Parole, Pardon and probation?

2 **A** Yes.

3 **Q** Did Mr. Gibson have any violations?

4 **A** Yes.

5 MR. RUNYAN: May I approach the witness, Your
6 Honor?

7 THE COURT: Yes.

8 **Q (BY MR. RUNYAN)** I'm going to give you what is
9 premarked as State's Exhibit 5. Again, do you
10 recognize that document?

11 **A** Yes.

12 **Q** Is that something you considered in this
13 case?

14 **A** Yes.

15 **Q** Is there anything to identify it as being
16 authentic?

17 **A** Yes. It is a certified true copy, and also
18 has another stamp on it from the clerk of court in
19 Clarendon County.

20 **Q** What is that document?

21 **A** This is the probation violation order for
22 where his probation was revoked.

23 **Q** So let me back up. Let's go chronologically.
24 If you can tell us, what violations were important
25 to you for the probation and parole opinion?

1 **A** From an offense occurring in 2000, he
2 received a Youthful Offender Act sentence, which
3 means that -- my understanding is that someone is
4 sentenced to an indeterminate period of time. So
5 they'll serve some time in South Carolina
6 Department of Corrections and get out on the
7 Youthful Offender Act on probation or parole, and
8 he violated that several times.

9 In 2004, it was revoked, so he was sent back
10 to prison.

11 In 2006, it was revoked again and sent back
12 to prison.

13 And then in 2014, he had a violation, and he
14 was ultimately revoked in 2015.

15 **Q** That is the document that you were talking
16 about?

17 **A** Yes. The date of this document is -- he was
18 charged with violating conditions of probation. He
19 got probation in 2013, and this document is marked
20 March 18, 2015.

21 **Q** What is important about the 2015 revocation
22 to your opinion?

23 **A** So he was ultimately revoked because he
24 failed to report to his probation officer. He
25 failed to update his address. He failed to work.

1 He failed to refrain from using illegal drugs. He
2 failed to pay fines and restitution. He failed to
3 attend sex offender counseling, and he absconded or
4 left the state and was ultimately extradited from
5 Nebraska.

6 Q What did Mr. Gibson tell you about those
7 violations?

8 A He actually told me that for the Youthful
9 Offender Act violations, that he was young, and
10 that was kind of why -- he said when he didn't have
11 the money to pay the fines and restitution, that he
12 didn't report because he didn't have the money,
13 things like that. He had some reasons for why he
14 didn't report.

15 He said that -- I believe that he went to two
16 of the sexual behavior treatment groups, but never
17 went back, and that he moved to North Carolina --
18 excuse me, Nebraska. He knew that he wasn't
19 allowed to do that. He was on parole. In Dr.
20 Gehle's report, I noted that he said he knew he was
21 facing ten years in prison and kind of fled because
22 of that.

23 Q Do experts in your field, do you review other
24 evaluations?

25 A I do.

1 **Q** And what types of evaluations would an expert
2 in your field want to review?

3 **A** Personally, I want to review any prior
4 evaluation to look to see what the person's
5 diagnosis was, what records they had access to,
6 historical information. And then, specifically, I
7 want to review any previous evaluations related to
8 sexual behavior and risk.

9 **Q** Did you review any prior evaluations in this
10 case?

11 **A** Yes.

12 **Q** What did you review?

13 **A** I reviewed Dr. Gehle's pre-commitment
14 evaluation from 2023. She's at the Department of
15 Mental Health, so that was the initial evaluation.

16 **Q** Was there anything in Dr. Gehle's report that
17 was significant in rendering your opinion?

18 **A** I reviewed the whole report. I wanted to
19 look at the information she gathered during her
20 clinical interview, her risk scores that she
21 calculated for him, the risk factors that she
22 identified from her interview, the testing that she
23 conducted, her diagnosis.

24 I also want to look at the consistency or
25 inconsistency between what they report to me and

1 what they report to her. I want to see if there
2 were records she had access to that I didn't so I
3 could also review those records.

4 I note that Dr. Gehle diagnosed him with
5 other specified personality disorder, identified
6 some risk factors, and her opinion was that he did
7 not meet the criteria for being a sexually violent
8 predator.

9 Q Doctor, do experts in your field perform
10 assessments as part of their evaluations of these
11 types?

12 A Yes.

13 Q What type of assessments do you perform?

14 A So I give a battery of testing instruments.
15 Some of those are self-report. So you'll answer
16 some true/false, yes/no, very true/maybe
17 true/somewhat true. Questions about their own
18 functioning on a computer, so that is self-report.

19 I also score some measures called "clinician
20 scored." So based on the records I review and all
21 of the data and information I have, I score them
22 looking at those factors and personality
23 characteristics.

24 Q Why do you perform these assessments?

25 A So I'm really trying to get a whole picture

1 of the person. I'm trying to get insight into
2 their own level of functioning. I'm looking at
3 risk factors. I'm looking at substance abuse,
4 personality features, psychopathy, sexual behavior.
5 I want to collect as much data as I can, so I
6 assess with everything else as data points.

7 Q Was the information you learned from your
8 assessments part of the basis of your opinion?

9 A Yes.

10 Q Let's turn to -- you said "self-report" are
11 computer-based tests --

12 A Yes.

13 Q -- that you gave to Mr. Gibson. What types
14 of tests did you perform? What were the
15 self-reported tests?

16 A So I gave him a battery of self-report tests.
17 Two of the tests looked at personality and
18 psychopathy, so like symptoms of a mental illness.
19 One of them more specifically looked at substance
20 use, and then the other looks at sexual behavior
21 and violent behavior, arousal, fantasies based on
22 their self-report.

23 Q What about Mr. Gibson's -- for lack of a
24 better word -- performance on these assessments and
25 tests was significant in rendering your opinion?

1 **A** I noted that the tests were mostly invalid.
2 When we give self-report measures, especially in a
3 forensic context, it's important to look at how
4 valid their approach was to the testing. Some
5 people might say everything was wrong with them and
6 over-report. Some people might say there is
7 nothing wrong with them, everything is wonderful
8 and under-report. Sometimes people are defensive
9 when taking tests. Sometimes they don't pay
10 attention at all and just almost close their eyes
11 and don't tend to the questions.

12 So before we interpret testing, we look at
13 how valid that approach was. So, primarily, he
14 produced invalid test protocols. He appeared to
15 try to present overly positive impressions of
16 himself by saying he had no minor faults, no flaws,
17 no symptoms, no sexual interests, doesn't have any
18 negative action to things, a lot of virtue. So
19 those tests were not interpretable, for the most
20 part.

21 **Q** How did you use the invalid results in your
22 opinion?

23 **A** I still think it is a data point. The
24 uncooperative approach to the evaluation also lends
25 to how valid is his self-report of what he is

1 telling me during the interview.

2 There is something else I wanted to say why
3 it was important, but it will come back to me.

4 **Q** Okay. You said even though the tests were
5 invalid, he presented in an overly positive light.
6 How does that purport to your diagnosis?

7 **A** Well, there are a couple of reasons why
8 someone might have positive impression management.
9 For these evaluations, it's not unexpected that
10 someone is going to try to make themselves look
11 like they don't have a lot wrong with them. It
12 would be really unusual for this type of evaluation
13 for someone to come in and say, I'm aroused by
14 this. I'm really callus. I don't have empathy.
15 So we expect that presentation, but in my
16 experience of doing these evaluations, it is rare
17 that they produce totally invalid test protocols.

18 **Q** So "clinician scored," we talked about those
19 types of tests. What clinician score tests did you
20 score for Mr. Gibson?

21 **A** I scored some risk measures, and then I
22 scored him on the Psychopathy Checklist Revised.

23 **Q** What is the name of that test?

24 **A** Hare PCLR, second edition.

25 **Q** Let's talk about that. Do experts in your

1 field routinely use the Hare PCLR in sexually
2 violent predator evaluations?

3 **A** Yes.

4 **Q** Why?

5 **A** Psychopathy or psychopathic personality
6 disorder can be related to violent and sexual
7 offending. We know that individuals who score high
8 on psychopathic characteristics, that increases
9 their risk for received recidivism or re-offending,
10 compared to people who are not high on psychopathic
11 personality traits.

12 **Q** So what about Mr. Gibson's score on the Hare
13 was significant to you in your opinion in this
14 case?

15 **A** So on this measure there is what is called a
16 "cut score," so you calculate the scores, and if it
17 is over a threshold, then you say, okay, they meet
18 the criteria based on this measure for psychopathy
19 or being a psychopath. If it is below, then they
20 don't. He scored one point under that clinical
21 cutoff. Based on that measure, he doesn't meet
22 full criteria for psychopathic disorder, but he has
23 a lot of traits of psychopathy.

24 I noted that he had an inflated sense of
25 self-importance; that he pathologically lies. He

1 demonstrated a lack of remorse. He has shallow
2 effect. Effect is your outward emotional
3 experience or what he is exhibiting. He's callus.

4 MS. JOHNSON: Objection. May we approach?

5 THE COURT: Yes.

6 (The following was a bench conference out of
7 the hearing of the jury.)

8 MS. JOHNSON: Standing objection. I'm not
9 clear whether it includes this because of one of my
10 motions was testimony regarding psychopathy, so.

11 MR. RUNYAN: I think the same objection was
12 to the hearsay, the standing objection.

13 MS. JOHNSON: I have an objection to the --

14 THE COURT: And I ruled on it.

15 MS. JOHNSON: Should I put that on?

16 THE COURT: That objection was overruled, and
17 you're protected on the record.

18 (The following was had in open court.)

19 **A** I noted he is callus, lacked empathy. He has
20 poor behavioral control. He is aggressive. He's
21 engaged in promiscuous and impersonal sexual
22 behavior. He lacks realistic goals. He's
23 demonstrated irresponsibility. Failure to accept
24 responsibility for his own actions. He's violated
25 release many of times. He's been charged with

1 and/or convicted of a variety of different crime
2 types.

3 I noted that there was some evidence that
4 he's superficially charming. He is a stimulation
5 seeker, so he's seeking stimulation. He's cunning
6 and manipulative. He's demonstrated parasitic
7 lifestyle, so that is kind of getting money
8 unsupported finances from other people, and he's
9 impulsive.

10 Q (BY MR. RUNYAN) You gave risk factors as
11 well?

12 A I did.

13 Q I want to talk about the risk measures later.
14 I want to switch to your diagnosis now.

15 A Okay.

16 Q Doctor, do you recognize this book?

17 A Yes.

18 Q What is this book?

19 A That is the DSM-5 TR. It is published by the
20 American Psychiatric Association. It's a
21 diagnostic and statistical manual of mental
22 disorders. We're on the fourth edition. The "TR"
23 is text revision, so it was published in 2022. It
24 is the manual that psychologists, psychiatrists,
25 anyone with a license to diagnose mental illnesses,

1 that is what, I would say, the large majority of
2 them use. So it has all of the mental disorders,
3 and all of the criteria that someone has to exhibit
4 in order to meet criteria for a particular
5 diagnosis.

6 Q So you would say the DSM-5 TR is an
7 authoritative manual in your field?

8 A Yes.

9 Q Let's talk about -- tell us what is
10 paraphilic disorder?

11 A Paraphilic disorders are intense, persistent
12 sexual arousal to pretty much anything other than
13 an adult human consenting person. So paraphilic
14 disorder could be sexual arousal to prepubescent
15 children, pedophilic disorder. Sexual arousal to
16 feet or having a shoe fetish, that could be a
17 paraphilic disorder. In order for it to be a
18 disorder, it has to cause the person distress,
19 impairment, or harm to another person.

20 Q Why do experts in your field and these types
21 of evaluations consider paraphilic disorders?

22 A So having paraphilic arousal that one has
23 acted on can be a risk factor for future offenses.
24 In order to predict how risky someone is, and how
25 likely they are able to do something again, it is

1 important or helpful to have an idea why they did
2 it in the first place.

3 So sometimes people commit sexual offenses
4 because they are aroused by that particular thing.
5 So, for example -- Mr. Gibson is not aroused by
6 children, but using this as an example -- if
7 someone is offending against a young child, the
8 cause of that could be because they are aroused by
9 young children.

10 Q Did you consider any paraphilic disorders for
11 Mr. Gibson?

12 A Yes.

13 Q Were you able to diagnose Mr. Gibson with
14 paraphilic disorder?

15 A Yes. Sexual sadism disorder.

16 Q Is that in the DSM-5?

17 A It is.

18 Q What is the criteria for someone to meet the
19 diagnosis of sexual sadism?

20 A A period of at least six months where the
21 person has recurrent and intense sexual arousal to
22 hurting or humiliating, the physical suffering of
23 another person. That is typically displayed by
24 fantasies, urges, and behaviors.

25 Q How does -- in your opinion, how does Mr.

1 Gibson meet the criteria for sexual sadism?

2 **A** As I noted, he has these three allegations
3 spanning over approximately 13 years with the
4 characteristics being really similar. So there are
5 reports of hitting a victim with a wrench, causing
6 two of the victims to lose consciousness, after
7 they are conscious, then raping them. The level of
8 violence exhibited during those reported rapes, to
9 me, is consistent with sexual arousal to the
10 violent or the physical suffering of another
11 person. So he engaged in these behaviors during
12 offenses which he was aroused. So all of the
13 victims reported that he ejaculated, which suggests
14 that he was aroused by that.

15 **Q** Were there any paraphilic disorders that you
16 diagnosed him with?

17 **A** No.

18 **Q** Let's go to personality disorders, Doctor.
19 Can you explain to us what is a personality
20 disorder?

21 **A** A personality disorder is this pervasive
22 experience of how you interact with other people,
23 the environment, how you experience yourself and
24 your emotions. It is inflexible. It is how you
25 interact with the world. Typically, we see traits

1 of in adolescence, but they persist over time.

2 Q So why would experts in your field consider
3 personality disorders in SVP evaluations?

4 A So a presence of a personality disorder can
5 be a risk factor for reoffending. It also can be a
6 cause of why someone is offending in the first
7 place.

8 Q Did you consider personality disorders for
9 Mr. Gibson?

10 A Yes.

11 Q Were you able to diagnose Mr. Gibson with any
12 relevant personality disorders?

13 A Yes, sir. I diagnosed him with other
14 specified personality disorder with antisocial and
15 psychopathic personality features.

16 Q Is other specified personality disorder in
17 the DSM-5?

18 A Yes.

19 Q So tell us, you have antisocial and
20 psychopathic traits. Those are specifiers,
21 correct?

22 A Antisocial personality disorder is a
23 personality disorder, so those are the traits he
24 has. I wouldn't call it a specifier.

25 Q Okay. What is the criteria to meet other

1 specified personality disorder and psychopathic
2 traits?

3 **A** Let me talk about them separately, if that is
4 okay. Antisocial personality disorder is
5 characterized by a failure to follow the rules of
6 society. People with this disorder often commit a
7 lot of acts that are illegal. So people think
8 antisocial means you don't like to be around
9 people, but it is the opposite of being pro-social,
10 so doing things against society, against people.

11 So, often, they have a lot of trouble
12 following the rules, problems with authority,
13 deceitfulness or inability to be truthful,
14 impulsivity or failure to plan ahead, irritability,
15 aggressiveness, consistent disregard for their own
16 safety or safety of others, a lack of remorse. So
17 those are the traits of or symptoms of antisocial
18 personality disorder.

19 However, for someone to be diagnosed with
20 antisocial personality disorder, there has to be
21 evidence of conduct disorder prior to the age of
22 15. So things that we're looking for with conduct
23 disorder is, again, a disregarded inability to
24 follow the rules. These are children who may be
25 getting arrested a lot, setting purposeful fires,

1 cruelty to animals, vandalism, those kind of
2 things.

3 For Mr. Gibson, he didn't report any
4 behavioral problems during childhood. He reported
5 being suspended for fighting, but it was unclear if
6 it was before the age of 15. But, otherwise, he
7 didn't report any significant conduct problems
8 during childhood, and I don't have any records from
9 his childhood, so I have nothing to suggest that he
10 had that prerequisite of evidence of conduct
11 disorder prior to the age of 15.

12 So Mr. Gibson exhibits nearly every symptom
13 of antisocial disorder, and he would meet fully for
14 that disorder if he had that conduct disorder. But
15 because he clearly has antisocial personality
16 traits, I diagnosed with other specified
17 personality disorder with the antisocial features.

18 And then I also noted that he has the
19 psychopathic personality traits as well. So those
20 are the traits that I talked about when talking
21 about the Hare PCLR psychopathy checklist. So the
22 callousness, shallow affect, being promiscuous, all
23 of those characteristics are in addition and on top
24 of the traits that he has of antisocial personality
25 disorder.

1 Q Are these personality disorders chronic?

2 A Sorry?

3 Q Are they chronic?

4 A They are chronic.

5 Q So what does that mean?

6 A So, typically, we first see these symptoms
7 around adolescence and persist through adulthood.

8 Q So how does a person who has unspecified
9 personality disorder with these antisocial traits
10 and psychopathic traits, how do they interact in
11 society if not treated?

12 A This is going to color how they interact in
13 every aspect. Personality disorders are how we
14 think about ourselves, how we approach and deal
15 with other people, what we think about. So it will
16 have an effect on all of those things.

17 So the features that Mr. Gibson has is this
18 disregard for the laws and the rules, which is
19 demonstrated by numerous arrests, convictions,
20 disciplinary infractions in prison, in the
21 detention center, the parole and probation
22 violations. There's evidence of deceitfulness
23 across the interviews, and then in some of the
24 reports of the offenses. So if not treated, this
25 is how he interacts with his environment.

1 **Q** Did you consider any substance abuse
2 disorders?

3 **A** Yes.

4 **Q** Why would experts in your field consider --

5 **A** We know that drugs and alcohol don't make
6 people commit sexual offenses, but if somebody has
7 committed a sexual offense, continuing to have a
8 substance abuse disorder, it can be a risk factor
9 for future offenses because it can lower your
10 inhibitions or taking breaks to stop yourself from
11 doing things while you are under the influence. So
12 it could be a risk factor for future offenses.

13 **Q** What did you include about Mr. Gibson's
14 substance abuse history?

15 **A** It is my opinion he doesn't meet the
16 criteria --

17 MS. JOHNSON: Objection. I'm going to renew
18 my objections as to -- Your Honor, may I put the
19 numbers on the list for liability?

20 THE COURT: Yes.

21 MS. JOHNSON: Rule 702, 703, 204 and 203.

22 THE COURT: You are protected on the record
23 that I previously ruled upon. Overruled.

24 **A** It is my opinion that he doesn't meet
25 substance abuse disorder. I noted his substance

1 abuse history earlier. None of the disciplinary
2 incidents were related to substance use, so I don't
3 think that he meets criteria for a substance
4 disorder.

5 **Q (BY MR. RUNYAN)** Any other diagnoses that you
6 rendered in this case?

7 **A** No.

8 **Q** Let's talk about how experts in your field
9 assess risk on recidivism, risk to reoffend. How
10 do they assess risk?

11 **A** So there are many different ways to assess
12 risk. When we're talking about risk, the best way
13 to establish risk factors, or from these really
14 large studies -- so in analyses where they take the
15 results from lots of studies and statistically
16 combine them, we have large studies that included a
17 large number of men who had been convicted of a
18 sexual offense, and then those studies followed
19 them to see the proportion of them that went on to
20 commit additional sexual offenses, and then look to
21 see what characteristics were different between
22 them.

23 So risk factors are, essentially, things
24 identified in the literature -- traits, symptoms,
25 characteristics -- that differentiate between men

1 who sexually reoffended from men who did not
2 sexually reoffend. So when we assess risk, we are
3 taking our knowledge of those risk factors, and
4 then looking to see how the person sitting in front
5 of us matches up with those known risk factors.

6 Q Are there different types of risk factors?

7 A Yes.

8 Q What types of risk factors are there?

9 A Typically, we talk about static and dynamic
10 risk factors.

11 Q Let's talk about statistic dynamic risk
12 factors. What are they?

13 A Static risk factors are things that you can't
14 change with treatment. So, for example, age is a
15 risk factor. So we know that people who are
16 relatively younger are at higher risk for sexually
17 re-offending than someone who is older. So you are
18 always going to get older, but there is no
19 treatment I can give you to make you younger or
20 change your age, so that is a static risk factor.

21 Another example is the presence of a male
22 victim. If someone has sexually offended against a
23 male victim, the studies suggest that those
24 individuals -- that is a risk factor for future
25 offenses. So I can give you treatment so that you

1 can have no more male victims ever, but there is no
2 treatment I can do to take that male victim out of
3 your history. So static factors are things that
4 can't be changed.

5 Dynamic risk factors can be addressed in
6 treatment. They might be difficult to treat, but
7 we can treat them. That can be like substance use
8 disorder, that could be sexually -- paraphilic
9 sexual arousal. So that is difficult to treat, but
10 it is treatable.

11 **Q** So what are actuarial assessments?

12 **A** Actuarial are measures that take the known
13 risk factors from the literature and the research
14 and you kind of calculate how many of those risk
15 factors the person you are examining in front of
16 you has. So I think of a way to think about
17 actuarial risk assessment is giving like life
18 insurance example.

19 So when you apply for live insurance they are
20 going to -- insurance company is going to get a lot
21 of information from you. They will send you for a
22 physical, look at your age, gender. So we know
23 that women tend to live about five years longer
24 than men. Health history do you have medical
25 conditions, diabetes, do you have a lot of speeding

1 tickets are you impulsive. So they will take all
2 of that information and that's going to help them
3 assign a premium and assign your life insurance
4 policy.

5 So that insurance company they have no idea
6 when you specifically are going to die, but they
7 are going to see how many risk factors are
8 associated with early death that you have and that
9 is how they calculate your premium. So in that way
10 that is how static risk factors are assessed.

11 Q So what actuarial assessments assessing
12 static risk factors did you give to Mr. Gibson or
13 did you score on Mr. Gibson?

14 A I scored the Static 99-R and 2002-R.

15 Q And those are commissioned scored like you
16 mentioned earlier?

17 A Correct.

18 Q Tell us what Static 99-R and Static 2002-R
19 is.

20 A These are actuarial risk assessments measures
21 that have a list of the risk factors supported in
22 the literature. You score their presence or
23 absence, and then you can calculate a total score
24 that will assign to a risk level for other people
25 in those studies that had the same score, how

1 likely they were to sexually reoffend.

2 Q Now, do experts in your field generally rely
3 on the Static 99-R and 2002-R in forming these
4 types of --

5 A Yes.

6 Q Was the information learned from your score
7 on both of these assessments a part of the basis of
8 your opinion?

9 A Yes.

10 Q Why would you use both or why would an expert
11 use both?

12 A The literature suggests that it increases the
13 validity. It adds incremental validity when you
14 combine them together in a high-stakes evaluation,
15 such as an evaluation related to the sexually
16 violent predator.

17 Q Do doctors who score these actuarial
18 assessments always come up with the same numbers?

19 A No.

20 Q Is that an issue?

21 A When there is a large discrepancy, there is.
22 But there is a range of error on all tests and
23 measurements that we do, so I would say it is not
24 unusual to have a different score.

25 Q Let's talk about the Static 99-R. What is

1 the scoring range on the Static 99-R?

2 **A** Scores are from negative three to 12.

3 **Q** And what did you score Mr. Gibson with?

4 **A** Mr. Gibson scored on the Static 99-R was an
5 eight.

6 **Q** And what is important about the score of an
7 eight to you in rendering your opinion?

8 **A** A score of eight on a Static 99-R is in the
9 well-above average risk range for another sexual
10 offense. In comparing that score to these research
11 studies where they looked at the average score on
12 the Static-99R, and the rate of sexual
13 re-offending, a score of eight on the Static 99-R
14 has a sexual re-offending rate that is almost
15 seven-and-a-half or 7.32 times the rate of
16 individuals who get an average score on the Static
17 99-R. So he's well-above average risk.

18 **Q** What is an average score for sexual offenders
19 in these score sets?

20 **A** The average score is two.

21 **Q** And you talked about the Static, you said
22 well-above average, but what categories are there
23 for scores?

24 **A** There is well-below average, below average --
25 there is Level 1, very low risk; Level 2 is below

1 average risk; Level 3 is average risk; Level 4A is
2 above-average risk; and Level 4b, which is
3 well-above average risk.

4 Q And he's at the top?

5 A He is in Level 4(b), well-above average risk.

6 Q I'm sorry to interrupt. What was important
7 about the score of the 99-R?

8 A I don't know that I have much more to add.
9 It is a high score. It is a well-above average
10 risk. It is more than seven times the rate of
11 individuals who have the average score, which is a
12 two.

13 Q Does the Static 99-R break down percentages
14 of risk over years?

15 A Yes.

16 Q And what was his breakdown per score of an
17 eight?

18 A So, again, actuarial measures don't tell you
19 anything about the person, but they tell you the
20 rate of sexually re-offending for other people who
21 have that score in the research studies.

22 So for men who had a score of eight, after
23 following them for five years, 31 percent of them
24 sexually re-offended. After ten years, it was
25 40.9 percent re-offended. After 20 years, the

1 expected recidivism rate was approximately
2 50.3 percent.

3 Q What was the -- let's go to the Static
4 2002-R. What is the score range for a 2002-R?

5 A Negative two to 13.

6 Q What score did you give him on the --

7 A He had a six on the 2002-R.

8 Q And what did you learn or what about the
9 score is important for that score on the 2002-R?

10 A His score is above-average risk range for
11 being charged with or convicted of another sexual
12 offense. The five-year recidivism rate for other
13 individuals with a score of six was 19.2 percent.
14 After 20 years, the expected re-offending rate was
15 34 percent. And then looking at comparing Mr.
16 Gibson's score to individuals who scored an average
17 score on the Static 2002, his score was 2.6 times
18 greater than that score.

19 Q So, Doctor, when you are assessing risks for
20 these evaluations, what time frame are you
21 assessing -- you are saying five, ten years, but
22 what time frame are you assessing their risk?

23 A The statute doesn't give a time frame, so
24 when someone asks me what someone's risk is to
25 re-offend, I'm looking at as long as I can.

1 **Q** Now, do experts in your field solely rely on
2 the Statics -- these Static assessments as the only
3 means of assessing risk?

4 **A** They shouldn't.

5 MR. RUNYAN: May we approach?

6 THE COURT: Yes.

7 (The following was a bench conference had out
8 of the presence of the jury.)

9 MR. RUNYAN: I'm getting ready to switch to
10 the dynamic, which will take probably 15 minutes,
11 and then we're wrapping it up. But probably 20
12 minutes. I didn't know if you wanted to break or
13 push through?

14 THE COURT: I'll ask them.

15 (The following was had in open court.)

16 THE COURT: The lawyer has just advised me he
17 has about 15, 20 more minutes on the witness. I
18 know what time it is. I know you can see the clock
19 as well. Do you want to take a break now, or do
20 you want to plow through and get direct done, and
21 then take a break before defense's
22 cross-examination, or what do you want to do? In
23 other words, break now or work for 20, 25 minutes?
24 Talk to everybody.

25 JUROR: Let's get through it.

1 THE COURT: Sounds good. That is going to
2 take us to a lunch recess, and we'll come back.

3 MR. RUNYAN: Thank you, Your Honor.

4 Q (BY MR. RUNYAN) Doctor, you were saying the
5 Statics are not the only way of assessing risk, so
6 how would you assess dynamic?

7 A There is a number of ways you can do dynamic
8 risk factors. I use the Stable 2007, which is
9 specifically looking at the dynamic risk factors
10 that have been identified in the research studies.
11 There is several different measures one can use.
12 They can just pull the measures from the research
13 studies, but personally I use the Stable currently
14 because it also gives you numbers that you can
15 combine with theirs Static risks.

16 Q What is the Stable 2007?

17 A It's 13 items that is looking at the specific
18 dynamic risk factors related to psychological,
19 interpersonal, and sexual functioning, but you add
20 them together to create a total score.

21 Q Was the information you learned from the
22 Stable 2007 a part of the basis to form your
23 opinion?

24 A Yes.

25 Q What was Mr. Gibson's score that you gave him

1 on the Stable 2007?

2 **A** He scored a 19.

3 **Q** Out of how many?

4 **A** So the scores on the Stable range from zero
5 to 26, but if someone does not have a child victim,
6 you omit a child item, so it ranges then from zero
7 to 24. He does not have a child victim, so he has
8 a 19 out of 24 points.

9 **Q** What did you learn from the Stable 2007
10 assessment that was significant to your opinion in
11 this case?

12 **A** So when we're looking at the total score you
13 interpret them as the relative density of what is
14 called the "criminogenic needs." What that means
15 is there are factors that contribute to a person's
16 risk of re-offending, and those factors are things
17 that can be addressed in treatment.

18 So we use those to assign someone to three
19 levels. They can have low density, moderate
20 density, or high density. Mr. Gibson's score
21 represents a high density. So he has a lot of
22 criminogenic needs. I noted that the dynamic risk
23 factors that are most pressing for Mr. Gibson are
24 what they call a deviant sexual preference, so that
25 is the form of sexual sadism. He has a lack of

1 concern for others. He is callus. I think that he
2 was attempting to get his sexual arousal needs met
3 for sadism, but also the personality disorder that
4 he has, he didn't care about the wishes of the
5 victims.

6 He has a dynamic risk factor related to
7 cooperation with supervision and treatment. So
8 he's violated the terms of his supervision numerous
9 times, failed to complete sexual behavior
10 treatment, doesn't think he needs it. I noted
11 earlier problems with his social influences and his
12 support network. I noted the hostility towards
13 women. He has problems with his capacity for
14 relationship stability. He has problems with his
15 sex drive and sexual preoccupation. He's committed
16 impulsive acts, and he has negative emotionality
17 and hostility. He perceives himself as being
18 slighted and the victim frequently, and he has poor
19 problem-solving skills.

20 So I think putting all of that together, that
21 is kind of how you got the 19 on the Stable 2007.

22 Q How is that score of 19 used with the other
23 actuarial assessments you gave?

24 A Sorry?

25 Q How are they used together?

1 **A** So you can combine these scores of the Static
2 assessments with the Stable 2007, and that gives
3 you a composite score or assessment of their risks,
4 and you also can use that to produce an estimate --
5 from other people who have the scores -- of their
6 probability for sexually re-offending.

7 **Q** Did you combine the Stable and Static scores
8 in this case?

9 **A** Yes.

10 **Q** And what was significant of that to you?

11 **A** So whether it was the Static 2002-R or the
12 Static 99-R, it still placed him in the same risk
13 level, which was the Level 4(b), well -- above
14 average risk, for committing another sexual
15 offense. So individuals who are at that risk
16 level, they make up a lot of criminogenic needs.
17 Many of them are chronic and severe.

18 The rates of sexual re-offending for
19 individuals in a Level 4(b) is approximately three
20 to four times the average rate of re-offending for
21 the overall population of individuals who have been
22 convicted of sexual offenses.

23 It also gives you estimates just for five
24 years, where the Static 99-R gives you the five
25 years, ten years, and 20. This just gives you five

1 years. But when you combine the Static 99-R with
2 the Stable, the recidivism rate was 26.8 percent.
3 When you combine the Stable with the Static 2002,
4 the five-year re-offending rate was 27.6 percent.

5 Q What, if anything, did Mr. Gibson reveal
6 about his own perception of his risk to re-offend?

7 A Mr. Gibson reported that he doesn't have any
8 sexual problems, that he isn't a risk to re-offend.
9 He didn't have any insight into his need for
10 treatment to manage his personality and paraphilic
11 disorder, and essentially said that he never
12 committed a sexual offense and, therefore, he was
13 at zero risk to commit one in the future.

14 Q Doctor, putting everything together, did
15 you -- regarding your diagnoses and the risk, what
16 did you learn about Mr. Gibson's risk to re-offend?

17 A Based on the data that I have, it is my
18 opinion --

19 MS. JOHNSON: Objection, Your Honor. I think
20 this is a little bit of an expansive opinion, and
21 I'm just renewing my prior objections regarding the
22 other one.

23 THE COURT: Objection overruled.

24 All right. Repeat your question.

25 Q (BY MR. RUNYAN) Putting everything together

1 you discussed regarding your diagnoses and your
2 risk assessments, can you tell us what you have
3 learned about Mr. Gibson -- what your opinion is
4 about Mr. Gibson's risk to re-offend?

5 **A** Sure. So from all of the data that I had,
6 from the testing, the measures I scored, the
7 various documents, the clinical interview, it is my
8 opinion that Mr. Gibson is at high risk to sexually
9 re-offend. I think that he doesn't have insight
10 into his own risk, his need for treatment, his
11 personality functioning, his arousal.

12 It's my opinion that he offended because of
13 sexual sadism. He is aroused to the physical
14 suffering of another person. And kind of
15 increasing that risk is that he has this
16 personality pathology, or what is going on with his
17 personality, is that he doesn't care about the
18 needs or the wishes or the desires of another
19 person, and he feels he is entitled to do whatever
20 he wants.

21 He has a history of not being able to follow
22 rules. The part about psychopathic characteristics
23 factors into that. So I think taking all of that
24 together, it's my opinion that he is at high risk
25 to sexually re-offend.

1 **Q** Doctor, do experts in your field consider
2 what a person's future plans might be if they are
3 released in a community?

4 **A** Yes.

5 **Q** Why would you want to do that?

6 **A** I want to look at the support system that
7 he's going to have upon release. I want to know
8 their plans for getting treatment, plans for
9 reducing their own risk, and are the plans
10 realistic.

11 **Q** Did you discuss Mr. Gibson's future plans
12 with him?

13 **A** I did.

14 **Q** What, if anything, did he tell you that was
15 significant, in your opinion?

16 **A** He told me that he plans to live with his
17 father upon release. He told Dr. Gehle he would
18 live with his sister. He wants to get a job at a
19 chicken plant, like a chicken processing plant, and
20 he also wants to be an automotive engineer
21 designing cars. He has no plans to get any kind of
22 treatment.

23 **Q** Is it your opinion that his future plans are
24 realistic given his level of risk?

25 **A** I don't think they are realistic to mitigate

1 his risk or reduce his risk.

2 Q Finally, Doctor, putting everything together,
3 did you make any conclusions about whether Mr.
4 Gibson's meets the criteria of civil commitment
5 under the SVPA?

6 A Yes.

7 Q And what is your opinion?

8 A It is my opinion that he would meet the
9 statutory criteria for being a sexually violent
10 predator. He has a mental abnormality and a
11 personality disorder that predisposes him to acts
12 of sexual violence. He doesn't have insight into
13 those disorders or his need for treatment.

14 I think his risk scores make him a high risk
15 as well. Looking at both the allegations and the
16 convictions, putting them all together, it spans 13
17 years of similar allegations and offenses with
18 similar patterns of behavior, highlighting the
19 arousal to the physical suffering of another
20 person.

21 Q Doctor, I'm probably going to be to
22 repetitive, but I need to ask these questions. Is
23 it your opinion that Mr. Gibson has a mental
24 abnormality and/or personality disorder?

25 A Yes.

1 **Q** Is it your opinion that he suffers from other
2 specified personality disorders, antisocial traits,
3 and psychopathic traits?

4 **A** Yes.

5 **Q** Is it your opinion that he suffers from
6 paraphilic disorder, sexual sadism?

7 **A** Yes.

8 **Q** Is it your opinion that Mr. Gibson's
9 personality disorder and paraphilic affect his
10 volition and control to the extent that he's
11 predisposed to commit sexually violent offenses?

12 **A** Yes. I think his number of offenses and the
13 allegations suggest that he can't control that
14 behavior.

15 **Q** Do you believe that he has serious
16 difficulties controlling his propensity?

17 **A** Yes.

18 **Q** Why is that?

19 **A** Like what I just mentioned, he hasn't engaged
20 in treatment. He doesn't see the need for
21 treatment. He doesn't have realistic plans to
22 prevent re-offending. He has a long history of
23 engaging in these behaviors. To me, that is
24 serious.

25 **Q** Do you believe that his propensity to engage

1 in sexually violent offenses is to such a degree
2 that he will more probably than not to re-offend in
3 a sexually violent manner?

4 **A** Yes. Putting it altogether with the sadism,
5 the personality features, the patterns of behaviors
6 that he's demonstrated, the fact that he's never
7 completed treatment and doesn't think he needs
8 treatment, I think the sexual arousal to the
9 physical suffering of another person, the
10 significant problems following the rules, the fact
11 that I don't think he can control his behavior, I
12 think all of that is why he probably will
13 re-offend.

14 **Q** Do you believe that Mr. Gibson poses a menace
15 of health and safety to others if he is not
16 committed to a secured facility for long-term
17 control, care, and treatment?

18 **A** Yes.

19 **Q** Did you draw all of your conclusions to a
20 reasonable degree of psychological certainty?

21 **A** I did.

22 MR. RUNYAN: Thank you. Answer any questions
23 that Ms. Johnson has.

24 THE COURT: Thank you very much. You are
25 still under oath, and we'll take our lunch recess

1 right now.

2 Ladies and gentlemen, let's reconvene at
3 1:45. That gives you time. Be back at 1:45 in the
4 jury room, and we'll commence with further
5 testimony.

6 Thank you very much. Do not talk about the
7 case.

8 (The jury exits at 12:08 p.m., and the
9 following is heard out of the presence of the jury.)

10 THE COURT: Anything before lunch recess?

11 MR. RUNYAN: Nothing from the State.

12 MS. JOHNSON: Just -- Dr. Gottfried was not
13 available for our motions. Part of that included
14 the PPG and my motion to exclude testimony. In
15 order for us not to publishing anything regarding
16 the PPG in front of the jury, I'm trying to figure
17 out the best way to cure that issue so it can at
18 least be a part of the record. My only thought is
19 to take testimony from Dr. Gottfried or to make her
20 report a part of the court record so it can be
21 referenced.

22 THE COURT: You are not moving to introduce
23 -- sorry, go ahead.

24 MR. RUNYAN: Your Honor, we have agreed that
25 we're not introducing any evidence of the PPG. I

1 don't see how this motion is still an issue or that
2 any testimony needs to be taken.

3 MS. JOHNSON: Part of my motion was to
4 exclude her testimony altogether because it was --
5 she used the PPG as a basis for her opinion.

6 THE COURT: Okay. And the report is in
7 evidence, right?

8 MR. RUNYAN: No, I didn't introduce the
9 report in evidence.

10 MS. JOHNSON: And I don't want to publish it
11 to the jury.

12 THE COURT: I saw stickers. Instead of
13 proffering the witness on that issue, it's easy to
14 make that report a court exhibit.

15 MS. JOHNSON: That is what I was suggesting.

16 THE COURT: Doctor, do you have that report?

17 MR. RUNYAN: Do you have an extra copy?

18 THE COURT: We'll make that Court 1 for
19 appellant issues and preserve these issues.

20 Anything else?

21 MS. JOHNSON: No, sir.

22 MR. RUNYAN: No, Your Honor.

23 THE COURT: All right. We're down until
24 1:45.

25 (A lunch recess was taken.)

1 THE COURT: Are you ready?

2 MR. RUNYAN: Yes.

3 THE COURT: You ready?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: All right. Let's bring the jury
6 in.

7 (The jury enters at 1:50 p.m., and the
8 following is heard in the presence of the jury.)

9 THE COURT: Thank you, ladies and gentlemen.
10 We'll start cross examination.

11 Ms. Johnson.

12 MS. JOHNSON: May it please the Court, Your
13 Honor?

14 THE COURT: Yes.

15 **CROSS EXAMINATION**

16 **BY MS. JOHNSON:**

17 **Q** Dr. Gottfried, I'll be really brief. I have
18 a few questions for you. When you -- how many --
19 about how many hours did you spend with my client
20 doing his assessment or his evaluation?

21 **A** His clinical interview was five hours and
22 five minutes, and then the two days of testing was
23 altogether approximately nine hours and 25 minutes.
24 So about 14-and-a-half hours.

25 **Q** Did you do all of his testing, the two days

1 of testing? Was that you doing all of that?

2 **A** No. I have a technician that does testing.

3 **Q** How much time did you personally spend with
4 him doing the evaluation, would you say?

5 **A** Five hours and five minutes, and then the
6 time it took to interpret the test that I gave and
7 summarizing the records, but direct contact about
8 five hours and five minutes.

9 **Q** And then you did this Static 99-R, and you
10 were talking about percentages. I believe with all
11 of your -- like the Static 99-R, 2002-R, and the
12 2007-R, you were given this analogy to -- let me
13 ask you this. Can I analogize it like this: is it
14 a little bit like trying to decide if
15 somebody like, for insurance, their risk for having
16 a heart attack?

17 **A** I think you could use actuarial measures
18 looking at risk factors associated with a heart
19 attack.

20 **Q** Yeah. Like saying if someone is overweight,
21 eats poorly, bad lifestyle, then maybe they are at
22 a 25 percent more chance at having a heart attack,
23 or something like that? Is that a similar
24 situation?

25 **A** I'm not an expert on heart attacks, but it

1 sounds reasonable.

2 Q But you are not an expert on insurance
3 either?

4 A That's correct.

5 Q And so if that is the case, the Static 99-R,
6 2007-R, all of those, they really -- again, they
7 are an estimate. They don't mean that he is going
8 to offend again, right?

9 A That's right. So the numbers are -- have
10 nothing to do with the person sitting in front of
11 you. There is no way to give an -- like a specific
12 number. It's people in the studies, in the
13 literature who have the same risk factors, and that
14 is the percentage which they re-offended.

15 Q Got it. So when we say the 2002-R has like a
16 five-year risk of 19.2 percent, that means that
17 about -- if we had a hundred people, a little bit
18 over 19 would be at risk of re-offending. They
19 would have the higher risk --

20 A If it was 19.2 percent, and if you had a
21 hundred people, then 19.2 of them re-offended in
22 five years.

23 Q So if that's the case, that means about 81 of
24 them would not have re-offended in five years?

25 A That sounds right to me, correct.

1 **Q** And there is no way to know if Mr. Gibson is
2 one of the 19, or one of the 81. We're just using
3 these numbers as tools to make a guess, right?

4 **A** That's correct. So the more risk factors
5 someone has, the more risky they are, but the
6 measures don't tell you anything about the specific
7 person you are evaluating.

8 **Q** So I noticed you did other tests. In total,
9 for today's purposes, you -- let's see. There was
10 the MMPI-3?

11 **A** Yes.

12 **Q** SASSI-4?

13 **A** The SASSI-4.

14 **Q** The PAI, the MITSA, the Hare Psychopathy, and
15 then of course the Statics and the 2007. So,
16 roughly, about eight tests, more or less, that
17 we're talking about today?

18 **A** That sounds correct.

19 **Q** Yeah. The MMPI-3, what is that?

20 **A** So that is the Minnesota Multiphasic PI,
21 personality inventory.

22 **Q** It is a personality test?

23 **A** It looks like personality, but also looks at
24 psychopathy, so emotional dysfunction,
25 internalizing dysfunction, externalizing, slash,

1 behavioral dysfunction. It looks at somatic
2 dysfunction and interpersonal dysfunction.

3 Q And in that same regard, you have -- in your
4 report you said that in light of Mr. Gibson's
5 response style, that that test was invalidated and
6 further interpretations could not be made; is that
7 about right?

8 A That's correct. So because he presented
9 himself in such an extremely positive light that
10 the results are not valid. So when I talk about
11 the validity indicators, that rendered it invalid.

12 Q And when we talk about the SASSI, again, you
13 had an issue with the way he was answering or doing
14 his responses, so you said in light of his
15 defensiveness, that the results may not be an
16 accurate representation of his functioning?

17 A That's correct. So he responded consistently
18 to items which suggested that he was paying
19 attention, but the defensiveness scale on the
20 SASSI-4 was so elevated that it's hard to tell if
21 the results are accurate or not.

22 Q And for the Personality Assessment Inventory,
23 again, you had some issues with the way he
24 responded, so you said in light of those findings,
25 those results are invalid, and further

1 interpretations couldn't be made, right?

2 A Right.

3 Q But you did use his demeanor, the way he
4 responded, you did use those to make assessments
5 about him, even though the test was invalidated?

6 A Yes. So I -- there were data points from the
7 validity scales.

8 Q And, by the way, just to clarify, because I
9 know there was like some brief talk about
10 paraphilic disorder, that is not an issue in this
11 case?

12 A That is correct. He doesn't have any
13 prepubescent victims or disorder.

14 Q When we talk about sexually violent
15 convictions, because this case does involve -- it
16 is about sexually violent recidivism or people
17 re-offending with sexually violent crimes?

18 A Right.

19 Q So my client has a criminal history, right?

20 A Yes.

21 Q And you said -- I think you mentioned he has
22 a lot of past charges or convictions. I'm not sure
23 of your exact wording.

24 A I'm not either. When I counted, I estimated
25 he had 29 charges that he had been convicted of.

1 **Q** And out of the 29 charges that he had been
2 convicted of, really only one of them was a
3 sexually violent offense, correct?

4 **A** That's right. So the criminal sexual conduct
5 in the third degree that he pleaded guilty to.

6 **Q** That was in 2013? Yes?

7 **A** I believe it was 2012, and he pled to it in
8 2013, but around then.

9 **Q** Fair enough.

10 And then he was released -- so let's say it
11 was 2012. He pled in 2013, and also released from
12 prison 2013, right?

13 **A** Yes.

14 **Q** Yes. Okay.

15 And then you mentioned these other sexual
16 violent offenses that he was charged with, but did
17 not end in sexually violent convictions, right?

18 **A** Yes.

19 **Q** So if we're talking -- one of the ones you
20 mentioned was from 2009, and that occurred on one
21 day, December 6th, right? That is what your
22 report shows?

23 **A** It was in 2009. I don't know the exact
24 dates.

25 **Q** But it wasn't dates, right? It was just one

1 day, one occurrence?

2 **A** One offense date in 2009.

3 **Q** And despite the charges, I think there was
4 one sexually violent offense that he was charged
5 with, all of his charges at that time were
6 dismissed, right?

7 **A** Correct. I believe it was for lack of victim
8 participation.

9 **Q** The victim didn't come forward, the victim
10 didn't participate?

11 **A** That was on the disposition sheet. I
12 think -- I don't have any further information than
13 the quote that I included in my report.

14 **Q** And then we also -- like you mentioned, he's
15 got another set of charges, and that was from 2022?
16 Yes?

17 **A** Yes.

18 **Q** And those charges were domestic violence high
19 and aggravated nature, criminal sexual conduct
20 first degree; that is what he was charged with,
21 right?

22 **A** Yes.

23 **Q** That occurred, again, one day, June 21 of
24 2022, is what the allegation was?

25 **A** I know it -- I believe it was June.

1 **Q** But one day?

2 **A** Yes.

3 **Q** Okay. And those charges ended up being
4 dropped, right?

5 **A** He pled to assault and battery.

6 **Q** Assault and battery. And then even then --
7 so the criminal sexual conduct charge was
8 dismissed, right?

9 **A** Nolle prossed, dismissed. Yeah. I'm not
10 sure -- he was not convicted of criminal sexual
11 conduct in 2022.

12 **Q** And even then, with the assault and battery
13 that he did plead to, there was on the -- on what
14 he pled to, no sexual element, no allegation of
15 sexual assault in what he actually did plea to?

16 **A** He pled to the assault and battery, correct.

17 **Q** And so when we talk about the 2012/2013
18 allegations, again, one day, right?

19 **A** Yes.

20 **Q** When we look at the 2022 allegation, that
21 ended up being dismissed or nolle prossed, one day,
22 right?

23 **A** Yes.

24 **Q** And then when we look at the 2009, again,
25 those charges were all dismissed, but they were

1 from one day, right?

2 **A** Right. Multiple charges, but from one
3 incident occurring over some span of time on one
4 day.

5 **Q** Right. Okay. And so you ended up diagnosing
6 him with other specified personality disorder, and
7 I believe you mentioned that he had antisocial
8 traits. Let's see. Was it -- I've got written on
9 my paper psychological -- psychopathic traits?

10 **A** Psychopathic.

11 **Q** So that was one, and you diagnosed him with
12 sexual sadism?

13 **A** Yes.

14 **Q** How does one receive a diagnosis for sexual
15 sadism?

16 **A** How do they meet the criteria?

17 **Q** Yeah. How -- thank you.

18 **A** It is a period of over six months the person
19 has intense, physical arousal to the physical or
20 psychological suffering of another person. That is
21 typically manifested with fantasies, urges,
22 behaviors.

23 **Q** And you diagnosed my client with sexual
24 sadism even though he only has one sexually violent
25 conviction?

1 **A** Yes.

2 **Q** And so, presumably, you looked at those
3 charges that did not end in conviction? Yes?

4 **A** Yes.

5 **Q** And then with the psychopathic traits, just
6 to be clear, he is not a psychopath? He did not
7 meet the criteria to be considered a psychopath?

8 **A** On the Hare, he scored one point below the
9 clinical cut score. So if he scored at or above,
10 per that measure, he would have psychopathy. So,
11 no, per that measure he scored below the clinical
12 cut score.

13 **Q** And I noticed on your report -- let's see.
14 You mentioned psychopathy refers to an early onset
15 specific constellation of traits and behaviors,
16 yadda, yadda.

17 "It is in this matter that psychopathy,
18 although not classified as a personality disorder
19 in the DSM-5, nomenclature is consistent with a
20 personality disorder." What does that mean?

21 **A** There is not a distinct diagnosis in the
22 DSM-5 TR or psychopathy or psychopathic personality
23 disorder. Psychopathy was a diagnosis in the DSM-1
24 and DSM-2, and then beginning in the DSM-3, it was
25 antisocial personality disorder. So it is not its

1 own category or own diagnosis.

2 Q So when you diagnosed him with it -- because
3 I want to be clear, you said it's in the DSM-5. It
4 is now antisocial personality disorder?

5 A Yes. So "antisocial personality disorder"
6 replaced what they called "psychopathy" for the
7 DSM-1 and DSM-2, but antisocial personality
8 disorder and psychopathy are two different
9 constructs. So the -- a large proportion of people
10 who have psychopathy would also meet for antisocial
11 personality disorder, but less than a third of
12 people who have antisocial personality disorder
13 also meet for psychopathy. They are distinct
14 contrasts.

15 Q Got it.

16 So I know with some of the personality
17 disorders there is an indicator that a person is
18 more likely to commit sexually violent offenses if
19 they have this personality disorder. Is it the
20 same with psychopathy?

21 A I'm not sure I know, like, what you mean by
22 "indicator."

23 Q Is there an indicator that -- are these
24 linked: Psychopathy and sexually violent
25 recidivism? If you are a psychopath, are you more

1 likely to commit sexually violent offenses?

2 **A** Not more likely to commit sexually violent
3 offenses, but if someone who has committed sexual
4 offenses has psychopathy or higher on the
5 psychopathic traits, that has been shown to be a
6 risk factor for recidivism.

7 **Q** When you say "recidivism," recidivism could
8 be more assault and batteries, more burglaries?

9 **A** No. The literature is suggesting that the
10 presence of psychopathic features in someone who
11 has committed sexual offenses is a risk factor,
12 increases their risk for committing -- for sexual
13 recidivism.

14 **Q** Of course, that is distinct, sexual offenses
15 versus sexually violent offenses, right?

16 **A** I see what you are asking me. So, to my
17 knowledge, I'm not aware of research specifically
18 looking at, like, state statute definitions of
19 sexual violent offenses. So the literature that
20 talks about sexual offenses don't say whether it's
21 forceable rape or criminal sexual conduct. They
22 don't explain -- not explain, but they don't say
23 specifically or a state statute, the definition.

24 **Q** Understood.

25 So when we talk about your diagnosis for the

1 -- again, he's not a psychopath. He didn't meet
2 the full, so he has psychopathic traits?

3 **A** Correct.

4 **Q** By the way, the other specified personality
5 disorder, people live in society and they might
6 have social issues, but they get along. I mean,
7 they work in society. They are people we probably
8 see on somewhat of a regular basis, right?

9 **A** On a regular basis, I don't know. There is a
10 high proportion of people with antisocial
11 personality disorder in our correctional
12 institutions. Certainly there are people walking
13 around who are high on antisociality, but I don't
14 know that I would -- I don't know if it is a large
15 number.

16 **Q** I guess my point is that not everybody who
17 has antisocial personality disorder is going to end
18 up committing crimes, right?

19 **A** That's a good question, because one of the
20 symptoms or criteria for being diagnosed with
21 antisocial disorder is disregard for social norms,
22 typically engaging in unlawful behavior. So if
23 someone -- certainly, I think that someone could be
24 diagnosed with antisocial personality and meet the
25 other symptoms, but not have committed crimes.

1 **Q** I understand your point. Maybe I can
2 rephrase. Someone who is diagnosed with other
3 specified personality disorder, which is the
4 diagnosis for my client, yes?

5 **A** Yes.

6 **Q** Someone like that is not necessarily a person
7 who is -- has committed crimes or is going to
8 commit crimes, right?

9 **A** No. There could be someone who has other
10 specified personality disorder with excessive
11 compulsive personality features that doesn't fully
12 meet, but still has impairment from those symptoms.
13 So, yeah, you are correct.

14 **Q** Okay. So -- also, when you looked at the
15 cases, the cases that were dismissed or nolle
16 prossed involving my client's sexual violent
17 history, cases that went nowhere, essentially --
18 you weren't there for any of his criminal cases,
19 right?

20 **A** No.

21 **Q** And so you weren't a personal witness or
22 anything like that?

23 **A** I was not there.

24 **Q** You didn't launch your own investigation or
25 anything like that?

1 **A** I did not.

2 **Q** Your recollection is -- sorry. Your report
3 is based on either allegations on paper,
4 conversations with my client, various tests, and
5 assessment tools, right?

6 **A** Right. My opinions are based on all of the
7 collateral information I received and officially
8 reported documents, records, clinic interview, the
9 testing, yes.

10 **Q** But not personal knowledge?

11 **A** Correct.

12 **Q** And, in that case, some of the things that
13 you've looked at to make your assessment might not
14 be accurate, correct?

15 **A** Certainly. I mean, the information is only
16 as good as the report itself, I guess.

17 **Q** And do you -- do you know.

18 MS. JOHNSON: Beg the Court's indulgence?

19 THE COURT: Okay.

20 (A brief pause in the proceedings.)

21 **Q** **(BY MS. JOHNSON)** One last thing. There was a
22 change in the statute about sexually violent
23 offenses last year or something like that?

24 **A** In 2023.

25 **Q** Yeah. And I'm not going to ask you about all

1 of the changes, but I'm going to ask you: Have you
2 changed the way you diagnose people or the way you
3 evaluate them or come up with your opinion after
4 there has been a change in the law?

5 **A** I have not changed -- well, I did change a
6 little bit of my testing battery. I used to do the
7 SPR-20, and I do the Stable 2007 now. I have not
8 changed the way I do diagnosis. I mean, I guess I
9 have changed a little bit the way I think about
10 their risks and the opinion, but I wouldn't say I
11 made major changes.

12 **Q** Okay.

13 MS. JOHNSON: Your Honor, I have no further
14 questions.

15 THE COURT: Any redirect?

16 MR. RUNYAN: Briefly, Your Honor.

17 **REDIRECT EXAMINATION**

18 **BY MR. RUNYAN:**

19 **Q** Dr. Gottfried, you were asked about Static
20 99-R and 2002, and I think Ms. Johnson focused on
21 the five-year risk of 19.2 percent; is that
22 correct?

23 **A** Yes.

24 **Q** And that 19.2 percent, was that from the
25 five-year risk from the 2002-R or 99-R?

1 **A** That is from the 2002-R.

2 **Q** So you were asked, you know, out of a hundred
3 people, 19 would go on to re-offend?

4 **A** Yes.

5 **Q** The developers of these actuarial
6 assessments, why do they use the categories?

7 MS. JOHNSON: Objection. I believe this is
8 out of the scope of my --

9 THE COURT: Sustained.

10 **Q** **(BY MR. RUNYAN)** Doctor, do you solely rely on
11 that one number?

12 **A** No.

13 **Q** Would any expert in your field rely solely on
14 that one number?

15 **A** I don't think they should rely on that one
16 number. I think the Statics are very widely used,
17 and I think people use them in different ways.

18 **Q** Okay. You were asked about and testified
19 that he only had one sexual violent offense; is
20 that correct?

21 **A** Conviction.

22 **Q** Conviction?

23 **A** Yes.

24 **Q** Does the statute require you to find anything
25 else?

1 **A** No. I believe it reads at least one sexually
2 violation offense.

3 **Q** You were asked about the various charges and
4 convictions of his criminal -- sexual violent
5 charges and convictions. I think you said it was
6 spanning 2009. You were asked about 2009 and 2013
7 and 2022. Why is it important that you look at
8 those charges and convictions?

9 **A** Well, a couple different reasons. So for the
10 Static 99-R, you look at both charges and
11 convictions. You can look at things that have been
12 expunged. You are using -- that is a score for the
13 actuarial measures. For the Hare Psychopathy
14 checklist, one of the items is looking at charges,
15 not convictions, and looking at patterns of
16 behavior over a period of, approximately, 13 years,
17 looking at similarities between the reported
18 incidents.

19 **Q** You were asked about the psychopathy, and I
20 think you testified that Mr. Gibson is not a
21 psychopath, but he scores right below the cut
22 score. You were asked about psychopathy being a
23 risk factor for re-offending. Why is it important
24 to you, or why would you be looking at something as
25 a sexual risk factor? Why is that important? He's

1 not a psychopath, why is it important to you that
2 he has traits?

3 **A** The majority of people that are convicted of
4 sexual offenses has a type of psychopathy. It is a
5 risk factor for sexual re-offending. It is a risk
6 factor for instrumental violence, and, really, it's
7 related to some of the other dynamic risk factors
8 that he has; such as, lack of concern for others,
9 hostility towards woman. That is why I used it as
10 a data point.

11 **Q** Is it standard practice for you and your
12 evaluations and other forensic evaluators to rely
13 on the investigative reports that are in the
14 records?

15 **A** Yes.

16 **Q** Is it your job to investigate crimes?

17 **A** No.

18 **Q** Is it your job to establish guilt?

19 **A** No.

20 MR. RUNYAN: No further questions.

21 THE COURT: Any recross based on that?

22 MS. JOHNSON: No, sir.

23 THE COURT: Thank you.

24 You can step down.

25 Call your next witness.

1 MR. RUNYAN: At this time, the State rests.

2 THE COURT: All right. Ladies and gentlemen,
3 let's take a quick recess and do a quick reset
4 before we start the other side of the case. Don't
5 talk about the case.

6 (The jury exits at 2:17 p.m., and the
7 following is heard out of the presence of the jury.)

8 THE COURT: Ms. Johnson.

9 MS. JOHNSON: Your Honor, at this time we
10 would, of course, renew our objection to the prior
11 motions, and I'm making a motion for a directed
12 verdict.

13 Your Honor, even if we view the evidence in
14 the light most favorable to the State, I still
15 submit that Dr. Gottfried's report used the
16 unreasonable, unreliable test of the assessment,
17 and that the State has not met its burden.

18 THE COURT: All right.

19 What say you in response?

20 MR. RUNYAN: I'll put one for the record,
21 Your Honor.

22 You know, when ruling on a directed verdict
23 motion, the trial court is required to view the
24 evidence and inferences that can be reasonably
25 drawn from them in the light most favorable to the

1 non-moving party, and the Court is concerned with
2 the existence of evidence, not its weight.

3 There is three things we have to prove: Does
4 he have a sexually violent offense? Does he have a
5 mental abnormality or personality disorder? And
6 does that mental abnormality or personality
7 disorder make him likely to engage in acts of
8 sexual violence if not confined to long-term
9 control, care, and treatment.

10 I think the testimony of Dr. Gottfried
11 establishes that he has been convicted of, and
12 there is documents of his conviction. She has
13 diagnosed him with a mental abnormality and a
14 personality disorder, and she gave evidence
15 supporting those diagnoses. She went into his risk
16 where he is well-above average risk category on one
17 measure, and he is in the above-average category to
18 re-offend on another measure. He's in the
19 well-above average category when they are combined
20 in the 2007 Stable, and he has high criminogenic
21 needs for treatment.

22 I think this establishes that we have
23 evidence, and the case should go to the jury.

24 THE COURT: All right. Directed verdict
25 motion is denied.

1 Anything else while we have time?

2 Okay. Ready to move on?

3 MR. RUNYAN: Can I take a quick break?

4 THE COURT: Yeah. Go ahead.

5 (A recess was taken.)

6 (The jury enters at 2:24 p.m., and the
7 following is heard in the presence of the jury.)

8 THE COURT: The State has rested, so the
9 Respondent will now go.

10 MS. JOHNSON: We call Dr. Gehle to the stand.

11 (DR. MARIE GEHLE, having been duly sworn,
12 testified as follows:)

13 THE WITNESS: Marie Gehle, G-E-H-L-E

14 **DIRECT EXAMINATION**

15 **BY MS. JOHNSON:**

16 **Q** Dr. Gehle, can you tell me where do you work?

17 **A** The South Carolina Department of Mental
18 Health in Columbia.

19 **Q** And how long have you worked there?

20 **A** I worked there for 15 years.

21 **Q** What is your job title there?

22 **A** My job is a psychologist two, state title. I
23 do forensic evaluations there of sexually violent
24 predator cases.

25 **Q** And are you in a supervisory role, or one of

1 the newer people? How does that work?

2 **A** I have been there longer than any other
3 evaluator, but I don't supervise anybody, apart
4 from postdoctoral fellows that I supervise on some
5 work they do, but I don't have responsibility for
6 anybody else.

7 **Q** How did you -- do you have a -- what are your
8 degrees in?

9 **A** I have a bachelor's degree in psychology,
10 master's in clinical psychology, and a PsyD of
11 doctorate in clinical psychology.

12 **Q** When you get your PsyD in clinical
13 psychology, in particular, tell me some of the
14 things you do for that, to complete that program?

15 **A** We have to have a bachelor's degree to enter
16 the program, and then you are in school for about
17 four years, classroom work. You are doing work
18 experiences each year you are in the program. And
19 then the fifth year of the program is a full-time
20 internship that you go and do somewhere else in the
21 country, typically. I did mine in Washington
22 State, but I went to graduate school in Cincinnati,
23 Ohio.

24 **Q** And so once you finished graduate school, did
25 you immediately come to the South Carolina

1 Department of Mental Health?

2 **A** After I finished my internship and received
3 my degree, I did a post-doctoral fellowship at East
4 Central Regional Hospital in Augusta, Georgia,
5 which is a forensic psychiatric hospital. I did
6 that post-doctoral fellowship lasting a year, and
7 then I started at the Department of Mental Health
8 in South Carolina.

9 **Q** So when you are studying and getting your
10 experience, do you ever -- do you have to do
11 research in your particular line of work?

12 **A** Yes. In my program, we had to write a
13 dissertation, and I completed that. Yes.

14 **Q** Do you have to keep up with, sort of,
15 education every year? Do you have qualifications
16 for that?

17 **A** Well, that is a requirement of licensure.
18 You have to have so many continuing education
19 credits every two years when you get -- renew your
20 license. I'm licensed in Georgia and in South
21 Carolina, so they actually have staggered years.
22 So one year I have to renew in South Carolina, and
23 the next year I have to renew in Georgia, and each
24 state has requirements for continuing education.

25 **Q** So throughout your history of work experience

1 and education experience, about how many years do
2 you believe you have been dealing with sexually
3 violent offenders?

4 **A** Well, I first experienced with sexually
5 violent offenders was during my internship when I
6 did a rotation, a four-month long rotation, at the
7 special commitment center on McNeil Island,
8 Washington State. That is their sexually violent
9 predator program. That was, I believe, in 2007.
10 So that was one experience.

11 Then the next experience is when I started at
12 the Department of Mental Health in 2009.

13 **Q** I know you mentioned you have limited
14 supervisor roles. Do you do any training at South
15 Carolina Department of Mental Health?

16 **A** I do. So we have a post-doctoral fellowship
17 in forensic evaluation, so pretrial competency to
18 stand trial, criminal competency, and sexually
19 violent predator evaluations. The fellows do six
20 months of pretrial evaluations and six months of
21 sexually violent predator evaluations, and I do
22 didactics a couple times a year in the fellowship,
23 and then supervise some precommitment evaluations
24 that they do.

25 I also do a couple of lectures in the

1 University of South Carolina School of Medicine.
2 They have a psychiatry fellowship in forensic
3 psychiatry. So this would be fifth-year trainees
4 in psychiatry, and I do three lectures a year with
5 them.

6 Q And, by the way, how does the South Carolina
7 Department of Mental Health even come to receive --
8 or how do you get these cases, these individuals,
9 that you do evaluations for the sexually violent
10 predator cases?

11 A I believe it's required by the statute that
12 the South Carolina Department of Mental Health
13 complete the initial evaluation.

14 Q How many sexually violent predator
15 evaluations do you think you've done?

16 A I have done probably around 325 or so. I
17 think it's almost 275 precommitment evaluations,
18 and around 80 evaluations of people who are in the
19 program that were called annual reviews, and now
20 called periodic reviews, but I've done around 80 of
21 those.

22 Q How many times have you testified in court,
23 if at all?

24 A I testify in these cases, I would say, over a
25 hundred times.

1 **Q** Have you testified just for the State for
2 people, or for those who want to have these people
3 admitted into a sexual violent program, or do you
4 also testify on behalf of the sexually violent
5 predator?

6 **A** I testify on either side. I'm court
7 appointed to do the evaluation, and I will testify
8 on the side that is helped by my opinion.

9 **Q** Okay.

10 MS. JOHNSON: At this time I ask that Dr.
11 Gehle be admitted as an expert in the field of
12 forensic psychology and sexually violent predator
13 evaluations.

14 THE COURT: Any objection?

15 MR. RUNYAN: May we approach, Your Honor?

16 THE COURT: Yeah.

17 (The following was a bench conference heard
18 out of the hearing of the jury.)

19 MR. RUNYAN: She asked her what type of
20 evaluations or how many -- she broke it down to
21 annual reviews. I feel that I should be able to
22 ask her what an annual review is.

23 THE COURT: Yeah.

24 MS. JOHNSON: For what relevance?

25 MR. RUNYAN: Her qualifications.

1 MS. JOHNSON: Okay. I can also clarify my
2 questions, Your Honor, and ask -- I guess it is
3 already out there to the jury.

4 THE COURT: Clarify now, and I'll rule and
5 see where it does goes.

6 (The following was had in open court.)

7 THE COURT: Any questions concerning
8 qualifications?

9 MR. RUNYAN: Just one.

10 **VOIR DIRE EXAMINATION**

11 **BY MR. RUNYAN:**

12 **Q** You just testified that you have done about
13 325 evaluations, and you broke it down to 295
14 precommitment and 80 annuals, which have been
15 renamed to periodic reviews?

16 **A** No. It is about 275 precommitment
17 evaluations.

18 **Q** And it was 80 --

19 **A** Around there.

20 **Q** What is the difference between precommitment
21 and periodic or annual reviews?

22 **A** The pre-commitments are the evaluations that
23 are initialed to determine if someone meets
24 criteria for commitment, and periodic reviews or
25 annual reviews are evaluations of people who have

1 been committed and are in the program. It is to
2 give an opinion about whether they should continue
3 to be in the program.

4 MR. RUNYAN: Nothing further, and no
5 objections to her qualifications.

6 THE COURT: She's qualified as an expert.

7 **DIRECT EXAMINATION (CONT.)**

8 **BY MS. JOHNSON:**

9 Q So, Dr. Gehle, was there ever a time when you
10 evaluated my client, Alonza Gibson?

11 A Yes.

12 Q And can you tell me the details of that and
13 how you came to -- start with when did you evaluate
14 him?

15 A I interviewed him on two days in April of
16 2023, and I submitted a report in June of 2023.

17 Q And can you tell me the gist of your report?
18 Did you recommend that my client should be put in
19 the sexually violent predator program?

20 A No. It's my opinion that he doesn't meet the
21 criteria of a sexually violent predator.

22 Q So what sort of things do you look at when
23 you do an evaluation? Is it called
24 "precommitment"? Is he in a precommitment sexually
25 violent predator proceeding?

1 **A** Yes. That is what I call it, precommitment
2 evaluation, or PCEs for short, but that is what I
3 consider it, yes.

4 **Q** And tell me your normal process.

5 **A** Well, I receive the case, and so the case
6 comes with a file of records. I actually have
7 three files. This whole bag is filled with his
8 records. It includes the court order for the
9 evaluation. It will include the petition that the
10 Attorney General's Office files, and that has
11 exhibits attached to it that include instant
12 reports, warrants, indictments, sentencing sheets,
13 things like that.

14 I will request records from the Department of
15 Corrections about any health records. I will also
16 receive records from the Department of Corrections
17 that are in general, his disciplinary records in
18 there.

19 During the interview, I will make a list of
20 records that I can collect to get a fuller
21 understanding of him, those include things if he
22 had mental health records, which he does not. It
23 includes school records, military records, if a
24 person has military records, which doesn't apply to
25 him. But I get records from all of the places that

1 could be relevant to form an opinion.

2 Q Do you end up -- the report you do, is that
3 the initial report in these cases, the initial
4 evaluation?

5 A Yes.

6 Q And once your evaluation is done, when
7 they -- sometimes second opinions are sought,
8 right, either by the State or by the person who you
9 evaluated?

10 A Yes, either side could get a second opinion.

11 Q Can you tell me, if you know the answer to
12 this or not, but in most cases, do they read and
13 rely on your particular initial evaluation?

14 A I don't have any information about how often
15 they get second opinions. I don't know how often
16 other evaluators are doing these evaluations. I
17 don't have those broad numbers. I only have my own
18 numbers, and I don't know when they get second
19 opinions in my cases, necessarily.

20 Q How do you get assigned to a particular
21 person to do their evaluation?

22 A The way it works currently is the court order
23 includes the names of evaluators at the Department
24 of Mental Health that are qualified to do the
25 evaluations. My supervisor picks one of those

1 evaluators who are listed on the court order and
2 assigns the case that way.

3 Q And, ultimately, you got assigned to do Mr.
4 Gibson?

5 A Yes.

6 Q And so did you follow your same normal
7 protocol? Did you get -- gather all of his
8 information, that sort of thing, before you met
9 with him?

10 A I do that. I gather information throughout
11 the process, sometimes it is before, sometimes it
12 is after, but I did things in a routine fashion,
13 yes.

14 Q And then you issued a report?

15 A Yes.

16 Q So tell me what are some of the things that
17 you do with -- during the process of your
18 evaluation? When you first initially meet with,
19 let's say, Mr. Gibson, what is the first thing you
20 do with him?

21 A The first thing I do when I meet with him? I
22 do a notification. I have him read a form that
23 explains the parameters of the evaluation; that it
24 is not confidential; that we can talk about it in
25 court; that he can be prosecuted for unsolved

1 crimes he tells me about; that if he makes suicidal
2 or homicidal statements, I have to take steps to
3 prevent that. General parameters. I have him read
4 it, and I explain each one so I can assess reading
5 and comprehension, and I can make sure that he gets
6 it from two different ways: Reading it, and then
7 it's being explained. I answer any questions they
8 have.

9 Then I explain another form, and that is how
10 the SVP proceedings work. It is like a flow chart,
11 and I explain that, just to help him understand
12 where they are at in process, the information.
13 That helps calms down some anxiety that a lot of
14 people have during the process.

15 **Q** And, eventually, do you end up doing tools
16 and assessments? You do end up using those to come
17 up with your opinion?

18 **A** Well, the next thing I do is I interview
19 them, which is basically asking them questions
20 about their life from birth until, you know, the
21 future. It covers a wide variety of areas of
22 functioning. I take that information, and then I
23 also swore two actuarials and I reviewed other risk
24 factors, reviewed all of the records, reviewed his
25 responses, response style. I did an MMPI with him,

1 personality inventory measure. I took all of that
2 information to come to my opinion.

3 Q Now, when you talk about assessing his life
4 history, did you learn anything about Mr. Gibson
5 that was remarkable to you?

6 A That is such a broad question. There is a
7 lot of things.

8 Q Relative to these proceedings.

9 A I would say probably the most remarkable
10 thing I learned was the way he interacted. He was
11 really irritable, angry. He was difficult. He was
12 evasive in his responses. A lot of times his
13 responses did not make sense. He was not an easy
14 person to evaluate, so that indicated to me that he
15 had some personality issues, personality pathology,
16 and I came to that conclusion and diagnosed a
17 personality disorder.

18 Q Is it uncommon for people to feel nervous or
19 upset that they are going through this process?

20 A No.

21 Q So when you -- that was his demeanor and the
22 way he that he spoke with you and answered
23 questions with you?

24 A Yes.

25 Q Did any of those responses go into your

1 ultimate opinion?

2 **A** Well, yes. It was a big component. The way
3 that he was in his interactions, that was a big
4 component of diagnosing a personality disorder, and
5 that is part of my opinion.

6 **Q** So tell me about the -- what do you call
7 them -- do you call them "tools"? Do you call them
8 "tests"? Tell me the first one you did and what
9 you call it.

10 **A** Well, during the evaluation, I had him
11 complete the Minnesota Multiphasic Personality
12 Inventory, Third Edition. It is a true/false test.
13 It has hundreds of questions. So that was the
14 first test I completed with him.

15 **Q** What were your findings? Did you make
16 findings as to that test?

17 **A** Yes. On that test, he answered all of the
18 questions. He responded in a way that was relevant
19 to the content. So he was paying attention and not
20 randomly answering. He presented himself in an
21 overly-positive and virtuous manner. There were no
22 other interpretations that I could make because all
23 of the scales were at a normal level, which is
24 probably because he was so overly-positive and
25 virtuous about himself.

1 **Q** What is the next assessment tool that you
2 used?

3 **A** The next assessment tool that I used was the
4 Static 99-R, which is an actuarial risk assessment
5 tool.

6 **Q** And what is that or what does it look for?

7 **A** The Static 99-R gives you information about
8 somebody's risk to re-offend sexually. That is
9 what it is. It has ten questions. The scores
10 range from negative three to 12. The average score
11 is two. It gives you information about what level
12 of risk they are at. It gives you information --
13 you score -- come to a number of their score, and
14 that corresponds to a recidivism estimate, and that
15 is the basic components of that risk assessment
16 tool.

17 **Q** And when you are looking at the scale -- you
18 said negative three to 12?

19 **A** Yes.

20 **Q** Is negative three meaning you are less
21 likely? Which part is the better, the negative
22 three or the 12?

23 **A** The lower the score, the less risk.

24 **Q** So what did my client score?

25 **A** A seven.

1 Q A seven. What does that mean?

2 A So a seven put him in the well-above average
3 risk category and corresponded to a five-year
4 recidivism rate of 23.7 percent, and a ten-year
5 recidivism rate of 26.7 percent, and a projected
6 20-year estimate, a lifetime risk, of 40.2 percent.
7 Those percentages are the likelihood that he will
8 be charged or convicted of a new sexual offense
9 within that time frame.

10 Q There is another test called the Static
11 2002-R?

12 A Correct.

13 Q Did you do that as well?

14 A Yes.

15 Q And what -- tell me about that test.

16 A So even though the Statics are similar, they
17 are two completely different tests, made by the
18 same research group, but look at information
19 differently. It is another actuarial risk
20 assessment. It has -- the scores range from maybe
21 two to 13, with an average score of three. It
22 gives you the same information when you come to a
23 score.

24 Q So, then, what is the big difference between
25 the two?

1 **A** The Static 99-R has a greater emphasis on
2 charges, and the 2002-R, essentially, ignores
3 charges and looks only at convictions.

4 **Q** So with the 2002-R, that looked only at
5 convictions, what was the score that you gave
6 Mr. Gibson?

7 **A** Four.

8 **Q** And what -- tell me what that means.

9 **A** That score is in the average risk category.
10 The five-year sexual recidivism rate is 9.7. The
11 20-year estimate is 18 percent.

12 **Q** And, again, does that sort of -- if we were
13 to look at real world application of that, does
14 that mean if we had a hundred people in five years,
15 9.7 of them or almost ten would have re-offended in
16 ten years, and 20 almost 18 of them?

17 **A** It means they would have been charged or
18 convicted. It is charges and convictions, not just
19 convictions. So that is how they define
20 "re-offending."

21 **Q** If that is the case, then the flip side would
22 be that more than 90 percent would not have been
23 charged or convicted in five years with a 2002-R?

24 **A** That's correct.

25 **Q** And even in 20 years, more than 80 percent

1 would not have been charged or convicted?

2 A Correct.

3 Q What other tests did you do?

4 A Those are the only tests that I did.

5 Q Now, you talked a little bit about charges
6 versus convictions. So did my client have -- when
7 you were doing your research, did he have a lot of
8 sexual violent convictions?

9 A He had one.

10 Q One? Do you remember when that was?

11 A He was convicted of a sexual violent offense
12 in 2013.

13 Q What about sexual violent charges -- how many
14 of those did he have outside of the one he was
15 convicted for?

16 A Outside of that, he had two.

17 Q And is it correct the first one was in 2002?

18 A It was in 2009.

19 Q Sorry, 2009.

20 But those charges were dismissed, right?

21 A That's correct.

22 Q And then there was one in 2022, right?

23 A That's correct.

24 Q And those charges -- there was a criminal
25 sexual conduct charge, right?

1 **A** Yes.

2 **Q** That was -- was that ultimately dismissed?

3 **A** Yes.

4 **Q** But he pled to something, do you remember
5 what that was?

6 **A** Assault and battery in the first degree.

7 **Q** Was it -- that assault and battery first
8 degree, did you have any indication that it was
9 sexually related, the conviction?

10 **A** No. I considered that. The indictment
11 didn't include any element of sexual offending
12 within that indictment for assault and battery.

13 **Q** And even just based on allegations, the 2009
14 was for one day, correct, for one day of offenses?

15 **A** Yes.

16 **Q** And the 2022 allegations, they all stem back
17 from one day of offense, right?

18 **A** Yes.

19 **Q** And the one that he pled to, which would have
20 been 2012?

21 **A** Yes. That's when the offense occurred.

22 **Q** And one day of sexual violent offense that he
23 was accused of and eventually convicted of?

24 **A** Yes.

25 **Q** And so you looked at all three of those?

1 **A** I did.

2 **Q** And how did you use them in your assessment
3 of my client?

4 **A** Well, each bit of information issues in a
5 couple different ways. For one, I'm going to ask
6 him about those, and I'm going to hear his side,
7 what he says about it, whether he admits to it,
8 denies it, you know. And that is going to give me
9 information for a diagnosis, if he's admitting to
10 something, whether he's convicted of it or not.

11 Then I'm also looking at it in terms of the
12 actuarial risk assessments, because there are rules
13 about what you have to consider, what you don't
14 consider, you know, what level of allegations --
15 like if it is something that someone says and a
16 police report is issued, but no arrest is made,
17 they don't charge him, that wouldn't be counted.
18 But if he's charged, that is counted. So I have to
19 follow the rules of those use the information in
20 the way that is guided for those tests.

21 **Q** So it's fair to say that you did consider
22 those tests when you came up with your diagnosis of
23 my client?

24 **A** Yes -- well, not a diagnosis.

25 **Q** When you rendered your ultimate opinion, you

1 considered those?

2 A Yes. Yes.

3 Q And when you talked with my client, for those
4 2009 allegations that were ultimately dismissed,
5 did he admit doing them, or did he deny them?

6 A He denied it.

7 Q And what about the 2022 allegations, did he
8 admit or deny them?

9 A He denied that. He denied the sexual
10 assault. I believe he admitted to the physical
11 fight with the person.

12 Q So once you have all of that information, you
13 looked at his entire criminal history, right?

14 A Yes.

15 Q So even if it wasn't sexually violent
16 offenses, what other sort of offenses did you look
17 at?

18 A Well, he had a wide variety of offenses.

19 Q Were some of them violent and non-violent?

20 A Yeah. He had assault and batteries, thefts,
21 burglaries, things like that, petty larceny,
22 probation violations.

23 Q And so what was the next step after you did
24 your Static 99-R -- sorry, you did his Static 99-R
25 and the 2002-R, what was the next step?

1 **A** Then I reviewed a list of risk factors that
2 came from meta analysis, like a large research
3 study.

4 **Q** And tell me what you discovered in that
5 process about my client.

6 **A** I determined that he had several of the risk
7 factors that are relevant to sexual recidivism.
8 Let me see if I can tell you what those were. I
9 had five of those risk factors. He had lack of
10 emotionally intimate relationships with adults. He
11 had a long history of unstable dysfunctional
12 relationships involving physical violence. He had
13 lots of conflict and infidelity. He has a history
14 of lifestyle impulsiveness. He has self-reported
15 documented history low self-control, impulsive
16 criminal behavior, homelessness for seven different
17 periods that he told me about, difficulty finding
18 and maintaining employment, poor problem solving,
19 difficulty conceptualizing problems, finding
20 effective solutions, deploying solutions. He has
21 resistance to rules and supervision, very little
22 regard to authority. He has a defiant attitude for
23 authority. He has a history of noncompliance with
24 supervision, so he had multiple probation
25 violations.

1 And then grievance and hostility, so he
2 readily blames other people for his behavior, fails
3 to take responsibility for his problems, has little
4 to no tolerance for disrespect; however, if someone
5 slightly might disrespect him, that is a big deal
6 to him. He really gives no consideration to any
7 criticism or feedback.

8 **Q** You mentioned that one of the factors was
9 that he did not have stable relationships?

10 **A** Yeah. The risk factors calls for lack of
11 emotionally intimate relationships with adults.

12 **Q** Is that to mean someone that hasn't been
13 married for long periods of time or dating for long
14 periods of time?

15 **A** This is looking at the quality of
16 relationships with this risk factor. Have they had
17 healthy relationships? Are their relationships
18 full of conflict? Are they able to solve problems
19 in relationships? Are they faithful to their
20 partners? Is there a lot of conflict, instability?
21 Or are they in healthy relationships?

22 **Q** Did my client ever mention dealing with
23 infidelity from his previous partners in his
24 lifetime?

25 **A** Yes.

1 Q Did he mention ever being cheated on?

2 A Yes.

3 Q In more than one relationship?

4 A I believe he thought he was being cheated on
5 in more than one relationship.

6 Q Did he -- what was his demeanor about that?
7 Was he angry about that? Resentful?

8 A I don't think that he was very happy about
9 it. I remember him thinking that if a woman -- I
10 think in one particular situation there was a woman
11 who was in a house, who was dating in a house with
12 men, and he was like, That's cheating, that is all
13 I need to know. There was no other way to handle
14 the thing except for being violent towards her.

15 Q When you looked back at his relationship
16 history, one of your concerns was he didn't have
17 long, stable, quality relationships?

18 A I think his relationships were really
19 unhealthy.

20 Q What about his juvenile history, did he have
21 an extensive juvenile history?

22 A I didn't find any evidence of a juvenile
23 criminal history.

24 Q Did you find evidence of family abuse?

25 A I think there were problems that he had with

1 his father. I mean, he denied a history of
2 physical abuse, neglect, or sexual abuse. He
3 reported that his father sexually abused his
4 sister, but not him; that he had problems with his
5 father, but he denied he was abused.

6 Q And what about his educational history, what
7 sort of educational history did he have?

8 A I found lots of problems in his educational
9 history. He denied he had any problems with
10 learning. He denied he was ever in special
11 education. He said he repeated the ninth grade,
12 but when I looked at school records -- and school
13 records don't always provide a large amount of
14 information, and they are not always clear as to
15 what they mean -- but I found that he was in
16 kindergarten during 1986/87 school year. So he was
17 six or seven years old, so he was a year late
18 there. He failed several classes in the
19 fourth grade. Repeated a grade. He had a social
20 promotion in the ninth grade. Failed several
21 classes in the ninth, and retained again.

22 Q Did he end up dropping out of school?

23 A He told me he was expelled in the tenth
24 grade.

25 Q Did he ever mention whether he got a high

1 school diploma or GED or anything?

2 **A** He told me that he earned, like, his high
3 school diploma in 2008. That was just a
4 self-report. I didn't have records to, you know,
5 support that either way.

6 **Q** Did you do any other assessments, tools? Did
7 you use anything else in coming up with your
8 opinion? Was that -- did I basically go through
9 everything you kind of considered?

10 **A** We basically went through everything, yes.

11 **Q** And did you end up coming up with a diagnosis
12 of my client?

13 **A** Yes.

14 **Q** What was your diagnosis?

15 **A** So I diagnosed him with other specified
16 personality disorder, because one of the criteria
17 for antisocial disorder that you have to have
18 evidence of is conduct disorder before the age of
19 15, and I had no records about his behavior before
20 age 15. He denied having any problems before age
21 15, but I didn't find him to be a very reliable
22 source of information, so I suspect he probably had
23 problems.

24 The diagnosis was related to antisocial
25 personality disorder, but I can't confirm that

1 there was evidence of conduct disorder before age
2 15. I also did not rule it out.

3 Q Are you aware that Dr. Gottfried diagnosed
4 him with psychopathic traits?

5 A Yes. I heard her testify to that.

6 Q Did you diagnose him with psychopathic
7 traits?

8 A No.

9 Q Why would my client not have been diagnosed
10 with -- why would you not have diagnosed him with
11 psychopathic traits?

12 A That, as Dr. Gottfried explained, is not a
13 personality disorder. That's listed in the
14 Diagnostic and Statistical Manual, so it is not
15 something I would diagnose.

16 Q So the diagnosis that you gave to him, that
17 you found with him, that you determined, that is
18 actually -- does it have a link to sexual violent
19 re-offending?

20 A Antisocial personality disorder has a link to
21 sexually violent offending, and so I would say yes.
22 Essentially, that is what I'm diagnosing him with,
23 without him meeting criteria for that one piece,
24 whether there is evidence of conduct disorder.

25 Q Got it. So he still didn't quite meet the

1 burden or boundary, but you still saw some issues
2 that caused you to diagnose --

3 **A** I think there is clear evidence that he has a
4 personality disorder, and the type of personality
5 disorder he has is antisocial, but I can't make
6 that full diagnosis without more information about
7 his functioning prior to age 15. He denied all of
8 the problems in that area, and I don't have records
9 to address how his behavior was one way or another.

10 **Q** Why did you not diagnose my client with
11 sexual sadism?

12 **A** Because he has been convicted of one sexual
13 offense that happened on a single day, and he
14 denied committing the other sexual offenses, which
15 he was charged and that he wasn't convicted of.

16 **Q** And when he was convicted, that was about
17 2013; am I right?

18 **A** Yes.

19 **Q** And how long after that was there -- how long
20 was it before there was even an allegation
21 thereafter of a sexually violent --

22 **A** The next allegation was 2022.

23 **Q** Almost ten years?

24 **A** Yes, roughly.

25 **Q** So did you come up with an ultimate opinion

1 as to whether or not my client qualified as a
2 sexually violent offender and qualified to be put
3 in the program?

4 **A** My opinion is that he doesn't meet the
5 criteria.

6 **Q** So it's fair to say you don't necessarily
7 have a super glowing report about my client; is
8 that fair?

9 **A** That's correct.

10 **Q** And, yet, you still think that he does not
11 need to be forced into the sexually violent
12 predator program?

13 **A** I don't give an opinion about what he needs.
14 I say whether he meets the criteria, and it is my
15 opinion he doesn't.

16 **Q** Why doesn't he meet the criteria, in your
17 opinion?

18 **A** The personality disorder predisposes him to
19 commit all kinds of offenses, one which has been
20 sexually violent. His risks are not at the level
21 that makes him likely, and he has been out in the
22 community since he was released in 2013 and has not
23 been convicted of another sexually violent offense.
24 He has no sexual offense infractions in the SCDC.
25 He wasn't accused of any sexual misconduct there.

1 He denied having any paraphilic interests, so any
2 defiant sexual interests, and he wasn't convicted
3 of the other offenses to show a pattern of deviant
4 sexual interests.

5 Q So, in summary, what is your ultimate
6 diagnosis of my client?

7 A Other specified personality disorder,
8 antisocial without sufficient evidence of conduct
9 disorder prior to age 15.

10 Q In summary, what is your opinion of whether
11 my client meets the criteria to be put in a
12 sexually violent predator program?

13 A It is my opinion that he does not meet the
14 criteria.

15 Q Is there anything else that you feel that was
16 remarkable that helps lead to your decision that
17 you believe the jury should know, your diagnosis or
18 your opinion?

19 A I don't think so.

20 MS. JOHNSON: Beg the Court's indulgence,
21 Your Honor?

22 THE COURT: Okay.

23 (A brief pause in the proceedings.)

24 MS. JOHNSON: No further questions.

25 THE COURT: I want to go forward -- you good?

1 All right. Cross examination.

2 **CROSS EXAMINATION**

3 **BY MR. RUNYAN:**

4 **Q** Good afternoon, Dr. Gehle.

5 **A** Good afternoon.

6 **Q** Just some initial questions. You issued your
7 report on June 5 of 2023; is that correct?

8 **A** Yes.

9 MR. RUNYAN: May I approach?

10 THE COURT: Yes.

11 **Q (BY MR. RUNYAN)** This is not a trick question.
12 I want to make sure we're working from the same
13 document.

14 **A** That looks like what I have.

15 **Q** That is 21 pages, I think?

16 **A** Yes.

17 **Q** Now, in your report you say you interviewed
18 Mr. Gibson on two occasions; is that correct?

19 **A** Yes.

20 **Q** Both of those were in April of 2023?

21 **A** Yes.

22 **Q** Now, would you agree with the principle that
23 a person's past sexual offense behavior is useful
24 in understanding of their future sexual offense
25 behavior?

1 **A** Yes.

2 **Q** Why would you agree with that?

3 **A** Because that is a long-standing principle in
4 psychology, that one of the best predictors of
5 future behavior is past behavior.

6 **Q** In these types of cases, do you agree you are
7 looking for patterns of behavior?

8 **A** Yes.

9 **Q** You would agree that Mr. Gibson has an
10 extensive criminal history, charges and convictions
11 spanning, roughly, from 2000 until 2022?

12 **A** That sounds right, yes.

13 **Q** And I think you testified he's been charged
14 with three sexually violent offenses and convicted
15 of one; is that correct?

16 **A** Yes.

17 **Q** You would agree he's had multiple assault and
18 batteries against females; is that correct?

19 **A** Females and males, I believe, yes.

20 **Q** Did you review his records -- I don't know if
21 you were asked about this, but did you read the
22 records from probation?

23 **A** Yes.

24 **Q** And I'll give you State's 5. Did you have
25 this when you were doing your opinion?

1 **A** I believe so.

2 **Q** I want to talk about that one briefly. Did
3 you find that he absconded to Nebraska? Did he
4 talk to you about that?

5 **A** Yes.

6 **Q** What did he say?

7 **A** He said that he knew he -- he had like ten
8 years for probation violation that he could
9 possibly receive, so he left to Nebraska to avoid
10 that.

11 **Q** Do you know why in that revocation -- do you
12 know what he failed to do in order to be revoked?

13 **A** This just lists some numbers. I would have
14 to have the other sheet of paper.

15 **Q** This might refresh your recollection as to
16 the reasons he was revoked. Is one of the reasons
17 because he failed to attend sex offender
18 treatment?

19 **A** Yes.

20 **Q** Did you factor that into your opinion?

21 **A** Yes.

22 **Q** Why would that be something you would want to
23 know or be interested in?

24 **A** That's something that can increase the risk
25 of sexual recidivism, yes.

1 **Q** Did he have other probation violations other
2 than that one?

3 **A** Yes.

4 **Q** What did he have? What other probation
5 violations?

6 **A** You want me to tell you when they were?

7 **Q** Yeah.

8 **A** So I believe that he had been convicted in
9 2000 and had a Youthful Offender Act sentence, and
10 he violated that at least two times when he was
11 released. Then he had this one in 2015, this
12 probation violation. That's all I have.

13 **Q** Okay. Now, do you look at institutional
14 behavior, prison behavior?

15 **A** Yes.

16 **Q** Did you do that in this case?

17 **A** Yes.

18 **Q** Did he have institutional disciplinaries?

19 **A** He did.

20 **Q** And did you consider those?

21 **A** Well, none of those were sexually violent, so
22 they were considered part of the personality, yes.

23 **Q** So were they a part of your diagnosis? How
24 did you come to your diagnosis?

25 **A** Yes.

1 **Q** Did you review records from the Clarendon
2 County Detention Center?

3 **A** I'm not sure if I had Clarendon County. I
4 believe I had Richland County and Lexington County,
5 but I don't believe I had Clarendon County records.

6 **Q** Did you make any request for Clarendon County
7 records?

8 **A** I don't believe so.

9 **Q** Would it surprise you that he had incidents?

10 **A** No. I heard Dr. Gottfried testify to that,
11 and that wouldn't surprise me.

12 **Q** Let's move on to your diagnosis. You
13 diagnosed him with other specified personality
14 disorder with the inability to rule out or find a
15 conduct disorder prior to age 15?

16 **A** Yeah. It is antisocial personality disorder,
17 but because we're missing that one piece of
18 information, I can't make the full diagnosis.

19 **Q** So he meets all the other diagnostic --

20 **A** He meets the sufficient number of diagnostic
21 criteria, except for that one piece.

22 **Q** So you are familiar with this book as well?

23 **A** Yes.

24 **Q** And can you tell us what this is?

25 **A** Diagnostic and Statistical Manual of Mental

1 Disorders, Fifth Edition, Text Revision. It is a
2 book used by mental health professionals to make
3 diagnoses.

4 Q And I think you testified to this, but I'll
5 ask you: You didn't diagnose him with any
6 paraphilic disorders?

7 A That's correct.

8 Q Now, would you agree that personality
9 disorders are chronic?

10 A Yes.

11 Q They span someone's lifetime?

12 A Yes. Most research shows there is a decline
13 around age 40. For whatever reason, that tends to
14 be a significant decline, especially in antisocial
15 personality disorders.

16 Q So you agree that Mr. Gibson has failed to
17 conform to lawful behaviors?

18 A Yes.

19 Q Would you agree that he has a pattern of
20 being deceptive and manipulating?

21 A I think he has a history of that, yes.

22 Q Would you agree that he has some impulsive
23 decision making?

24 A Yes, definitely.

25 Q Would you agree he has irresponsible

1 behavior?

2 **A** Definitely.

3 **Q** Would you agree he has lack of concern for
4 people prioritizing his desires over a victim's
5 well-being?

6 **A** Yes.

7 **Q** And these are all symptoms of antisocial
8 personality disorder?

9 **A** I don't think you are reading them exactly as
10 they are written, but, essentially.

11 **Q** Did these traits manifest themselves during
12 your interview?

13 **A** Yes.

14 **Q** How so?

15 **A** He was very irritable, angry, evasive,
16 difficult.

17 **Q** Now, was it an atypical interview for you?

18 **A** I would say it's pretty -- it's not very
19 common that someone is really irritable and angry
20 during the interviews.

21 **Q** And you testified that you do some things to
22 try to reduce their anxiety; is that right?

23 **A** Yes. I explain the process to them so they
24 have that information and know what is happening.
25 I find that a lot of people don't understand what

1 is happening, so I explain it so they have a better
2 understanding.

3 Q That didn't seem to change Mr. Gibson's
4 interactions with you?

5 A That's correct.

6 Q Do you think that he was dishonest or lied to
7 you during the interview?

8 A Yeah, I believe so.

9 Q So all of these things -- I think you
10 testified in prior cases, but if someone manifests
11 these things during an interview with you, is that
12 important to you?

13 A Yes. Personality disorders follow the person
14 in every situation, so you should see it when you
15 interact with them. It should be present in a
16 couple different areas at least. So it might be
17 present in their affect, the way they show emotion.
18 It was present in his affect. It could be present
19 in the way they interpret events, perceive
20 themselves or others, present in impulsivity. That
21 one you don't often see in an interview, but it can
22 be present in the way they interact.

23 Q Based on your interview and the records
24 review, did you see this pattern of behavior
25 consistent throughout Mr. Gibson -- wherever Mr.

1 Gibson goes?

2 **A** Yes. I think that the personality disorder
3 was evident in the record, and in his explanations
4 of incidents that happened.

5 **Q** Doctor, you said you gave him or scored him
6 on the Static 99-R or 2002-R; is that correct?

7 **A** Yes.

8 **Q** Could you tell us why you used both?

9 **A** It's recommended that you use both in these
10 high-stakes evaluations. I changed my practices
11 after the law changed. This was done during the
12 time of, kind of -- I guess I interviewed him
13 before the law changed, and finished the report
14 after the law changed. So I probably do things a
15 little differently now. Now I would only use one
16 of the tools, and then a different risk assessment
17 tool. But, at the time, I was using both of these
18 because that is what is recommended.

19 **Q** Is it still recommended? Would it still be
20 good practice to use both?

21 **A** The definition of "likely" has changed,
22 essentially, the question from a qualitative
23 question to a quantitative question. So it
24 requires different risk assessment tools for an
25 answer. I believe the test developers would still

1 recommend that in high-stakes evaluations you use
2 multiple tools. So I use two different tools. I
3 use a Static 99-R and a different tool.

4 Q What is the different tool you use?

5 A VRSSO.

6 Q You didn't do it in this case?

7 A That's correct.

8 Q You said you issued this one after?

9 A Yes.

10 Q You said with the law change.

11 You just said that you should use different
12 parameters, but you did not use the VRSSO here?

13 A I'm sorry?

14 Q You said you might use different parameters
15 now, I think that is what you testified to. I
16 wrote it down. The VRSSO is different. What does
17 that stand for?

18 A Violent Risk Sexual Offense Version --
19 something like that.

20 Q You said now you are looking at it more from
21 a qualitative to a quantitative?

22 A Yes.

23 Q And VRSSO gives you more quantitative
24 assessment?

25 A Well, because of the dynamic risk factors, it

1 is hard to calculate those into the actuarial risk
2 assessments because the dynamic risk factors that
3 -- the way I evaluated them at that time were in a
4 manner that couldn't be calculated into -- like
5 couldn't be loaded into the actuarial risk score.

6 Q So the way you did it, you couldn't combine
7 the dynamic with the Static factors?

8 A That's correct.

9 Q Okay. Were doctors at DMH using the VRSSO at
10 the time you issued this evaluation?

11 A Yes. People who were doing annual review
12 evaluations, they had been using it, yes.

13 Q Now, when you are assessing risk, what period
14 of time are you looking at the risk? I mean, when
15 someone says, Is he likely to re-offend, is that
16 five years? Ten years? What are you looking at?

17 A The farthest we can look is 20 years, and
18 that's an estimation. But I don't think -- I mean,
19 it could be just lifetime. Twenty years is
20 considered a lifetime risk, but the SVP Act doesn't
21 give a time frame, so it is lifetime.

22 Q Let's talk about your score of the Static
23 99-R. You scored him a seven. That places him in
24 the well-above average category; is that correct?

25 A Yes.

1 **Q** I think you testified to five-, ten- and
2 20-year risk, and these are people that scored the
3 same as Mr. Gibson, their percentages, where they
4 re-offended; is that correct?

5 **A** That's correct.

6 **Q** So five is 23.7. Ten years was 26.7.7. And
7 20 year -- or what you say is lifetime -- is
8 40.2 percent chance to re-offend, or people who
9 scored the same as him re-offended at that rate?

10 **A** Yes.

11 **Q** So the developers of these Statics, they
12 place these things in categories; is that correct?

13 **A** Yes, they give a category.

14 **Q** So what are the levels? I mean, from what?

15 **A** The different categories?

16 **Q** Yeah.

17 **A** So with a negative three and negative two, it
18 is Category 1, very low risk. And then it is
19 negative one and zero, Category 2, below average.
20 A score of one, two, or three is Category 3, an
21 average risk. A total of four or five points is
22 Category 4A, above-average risk. And then a score
23 of six or higher is Category 4B, well-above average
24 risk.

25 **Q** Basically, if you have a score of six,

1 whether it is a six to 12, you are well-above
2 average risk?

3 A Yes.

4 Q Do you know what the 20-year estimate of
5 risk -- re-offending risk for a score of six is?

6 A Give me one second and I'll tell you.

7 Q If I told you 31.2 percent, would you think
8 that is about right?

9 A I couldn't tell. I don't have it memorized.
10 I thought I had it printed here. I just have to
11 find it.

12 A score of six and 20 years is 31.2.

13 Q So the developers of the Static 99-R are
14 saying anyone scoring a six or above is well-above
15 average?

16 A Yes, sir.

17 Q And they start at 31.2 percent risk to
18 re-offend at 20 years?

19 A Yes.

20 Q Now, your score on the 2002 is a four placing
21 him in the average category, correct?

22 A Yes.

23 Q And that was an 18 percent, 20 years; is that
24 what you testified to?

25 A I think so.

1 **Q** Now, the Static 2002-R, that doesn't do a
2 ten-year assessment; is that correct?

3 **A** That's correct.

4 **Q** Let's -- you testified that there is rules
5 you have to follow when you are scoring these
6 actuarial assessments?

7 **A** Yes.

8 **Q** And re-offending is defined as charges and
9 convictions? They are a risk factor?

10 **A** Charges or convictions, yes.

11 **Q** You also -- I want to talk about the sexually
12 violent charges he had that you considered and used
13 in scoring these. There was a 2009 that was
14 dismissed, correct?

15 **A** Yes.

16 **Q** And he denied that?

17 **A** Yes.

18 **Q** And there is a 2022 criminal sexual conduct
19 that was dismissed, that he denied as well?

20 **A** Yes.

21 **Q** And then he had a 2013 criminal sexual
22 conduct third degree that he pled to, but
23 originally was criminal sexual conduct in the first
24 degree?

25 **A** Yes.

1 **Q** Did he deny that one?

2 **A** Yes.

3 **Q** So he denied all of them?

4 **A** Yes.

5 **Q** I don't think Ms. Johnson asked about 2013,
6 but he denied all of them. Okay.

7 So going on to your dynamic risk factors,
8 Doctor, you said you used -- you now use the
9 violent risk scale sexual offense, the VRSSO, but
10 at the time you were using -- I believe it is a
11 study done by Mann (phonetic); is that correct?

12 **A** Yes.

13 **Q** And that's where you look at the -- tell me
14 how you do it. How do you assess him based off
15 that Mann study?

16 **A** There is a list of risk factors in that study
17 that are related to sexual recidivism, and you look
18 and see if they match that criteria for that risk
19 factor.

20 **Q** How are those risk factors shown to be risk
21 factors for sexual recidivism?

22 **A** It's from many, many research studies that
23 they pulled the results together, which is called a
24 Meta Analysis (phonetic). So they reanalyze the
25 results of those research studies together. They

1 were looking at, you know, here's what the
2 literature says about risk factors for sexual
3 recidivism in all of these different research
4 articles, and they wanted to see what actually is
5 relevant. So there were things that were relevant,
6 things that were not in the research that they
7 studied.

8 Q So these might be characteristics that anyone
9 could have, but the reason -- I guess I'm trying to
10 understand. They are characteristics of people who
11 have offended, and they share the characteristics
12 with the people that have re-offended?

13 A That's correct.

14 Q And you assigned him several that you went
15 over on direct examination, and I want to make sure
16 I have them all. From the study, you said 13
17 dynamic risk factors?

18 A I don't know that I said, but it's something
19 like that.

20 Q You've diagnosed him with five. I'm going to
21 read them, and tell me if this is correct: He has
22 a lack of emotional intimate relationship with
23 adults?

24 A Yes.

25 Q Lifestyle impulsiveness?

1 **A** Correct.

2 **Q** Poor problem solving?

3 **A** Correct.

4 **Q** Resistance to rules and supervision?

5 **A** Correct.

6 **Q** Grievance and hostility?

7 **A** Correct.

8 **Q** So is it your opinion, or do you believe, he
9 was impulsive in his criminal convictions? The
10 things he's been convicted for or charged with, has
11 it been impulsive behavior?

12 **A** I think he's lived an impulsive lifestyle
13 overall, and that is what his risk factor looks at.
14 Being homeless and having an unsteady lifestyle,
15 that is what that risk factor is looking at even
16 though it doesn't look that way maybe from the name
17 of that, but that is what they are looking at,
18 having an unstable lifestyle.

19 **Q** Talk to me about grievance and hostility.
20 What is that? Tell me again what that is.

21 **A** That's whether someone can take
22 responsibility, whether they are blaming everybody,
23 mad at other people, whether they are hostile.
24 It's how they view other people.

25 **Q** Would you agree with the statement, based on

1 your review and interview, that Mr. Gibson feels
2 like everybody else is responsible for his
3 behavior?

4 **A** Yes, I would agree with that.

5 **Q** The psychological testing you gave him, I
6 want to talk briefly about that. You talked about
7 the MMPI. In your report, on Page 17, "Mr. Gibson
8 portrayed himself in an overly-positive and
9 virtuous manner."

10 Why is it important that you put that in your
11 report?

12 **A** Well, that's reflective of the validity scale
13 or scales on that test. So that is telling -- the
14 validity scales provide information about how we
15 approach the testing, and that is the conclusion,
16 that he denied common problems, common problems
17 that people often admit to, he didn't admit to
18 these kinds of things.

19 **Q** Can you give us an example? Is there an
20 example?

21 **A** I don't know that I can tell you a good
22 example, because the test -- it's 400 and some
23 true-or-false questions. All of the questions load
24 onto different factors. So it is not just any one
25 question that it is looking at. It is looking at

1 everything together.

2 Q Fair. So you do say it is evident that the
3 validity of the results is impacted by his
4 under-reporting?

5 A Yes. When you present yourself in an
6 overly-virtuous manner, it is unlikely that you
7 will have problems on the main scales of the
8 assessment.

9 Q So I want to talk about Mr. Gibson's
10 perception of risk. Do you think he believes that
11 he has a current problem with sexual behavior?

12 A He told me he didn't.

13 Q What is his level of insight into his sexual
14 offending or need for treatment?

15 A He stays he doesn't need it.

16 Q Do you believe he has any insight of that?

17 A I don't think he has much or not much that he
18 wants to talk about.

19 Q So you testified that his risk did not rise
20 to the level of likely to engage in acts of sexual
21 violence. What did you mean?

22 A I mean that by the definition and the law,
23 that it was not above that level. So it wasn't
24 more probable than not.

25 Q So you don't believe well-above average with

1 an over 40 percent risk over his lifetime of 20
2 years, with all of the dynamic risk factors he has
3 and his offense record, you don't think that he's
4 more probably than not to re-offend again sexually?

5 **A** That's correct.

6 **Q** You would agree that he has been convicted of
7 a sexually violent offense?

8 **A** I do.

9 **Q** What was that?

10 **A** Criminal sexual conduct in the third degree.

11 **Q** You agree that Mr. Gibson has been
12 diagnosed -- you did diagnose him with a
13 personality disorder?

14 **A** Yes.

15 **Q** And what is that?

16 **A** Other specified personality disorder,
17 antisocial.

18 **Q** Would you agree that that personality
19 disorder manifests in a variety of criminal
20 behavior and violations of others, including
21 sexually offending?

22 **A** Yes.

23 **Q** And you did score him in the average to
24 well-above average category across two different
25 assessments?

1 **A** That's true.

2 **Q** He has multiple untreated risk factors; you
3 agree with that?

4 **A** Yes.

5 **Q** And these aren't historical risk factors.
6 These are risk factors that you saw, and he
7 exhibited in your interview?

8 **A** I mean, they are based on his history and
9 present.

10 MR. RUNYAN: No further questions.

11 THE COURT: Redirect?

12 MS. JOHNSON: Very briefly, Your Honor.

13 **REDIRECT EXAMINATION**

14 **BY MS. JOHNSON:**

15 **Q** With the conviction, I think it was the 2012
16 one, my client did not admit to that?

17 **A** That's correct.

18 **Q** But he did admit to hitting the woman he was
19 with? He confessed to that?

20 **A** He admitted to hitting women, yes.

21 **Q** In that particular case?

22 **A** I believe so, yes.

23 MS. JOHNSON: No further questions.

24 THE COURT: Anything else?

25 MR. RUNYAN: No, Your Honor.

1 THE COURT: Thank you. You may step down.

2 Free to leave.

3 You can call your next witness.

4 MS. JOHNSON: Can I have a moment?

5 THE COURT: Yes.

6 (A brief pause in the proceedings.)

7 (The following was a bench conference out of
8 the hearing of the jury.)

9 MS. JOHNSON: My client is inclined to not to
10 testify, but he wanted to see if he could have the
11 night time to think about it and make sure?

12 THE COURT: I want to finish this today, and
13 we'll argue and charge in the morning. He needs
14 to -- I'll give them a break while he thinks about
15 it, okay.

16 MS. JOHNSON: Okay. Thank you.

17 (The following was had in open court.)

18 THE COURT: Let's take a ten-minute recess,
19 and I'll get you back out here and let you know
20 what we'll do the rest of the day. Don't talk
21 about the case.

22 (The jury exits at 3:35 p.m., and the
23 following is heard out of the presence of the jury.)

24 MS. JOHNSON: I just wanted to put on the
25 record that my understanding is that my client does

1 not want to testify at this time.

2 THE COURT: Mr. Gibson -- you know it's been
3 a while since I tried one of these types of cases.
4 I don't think this invokes the Fifth Amendment,
5 does it?

6 MR. RUNYAN: It does not, and he doesn't
7 have -- a criminal defendant would have the
8 absolute right not to take the stand, but I can
9 call him as a witness, if I wanted to.

10 THE COURT: Correct. But you rested.

11 MR. RUNYAN: Right.

12 THE COURT: That is why I asked.

13 Mr. Gibson, I just wanted to make sure that
14 you understand that you have the right to testify,
15 and if you don't testify, I mean, you don't have
16 to. The State bears the burden of proof in this
17 case. This is not a criminal trial. It is civil.
18 Your lawyer indicated to me that you do not wish to
19 testify. You have been over it with her, and this
20 is your decision?

21 MR. GIBSON: Yes, sir.

22 THE COURT: You want to rest, right? Let
23 this jury determine tomorrow morning which of the
24 experts they find more credible?

25 MR. GIBSON: Yes, sir. Appreciate it. Thank

1 you.

2 THE COURT: You sure about that?

3 MR. GIBSON: Yes, sir. Thank you.

4 THE COURT: I think that everything that
5 needs to be said has already been said. I
6 understand why you are doing it, man. Thank you,
7 sir.

8 Anything else?

9 MR. JOHNSON: You want me to rest on the
10 record?

11 THE COURT: Yeah, rest.

12 And you don't have a reply?

13 MR. RUNYAN: No.

14 THE COURT: I'll tell them what we're doing,
15 and I'll tell them we're taking a break.

16 Give me one second. You want him to open and
17 you rebut and then -- this is a quasi.

18 MR. RUNYAN: I go. She goes. I rebut.

19 THE COURT: That's how I normally do it as
20 well; however, I want to hear from her.

21 MS. JOHNSON: Your Honor, I think the
22 question is whether I wanted that. I do not. I
23 want him not to rebut at all, but I understand that
24 is not the way it is done.

25 THE COURT: It's a civil case. Any time I

1 get to this point in any kind of trial, I talk
2 about State v. Beatty, because our Supreme Court
3 kind of muddled that. It's always been that way.
4 Whoever has burden of proof, gets to go twice.

5 But even though, yes, it is a civil case, it
6 is a quasi criminal case. The defense did
7 introduce evidence, meaning the State gets to go
8 last. But the defense, under State v. Beatty, says
9 they have the right to last argument and to choose,
10 and they have the right to choose.

11 MR. JOHNSON: That is how it goes.

12 THE COURT: Sounds good.

13 Let me get this jury out of here. Bring them
14 back.

15 MS. JOHNSON: I'm resting today, Your Honor?

16 THE COURT: Uh-huh.

17 (The jury enters at 3:48 p.m., and the
18 following is heard in the presence of the jury.)

19 THE COURT: Thank you, ladies and gentlemen.

20 The Respondent, call your next witness.

21 MS. JOHNSON: Your Honor, at this time we
22 rest.

23 THE COURT: Respondent rests.

24 Anything in reply?

25 MR. RUNYAN: No, Your Honor.

1 THE COURT: Ladies and gentlemen, we have
2 completed the testimony and evidence phase of the
3 trial.

4 Now, I know what time it is. I don't want to
5 keep you here too late. Plus, I promised the
6 lawyers they would have time to prepare their
7 closing remarks and argument in the morning, so
8 that's what we're going to do. You'll get the case
9 for your discussion tomorrow after they argue to
10 you, and after I charge you on the law, okay. So
11 tomorrow morning I want you here, what time? 9:30.

12 The reason I say 9:30 is the lawyers have to
13 travel from all over the place, and that is why. I
14 know most people go to work at 8:30 or 9:00, but we
15 ain't sitting here twiddling our thumbs.

16 Don't talk about the case. See you in the
17 morning. Thank you.

18 (The jury exits at 3:49 p.m., and the
19 following is heard out of the presence of the jury.)

20 THE COURT: We're back on the record, and
21 let's go over the appropriate charges.

22 MR. JOHNSON: Do you want me to make my
23 motion?

24 THE COURT: Oh, yeah. Yeah. Yeah. Before
25 we do that, make your motions.

1 MS. JOHNSON: I would renew my objections and
2 I would renew all of my prior motions, including my
3 motion for directed verdict.

4 THE COURT: Those are respectively denied,
5 and my previous rulings are reinstated, okay.

6 All right. Let's look at -- you have
7 proposed charges. Any particular thing you want me
8 to charge, Ms. Johnson?

9 MS. JOHNSON: The full statute -- not the
10 full statute, but just the part -- I do ask that
11 you do the part about what most -- what "likely"
12 means, and I believe that is -- is that in Section
13 44 or 48? Under the definitions, and I think it is
14 No. 9.

15 THE COURT: I'm fixing to go over that now.
16 You saw Mr. Runyan's e-mail to me last week. Any
17 problem with it until the actual statute? I'll go
18 over it with both of you. It looks like the last
19 time I did one of these cases, within the last two
20 years, and I actually looked at my charge from
21 then, and I actually had written in certain
22 language that the Respondent's lawyer wanted me to
23 charge, and I did. So I wrote it in on this as
24 well, and I want to know what you have to say about
25 it, not knowing how specifically it has changed. I

1 understand how the statute has changed, but I want
2 to hear your all's opinions on it.

3 So let's go over together sexually violent
4 predator. So the elements: Elements which the
5 State must prove beyond a reasonable doubt are:
6 That the Respondent has been convicted of a
7 sexually violent offense. CSC third is a sexually
8 violent offense.

9 And, No. 2, the Respondent suffers from a
10 mental abnormality or personality disorder, and
11 that disorder -- I'm shortening for our talk
12 here -- makes the person likely to engage in acts
13 of sexual violence if not confined in a secured
14 facility for long-term control, care, and
15 treatment.

16 Any problem with that so far?

17 MS. JOHNSON: No, sir.

18 THE COURT: Keep on going. Inherent in these
19 elements is that the State must prove the
20 requirement that the Respondent's mental
21 abnormality or personality disorder causes him
22 serious difficulty in controlling his behavior; in
23 other words, the State must prove beyond a
24 reasonable doubt that the individual that they seek
25 to commit suffers from a mental illness, which he

1 cannot sufficiently control without the structure
2 and care provided by a mental health facility
3 rendering him otherwise likely to commit a
4 dangerous act.

5 Any problem with that so far?

6 MS. JOHNSON: Your Honor, are you going to
7 add the part about the menace to society?

8 THE COURT: I haven't gotten down there. You
9 want to add it there?

10 MS. JOHNSON: As long as it is in there
11 somewhere.

12 THE COURT: Okay. I haven't gotten to it
13 yet.

14 Do you have what I have?

15 MS. JOHNSON: No. You mean the State's --

16 MR. RUNYAN: No, our jury charge. I have an
17 extra copy.

18 MS. JOHNSON: Can I have an extra copy? I
19 probably have one.

20 MR. RUNYAN: I always print one for the
21 judge, you, and one for me.

22 THE COURT: Look at Page 3 from the very
23 back, top of Page 3 from the very back.

24 MR. RUNYAN: For some reason, I didn't put
25 page numbers.

1 THE COURT: Right at the top it says: And
2 care provided by mental health facility rendering
3 him otherwise likely to commit a dangerous act. In
4 order for you to better understand the elements of
5 the State's cause of action, I'm going to define
6 for you some of the terms that I just used.

7 Mental abnormality means a mental condition
8 affecting the person's emotional or volitional
9 capacity that predisposes the person to commit
10 sexually violent offenses. This mental abnormality
11 or personality disorder must cause Respondent
12 serious difficulty in controlling his behavior.

13 Number two, likely to engage in acts of
14 sexual violence means that a person's predisposed
15 to engage in acts of sexual violence, and more
16 probably than not will engage in acts of sexual
17 violence to such a degree as to pose a menace to
18 the health and safety of others.

19 You good with that?

20 MS. JOHNSON: Yes, sir.

21 THE COURT: Now, in my previous charge that I
22 gave, in the last one of these cases I did, beside
23 "menace," I had written in "or be extremely
24 dangerous."

25 MR. RUNYAN: This definition is straight out

1 of 44 --

2 THE COURT: Fine. I'm just telling you. It
3 wasn't you trying. It was the other guy.

4 MR. RUNYAN: Ole Jimbo?

5 THE COURT: Yeah. The one who kind of did
6 them all?

7 MR. RUNYAN: Yeah.

8 THE COURT: That is why I had it in there.

9 MR. RUNYAN: I would think Jim Falk put that
10 in there.

11 THE COURT: Probably.

12 But do you want to just do the "menace to the
13 health and safety of others"?

14 MS. JOHNSON: Yes, sir.

15 THE COURT: So I'll strike what I had, and
16 scratch that.

17 The burden of proof is on the State to prove
18 to your satisfaction, beyond a reasonable doubt,
19 that the Respondent has been convicted of a
20 sexually violent offense, as I've instructed you,
21 and also suffers from mental abnormality or
22 personality disorder that makes him likely to
23 engage in actus of sexual violence if not confined
24 in a secured facility for long-term control, care,
25 and treatment.

1 Are you happy with that now?

2 MS. JOHNSON: Yes, sir.

3 THE COURT: Okay. Again, I had this written
4 in the last one -- not trying to throw a wrench.

5 What I had written in the last one is:

6 "Confinement doesn't mean community supervision.
7 It means incarceration in a secured facility for
8 control, care, and treatment."

9 MR. JOHNSON: Your Honor, I think that is
10 pretty close to the statute, so I'm fine with that.
11 I ask that you charge that one.

12 MR. RUNYAN: I'm sure we objected to that,
13 and I would object to it now.

14 Read it again, please.

15 THE COURT: I'll get to the bottom.
16 "Confinement doesn't mean community supervision.
17 It means incarceration in a secured facility for
18 control, care, and treatment."

19 MR. RUNYAN: "Incarceration" is the idea to
20 me that elicits the idea of punishment.

21 MS. JOHNSON: I think that is in the statute,
22 though.

23 MR. RUNYAN: Do you know what part?

24 MS. JOHNSON: No, but I'm about to, because I
25 was just looking at it yesterday.

1 Look under Section 8 of the definitions,
2 44-48-30 (II-8): "Total confinement means
3 incarceration in a secure state or local
4 correctional facility. It doesn't mean any type of
5 community supervision."

6 MR. RUNYAN: The problem I have is Subsection
7 8, the "total confinement" relates to the max-out
8 date. When they are 270 days prior to their
9 release from total confinement, and that is
10 defining total confinement in the construct of when
11 they come under review of the SVPA. It doesn't
12 have anything to do with their commitment to the
13 Sexually Violent Predator Act.

14 THE COURT: Ms. Johnson?

15 MS. JOHNSON: Your Honor, based on the
16 language of the statute, I have to -- it does say
17 state or local correctional facility, so I can't
18 argue that.

19 THE COURT: I won't charge that sentence in
20 there.

21 MS. JOHNSON: Okay.

22 THE COURT: All right.

23 So next: "Again, I remind you that the
24 Respondent has already pled guilty to a sexually
25 violent offense, and he received a criminal

1 sentence for that crime, and has already satisfied
2 that sentence. The South Carolina Sexually Violent
3 Predator Law was not enacted to add to the criminal
4 punishment imposed upon individuals that commit
5 sexually violent offenses; therefore, your decision
6 whether to commit Respondent in this case may not
7 be influenced by your personal opinions regarding
8 whether he received an appropriate criminal
9 punishment.

10 "If the State carries the burden of proof and
11 convinces you beyond a reasonable doubt as to each
12 of the two elements of his cause of action, it is
13 entitled to a finding that Respondent is a sexually
14 violent predator.

15 "If the State doesn't meet that burden of
16 proof, he is entitled to the finding he is not."

17 Any problem with that charge or additions or
18 deletions?

19 MS. JOHNSON: No, sir.

20 THE COURT: And then "fair and impartial
21 trial."

22 So anything else specifically you want me to
23 charge or instruct, Ms. Johnson?

24 MS. JOHNSON: Beg the Court's indulgence?

25 THE COURT: Sure.

1 MS. JOHNSON: Are you doing the rest of it as
2 well?

3 THE COURT: Oh, yeah. Yeah. I've looked
4 through it. You know the reasonable doubt was
5 straightforward. I don't have to charge argument
6 of counsel, you've already told them about that.

7 MR. RUNYAN: Some judges do it, and some
8 don't.

9 MS. JOHNSON: I just looked at everything. I
10 think it is fine.

11 THE COURT: I may not charge it verbatim, but
12 this is the gist. I won't add anything to this,
13 okay.

14 MS. JOHNSON: Okay.

15 THE COURT: Anything else for today?

16 MR. RUNYAN: Nothing from the State.

17 THE COURT: See you tomorrow morning. You
18 all be ready to roll at 9:30. Like I said, I'll
19 take a recess at 10:00 and explain to the jury that
20 I have a hearing I have to do virtually. I'll send
21 them back there wherever you are through with your
22 argument. If it goes over 10 o'clock, these people
23 will just have to wait.

24 MR. RUNYAN: I hope I don't go that long, but
25 we'll see.

1 THE COURT: All right.

2 Court is adjourned for the day.

3 (WHEREUPON, THE PROCEEDINGS FOR DECEMBER 3rd,
4 2024 CONCLUDED.)

5 (THE FOLLOWING PROCEEDINGS WERE HAD ON
6 DECEMBER 4th, 2024 OUT OF THE PRESENCE OF THE
7 JURY.)

8 THE COURT: Thank you. Be seated.

9 Go ahead and bring the jury in.

10 (The jury enters at 10:08 a.m., and the
11 following is heard in the presence of the jury.)

12 THE COURT: All right. Thank you, again,
13 ladies and gentlemen, for accommodating me. The
14 hearing went a lot quicker than I thought it was.
15 We're ready to start this morning by closing
16 arguments by the parties to this matter. After,
17 I'll give you the law of the case.

18 Now, as I indicated to you earlier, ladies
19 and gentlemen, the State has the burden of proof,
20 so that means they get to go twice, if they want
21 to. They'll argue to you first, and then the
22 defense -- Respondent will argue, and then with a
23 brief reply, the State can argue points that the
24 Respondent may have made. So that is why they get
25 to go twice, if they do.

1 After that, I'll give you the law, and you
2 can finally talk about it.

3 Please give them your undivided attention.

4 Mr. Runyan.

5 MR. RUNYAN: Thank you, Your Honor. May it
6 please the Court, Ms. Johnson.

7 Good morning, ladies and gentlemen. This may
8 be the last opportunity I'll be able to speak to
9 you, and I want to thank you again for your
10 service. We can't do our job without you. You are
11 here to answer difficult questions today, so I want
12 to thank you for your service, and I hope you know
13 I'm sincere when I say that.

14 I also want to thank you for -- I asked you
15 to do something for me, and that was to listen to
16 the evidence, and believe it or not, I watched you
17 throughout this trial, both during Dr. Gottfried's
18 testimony and Dr. Gehle's testimony, and you have
19 been paying attention and listening and active, and
20 that is all I can ask for, so thank you for doing
21 that.

22 Ladies and gentlemen, Mr. Gibson is a
23 sexually violent predator. Psychology, you know,
24 as Dr. Gottfried explained, is the study of the
25 mind, study of behavior, how the mind works with a

1 human, and how a person interacts with society.

2 Now, both doctors told you that the best
3 predictor of future behavior is past behavior.
4 That is a principle or foundation of psychology,
5 and that includes sexual behavior. Both doctors
6 explained to you that they were looking for
7 patterns of behavior, because it is these patterns
8 that kind of dictate a person's predisposition in
9 what they might do in the future.

10 Really, both doctors talked to you from a
11 time spanning 22 years, from 2000 to 2022. Mr.
12 Gibson has repeatedly been charged and convicted of
13 various crimes of burglary to petty larceny. I
14 think there was a trespass. There was assault and
15 batteries against both men and women, and there is
16 the sexual charges.

17 It is important because this was a repeated
18 violation of the rights of others without regard of
19 consequences. In other words, he put his needs in
20 front of the people he was offending against.

21 What is important in this case is that during
22 that 22-year time frame, he was charged with three
23 sexually violent offenses: Criminal sexual conduct
24 in the first degree in 2009, 2012, and 2022.

25 In 2012, he is ultimately convicted of and

1 pled guilty to criminal sexual conduct in the third
2 degree, and that was pled in 2013.

3 He was charged again in 2022, and he pled to
4 the assault and battery.

5 Now, several times during testimony -- and
6 let me say this before I go further, Ms. Johnson is
7 a very good advocate for her client. When I say
8 things about her, I'm not disparaging her. Her and
9 I do these cases with each other all the time, so
10 just know that I have respect for her, and I know
11 she has respect for me.

12 But during the testimony, she asked both Dr.
13 Gottfried and Dr. Gehle, as I recall, when she was
14 talking about the 2009, 2013, 2022, Well, that was
15 just one event, one time. Well, that was just one
16 time, at one event. And then, That was just one
17 event, at one time. I know where she's going with
18 that, but you have to ask yourself at what point
19 does one event at one time become a pattern of
20 behavior?

21 Now, this has been a short trial, and I'm not
22 going -- you heard hours of testimony yesterday
23 from two qualified experts, both very experienced
24 in their fields. I'm not going to insult you with
25 sitting here and going over every single detail

1 that you heard. That is for you to remember. You
2 are the fact finders. You have to remember and
3 know what is important to you in coming to your
4 decision.

5 But, if you remember, we have that burden,
6 that high burden of proof because of the liberty
7 interest at stake, and that is beyond a reasonable
8 doubt. Like I said, the judge will tell you what
9 that is, and when he tells you, that is what you go
10 with, but I think he's going to tell you if you are
11 firmly convinced that we've met our burden of
12 beyond a reasonable doubt.

13 So I think it is my duty, since we have that
14 burden, I have to highlight some of things and
15 testimony I believe prove the elements of this --
16 prove the elements that he is a sexually violent
17 predator.

18 If anything I say -- and I'll do my best to
19 summarize the evidence, but if there is anything I
20 say that differs from what you remember, you go
21 with what you remember, because that is what is
22 important. But I will do my best to accurately
23 portray the evidence that you heard.

24 Now, what are the elements? The first
25 element is: Does Mr. Gibson or has Mr. Gibson been

1 convicted of a sexually violent offense? The
2 second element is: Does he have a mental
3 abnormality or personality disorder? The third
4 element is: Does that mental abnormality or
5 personality disorder make him likely to engage in
6 sexual violence if he's not confined for long-term
7 control, care, and treatment?

8 So I think we have the evidence here, and I
9 think we can dispense of the first one pretty
10 quickly, and I don't think that there will be much
11 contest from the other side of this, but Mr. Gibson
12 has been convicted of a sexually violent offense,
13 criminal sexual conduct in the third degree. That
14 is State's Exhibit 4. You will have this back
15 there when. You'll have it back there when you go
16 back to deliberate, and I encourage you to read it.
17 There is pages front and back. Don't just take my
18 word for it, read it. He has been convicted of a
19 sexually violent offense.

20 The second element: Does he have a mental
21 abnormality or personality disorder? I want to
22 start with personality disorder. You heard from
23 Dr. Gottfried from the Medical University of South
24 Carolina, and Dr. Gehle from the Department of
25 Mental Health, and they both assigned him or

1 diagnosed him with a personality disorder. Dr.
2 Gottfried diagnosed him with other specified
3 personality disorder with antisocial and
4 psychopathic traits, and Dr. Gehle diagnosed him --
5 and I think -- remember yesterday on the stand I
6 had to -- her and I were trying to come up with --
7 formulate what she diagnosed him with because she
8 said he didn't have antisocial traits. She said he
9 was antisocial. So she ended up diagnosing him
10 with other specified personality disorder,
11 antisocial, with no objective information about
12 that conduct disorder before age 15.

13 Both doctors told you they couldn't really
14 find hard evidence or documents that he had that
15 conduct, so she couldn't assign the full diagnosis,
16 nor could Dr. Gottfried, but she assigned him with
17 a personality disorder.

18 What I found striking about both doctors'
19 testimony is they talked about their interview with
20 him. Dr. Gehle, on the stand yesterday when I
21 asked her, I asked her, Does someone with a
22 personality disorder, do these symptoms manifest
23 themselves during the interview? She said, Yes. I
24 asked her to explain them, and Dr. Gehle told you
25 during the interview -- and these were -- I want

1 you to remember these words: Angry, irritated,
2 difficulty, evasive, his answers didn't make sense.
3 That is what Dr. Gehle said.

4 Now, Dr. Gottfried, what I find striking is
5 that she said during her interview, she almost said
6 the same things. She used the same words: Angry,
7 irritated, difficult, evasive. She said he had a
8 lot of words in his answers, but no substance. It
9 is very similar presentation that both doctors
10 found, and I thought that was pretty striking.

11 What else did they say about the personality
12 disorder? Well, it is a pervasive, chronic
13 pattern. It happens over someone's lifetime. Both
14 doctors say it follows them wherever they go, how
15 they view the world, how they interact with the
16 world.

17 With Mr. Gibson, how does that manifest? It
18 manifests as forming to confirm with lawful
19 behaviors. Both doctors told you about his
20 criminal history. Why is criminal history
21 important? It is not that -- we're not here to
22 punish Mr. Gibson for doing criminal behaviors.
23 That is not what we're here for. But why is it
24 important that he has committed criminal behaviors?
25 Because it is a risk factor.

1 He has these -- and we entered these into
2 evidence. This evidence that we entered is not to
3 say -- not just to show you that he has a bunch of
4 criminal history, but to show a pattern of
5 behaviors that wherever Mr. Gibson goes, these
6 symptoms manifest themselves. State's 1: Assault
7 and battery and threatening the life of a public
8 official in Clarendon County in 2012. State's 2:
9 Assault and battery, 2019, in Sumter. Assault and
10 battery. This was the criminal sexual conduct
11 charge, but he pled to assault and battery in 2022
12 in Lexington.

13 Wherever Mr. Gibson goes, these symptoms
14 manifest themselves. They manifest when he is in
15 prison. They told you about his prison
16 disciplinary. They manifest themselves in jail.
17 Dr. Gottfried told you he had incidents, and Dr.
18 Gehle didn't have that information, but she heard
19 Dr. Gottfried's testimony, and she said she wasn't
20 surprised by that. He can't conform to lawful
21 behaviors.

22 Both doctors found him to be dishonest,
23 deceitful. Dr. Gehle, when I asked her, Do you
24 think he lied to you during the interview? She
25 said, Yes, I do. Dr. Gottfried said he would use

1 aliases, change his name. That is deceitful. Both
2 doctors say he's impulsive, irresponsible. He has
3 a lack of concern, prioritizing his desires over
4 the desires and needs of his victims, despite the
5 consequences he might face. He has resistance to
6 rules and supervision as evidenced by his probation
7 violation. Both doctors testified to you in 2004
8 and 2006 when he was out under the Youthful
9 Offender Act that he had multiple violations.

10 Then, again, State's 5, this is a probation
11 revocation in 2015. Both doctors testified that he
12 had left. He absconded from probation. He went to
13 Nebraska and was brought back. He knew and told
14 them he knew he was facing, you know, serious time.

15 One of the important things that both doctors
16 talked about is that one of his conditions of
17 probation is that he attend sexual predator
18 counseling, and he failed to do that. Now, it is
19 important because he failed to go to counseling
20 when it was ordered. He has problems following
21 rules and supervision.

22 Now, both doctors didn't end it there in the
23 assessment of the personality disorder. Both
24 doctors gave him testing, both Dr. Gehle and
25 Gottfried gave him a MMPI. That was a battery of

1 questions, personality assessment test. What they
2 found in that -- and you are going to hear words
3 like "invalid," "the test was invalid." But
4 understand as Dr. Gottfried and Dr. Gehle explained
5 to you, that his answers -- he did answer the
6 questions, but he didn't answer the questions
7 honestly. He put himself in an overly-positive
8 light. Both doctors said that. He put himself in
9 a virtuous manner; that he under-reported things
10 that most people -- problems that most people
11 readily adhere to. Dr. Gottfried said those tests
12 results were invalid, but they were important
13 because she knew that he wasn't forthcoming, that
14 he was being dishonest.

15 Dr. Gehle said -- she didn't say "invalid,"
16 but when I asked her, she said that the validity of
17 the test results was impacted by his
18 under-reporting. So his -- her results on the MMPI
19 was impacted as well.

20 Now, that is where Dr. Gehle stopped. Dr.
21 Gottfried went a little more because she talked to
22 you about data points. She likes a lot of data
23 points to get a total picture of a person, a total
24 picture of Mr. Gibson. So she did the PAI, which
25 was a psycho pathology assessment inventory, and

1 she got similar invalid reports. What she took
2 away from that is he presented himself as being
3 free of common shortcomings that most people
4 readily admit.

5 And then she gave -- both of those tests is
6 what she called self-report. They were
7 computer-based, and Dr. Gehle explained there is
8 like 400 questions that they go through.

9 Dr. Gottfried did another test, the Hare
10 PCLR, which was a clinician score one. She takes
11 the records and she scores points on the
12 psychopathy checklist. She told you about that,
13 and she said that Mr. Gibson scored one point below
14 the cutoff score for the clinical diagnosis of
15 psychopathic -- or psychopathy.

16 She said, in fairness, Mr. Gibson is not a
17 psychopath, but he scored so high on the scale that
18 he has traits of psychopathy, and she listed those
19 for you. There is a long list that she gave you.
20 He was cunning and manipulative, superficially
21 charming, pathologic liar, callousness, and poor
22 behavior control. That is important, I think, in
23 these cases, because that is what we are talking
24 about. He has poor behavioral control. So that is
25 where she came up with the psychopathy traits. She

1 had a few more data points than Dr. Gehle.

2 Moving on to paraphilic disorders, which are
3 mental abnormalities, defiant sexual interests.
4 Dr. Gehle didn't diagnose with him paraphilic
5 disorder. That is her opinion. Again, she's a
6 qualified expert. Dr. Gottfried did diagnose him
7 with a paraphilic disorder, and that is sexual
8 sadism. She defined that as a six-month recurring
9 interest in hurting of, the humiliating of, the
10 physical -- arousal or interest in the hurting of
11 or humiliating of or the physical suffering of
12 another, another person.

13 How did she get there? Well, she told you --
14 and I know that you heard some details about these
15 offenses -- sexual charges and sexual
16 convictions -- that were disturbing yesterday, and
17 I'm not going to rehash them, but I'll tell you
18 what I need to tell you. I won't rehash all of the
19 details of the sexual allegations and convictions.
20 They are for you to remember. I think what she
21 said was important for the diagnosis.

22 The commonalities, is the word she used, the
23 common characteristics between those charges and
24 the conviction. The behavior he was convicted for
25 was consistent with the behavior that he was

1 charged with. Those commonalities were this:
2 Excessive force, hitting the women, choking the
3 women, the visual manifestations of injury to the
4 women, the fact that he was able to ejaculate
5 during these events, during these suffering events
6 suggests that he is aroused by it. That is how she
7 came to her diagnosis.

8 What she said was important, and I don't like
9 the term "normal" because that sounds weird, but
10 Dr. Gottfried testified to you that the normal
11 characteristics that she sees during events like
12 this, sexual assaults and rapes, this was more.
13 There was more force, more brutality than what you
14 see typically, and that is why she believes he
15 suffers from sexual sadism. That is a mental
16 abnormality and personality disorder section, and I
17 think there is evidence that should leave you
18 firmly convinced that he suffers from a paraphilic
19 disorder and a personality disorder.

20 So we move on to what I believe this case is
21 really about, and that is that third element: Does
22 the mental abnormality and personality disorder
23 make him likely to engage in acts of violence if he
24 is not confined for long-term control, care, and
25 treatment?

1 Likely to engage in acts of sexual violence
2 is defined. It is defined like this: Is Mr.
3 Gibson predisposed to engage in acts of violence,
4 and will more probably than not engage in that to
5 such a degree that he poses a menace to the health
6 and safety of others?

7 So breaking that down a little bit, is he
8 predisposed because of a mental abnormality or
9 personality disorder to engage in acts of sexual
10 violence? The answer is yes. Both doctors told
11 you on the stand yesterday. Both doctors said --
12 Dr. Gottfried said -- testified that because of his
13 defiant sexual interests, sexual sadism, coupled
14 with his personality disorder, his other specified
15 personality disorder, psychopathic traits, placing
16 his needs above others despite the consequences,
17 that predisposes him to engage in acts of sexual
18 violence.

19 Dr. Gehle told you yesterday he is
20 predisposed because of his personality order, his
21 other specified personality disorder, antisocial.
22 And she told you it manifests in a variety of
23 criminal behaviors and violations of others,
24 including sexual offending. So both doctors told
25 you yesterday that he is predisposed to engage in

1 acts of sexual violence.

2 The second part of that definition is: Is he
3 more probably -- is it more probable than not that
4 he will engage in acts of sexual violence to such a
5 degree that he poses a menace to the health and
6 safety of others?

7 This is where we get to the risk assessment.
8 Big question, right? Both doctors told you -- I
9 think Dr. Gottfried testified to you that -- you
10 know, I asked what was the time frame you are
11 supposed to assess risk? She said the statute
12 doesn't give a time frame, so it is just a lifetime
13 risk.

14 Dr. Gehle told you the same thing. Dr. Gehle
15 did it a little different. she said she confines
16 "lifetime" to 20 years. But either way, they are
17 not just assessing five years or ten years. They
18 are assessing lifetime.

19 Both doctors told you they do that in a
20 similar way. They look at static risk factors and
21 dynamic factors. As they explained, they are
22 historical risk factors. I think it was Dr.
23 Gottfried that told you I can't change your age,
24 but age is a risk factor, and your risk goes down
25 as you age. She can't give you any medicine to

1 change your age.

2 The dynamic risk factors are treatable items,
3 things that people -- these risk factors that
4 people have, but can be treated for them, which can
5 lower their risk.

6 So they use different -- a little bit
7 different techniques, but both are acceptable in
8 the field. But I found it interesting they both
9 scored the Static 99-R and the 2002-R. The big
10 difference -- they are made by the same people, the
11 same researchers. The first one, 99-R, that
12 considers charges and convictions. The 2002-R
13 focuses on convictions.

14 Dr. Gehle told you that under those rules,
15 sexual recidivism is defined as charges and
16 convictions. That is what they are looking for.
17 People who have the same characteristics that go on
18 to be charged or convicted of another sexual
19 offense.

20 When they scored him -- when both doctors
21 scored him on the 99-R, Dr. Gottfried gave him an
22 eight; Dr. Gehle gave him a seven. On the 2002-R,
23 Dr. Gottfried gave him a six, and Dr. Gehle gave
24 him a four. Then they started to tell us about
25 numbers. You know, an eight means that people who

1 scored an eight went on to re-offend at a
2 50.3 percent rate. People who scored seven went on
3 to re-offend at a 40.2 rate in 20 years. That was
4 the 20-year estimate. People who scored a six on
5 the Static 2002-R went on to re-offend 34 percent.
6 People who scored a four on the Static 2002-R went
7 on to re-offend 18 percent rate. This is a lot of
8 numbers.

9 Numbers don't mean much without context. You
10 have to frame risk and understand it. To tie that
11 number to any sort of meaning, you have to frame
12 that risk. I like to use this example. It is
13 relevant, I guess, because we just came off of
14 Thanksgiving. I like pumpkin pie. I don't like it
15 out of the oven. I like it cold. I might be
16 weird, but if someone told me, Chris, we put a cold
17 pumpkin pie at the top of the stairs, and you have
18 a 99 percent risk that you are going to stub your
19 toe and hit your funny bone when you run up there
20 to get that pie, I'm going to take that risk. That
21 is low.

22 Now, if someone said on the flip side, Chris,
23 the glass of water you are about to drink came from
24 the well at a nuclear facility, and there is a
25 2 percent chance that you are going to get

1 radioactive poisoning if you drink that, I'm not
2 going to drink that glass of water, and that is
3 2 percent. The pie is 99 percent risk. But how is
4 it framed? It is the consequences. It is the
5 risks that is framed.

6 So how do all of these numbers -- how do the
7 developers of these actuarial assessments, how do
8 they frame risk? How do they views these numbers?
9 Here is how they do it. They do it through catch
10 words. The doctors told you about the very low
11 risk, the average risk, well-above average risk,
12 and so on. A score of seven and eight on the
13 Static 99-R puts Mr. Gibson in the well-above
14 average risk category to re-offend. They consider
15 that those numbers are high risk.

16 On a 2002-R, a four and a six puts him at an
17 average to above-average category. That is how
18 they framed those numbers.

19 So you can consider that when you are
20 thinking about what is his risk. Is he more
21 probably than not? Consider the risk. The
22 consequence. The consequence is someone else is a
23 victim of sexual violence.

24 That is the static risk, but they went on to
25 talk about the dynamic risk factors. Dr. Gottfried

1 uses an actuarial assessment called the Stable
2 2007. She told you about that. That is something
3 she scored of different risk factors,
4 characteristics, that are linked to sexual
5 recidivism. She scored those.

6 Dr. Gehle told about the Mann study. She
7 used the Mann study, and Dr. Gottfried I think even
8 said that that is acceptable. So she has a list of
9 13, I think she said, risk factors, and she just
10 looks at the records and talks to Mr. Gibson, and
11 she picks from the list. I think he has this, he
12 has that.

13 Now, the Stable 2007, Dr. Gottfried said he
14 scored 19 out of 24, and that put him at a high
15 density range for criminogenic needs. She defined
16 that as his treatment needs. He has a high range
17 need for treatment needs.

18 Now, the risk factors that she assigned to
19 him during those, he had unstable relationships
20 poor problem-solving skills, acted impulsively,
21 defiant sexual interest, lack of concern, negative
22 social influences. The people that he associates
23 with, negative social influences. He has hostility
24 towards women, lack of cooperation of supervision.

25 Now, she was able to -- because the Stable

1 2007, you are able to take that score and combine
2 it with the static scores. So you take the static
3 risks and the dynamic risks and see how they
4 interplay together, how do they work together.
5 When she combines scores from the static with the
6 scores from the Stable -- if you remember, she
7 testified to you that he both -- on the 99-R,
8 26.8 percent of people went on to re-offend in five
9 years. On the 2002-R, when combined, 27.6 people
10 went on to re-offend. The Stable only does five
11 years.

12 How do you frame that? Well, the developers
13 of the Stable 2007 use that same categorical
14 framework, and they say that when combined, all of
15 these scores, considering both the static and
16 dynamic risk factors, place him in the well-above
17 average category to re-offend -- sexually
18 re-offend. These are only sexual offending.

19 Looking at Dr. Gehle, the way she did it, she
20 picks from this list, and that is okay. There is
21 nothing wrong with what she did. She assigned him
22 lack of emotional intimate relationships with
23 others. I think she said across his lifetime he
24 had dysfunctional relationships with romantic
25 partners. Lifestyle impulsiveness, poor

1 problem-solving skills, resistance to rules and
2 supervision, grievance and hostility. He blames
3 others. It's always somebody else's fault for what
4 he has done.

5 Now, I think there is some similarities. If
6 you look at the list I gave you from the ones that
7 Dr. Gottfried gave you and the list of Dr. Gehle,
8 there is commonalities, this repeated, you know,
9 pervasive pattern of the same types of behaviors,
10 the same types of symptoms.

11 What I found interesting was Dr. Gehle said
12 that DMH uses a different assessment, and we talked
13 about it. It's called the Violent Risk Scale, and
14 that they used -- DMH is using it, and it is used
15 because it is able to be combined with the Static,
16 just like the Stable 2007. It gives them more
17 quantitative numbers, more numbers to go off of.
18 But she didn't do that in this case. So she was
19 unable to take the static risks and combine it with
20 the dynamic risks and come up with how the two work
21 together.

22 Dr. Gottfried was able to do that and combine
23 them, and he was in the well-above risk category to
24 re-offend.

25 Now, when talking to Dr. Gehle yesterday, I

1 said, Despite the fact he is in a well-above risk
2 category on the Static, despite the fact he has
3 predisposing personality disorder, despite the fact
4 he has all of these evasive patterns in the
5 violations of the rights of others, and despite the
6 fact he has multiple charges of sexually violent
7 offenses, despite all of this, I said, You still
8 don't think he's more probably than not to
9 re-offend? She said, no. She's talking about a
10 threshold. She never told us what the threshold
11 is. She just said there is a threshold. I submit
12 to you there is not a threshold. The words "more
13 probably than not" is simply that, more probably
14 than not. They are very easy to understand.

15 But I like to put things in context, and I'm
16 a big baseball fan. I'm Boston Red Sox fan,
17 because my wife is from Boston. I love Dave Ortiz,
18 Big Papi, No. 34. He retired in 2016. He was just
19 inducted in the Hall of Fame in 2022. His batting
20 average was .286. Now, an average -- I looked it
21 up last name, the average major league baseball
22 player hits a batting average of .250. So David
23 Ortiz, I would argue, is well-above average. He's
24 a Hall of Famer. His sole job as a designated
25 hitter is to hit the ball for the Boston Red Sox.

1 Ladies and gentlemen, every hundred times
2 that Big Papi went up to the plate with a .286
3 batting average, he failed 71.4 percent of the
4 time. He did not get a hit 74.1 percent of the
5 time, but he's a Hall of Fame baseball player.

6 Why is that important? Because when Big Papi
7 stepped up to the plate with a .286 batting range,
8 people said, He more probably is not going to hit
9 the ball. That is what they expected.

10 How does that relate to sexual offending?
11 I'll tell you: Because the developers of the
12 actuarial assessments framed risk for us. They
13 tell us. What does it mean? What does that number
14 mean?

15 I had a conversation with Dr. Gehle yesterday
16 about this. She went through all of the different
17 numbers, and if you remember, she got to the
18 well-above average category, and it was a six plus.
19 So if you score a six or higher, you are in the
20 well-above average category risk to re-offend. I
21 asked her to tell me what is the percentage that
22 people go on to re-offend sexually for a person who
23 scores a six? She was looking for it. I suggested
24 it is 31.2, and she didn't want to accept it, so
25 she went through her records and found the

1 document, and she said 31.2.

2 So the developers and researchers of the
3 actuarial assessments that use these categories say
4 that at a 31.2 percent risk to re-offend, at a six,
5 you are at a well-above average risk to go on to
6 re-offend sexually. Mr. Gibson scored a seven and
7 an eight. He scored in the well-above average
8 range in that same category on the Stable 2007.

9 Dr. Gottfried testified that his risk -- or
10 that people have similarly scored go on to
11 re-offend 7.23 times more likely than the average
12 sex offender to go on and re-offend. Is that more
13 probably than not? That is for you to decide.
14 That is my argument. I believe it is more probably
15 than not.

16 I believe he is a menace to the health and
17 safety of others. As Dr. Gottfried said, you have
18 to look at everything. You have to take everything
19 you heard yesterday in totality and come up with
20 the answer to these questions. Does he have a
21 sexual conviction? Yes, he does. Does he have a
22 mental abnormality or personality disorder? I
23 believe he does. I believe he has both, both
24 sexual sadism and other specified personality
25 disorder.

1 His personality disorder follows Mr. Gibson
2 everywhere he goes throughout his life. He's been
3 charged and convicted multiple times for sexually
4 violent offenses, and he has multiple, multiple
5 untreated dynamic risk factors. He doesn't have
6 any treatment for those because he wouldn't go to
7 treatment when he was told to.

8 Ladies and gentlemen, I ask you to return a
9 verdict that, yes, Mr. Gibson is a sexually violent
10 predator, and give him the treatment he needs so he
11 can be returned to the community.

12 Thank you for your time and attention.

13 THE COURT: All right. Thank you, Mr. AG.

14 MS. JOHNSON: May I have a little break to
15 get water and tissues?

16 THE COURT: Yeah. Let's get a restroom'
17 break. Don't talk about the case.

18 (The jury exits at 10:46 a.m., and the
19 following is heard out of the presence of the jury.)

20 (A recess was taken.)

21 THE COURT: We're back on the record. There
22 were five exhibits that were marked and actually
23 tagged, but they were never formally put into
24 evidence, which, I mean, that is just a minor
25 oversight.

1 Any objection to that, Ms. Johnson?

2 MS. JOHNSON: I know we're going to redact,
3 and I talked to Mr. Runyan about that, but I'm not
4 going to object to that.

5 THE COURT: So they are all made a part of
6 the record and introduced as evidence.

7 (State's Exhibits 1-5 admitted.)

8 MR. RUNYAN: Thank you, Your Honor.

9 THE COURT: They were referred to throughout.
10 Okay. Bring in the jury.

11 (The jury enters at 10:52 a.m., and the
12 following is heard in the presence of the jury.)

13 THE COURT: Thank you, ladies and gentlemen.
14 Please give your attention to Ms. Johnson.

15 MR. JOHNSON: Normally, I would have a nice
16 PowerPoint presentation for you, but the technology
17 it acting up today, so I'm going to talk to you
18 about the evidence and what we saw, and kind of
19 give you Alonza's and my perspective on what is
20 going on.

21 First, let me thank you so much for
22 listening. I watched you all as testimony is going
23 on, and you were very attentive. You were very
24 focused, and I really appreciate that. More than
25 that, I believe that Alonza appreciates that you

1 considered all of the evidence before you.

2 Now, at the beginning of this case, you were
3 sworn in, and you promised to follow the law. I'm
4 going to ask you to adhere to that. I only bring
5 that up because there was a lot of testimony about
6 various things about my client that maybe they
7 didn't sound great. Maybe you don't like the way
8 one or both of the experts made him sound. Maybe
9 you are concerned about his past. You might not
10 even like him as a person. I had experiences with
11 him, and I can't say that I have had any negative
12 interactions with him.

13 But even if some of the things are
14 distasteful, even disgusting, you still have to
15 follow the law just like we do, just like Mr.
16 Runyan does. This whole courtroom is built for
17 following the law. So I ask that when you are
18 deliberating in the jury room, that you stick with
19 the law.

20 I know Mr. Runyan went over the law with you,
21 so I'm not going to go into too much detail, but I
22 do want to give you some of the basic parameters,
23 and you'll hear it again because the judge is going
24 to go over it in detail. Of course, his word, your
25 word, that's the real word. That is what counts in

1 here.

2 Basically, to find Alonza to be a sexually
3 violent predator, he must have had a prior sexual
4 violent conviction. As I told you at the beginning
5 of the case, he does.

6 He has to have a personality disorder. I'm
7 not a professional. I'm not a professional
8 psychologist, so my opinion about him is probably
9 not nearly as important as theirs. The truth is
10 all the evidence before you says that he has a
11 personality disorder, so I would submit that is not
12 even something you have to debate.

13 So those two are out of the way. You have to
14 believe that he needs to be forced into a secured
15 facility for long-term treatment. You remember at
16 the beginning I was talking to you about inpatient
17 versus out patient? You have to believe that he
18 has to be forced to get treatment and be away from
19 everyone else, as opposed to doing it on his own.
20 Inpatient versus outpatient.

21 I think this is the big issue. The law says
22 you have to believe that he is likely to engage in
23 acts of sexual violence. I think it's really
24 important, the part of "likely" and the part about
25 "sexual violence." So what that means, and the law

1 sort of goes on to describe this, it means that he
2 is predisposed. He is predisposed. You have to
3 believe that, essentially, he can't control
4 himself. That he's going to do it. There is
5 something in it that forces him to do these things.
6 You have to believe that the violence that he is
7 going to commit is sexual.

8 I think it is a really interesting part of
9 the law, because the law doesn't say you have to
10 believe that he's going to go out and beat up a
11 hundred people. If that was the case, we wouldn't
12 be here today with Mr. Gibson. He could beat up a
13 thousand, and we wouldn't be here. You have to
14 believe that he is going to act out sexually,
15 sexual violence. That is what you have to believe,
16 and that is what the law says.

17 You have to believe that he will do it -- and
18 I think this is interesting -- the law says "to
19 such a degree as to pose a menace to the health and
20 safety of others." So the law doesn't say you have
21 to believe that he'll just do it one time or, you
22 know, he might try. The law says you have to
23 believe that he would do it to such a degree as to
24 pose a menace to the health and safety of others.

25 Those are the rules. That is what you have

1 sworn to abide by today, and so I want you to
2 remember those when you are deliberating.

3 I think one of the big issues here -- and
4 I'll talk to you briefly about the experts, but let
5 me talk about the charges. I think that is one of
6 the biggest problems with this case, is that my
7 client -- there is so many conversations, so many
8 questions about his criminal history, but we're
9 here for sexual violence, and he only has one
10 sexual violet conviction, and that was in 2012,
11 maybe 2013 if you are talking about when he pled.
12 One conviction. Ironically, as you heard, he was
13 released from prison for that. So they could have
14 picked him up. They could have instituted
15 proceedings for sexual violence against him then,
16 but they didn't. They didn't.

17 They waited until 2022 when he was facing
18 another accusation, another charge, that just fell
19 apart, and all it amounted to was an assault and
20 battery charge. It was an assault and battery
21 charge. It might have been assault and battery
22 second degree.

23 What is really interesting is while he
24 started these charges, I think they charged him
25 originally with domestic violence and criminal

1 sexual conduct first degree. When it was all said
2 and done, it was only an assault and battery second
3 charge, and there was no mention of any sexual
4 offense.

5 That is extremely important, because this
6 case -- Mr. Gibson, what he's being accused of,
7 what they are trying to take his freedom away for
8 is for sexual violence. So I know there is
9 questions and there was argument about, Well, he's
10 had, you know, three sets of charges. Okay. In
11 2009, he had some charges, I believe, like assault
12 and battery of a high and aggravated nature,
13 kidnapping, sexual conduct first degree, all of
14 them dismissed. Not guilty on any of them. It
15 wasn't even that it was taken to a jury. They were
16 just dismissed.

17 In 2022, domestic violence: Dismissed.
18 Criminal sexual conduct: Dismissed. Nolle prossed
19 is another way to say dismissed, basically. All he
20 ended up with is assault and battery second with no
21 mention of a sexual offense.

22 So we're here today, really, because of
23 allegations. We're here today because my client
24 was once upon a time -- twice upon a time accused
25 and, yet, we're supposed to undo what a prosecutor

1 thought was appropriate then to dismiss the
2 charges? They're gone. And that means that, as
3 far as we know, there was no evidence that a victim
4 pursued them. There was no evidence that any of
5 those so-called victims testified under oath and
6 accused my client. What the evidence shows is that
7 those charges were dropped, and they were
8 dismissed.

9 So, really, in all of his life, he has had
10 one sexually violent conviction -- just one. Even
11 then, he got released from jail, and he has not had
12 one sexually violent conviction since then.

13 Interestingly enough, I know that Mr. Runyan
14 would say, Well, he got a charge in 2022. But
15 interestingly enough, they talked about my client
16 getting in trouble, in prison, and the jail, and
17 him having a variety of charges. It looks like
18 maybe he was losing his temper, got angry, and none
19 of them still sexually violent offenses. None of
20 them. So we're really talking about one time over
21 11, 12 years ago.

22 So I'll move on, because I want to talk to
23 you about the experts. I will say this: We had
24 two really great experts. Dr. Gottfried was here,
25 and she is highly experienced. She's smart. Dr.

1 Gehle was here, and she's highly experienced.
2 She's smart. I would suggest to you that,
3 interestingly enough, the Department of Mental
4 Health is who the State says is the first line of
5 defense. They are the first ones. South Carolina
6 said we're going to make somebody give these people
7 an evaluation, and we'll assign that to the
8 Department of Mental Health. That is where Dr.
9 Gehle works.

10 But that being said, you didn't see me --
11 excuse me -- quibble about Dr. Gottfried when Mr.
12 Runyan asked me for her to be admitted as an
13 expert. No objection. I find her to be a very
14 experienced, smart person.

15 That being said, my issue is not with Dr.
16 Gottfried, but with the way she evaluated my
17 client.

18 Now, you will remember, I asked her, Well,
19 how much time did you spend with my client, and she
20 said he was evaluated for three appointments. I
21 said, But you, personally, how long did you sit
22 with my client? She said, About five hours.

23 So my client was there getting evaluated for
24 three days, and in total in those three days, she
25 had about five hours him. From there, she was

1 like, Oh, he's a sexual sadist and has this other
2 specified personality. Oh, by the way, he's not a
3 psychopath, but he has traits. That is what she
4 said. He's got traits of psychopathy and
5 antisocial.

6 Now, interestingly, you might have remembered
7 I asked Dr. Gottfried, How does one even get a
8 sexual sadism diagnosis? She said, It takes about
9 six months. You have to have six months in various
10 behaviors. You remember I kept asking, So the 2009
11 allegation is for one day, not six months. And
12 then the 2012 conviction, one day, not six months.
13 And then the 2022 charge that got dismissed just
14 like the 2009 one did, that was one day. So where
15 is this six months? Ultimately, it is coming from
16 the non-convictions. It is coming from the
17 allegations.

18 Remember, I asked her, I said, Well, so you
19 must have just used these things that are not
20 convictions? Yeah. She agreed she did.

21 And then when we talk about Dr. Gehle, she
22 also diagnosed him with other specified personality
23 disorder with antisocial traits. I think it is
24 really important to know -- Dr. Gehle was a witness
25 that we called. What I really prefer about the way

1 that Dr. Gehle handles these evaluations and her
2 testimony is that it is not biased. You'll notice
3 that she didn't have a glowing report of my client,
4 even though she was our witness. You will notice
5 she still diagnosed him with a personality
6 disorder, still said he was difficult when she was
7 interviewing him. I think she called him evasive.
8 I think she mentioned that maybe she didn't believe
9 that he was telling the truth all of the time, and,
10 yet, given all of that she -- and she was our
11 witness -- she still said, I don't think he needs
12 to go into that program. It was her opinion that
13 he doesn't meet the criteria to be a sexually
14 violent predator.

15 I think the thing is -- you'll notice that
16 Dr. Gehle, she didn't completely ignore those
17 charges because she -- those charges that didn't
18 lead to convictions -- because she had to use them
19 to come up with the scores, the percentage that you
20 heard about. There were so many percentages. So
21 she didn't completely ignore them.

22 But what she did when she formed her opinion,
23 ultimately, she gave my client the benefit of the
24 doubt, and she stuck with the law that says my
25 client is virtually innocent until proven guilty.

1 I think it is interesting because as many -- as
2 many allegations and as much testimony you heard
3 about my client having violence in his past, it's
4 not enough. That is not enough to meet the
5 criteria for him to be a sexually violent predator.

6 He could beat up a hundred thousand people,
7 but that is not a sexually violent predator. He
8 can be evasive. A person can be irritable,
9 defensive. They could be into weird sexual things.
10 They can be liars. But all of those are not
11 sexually violent predators. You have to have
12 violence, and you have to have a sexual component.
13 You have to have sexual violence, and I think that
14 is the big difference.

15 So at the beginning of this case I told you,
16 the jury, that this is about inpatient versus
17 outpatient. I believe that to be the case. I
18 don't want to make it like, oh, he's going to go in
19 and get a shot and monitored for a couple of days.
20 No. Inpatient still means he's forced against his
21 will, and it restricts his freedom. That is what
22 it means.

23 I would like to add this: Inpatient and
24 outpatient, it is about whether you, as a jury, is
25 going to hold that my client is innocent until

1 proven guilty, because he's never been proven
2 guilty on those other two offenses. If you do,
3 that means he's only had one sexually violent
4 conviction, and that does not say to me that he is
5 predisposed, that he's forced, that he has that
6 thing in him that makes him want to hurt people
7 sexually.

8 You know, I asked about heart attacks -- and
9 I'm going to wrap up soon -- but I asked about
10 heart attacks, and the reason I ask about heart
11 attacks is I don't understand insurance very much.
12 I know there was an analogy about insurance. I
13 just paid insurance, and I don't understand how it
14 works, but I understand heart attacks.

15 So when I asked Dr. Gottfried, Is it a little
16 bit like trying to decide if someone is going to
17 have a heart attack in using things like how they
18 eat, their lifestyle, whether they exercise? Is it
19 a little like that? She said, Yeah. So I think
20 that that is absolutely correct. I think that
21 means -- if I can give it a comparison, it would be
22 like if somebody ate too much, was overweight, had
23 a bad lifestyle, stressed, worked too much, was
24 inclined to -- maybe they might have a heart attack
25 in the future, maybe there is a 20 percent chance,

1 maybe 30 percent chance, maybe even a 50 percent
2 chance, and then you, as a jury, say because of
3 that, we're going to force you into a hospital,
4 force you to get treatment. We're going to force
5 you to see a doctor, and you are going to stay
6 there until someone decides you are ready to leave.
7 It is a little bit like that.

8 So, ultimately, I'm asking that you remember
9 that this case has to be proven by the State beyond
10 a reasonable doubt, and what that means is that the
11 State has to convince you. The way I look at it is
12 this: When everybody comes in this courtroom, you
13 have your mind set that my client is innocent, and
14 he's not a sexually violent predator. The State,
15 Mr. Runyan, has to prove to you that he is beyond a
16 reasonable doubt.

17 So let me give you examples of what I believe
18 a reasonable doubt is. There is two experts saying
19 two different things. When you have a case like
20 that, I believe it is my client who gets the
21 benefit of the doubt, because they have to prove
22 their case beyond a reasonable doubt.

23 One expert is saying, hey, he needs to go
24 home. That is enough of a reasonable doubt. How
25 about the fact that there is only one conviction?

1 I talked about that a lot. How about the fact that
2 they didn't file when he had that one conviction
3 and waited another ten years to do something? How
4 about that? How about the fact that there is long
5 periods of time where there hasn't even been an
6 allegation or a charge? How about the fact that
7 you watched him during the trial and had the
8 opportunity to see him, you heard the testimony?
9 The testimony wasn't nice, and he sat there and he
10 listened to it quietly. Did he seem like a man
11 that couldn't control himself? Did he seem like
12 that to you?

13 Ultimately, I believe that Alonza is a man
14 who has committed some crimes, maybe struggles with
15 his temper, maybe struggles with anger. I can't
16 say I blame him. You heard the testimony about his
17 father. This is a man who has clearly been through
18 some things, but he is also a man who has been
19 punished, and he served his time.

20 Now, maybe I can imagine during those
21 interviews with the doctor that he was scared, that
22 he was worried about his freedom, that he was angry
23 that he had to face these charges. I'm sure it was
24 all of those things. It doesn't make him a
25 sexually violent predator.

1 As I wrap up, I ask that you remember that he
2 already has been punished, and it is not about
3 that. It's about treatment and it's about whether
4 you believe that he is innocent until proven
5 guilty.

6 I want to give you one little quote -- maybe
7 three. I am asking -- and Alonza is asking -- that
8 you find that he is not a sexually violent
9 predator.

10 Thomas Jefferson once said that jury duty is
11 the only anchor by which a government can be held
12 to the principles of the Constitution. You are
13 upholding the Constitution. The jury system has
14 previously been called the "handmaid of freedom."
15 Interesting, many experts believe that great
16 civilizations like Sparta and Rome fell because
17 they did not have a jury system.

18 So I bring that to up say thank you. I
19 appreciate it. We need you. Alonza needs you. I
20 thank you for all of your help in this case, and I
21 ask that you send him home and find that he is not
22 a sexually violent predator.

23 Thank you.

24 THE COURT: Thank you, Ms. Johnson.

25 Mr. Runyan, reply from the State?

1 MR. RUNYAN: Briefly, Your Honor.

2 (A brief pause in the proceedings.)

3 MR. RUNYAN: Hello, again, ladies and
4 gentlemen. I want to reply to some things that
5 were said during Ms. Johnson's closing. I do think
6 she's a strong advocate for her client, and I'm not
7 here to disparage her, but she told you that you
8 swore an oath to follow the law, but you are to
9 also base your decision on what you heard from the
10 evidence, from that witness stand, the documents
11 that you will have back there. What I say is not
12 evidence. What Ms. Johnson says is not evidence.
13 You are not here -- you have been told this is not
14 a criminal trial. There is no guilt that you are
15 here to establish. There is no guilt that you have
16 to find. This is not a criminal proceeding.

17 Psychology is not the study of convictions.
18 Ms. Johnson seems to think there is only one
19 conviction, that somehow the law only requires one
20 conviction. It is not the study of convictions.
21 It is the study of behaviors.

22 Both doctors explained why the charges are
23 important to establish this case -- both doctors.
24 Both doctors explained -- she said he could beat up
25 a thousand people, and that would not make him a

1 sexually violent predator, and that is true. But
2 why would it be important to find someone a
3 sexually violent predator? Because it goes to
4 their diagnosis. It helps you understand why the
5 doctors diagnosed him with a personality disorder.
6 It helps you understand why Dr. Gottfried diagnosed
7 him with a paraphilic disorder. It helps you
8 understand the risk factors that go into
9 re-offending, sexually re-offending.

10 She told you in these charges there was no
11 evidence -- no evidence that he did these things,
12 but there was evidence. Dr. Gottfried and Dr.
13 Gehle talked about the records they reviewed, the
14 law enforcement records, the incident reports,
15 victim statements that they reviewed, where they
16 got the details from, and they talked to us about
17 them. They didn't just make them up. They came
18 from those records that these doctors used, and
19 typically use, and relied on in these high-stake
20 evaluations.

21 I told you both experts are qualified and
22 very intelligent. Both Ms. Johnson and I have had
23 them in multiple cases. She said the problem she
24 had with Dr. Gottfried was the way that she
25 evaluated Mr. Gibson. But you heard the testimony,

1 and I find very little difference in the way that
2 Dr. Gottfried and Dr. Gehle evaluated Mr. Gibson.
3 They followed pretty much the same protocols. They
4 did a records review. They did clinical interview.
5 They scored the risk assessments, pretty much the
6 same risk assessments. They scored the dynamic in
7 a different way, but in a similar way. What
8 difference was there between the way that they
9 evaluated him, and why does that matter?

10 Again, it only has to be one sexual
11 conviction. You have to look at the patterns of
12 the behavior. All of these things that were
13 admitted, that she is saying is not important, are
14 important: His criminal history, the way he
15 interacts with society. It is all important in
16 establishing whether he has a personality disorder.
17 She said he has a personality disorder.

18 She says that doctors are saying different
19 things. Ultimately, they came to a different
20 conclusion. Dr. Gehle said he doesn't meet the
21 criteria. Dr. Gottfried said he does meet the
22 criteria. But what did they say that was really
23 different? They had the same facts, did similar
24 testing, came up with the above-average and
25 well-above average risks. They came up with

1 untreatable dynamic risk factors that were
2 essentially the same. The only difference is Dr.
3 Gehle talked about some threshold.

4 It is for you to decide whether he is likely
5 to engage in acts of sexual violence.

6 I thank you for your time today.

7 (The following was a bench conference had out
8 of the hearing of the jury.)

9 MS. JOHNSON: I don't want to put this aside,
10 but in his closing Mr. Runyan was talking about
11 records of his prior charges and the reliability,
12 and I would ask that we either have a curative
13 instruction, because those records were not in
14 evidence.

15 MR. RUNYAN: They talked about the law
16 enforcement records.

17 THE COURT: We'll talk about this outside of
18 them.

19 (The following was had in open court.)

20 THE COURT: We'll take five for a restroom
21 break. My part is going to take, tops, ten
22 minutes, and then you all will have the case, okay.

23 Don't talk about it.

24 (The jury exits at 11:21 a.m., and the
25 following is heard out of the presence of the jury.)

1 THE COURT: Ms. Johnson.

2 MS. JOHNSON: Yes, Your Honor. I am
3 objecting and asking for either a curative
4 instruction or another jury charge related to the
5 records. I believe that during Mr. Runyan's
6 closing argument, he referenced the records from
7 the prior non-convictions of my client, just the
8 arrest charges. I believe there was some
9 discussion about their reliability, about how the
10 doctors -- I can't remember exactly, but something
11 about how they can be relied on, but they are not
12 in evidence, and, of course, they are just records,
13 arrest warrants, that sort of thing. So I am
14 asking for an instruction about that, and I'm
15 objecting.

16 THE COURT: Okay.

17 Mr. Runyan?

18 MR. RUNYAN: Yes, Your Honor. Thank you. I
19 don't think there is any merit to this. Both
20 doctors explained, and they listed all of the
21 records that they reviewed, which included law
22 enforcement records, school records, mental health
23 records, victim statements, witness statements.
24 They went through that they had all of those
25 records, and they testified to them.

1 I didn't say they were reliable. I said
2 experts in the field rely on this type of evidence
3 in coming to their opinion, and they both talked
4 about them during their testimony. I don't see
5 where that is any sort of, you know, foul play.
6 There is nothing that I talked about that wasn't
7 already in evidence.

8 She brought up, you know, the fact that --
9 she brought up that he was not guilty, and she said
10 there was no evidence, when, in fact, that is
11 contrary. They did give evidence and testimony,
12 both Dr. Gehle and Dr. Gottfried, about these
13 charges and, ultimately, why they felt they were
14 important to their opinion and their diagnosis and
15 their risk assessments.

16 So I would ask that you deny her motion, and
17 no jury instruction is necessary.

18 MS. JOHNSON: For the record, I would note, I
19 wouldn't have objected had it just been that the
20 experts relied on them. I believe it went further.
21 Maybe I misheard. I do not believe it was just
22 related to just the experts. It was not a
23 discussion about what the experts testified.

24 THE COURT: I agree with the State on that.
25 I mean, to the extent that maybe there is an

1 objection, I'll overrule it. But I do agree
2 that -- I'll make sure that the jury understands
3 that the arguments you make are not evidence. I
4 mean, that is contained in the proposed charge that
5 was provided and went over yesterday. I'll say,
6 look, you remember the evidence as you remember it,
7 and, you know, the lawyers are just, you know,
8 arguing to you. That is not evidence. You go
9 forward with that.

10 But I do believe that both -- like Mr. Runyan
11 said -- both experts relied upon all of these
12 records in determining the basis of their opinion,
13 so that is why I allowed them in, and that is why
14 your objection is overruled.

15 MS. JOHNSON: May I further ask, Your Honor,
16 there was -- he literally used the term "records."
17 May I have some sort of instruction about records?

18 THE COURT: What do you want?

19 MS. JOHNSON: If I can have a moment, I'll
20 look it up.

21 THE COURT: Yeah. Just draft something up
22 and hand it up. Write it on a piece of paper and
23 hand it up to me, and I'll look at it and decide
24 whether I'll charge it or not.

25 MS. JOHNSON: All right. Thank you, Your

1 Honor.

2 I've been looking up a few things, and I know
3 that we are -- we have a jury out and under time,
4 but I would ask that you charge: "You may have
5 heard testimony about criminal records. The only
6 evidence you are to consider is the evidence before
7 you. Hearsay testimony about records does not, in
8 and of itself, validate a record or make it
9 reliable."

10 THE COURT: Okay. What is the State's
11 position on that?

12 MR. RUNYAN: I think it is commenting on the
13 facts. I mean, the records that they reviewed --
14 and under 702 and 703, and notwithstanding 403,
15 experts are allowed to rely on hearsay in rendering
16 their opinions and telling what they used.

17 THE COURT: Is it really to risk -- in the
18 event you are successful, you risk getting a
19 reversal on appellant review, is it really that
20 significant that you are hanging your hat on, in
21 the grand scheme of things? I mean, if it is --

22 MR. RUNYAN: Well, here is the problem I
23 have. The defense bar continues to press this
24 issue about records and hearsay testimony, and they
25 are continually shot down by the court of appeals;

1 recently in Younger and last week in Fabian. They
2 are continually shot down and they continue to
3 press this argument that the records are
4 unreliable, and that the jury should not hear them
5 or believe them. I think it is a real issue.

6 If you give this charge and we are not
7 successful, that is going to be an error -- maybe
8 an error of law that we might want to take up. So
9 I understand what you are saying, but....

10 THE COURT: If I do give the charge, and
11 you're successful, then it doesn't matter. Would
12 it hurt any argument on appeal that I didn't do it?
13 See? I'm trying to look at the long haul here. I
14 mean, you tell me.

15 MR. RUNYAN: I know that my supervisor would
16 not want me to have that charge in there. However,
17 in this case, if you want to charge some version of
18 that, I will not object to it.

19 THE COURT: Good call. I'll charge -- hand
20 up what you said. Let me look at it.

21 MR. JOHNSON: I tried to make it neutral.

22 MR. RUNYAN: I think it is blatantly on its
23 face wrong.

24 THE COURT: Let me read it. "You may have
25 heard testimony about criminal records. The only

1 evidence you are to consider" -- well -- "You may
2 have heard testimony about criminal records" --
3 what do you want me to say? Hearsay? They don't
4 even know what hearsay is, and I won't define
5 hearsay.

6 MR. JOHNSON: I'm happy to re-word it one
7 more time.

8 THE COURT: "You may have heard testimony
9 about criminal records. The only evidence you are
10 to consider is before you. Hearsay testimony about
11 records does not, in and of itself, validate a
12 record or make it reliable."

13 MR. RUNYAN: That is a telling the jury that
14 the law is saying to ignore everything they said
15 about those criminal records, and that is the
16 problem.

17 THE COURT: I agree with you on that. I can
18 say -- all right. "What is in evidence is both
19 experts' testimony that they relied on these
20 criminal records in making their ultimate opinion
21 about whether or not he is a sexually violent
22 predator."

23 That is in evidence -- I agree. I'm not
24 going to charge it.

25 Thank you. You are protected for the record.

1 This will be a Court's exhibit.

2 (Court's Exhibits 1 and 2 marked.)

3 MS. JOHNSON: Thank you.

4 May I have more time to come up with a better
5 charge?

6 THE COURT: No. No. We're going to finish
7 this trial right now.

8 Bring the jury in.

9 MS. JOHNSON: I'm objecting for the record,
10 and I'm protected right, Your Honor?

11 THE COURT: You are good. Absolutely.

12 MS. JOHNSON: May we make that a Court
13 exhibit?

14 THE COURT: I did.

15 MS. JOHNSON: Okay. Thanks.

16 (The jury enters at 11:34 a.m., and the
17 following is heard in the presence of the jury.)

18 THE COURT: All right. Ladies and gentlemen,
19 it is now my duty as the trial judge under the
20 Constitution of this state to charge and direct you
21 and instruct you on the law applicable to the
22 issues. It is your duty as jurors to accept and to
23 apply the law as I will now state it to you.

24 The State has brought this case under the
25 Sexually Violent Predator Law in South Carolina.

1 The State seeks the civil commitment of Mr. Gibson,
2 Alonza Victorlon Gibson, Jr., also known as Eric
3 Victorlon Gibson, Jr., who has been called "the
4 Respondent" in this case. That is just legal
5 words. You have a petitioner and a respondent.

6 Anyway, the State seeks his commitment for
7 long-term control, care, and treatment in a secured
8 facility. Like I've said numerous times, this is
9 not a cranial proceeding which seeks incarceration,
10 but rather it is a proceeding seeking civil
11 commitment.

12 Now, the State of South Carolina alleges or
13 claims that the Respondent is a sexually violent
14 predator under the law. Respondent denies he is a
15 sexually violent predator, and the burden of proof
16 is therefore on the State to prove by evidence
17 sufficient to satisfy each of you, beyond a
18 reasonable doubt, that the Respondent is a sexually
19 violent predator.

20 If the State is unable to meet that burden of
21 proof as to one or more of the elements of this
22 claim, the Respondent is entitled to a finding that
23 he is not a sexually violent predator.

24 Ladies and gentlemen, I want to make sure
25 that you understand the Respondent is not accused

1 of committing a crime in this prosecuting. As you
2 have heard from the testimony, he did have a
3 previous charge for which he was sentenced by the
4 Court. The Respondent has now completed his
5 sentence for that criminal charge, and the State is
6 now alleging that Respondent is a sexually violent
7 predator.

8 The State has the burden of proof in this
9 case, and must prove its case beyond a reasonable
10 doubt. If you find the State has not met this
11 burden, the Respondent will be released. If you
12 find that the State has met this burden of proof,
13 and you find he is a sexually violent predator, he
14 will not be released, but he will be committed to a
15 secure treatment facility in Columbia operated by
16 the South Carolina Department of Mental Health.

17 During this trial, you and I have had
18 separate duties to perform. As the trial judge, it
19 is my responsibility to preside over the trial. I
20 also had the duty to rule upon the admissibility of
21 the evidence, which has been offered during the
22 process of this trial. In that regard, again,
23 ladies and gentlemen, you are only to consider
24 competent evidence before you, and you are to
25 disregard from your mind any testimony that I may

1 have sustained as not coming in, if there was any.

2 You are to consider only the testimony that
3 came from this witness stand, together with any
4 exhibits which may have been made a part of the
5 record in this case.

6 Now, as I'm charging you the law or
7 instructing you on the law, I am the sole judge of
8 the law. It is your duty to accept as correct and
9 to apply the law as I state it to you. If you have
10 any preconceived ideas as to what the law is or
11 what you think the law ought to be, and it doesn't
12 agree with what I tell you the law is, you are
13 obligated, under your oath as jurors, to accept as
14 correct the law precisely as I stated it to you and
15 use that in guiding you towards your verdict. You
16 are the judge of the facts. I am the judge of the
17 law.

18 Do not be concerned about what you think my
19 opinion is of the evidence. What my opinion is
20 doesn't matter; that is solely for you, the jury,
21 to determine.

22 Now, you heard closing arguments from the
23 lawyer, and like I told you at the outset, opening
24 statements from lawyers and closing arguments from
25 lawyers is not evidence. Arguments of counsel are

1 a beneficial part of every trial. You should
2 remember that statements made by counsel are not
3 evidence.

4 In presenting arguments, counsel refers to
5 the evidence often, but you should base your
6 verdict on the evidence as you remember it. It is
7 -- therefore, if there are any conflicts between
8 what the lawyers say and about the way you remember
9 something, you rely upon your understanding and
10 memory of it when you start to discuss it.

11 Let's talk about what beyond a reasonable
12 doubt means. Typically, in civil court, you have a
13 preponderance of the evidence, where you come in
14 court and everything is even, and slightly tipping
15 the scales of justice, that type of thing.

16 In criminal court, it is totally different.
17 It is beyond a reasonable doubt. Someone is
18 presumed innocent until proven guilty. That is the
19 highest burden of proof there. It is called
20 "beyond a reasonable doubt." That is what the
21 burden of proof is in this case. The State's
22 burden is greater than the greater weight of the
23 evidence. It is called "beyond a reasonable
24 doubt."

25 According to sexually violent predator

1 statute, the State must prove its case beyond a
2 reasonable doubt. If the State fails to meet this
3 high burden, you must find that the Respondent is
4 not a sexually violent predator.

5 So what is a reasonable doubt in the law?
6 What does that mean? Proof beyond a reasonable
7 doubt is proof that leaves you firmly convinced
8 that the Respondent is a sexually violent predator.

9 Ladies and gentlemen, there is very few
10 things we know in this world with absolute
11 certainty. In this type of case, the law doesn't
12 require proof that overcomes every possible doubt.
13 So if based upon your consideration of all of the
14 evidence you are firmly convinced that he's a
15 sexually violent predator, then you must return a
16 verdict that way, for the State. If, on the other
17 hand, you think there is a real possibility that he
18 is not a sexually violent predator, you must give
19 him the benefit of that doubt, that reasonable
20 doubt, and return a verdict for him, the
21 Respondent.

22 All right. In determining the facts of this
23 case, you may have to decide or look at the
24 credibility or believability of the witnesses or
25 the value or weight to be given to their testimony.

1 You, as the judge of the facts, and you alone, must
2 decide the force, effect, and accuracy of the
3 testimony.

4 Consider the appearance of a witness or the
5 manner in which he or she testified. Was the
6 witness forthright or hesitant? Were they biased
7 on one hand or prejudiced on the other hand? Was
8 their testimony consistent or did it contain
9 discrepancies? Was the testimony corroborated on
10 one hand or made stronger by other testimony or
11 evidence, or was it made weaker or impeached by
12 other testimony and evidence?

13 Please understand that you take all of those
14 things in consideration when determining the
15 credibility of a witness.

16 As the jury, ladies and gentlemen, you can
17 believe all of what a witness says, some of what a
18 witness says, or none of what a witness says. That
19 is your power as the judge of the facts, as a
20 juror.

21 The fact that testimony may not be
22 controverted does not mean that you must accept it
23 as valid and undisputed. You must still give it
24 the weight and individual credibility of all of the
25 evidence. The law simply requires, ladies and

1 gentlemen, that you exercise your good judgment,
2 common sense, sense of logic and reason, your
3 experience in life, and then you apply these
4 attributes to the evidence and apply the law as I
5 will now state it to you, thus arriving at your
6 verdict.

7 You heard from two very competent expert
8 witnesses in this case who gave opinions. Just
9 because a witness gives an opinion in an area
10 doesn't mean you have to accept the opinion. It is
11 up to you to consider when you consider the weight
12 and the credibility of all of the evidence.

13 Let me read what the Sexually Violent
14 Predator Law states, okay. So this is what you
15 have to determine.

16 The elements which the State must prove
17 beyond a reasonable doubt are: Number one, that
18 the Respondent has been convicted of a sexually
19 violent offense. I charge you, ladies and
20 gentlemen, that criminal sexual conduct third
21 degree is a sexual violent offense.

22 Number two, the State must prove beyond a
23 reasonable doubt that the Respondent suffers from a
24 mental abnormality or personality disorder.

25 And, No. 3, the State must prove that the --

1 beyond a reasonable doubt that the mental
2 abnormality or personality disorder makes the
3 Respondent likely to engage in acts of sexual
4 violence if not confined in a secured facility to
5 the long-term control, care, and treatment.

6 Those are the three elements.

7 Now, inherent in this elements, the State
8 must prove in the requirement that the Respondent's
9 mental abnormality or personality disorder causes
10 him serious difficulty in controlling his behavior.
11 In other words, the State must prove beyond a
12 reasonable doubt that the individual that they seek
13 to commit suffers from a mental illness which he
14 cannot sufficiently control without the structure
15 and care provided by a mental health facility,
16 rendering him likely to commit a dangerous act.

17 In order for you to better understand the
18 elements of the State's cause of action, I'll
19 define for you some of the terms that I have just
20 used.

21 Ladies and gentlemen, I'm sorry for reading
22 this to you. I'm reading it because it is very
23 important. I'm trying to make eye contact as much
24 as possible, because I know there is nothing worse
25 than looking at a talking head.

1 So let's talk about some of the terms I've
2 used. What is "mental abnormality"? Well, mental
3 abnormality means a mental condition affecting the
4 person's emotional or volitional capacity that
5 predisposes the person to commit sexually violent
6 offenses. This mental abnormality or personality
7 disorder must cause Respondent serious difficulty
8 in controlling his behavior.

9 What is "likely to engage in acts of sexual
10 violence" mean? Well, that means that the person
11 is predisposed to engage in acts of sexual
12 violence, and more probably not will engage in acts
13 of sexual violence to such a degree as to pose a
14 menace to the health and safety of others.

15 The burden of proof is on the State to prove,
16 to your satisfaction, beyond a reasonable doubt,
17 that the Respondent has been convicted of a sexual
18 violent offense, as I've instructed you, and also
19 suffers from that mental abnormality that I just
20 defined, or a personality disorder that makes him
21 likely to engage in acts of sexual violence, as
22 I've just described to you, unless he is confined
23 in a secured facility for long-term control, care,
24 and treatment.

25 Now, I'm almost done. Again, I remind you

1 that the Respondent has already pled guilty to that
2 sexual violent offense. He received a criminal
3 sentence for that crime, and he served his time.
4 He's completed that criminal sentence, okay.

5 South Carolina Sexually Violent Predator Law
6 was not enacted to add to the criminal punishment
7 imposed upon individuals that committed sexually
8 violent offenses. Therefore, your decision whether
9 to commit Respondent in this case may not be
10 influenced by your personal opinions regarding
11 whether or not Respondent received an appropriate
12 criminal punishment.

13 If the State carries its burden of proof, if
14 it convinces you beyond a reasonable doubt as to
15 each of the elements of the cause of action, it is
16 entitled to a finding that Respondent is a sexually
17 violent predator.

18 If the State does not meet that burden of
19 proof as to one or all of these elements, the
20 Respondent is entitled to a finding that he is not
21 a sexually violent predator.

22 Madam forelady, ladies and gentlemen, as you
23 retire to begin your deliberations, I express and
24 hope that you will be mindful of the importance of
25 your responsibility. You are not called to serve

1 as jurors very often, and the type of performance
2 of this duty requires that each of you reach the
3 height of freeing your mind of all improper
4 influences.

5 As the presiding officer of this court, I am
6 certain that whatever verdict you find will be the
7 result of you going into that jury room and
8 confining your consideration to the evidence and
9 the law as you heard in this courtroom, weighing it
10 fairly and impartially and deliberately -- that is
11 why it is called deliberations -- you consider the
12 evidence deliberately. You are not in a big hurry.
13 I have every confidence that you will do so.

14 That is what is genius about our jury system.
15 It allows 12 people from all different walks of
16 life, different ages, different points of view to
17 sit and discuss it and weigh and deliberately talk
18 about the evidence, and ultimately reach a verdict.

19 Your verdict in this case must not be based
20 upon sympathy, compassion, prejudice, or emotion,
21 or some other consideration that is not in evidence
22 in this case.

23 Remember, ladies and gentlemen, your verdict
24 must be unanimous.

25 Here is the verdict form, straight and

1 simple. It says "November." I'll just scratch
2 through that and put "December."

3 It has to be unanimous. Just check one box,
4 either, yes, he's a sexually violent predator, or,
5 no, he is not a sexually violent predator.

6 Sign, and date it. That's it.

7 So, at this time, I'm going to ask that you
8 go back to your jury room. Everyone except my
9 alternate, you stay with me.

10 Madam Alternate, if you have personal
11 effects, the bailiff will assist you in getting
12 them.

13 Don't start talking about it until you
14 receive the evidence. Once you receive the
15 evidence, that is your signal to start to
16 deliberate. Once you start to deliberate, you have
17 to deliberate until you have a verdict, at which
18 time you'll knock on the door and tell them you
19 have a verdict.

20 Thank you very much.

21 (The jury exits at 11:50 a.m., and the
22 following is heard out of the presence of the jury.)

23 THE COURT: Any questions to the charge other
24 than previously stated? Anything else?

25 MS. JOHNSON: No, sir.

1 MR. RUNYAN: No, sir.

2 THE COURT: Any objection to allow the
3 alternate to leave?

4 MR. RUNYAN: No objection, unless she wants
5 to stay.

6 THE COURT: Get your personal things and you
7 can head on out. Thank you for your service, and
8 you are good for three years.

9 MS. JOHNSON: You overruled my objection just
10 now?

11 THE COURT: Yeah. Yeah.

12 Come and look over the exhibits.

13 MS. JOHNSON: You want to redact them?

14 MR. RUNYAN: Yeah.

15 (A brief pause in the proceedings while the
16 court reporter and the attorneys confirm admitted
17 exhibits.)

18 THE COURT: All right. Send them back, and
19 tell them to start deliberating.

20 (Jury deliberations commenced at 11:56 a.m.,
21 and court is in recess.)

22 (The jury enters at 12:17 p.m., and the
23 following is heard in the presence of the jury.)

24 THE COURT: You have reached a verdict?

25 FORELADY: Yes, sir.

1 THE COURT: And is the verdict unanimous?

2 FORELADY: Yes, sir.

3 THE COURT: Hand it to the clerk.

4 Madam clerk, you may publish the verdict.

5 THE CLERK: In case No. 2022-CP-14-547, in
6 the Matter of the Care and Treatment of Alonza
7 Gibson, we, the jury, unanimously answer the
8 question as follows: Yes, Alonza Gibson, Jr., is a
9 sexually violent predator.

10 Signed by Tammy Richburg, December 4, 2024.

11 THE COURT: Ladies and gentlemen, if that is
12 your verdict, remains your verdict, please signify
13 by raising your right hand.

14 Thank you very much.

15 Ladies and gentlemen, retire to your jury
16 room, and I'll be there in a moment.

17 Thank you very much.

18 (The jury exits at 12:19 p.m., and the
19 following is had out of the presence of the jury.)

20 THE COURT: Ms. Johnson?

21 MS. JOHNSON: At this time I make a motion
22 for a new trial, to set aside the verified. I
23 believe the evidence -- based on the evidence the
24 jury couldn't reach that decision, and that it
25 should be overturned, for the record.

1 THE COURT: Motion denied.

2 Anything else for the purposes of this
3 record?

4 MR. RUNYAN: Nothing from the State, Your
5 Honor.

6 THE COURT: All right.

7 MS. JOHNSON: Your Honor, I don't know that I
8 need to renew my objections, but for the record, I
9 will.

10 THE COURT: I consider everything you
11 previously argued is reaffirmed, and my rulings
12 remain the same, to make sure your client is
13 protected for the record.

14 That concludes the trial of the case. I wish
15 the very best of luck to you, sir.

16 MR. JOHNSON: Will you ask -- if you don't
17 mind, can you ask the jury if they are open to me
18 contacting them?

19 THE COURT: Yeah, I always talk to them.

20 (Whereupon, the trial concluded.)
21
22
23
24
25

CERTIFICATE OF REPORTER

State of South Carolina)

County of Clarendon)

I, Natalie Dahl, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Clarendon County, South Carolina, on the 2nd-4th days of December, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 20, 2025

Natalie Dahl, RPR

Natalie Dahl
Registered Professional Reporter
State of South Carolina Official Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Clarendon

VS.

Alonza Eric-Victorolon Gibson Jr.

AKA:

Race: 2 Sex: M Age: 32

DOB: SS#:

Address:

City, State, Zip: Manning, SC 29102

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault & Battery, 2nd Degree (0-3 years)

in violation of § 16-3-600(1) of the S.C. Code of Laws, bearing CDR Code # 3413

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The 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: Ch. ORR 78080 Alonza E. Gibson Scott J. Pol 8651
Durant, Christopher Ryan 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 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 PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

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 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-14-0510

A/W#: 2012A1410200026

Date of Offense: 8/24/2012

S.C. Code § : 16-03-0600 (D) (1)

CDR Code #: 3413



SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

CDR Code # 3413

☐ §17-25-45 w/minor 1st or Lewd Act

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: Ch. ORR 78080 Alonza E. Gibson Scott J. Pol 8651
Durant, Christopher Ryan 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 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 PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
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Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE
DATE 11/15/2014
Brenda B. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF Clarendon
 STATE VS.
Alonza Eric-Victorolon Gibson Jr.

AKA: _____
 Race: 2 Sex: M Age: 32
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: Manning, SC 29102
 DL#: [REDACTED] SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Threatening the life of a public official (0-5 years)

in violation of § 16-3-104b of the S.C. Code of Laws, bearing CDR Code # 0541

☒ 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: On On 78080 Alonza E. Gibson Jr. 8/6/13
 Durant, Christopher Ryan 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 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 %)		\$
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§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

Clerk of Court/ Deputy Clerk: B. Roberts

Court Reporter: Melissa Infelton

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-14-0510

A/W#: 2012A1410200028

Date of Offense: 8/24/2012

S.C. Code § : 16-03-1040(A)

CDR Code #: 0541

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender

Other: _____

☐ Appointed PD or appointed other counsel
 § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge: [Signature]

Judge Code: 2144

Sentence Date: 9/12/2013

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 11/15/2024

B. Roberts
CLERK OF COURT

CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

INDICTMENT FOR
ASSAULT AND BATTERY, 2ND DEGREE
THREATENING THE LIFE OF A PUBLIC OFFICIAL

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

COUNT ONE – ASSAULT AND BATTERY, 2ND DEGREE

That Alonza Eric-Victorolon Gibson Jr. did in Clarendon on or about August 24, 2012, violate Section 16-3-600(D)(1) of the Code of Laws of South Carolina (1976), as amended, in that he did unlawfully injure another person, or offer or attempt to injure another person with the present ability to do so and moderate bodily injury to another person resulted or moderate bodily injury to another person could have resulted.

COUNT TWO – THREATENING THE LIFE OF A PUBLIC OFFICIAL

That in Clarendon County, South Carolina, on or about August 24, 2012, the Defendant, Alonza Eric-Victorolon Gibson Jr., knowingly and wilfully did deliver or convey to a public official, by way of writing, electronic or verbal communication, a threat to take the life of or to inflict bodily harm upon such public official or his immediate family and such threat was directly related to his professional responsibilities, to wit: the Defendant did threaten to kill Major [REDACTED] of the Clarendon County Detention Center; this is in violation of Section 16-3-1040(A), 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.

Solicitor

Ernest A. Finney III

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 11/15/2024

Bonnie B. Roberts

CLERK OF COURT
CLARENDON COUNTY, SC

THRTPO

WITNESSES

Private Witness

ARREST WARRANT NUMBER

2012A1410200026

2012A1410200028

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: 12/13/12

VERDICT

True Bill

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-14-0510

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

December

TERM

2012

THE STATE

vs.

ALONZA ERIC-VICTOROLON GIBSON JR.

Indictment for

ASSAULT AND BATTERY, 2ND DEGREE

THREATENING THE LIFE OF A PUBLIC OFFICIAL

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

CLARENDON COUNTY, SC
CLERK OF COURT
DATE: 12/13/12
ORIGINAL FILED IN THIS OFFICE
CERTIFIED TRUE COPY

0-10

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY
OF ORIGINAL FILED

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Sumter

VS.

Alonza Victorlon Gibson

CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

INDICTMENT/CASE#: 2019-GS-43-0005

AKA:

Race: Black Sex: M Age: 38

DOB: SS#:

Address:

City, State, Zip: Dalzell, SC 29040

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

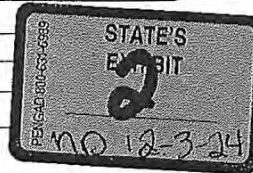
TO: Assault / Assault & Battery 1st degree

A/W#: 2018A4320100594

Date of Offense: 9/12/2018

S.C. Code § : 16-03-0600 (C) (1)

CDR Code #: 3412



SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

In violation of § 16-03-0600 (C) (1) of the S.C. Code of Laws, bearing CDR Code # 3412

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials) 3 yr

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State. rec

ATTEST: James C. Campbell 78316 Alonza Victorlon Gibson James C. Campbell 65493 AT
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, Crot

for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years for

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 time

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 SCDoc. credit for time served

☐ 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 (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 (Public Def/Probation) \$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 \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk James C. Campbell

Court Reporter: Frances Bakis Bay

SCCA/217 (04/2018)

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: ATU

☐ Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge Vish Antu

Judge Code: 2762

Sentence Date: 1-8-19

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)

CERTIFIED TRUE COPY
OF ORIGINAL FILED
James C. Campbell
CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

INDICTMENT FOR

Burglary - First Degree
Assault and Battery, 1st Degree (x2)

At a Court of General Sessions, convened on January 3, 2019 the Grand Jurors of SUMTER County present upon their oath:

COUNT ONE - BURGLARY, 1ST DEGREE

That Alonza Victorlon Gibson did in Sumter County on or about September 12, 2018 enter the dwelling of [REDACTED] located at [REDACTED] without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant entered or remained during the nighttime, and/or the defendant caused physical injury to a non-participant in the crime, in violation of §16-11-0311(A), South Carolina Code of Laws, 1976, as amended.

COUNT TWO – ASSAULT AND BATTERY IN THE FIRST DEGREE

That Alonza Victorlon Gibson did in Sumter on or about September 12, 2018, violate §16-3-600(C)(1), South Carolina Code of Laws, 1976, as amended, in that he did unlawfully injure another person, to wit, [REDACTED] and the act occurred during the commission of a robbery, burglary, kidnapping, or theft, and/or the Defendant did offer to attempt to injure another person with the present ability to do so, and the act is accomplished by means likely to produce death or great bodily injury, or did occur during the commission of a robbery, burglary, kidnapping, or theft.

COUNT THREE - ASSAULT AND BATTERY IN THE FIRST DEGREE

That Alonza Victorlon Gibson did in Sumter on or about September 12, 2018, violate §16-3-600(C)(1), South Carolina Code of Laws, 1976, as amended, in that he did unlawfully injure another person, to wit, [REDACTED] and the act occurred during the commission of a robbery, burglary, kidnapping, or theft, and/or the Defendant did offer to attempt to injure another person with the present ability to do so, and the act is accomplished by means likely to produce death or great bodily injury, or did occur during the commission of a robbery, burglary, kidnapping, or theft.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Frazier III

WITNESSES

John M. Litaker
Sumter Police Dept.

ARREST WARRANT NUMBER

2018A4320100593 2018A4320100594
2018A4320100595

ACTION OF GRAND JURY

Charles Hooker
Foreperson of Grand Jury
Date: 1/3/19

VERDICT

TRUE BILL

Foreperson of Petit Jury
Date:

DOCKET NO. 2019-GS-43-0005

The State of South Carolina
County of SUMTER

COURT OF GENERAL SESSIONS

JANUARY TERM 2019

THE STATE

vs.

ALONZA VICTORLON GIBSON

Indictment for

Burglary - First Degree
Assault and Battery, 1st Degree (x2)

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

03 yrs

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

INDICTMENT/CASE#: 2022 - GS - 32 - 04131

VS.

Alonza Victorlon Gibson

AW#: 2022A3221100111

AKA:

Date of Offense: 3/7/2022

Race: Black Sex: M Age: 42

S.C. Code §: 16-03-0600(D)(1)

DOB: [REDACTED] SS#: [REDACTED]

CDR Code #: 3413

Address: [REDACTED]

City, State, Zip: Lexington, SC 29072

SENTENCE SHEET

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Assault / Assault & Battery 2nd degree

In violation of § 16-03-0600(D)(1) of the S.C. Code of Laws, bearing CDR Code # 3413

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. P.G. (def.'s Initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Asbj 102463 Alonza Victorlon Gibson 73481
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,

for a determinate term of 18 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served 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.

The sentence shall run

☐ 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 SCDOC.

265 days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

A TRUE COPY

Alonza Victorlon Gibson
S.C. C.C.P., O.S. & P.C.



STATE VS. Alonza Victorlon Gibson INDICTMENT/CASE#: 2022 - GS - 32 - 04131

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$
§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 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150 \$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§60-21-114 (BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500 \$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$
TOTAL	\$ 125.00

Clerk of Court/Deputy Clerk: Alice Adams
Court Reporter: _____

Presiding Judge: Dema M. Cash
Judge Code: 2709
Sentence Date: 11/30/22

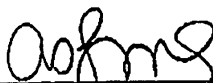
STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Assault and Battery - Second Degree
§ 16-03-0600(D)(1)

At a Court of General Sessions, convened on December 2022, the Grand Jurors of Lexington County present upon their oath:

That Alonza Victorlon Gibson did in Lexington County, South Carolina, on or about March 7, 2022, unlawfully injure another person, or offered or attempted to injure another person with the present ability to do so, and moderate bodily injury to another person, [REDACTED], resulted or moderate bodily injury to another person could have resulted; to wit: the defendant did strike the victim about the body and head causing visible injury to the body and head, in violation of §16-03-600(D) of the South Carolina Code of Laws of 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

West Columbia Police Department

Tushama M Suber

Law Enforcement Case #: 2208324

AEW

ARREST WARRANT NUMBER

2022A3221100111

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS3204131

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

DECEMBER TERM 2022

THE STATE

vs.

Alonza Victorlon Gibson

CDR #: 3413

Indictment for

Assault and Battery - Second Degree

§ 16-03-0600(D)(1)

S.R. Hubbard III, SOLICITOR

After being fully advised as to my legal rights, I hereby waive my rights to presentment to the Grand Jury.

Alonza V. Gibson
Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Sarah M. ...
Witness
C.C.C. PLS. and G.S.

A TRUE COPY

S.R. Hubbard III
Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA

COUNTY OF Clarendon
 STATE VS.
Alonza Eric-Victorolon Gibson Jr.

AKA:

Race: 2 Sex: M Age: 32DOB: [REDACTED] SS# [REDACTED]Address: [REDACTED]City, State, Zip: Manning, SC 29102DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Criminal sexual conduct, 3rd Degree (0-10 years)in violation of § 16-3-654 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: On On 78080 Alonza E. Gibson 5651
 Durant, Christopher Ryan 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 30 days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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 PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$ <u>500.00</u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 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 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>18.90</u>
TOTAL	\$	\$ <u>648.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS-14-0360A/W#: J102785Date of Offense: 6/1/2012S.C. Code § : 16-03-0652CDR Code #: 0160

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS
 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 30 days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3

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 PTUP Total: \$ plus 20% fee: \$ days/hours Public Service EmploymentPayment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$ <u>500.00</u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 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 (SCCA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>18.90</u>
TOTAL	\$	\$ <u>648.90</u>

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED IN THIS OFFICE
 DATE 11/15/2012
B. Roberts
 CLERK OF COURT
 CLARENDON COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT – FIRST DEGREE
KIDNAPPING
STRONG ARM / COMMON LAW ROBBERY
ASSAULT AND BATTERY – FIRST DEGREE

At a Court of General Sessions, convened on August 30, 2012 the Grand Jurors of
CLARENDON County present upon their oath:

COUNT ONE – CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

That Alonza Eric-Victorlon Gibson Jr. did in Clarendon on or about June 1, 2012, engage in sexual battery with [REDACTED] and the Defendant used aggravated force to accomplish the sexual battery, and/or the victim submitted to the sexual battery under circumstances in which the victim was also the victim of forcible confinement, kidnapping, robbery or other similar offense or act, in violation of Section 16-03-0652, S. C. Code of Laws (1976), as amended.

COUNT TWO - KIDNAPPING

That Alonza Eric-Victorlon Gibson Jr. did in Clarendon County on or about June 1, 2012, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Miriah Vause, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws (1976), as amended.

COUNT THREE – STRONG ARM ROBBERY

That in Clarendon County, South Carolina, on or about June 1, 2012, the Defendant, Alonza Eric-Victorlon Gibson Jr., did take and carry away personal property from the person or presence of [REDACTED] by means of force, threats or intimidation and with the intent to deprive Miriah Vause permanently of such property. Such property is described as: cash money; This is in violation of the Common Law of South Carolina and Section 16-11-325, S.C. Code of Laws (1976), as amended.

COUNT FOUR – ASSAULT AND BATTERY, FIRST DEGREE

That Alonza Eric-Victorlon Gibson Jr. did in Clarendon on or about June 1, 2012, violate Section 16-3-600(C)(1), S.C. Code of Laws (1976), as amended, in that he did unlawfully injure another person, and the act involved nonconsensual touching of the private parts of an adult, either under or above clothing, with lewd and lascivious intent, and/or the act occurred during the commission of a robbery, burglary, kidnapping, or theft, and/or the Defendant offered to attempt to injure another person with the present ability to do so, and the act occurred during the commission of a robbery, burglary, kidnapping, or theft, said acts having been committed against the victim, [REDACTED]

Against the peace and dignity of the State, and contrary to the statute in such case made
and provided.

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

Solicitor

DATE

11/15/2024

Barbara B. Roberts-Sanders
CLERK OF COURT
CLARENDON COUNTY, SC

STAROB

WITNESSES

James Carroll Harrington
Manning Police Department

ARREST WARRANT NUMBER

J102785 J102786 J102788

J102787

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: *8/30/12*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-14-0360

The State of South Carolina

County of CLARENDON

COURT OF GENERAL SESSIONS

August TERM 2012

THE STATE

vs.

ALONZA ERIC-VICTORLON GIBSON JR.

Indictment for

CRIMINAL SEXUAL CONDUCT - FIRST DEGREE

KIDNAPPING

STRONG ARM / COMMON LAW ROBBERY

ASSAULT AND BATTERY - FIRST DEGREE

[Signature]

ERNEST A. FINNEY, III, SOLICITOR

CLARENDON COUNTY, SC
CLERK OF COURT
DATE *8/30/12*
OF ORIGINAL FILED IN THIS OFFICE
CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Clarendon
STATE VS.

Indictment Number: 12 -GS- 14 - 00360
Probation C/W#s: W-14-14-0010

Alonza Eric-Victor Gibson Name of Original Offense: CSC 3rd
AKA: OF ORIGINAL FILED IN PROBATION Original W#: 5102785
Race: B Sex: M Date of Original Offense: 6-1-12
DOB: 11/15/2024 Conviction S.C. Code #: 16-3-654
SSN: [REDACTED] Conviction CDR Code #: 0111012
SID#: [REDACTED] Original Sentence: 10 yrs prob upon 30 mths
CLERK OF COURT CLARENDON COUNTY, SC 3yrs prob. **ORDER**



The above named defendant has been charged with violating the conditions of probation ordered on 9/12/13 in the Court of General Sessions of Clarendon County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on 9/12/13, as set forth in the attached warrant(s) or citation(s) dated 9/12/13. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

1, 2, 7, 9, 10

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 months/years the remainder of the original sentence, and/or pay \$_____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$_____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Financial Obligations: Order satisfies: ☒ Department fees (arrearage) Civil judgment: ☐ Department fees
☐ Fines and other fees (arrearage/balance) ☒ Fines and other fees
☐ Restitution (and 20%) (arrearage/balance) ☒ Restitution (and 20%)
- ☒ Additional Conditions ordered by the Court:

Extradiction Cost Civil Judgement - \$949.50

- ☒ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 30 months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 6 day of MARCH, 2015
MANNING, SC

Presiding Judge

CLERK OF COURT
CLARENDON COUNTY

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Alonza E. Gibson
Signed this 6 day of MARCH, 2015, at MANNING, SC

Witnessed by Susan Rucker
City



Emily D. Gottfried, Ph.D.
Director, MUSC Sexual Behaviors Clinic and Lab
Associate Professor of Psychiatry and Behavioral Sciences

Sexual Behaviors Clinic and Lab (SBCL)
Community & Public Safety Psychiatry Division
Department of Psychiatry and Behavioral Sciences
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forensicpsychiatry@musc.edu

SEXUAL BEHAVIORS CONSULTATION EVALUATION REPORT

EXAMINEE: Alonza V. Gibson, Jr.

EVALUATOR: Emily Gottfried, Ph.D.

DATE OF REQUEST FOR AN EVALUATION: July 20, 2023

WARNING: This evaluation report should not be released to the examinee without a licensed mental health professional trained and experienced with such evaluations available to provide explanation and treatment service to the examinee if needed due to content that has potential to be misinterpreted and the potential to result in creating a negative health response by the examinee.

BRIEF SUMMARY: Personnel of the South Carolina Attorney General's Office requested a consultation evaluation to determine if Mr. Gibson has a mental abnormality and/or personality disorder that makes him likely to engage in acts of sexual violence. I reviewed provided records and reports from state agencies, employed assessment, inventory, and testing methods, and conducted a clinical interview of Mr. Gibson. It is my opinion that Mr. Gibson meets diagnostic criteria for sexual sadism disorder, in a controlled environment and other specified personality disorder with antisocial and psychopathic traits. I recommend he receive treatment to facilitate management of these disorders. If he acts on these disorders again, it would result in the victimization of another person. Given that he has engaged in sexual offending behaviors consistent with his diagnoses and his risk to the community if he engages in these behaviors again, Mr. Gibson should be considered for treatment that should be conducted in a secure setting for public and his own safety. Relevant details of the evaluation, diagnostic reasoning, and recommendations are provided in the paragraphs to follow.

REASON FOR EVALUATION: On 7/20/2023, Mr. Donald J. Zelenka, Deputy Attorney General, of the South Carolina Attorney General's Office (SCAG) requested the Sexual Behaviors Clinic and Laboratory (SBCL) of the Department of Psychiatry and Behavioral Sciences at the Medical University of South Carolina (MUSC) to provide consultation services regarding Mr. Gibson. The specific consult request was to evaluate whether Mr. Gibson has a mental abnormality and/or personality disorder that makes him likely to engage in acts of sexual

SBCL Sexual Behaviors Consultation Evaluation Report

Examinee: Alonza V. Gibson, Jr.

Date of Request for Evaluation: July 20, 2023

violence. Per request, I conducted a sexual behavior consultation evaluation focused on that question.

NOTE: The evaluation report herein was conducted with a focus on the consult issue listed above, and only information relevant to that question is included in this report. Information was collected from the sources listed in the following section of this report, and only those sources listed were used for corroborating examinee information contained herein.

SOURCES OF INFORMATION ABOUT THE EXAMINEE:

1. Sexual Predator Synopsis Form, undated.
2. Manning Police Department documents, to include:
 - a. Incident Report for Case Number 99-2710, dated 11/20/1999.
 - b. Incident Report for Case Number 99-2975, dated 12/30/1999.
 - c. Incident Report for Case Number 2K-0498, dated 3/20/2000.
 - d. Incident Report for Case Number 2K-0594, dated 4/4/2000.
 - e. Incident Report for Case Number 2K-0624, dated 4/10/2000.
 - f. Incident Report for Case Number 2K-0656, dated 4/14/2000.
 - g. Incident Report for Case Number 2K-2329, dated 12/18/2000.
 - h. Incident Report for Case Number 08-1841, dated 6/7/2008 to 8/7/2008.
 - i. Incident Report for Case Number 09-1066, dated 3/24/2009.
 - j. Incident Report for Case Number 09-4862, dated 12/6/2009.
 - k. Incident Report for Case Number 11-0606, dated 2/6/2011 to 2/8/2011.
 - l. Incident Report for Case Number 11-1345, dated 3/14/2011.
 - m. Incident and Booking Reports for Case Number 12-0803, dated 3/5/2012 to 3/6/2012.
 - n. Incident Report for Case Number 12-1678, dated 5/10/2012.
 - o. Incident and Booking Reports for Case Number 12-1970, dated 6/1/2012 to 7/2/2012.
3. Documents from State of South Carolina, Municipality of Manning, to include:
 - a. Arrest Warrants and Affidavits for G-226316 and G-226317, dated 4/15/2000.
 - b. Arrest Warrants and Affidavits for G-226326 to G-226327, G-226329, and G-226331 to G-226334, dated 4/17/2000.
 - c. Arrest Warrants and Affidavits for J-101733 and J-101734, dated 12/7/2009.
 - d. Arrest Warrant and Affidavit for J-102651, dated 3/6/2012.
 - e. Arrest Warrants and Affidavits for J-102785 to J-102788, dated 6/1/2012.
 - f. Arrest Warrant and Affidavit for 2014A1420100067, dated 2/18/2014.
4. Documents from State of South Carolina, County of Clarendon, Court of General Sessions, to include:
 - a. Indictment for 2000-GS-14-224, dated 8/28/2000.
 - b. Sentencing Sheets for 2000-GS-14-224, dated 9/4/2002.
 - c. Indictment for 2012-GS-14-0360, dated 8/30/2012.

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- d. Sentencing Sheets for 2012-GS-14-0360 and 2012-GS-14-0510, dated 9/12/2013.
- e. Civil Judgements for 12-GS-14-0360, dated 3/6/2015 and 3/13/2015.
- 5. Documents from the South Carolina Department of Probation, Parole and Pardon Services:
 - a. Standard Conditions of Probation, dated 9/12/2013.
 - b. Notice of Violation and Response, dated 3/31/2014.
 - c. Arrest Warrant for Violation of Probation, dated 7/16/2014.
 - d. Affidavit, dated 1/9/2015.
 - e. Probation Citation, dated 1/13/2015.
 - f. Violation Report, dated 1/27/2015.
 - g. Violation Report, dated 2/2/2015.
 - h. Order, dated 3/6/2015.
 - i. Supervised Reentry Release Program Certificate, dated 3/29/2017.
 - j. Standard Sex Offender Conditions, dated 4/25/2017.
- 6. Documents from the Sumter Police Department, to include:
 - a. Investigative Report for Case Number 18126066, undated.
 - b. Incident, Supplemental, and Booking Reports and Additional Narratives for Case Number 18126066, dated 9/12/2018 to 10/18/2018.
 - i. Handwritten letter to "D.D." from Mr. Gibson, undated.
 - ii. Handwritten letter to Mr. Gibson from "D.D." and her husband, dated 10/4/2018.
 - iii. Handwritten letter from "D.D.," dated 10/7/2018.
 - c. Case Information for Case SPD21003878, dated 6/12/2021.
- 7. Documents from State of South Carolina, County of Sumter, Court of General Sessions, to include:
 - a. Arrest Warrants and Affidavits for 2018A4320100593 to 2018A4320100595, dated 9/12/2018.
 - b. Request for Dismissal of Prosecution, signed by "D.D.," dated 9/25/2018.
 - c. Indictment for 2019-GS-43-0005, dated 1/3/2019.
 - d. General Session Tracking Sheets for Indictment 0000GS43, dated 1/8/2019.
 - e. Sentencing Sheet for 2019-GS-43-0005, dated 1/8/2019.
 - f. Arrest Warrant and Affidavit for 2021A4310100588, dated 8/25/2021.
- 8. Criminal History reports, dated 9/12/2018 and 9/28/2022.
- 9. Columbia Police Department Incident Report for Case Number 210026209, dated 10/15/2021 to 3/9/2022.
- 10. State of South Carolina, Municipality of West Columbia Arrest Warrants and Affidavits for 2022A3221100110 and 2022A3221100111, dated 3/7/2022.
- 11. West Columbia Police Department Incident and Supplementary Reports for Case Number 2206324, dated 3/7/2022 to 3/8/2022.
- 12. SCDC Offender Management System records, including:
 - a. Detainer Summaries, dated 9/12/2022 and 10/24/2022.

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- b. Sexual Predator Multi-Disciplinary Team Referral Data, dated 10/10/2022.
- c. Program Services Summary, dated 10/10/2022.
- d. Sexually Violent Predator Multi-Disciplinary Team Committee Meeting Minutes, dated 10/20/2022.
- e. General Offender Profile, dated 10/20/2022.
- f. Test Data/Court Order, dated 10/20/2022.
- g. Completed SCDC Priors, dated 10/20/2022 and 10/24/2022.
- h. Display Inmate Offense History, Offense Inquires, and Display Offense Code Texts, dated 10/20/2022 and 10/24/2022.
- i. Classification Summary Reports, dated 10/24/2022.
- j. Conviction Inquires and Summaries, dated 10/24/2022.
- k. Prior Commitments/Convictions Inquiry, dated 10/24/2022.
- 13. Prosecutor's Review Committee Probable Cause Determination, dated 11/21/2022.
- 14. State of South Carolina, County of Lexington documents, to include:
 - a. Sentencing Sheet for 2022-GS-32-04131, dated 11/30/2022.
 - b. Indictment for 2022-GS-32-04131, dated "December Term 2022."
- 15. Documents for Case Number 2022-CP-14-00547 from the State of South Carolina, County of Clarendon, Court of Common Pleas Third Judicial Circuit, to include:
 - a. Civil Action Coversheet, dated 12/14/2022.
 - b. Petition Pursuant to the Sexually Violent Predator Act, dated 12/14/2022.
 - c. Probable Cause Order, dated 1/13/2023.
 - d. Notice of Retention of Independent Expert, dated 7/21/2023.
- 16. Clarendon County Sheriff's Office Detention Center Incident Reports, dated 4/25/2023 to 4/14/2024.
- 17. South Carolina Department of Mental Health Forensic Psychological Evaluation Precommitment Evaluation Pursuant to the South Carolina Sexual Predator Act report, signed by Dr. Marie Gehle, dated 6/5/2023.
- 18. Minnesota Multiphasic Personality Inventory-3 Score Report, test date 10/10/2023.
- 19. SASSI-4 Substance Abuse Subtle Screening Inventory, test date 10/10/2023.
- 20. Personality Assessment Inventory Score Report, test date 10/10/2023.
- 21. Multidimensional Inventory of Development, Sex and Aggression Report, test date 10/10/2023.
- 22. Penile Plethysmograph (PPG) Examination on 10/19/2023.
- 23. Clinical Interview of Mr. Gibson on 11/28/2023 for five hours and five minutes.
- 24. Email from Attorney Matthew C. Buchanan of the South Carolina Department of Probation, Parole, and Pardon Services, dated 1/24/2024.
- 25. The Hare Psychopathy Checklist Revised: 2nd Edition (PCL-R), assessment dated 6/3/2024.
- 26. Static-99R and Static-2002R, assessments dated 6/3/2024.
- 27. The STABLE-2007, assessment dated 6/3/2024.

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IDENTIFYING INFORMATION: Mr. Alonza Gibson was born on 3/21/1980 in Sumter, South Carolina. At the time of this evaluation, he was 43 years old (and turned 44 prior to the report being submitted) and had been in the custody of the Clarendon County Detention Center since 2/9/2023.

CONFIDENTIALITY: As part of the initial evaluation, Mr. Gibson was advised on 10/10/2023 that he was being evaluated at the request of the office of the South Carolina Attorney General (SCAG). It was explained that the results of the evaluation would be made available to the office of SCAG. Mr. Gibson was specifically advised that information provided and obtained during his evaluation would not be confidential, that information provided to SCAG would no longer be under the control of the SBCL. The SBCL Consultation Evaluation Examinee Consent and Authorization to Use/Disclose Information form was reviewed with Mr. Gibson. He signed the form, indicating his understanding and approval of the purpose of the evaluation, his participation in the evaluation, and the limits of confidentiality. Mr. Gibson reviewed the above consent form on 10/19/2023 and 11/28/2023 and he signed Consultation Evaluation Examinee Consent Form Acknowledgement of Re-Reading and Consent forms, indicating his understanding and approval of the purpose of the evaluation, his participation in the evaluation, and the limits of confidentiality.

DEVELOPMENTAL HISTORY: Mr. Gibson was unaware if his mother had any illnesses or accidents or took any medications during the pregnancy. He said she did not use tobacco products, alcohol, or illicit substances when she was pregnant. He was unaware of the length of the pregnancy term or whether there were any birth complications. When asked if he experienced any delays in reaching developmental milestones (e.g., walking, talking), Mr. Gibson said, "No one told me that." Regarding whether he experienced enuresis (i.e., bedwetting after toilet training) or encopresis (i.e., accidents of feces after toilet training), Mr. Gibson said, "I don't recall none of that, I remember nothing."

Mr. Gibson was raised by his biological parents. When asked to describe his childhood, he said, "Great." He was asked to provide additional information and said, "Uh, loving family, great, church-going people."

Mr. Gibson left home at the age of 21 when he "got my own place; wanted to get my own. I had two jobs."

Mr. Gibson reported that during his youth, he never ran away from home, set fires, or was cruel to animals. He said he performed no criminal acts without police intervention. He reported no gang affiliation. When asked to describe risky childhood behavior he engaged in, Mr. Gibson stated, "Nothing risky as a child... Nothing."

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When asked to describe how he was punished when he was disobedient at home, Mr. Gibson said, "Really, I was never too bad, but probably a little spanking, that[s] about it." He said that occurred "not very often... I can't remember, I was never bad like that." Mr. Gibson said that "probably" his father punished him. When asked for an example of a behavior that was punished, he said, "Playing, doing something, getting into a little brawl with [his siblings]."

In regard to interpersonal tragedies, Mr. Gibson reported that his mother "recently died." He said that occurred "about three weeks ago; she had high blood, diabetic, four strokes." When asked to identify the effect her death had on him, Mr. Gibson said, "I mean, just losing her, being locked back up, trying to get home to her because I knew she was on her sick bed." The question was repeated, and he said, "Just emotionally distressed; I put it like that." He denied anyone else with whom he was close had gotten seriously ill or died.

Regarding traumatic experiences, Mr. Gibson reported being in a "car wreck" when he was "extradited from Nebraska" in 2014. When asked if he was injured, he said he sustained "back problems. I filed for a lawsuit, but I didn't pursue it all the way. I just dropped it when I got out of prison." He did not endorse experiencing traumatic storms and said he was never the victim of a crime.

FAMILY HISTORY: Mr. Gibson's mother died at the age of 70. His father is currently 67 years old. His parents were married and when asked if they ever separated, he said, "Yeah, in a way. He [i.e., his father] did time [in prison] and got out, and they went their own way. They were seeing each other but wasn't living together; put it like that." That occurred in 1994 and when asked the effect their separation had on him, he said, "Uh, nothing really. I still love both of them; look at them like my mom and dad."

Collateral Information: During Dr. Gehle's evaluation, Mr. Gibson "indicated his parents were married before he was born and are still married."

Mr. Gibson's relationship with his mother during his youth was "good," and continued to be "real good" when he was an adult. During his youth, Mr. Gibson's relationship with his father was "real good," and is currently "good." They are in contact "every day, almost."

Mr. Gibson was unaware of his parents' highest level of education as he "never really asked." His mother did not work as she collected disability benefits. His father had a "little store job, Piggly Wiggly, plant job." His father is currently retired and receives a "disability check."

Regarding their medical histories, Mr. Gibson's mother had "diabetes, high blood, four strokes," and his father has "back problems." Neither had a history of mental illness. His mother was

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arrested on one occasion “years ago,” but he did not recall the reason. His father was arrested in 1994 for “molesting my older sister.” He said his parents had no problems with drugs or alcohol.

Mr. Gibson has seven sisters and two brothers who currently range in age from 29 to 44 years old. He noted they are all full-siblings and he “don’t know how many [children] Dad has... I have quite a few half-sisters and brothers.” Regarding how he got along with his siblings during his youth, Mr. Gibson said, “Being regular kids, get along with each other. Playing and laughing, what average kids do.” He was closest with “every one of them.” Currently, their relationships are “great; I tried to talk to every one of them.” When asked if he was currently in contact with all of his siblings, he said, “Yeah. I try to anyway.” He is currently closest with “all of them.”

Mr. Gibson was never in a group home, foster care, or other non-family setting.

ABUSE VICTIMIZATION HISTORY: Mr. Gibson was never the victim of physical or sexual abuse or neglect. He never witnessed the abuse of another person.

EDUCATION HISTORY: Mr. Gibson left school in the ninth grade as he “got kicked out for fighting and never went back and got a job.” When asked if he completed his General Education Development (GED), he said, “I went to some Christian school and got an online diploma.”

Collateral Information: During Dr. Gehle’s evaluation, Mr. Gibson “said he was expelled in the 10th grade. He said he completed extensive coursework and earned his high school diploma in 2008. He explained that he passed most of the testing in the early 2000’s but did not complete the final test until 2008.”

Mr. Gibson did not receive special educational services. He was retained in the ninth grade due to being “just stressed with Dad being locked up, Mom on disability, needing help. I was trying to help her. When I was 14 [years old], I became the man when he [i.e., his father] went to prison.” He said he was retained as he “didn’t want to go to school” and “wasn’t really completing my homework and what not.”

Collateral Information: During Dr. Gehle’s evaluation, Mr. Gibson “said he repeated the ninth grade. He was evasive in his responses to follow-up questions. He indicated he was ‘probably with basketball’ friends but was unable to explain how this resulted in repeating the grade. After considerable questioning and prompting for a direct answer, he said he did not study enough. Upon further explanation and prompting for a direct response, he finally indicated he struggled with math and social studies and failed classes.”

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Regarding school suspensions, Mr. Gibson said, “Not that I can remember, no.” He said he was never expelled prior to the ninth grade. His grades were “pretty good. I didn’t study; I listened in class and took the quizzes and did pretty decent.” He did not participate in any extracurricular activities. Regarding what he liked about school, Mr. Gibson said, “Well, learning, mostly. Learning different stuff.” He disliked “nothing, really.”

Collateral Information: In her report, Dr. Gehle noted, “It was evident in the school records that Mr. Gibson did not perform well in school. He attended Kindergarten during the 1986-1987 school year (ages six to seven), a year later than typical. He failed several classes in the fourth grade and repeated the grade. It was noted he received a ‘social promotion’ to the ninth grade. He failed several classes in the ninth grade and was again retained. His second ninth grade school year was in 1997-1998, when he was 17 to 18 years old. In the second semester of that year, he was absent for 30 days. There were no records beyond the 1997-1998 school year nor was there a withdrawal date. The records did not include information about special education (special education records were specifically requested but not received) or his behavior.”

When asked how he thought his teachers would have described him, Mr. Gibson said, “Probably a quiet person. Just sat there and listen; just quiet.” His peer interactions in school were “pretty good,” and he endorsed having friends. He said no one would have described him as being a bully, noting, “No. I was quiet but never the type to bother people for no reason.” Mr. Gibson said he did not get in trouble in school.

EMPLOYMENT HISTORY: Mr. Gibson’s employment history includes jobs in “construction, painting, concrete, roofing.” He has had “plenty” of jobs, noting, “It could be like almost 10.”

Collateral Information: During Dr. Gehle’s evaluation, Mr. Gibson “said he had ‘probably’ more than 20 jobs.”

Mr. Gibson’s longest period of continuous employment was from 1997 to 1999 when he did “painting for a roofing company.” When asked if he was ever fired from a job, Mr. Gibson said, “Not really. I do what I do. When I get there, I work.” When asked what he meant by “not really,” he said, “No, I mean, when I get to work, I do a good job. I’ve never been fired like that.” He recalled walking off of one job when they were “paying the Mexican more than me so I just quit.” He said the “only reason” he would walk off a job was “if someone ain’t paying me right, what I’m worth.”

Mr. Gibson got along “good” with his bosses. Regarding his relationships with his coworkers, he said, “Good. I try to find out what’s in their mind first, how things roll, get along real good.” Mr. Gibson was “usually” on time to work, “if they [were] paying me good.” He said he did not have

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problems with absences and did not use substances at work or get into physical altercations on the job. He “can’t remember” if he was ever unemployed.

When asked to describe his desired job, Mr. Gibson said, “Really, I want to own my own business. That would be painting.” He has wanted this job for “some time; since doing research for things necessary to own a business, what not.” When asked if he made any plans or preparations for this, Mr. Gibson said, “Yes, I have, still researching.” He was asked to provide specific information and said, “Well, I’m planning to, you know what I’m saying, you gotta think about payments, people who work for you, materials, tools, all that. It’s a lot, workman’s comp, it’s a lot... Plans I’ve made, thinking about what goes into a business, all of that. Whatever necessary it takes for that job; gas, tools, money for this and that. To invest in the job.”

Regarding his current sources of income, Mr. Gibson said, “Basically, hard labor, working.” When asked if anyone put money on his “books,” he said, “Yeah, every now and then.” Regarding whom gave him money, Mr. Gibson said, “Just people, family, this lady I used to work for... I used to help her.” He said he has never defaulted on a loan. When asked if he ever failed to make child support payments, Mr. Gibson said, “Yes, I owe a good little bit now, like 32k [i.e., \$32,000].” Regarding the reason, Mr. Gibson said, “Certain times, bad times, I couldn’t find work.” When it was noted that this was inconsistent with his previous report of never being unemployed, Mr. Gibson said, “I was trying to take care of my little home and stuff like that. And, trying to do child support, too; that’s a lot. My baby momma want[s] an arm and leg and you gotta pay bills yourself.” He reported being arrested “twice” for failing to pay child support and said that occurred “way back, like years ago, like 13 years ago.”

Mr. Gibson has never served in the military.

SOCIAL HISTORY: When asked how easy it was for him to make new friends, Mr. Gibson said, “Not bad at all.” Common interests and hobbies he shares with others include, “Basically, like everyday life, communications, whatever comes.” He said he never felt lonely when not incarcerated or rejected by his family or community.

Mr. Gibson endorsed the belief that others care about him. When asked if felt as well liked or popular as others, he said, “No... [He is] just the average person that someone would love, you’re a good person, they love you.” He was asked how his friends would describe him and he said, “Talkative, communicative, probably social.”

Regarding his important relationships and current support system, Mr. Gibson identified his daughter, sisters, brothers, father, aunt, uncles, and grandmother. When asked if anyone outside of his family could provide support, Mr. Gibson said, “No, it’s hard to have good friends. I would say I have associates. I have good associates. I don’t know if they’re friends or not.”

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Mr. Gibson said his support system can offer him “love, financial [support], shelter... Once everybody know[s] I’m out... I’ve had plenty of people try to bond me out.” He said that “probably five” people in his support system have been in trouble with the law but he “don’t know what for.” Aside from his father, no one else has been accused of committing a sexual offense. He said that some of them consume alcohol but do not use substances.

Regarding whether his support system is aware of his offenses, Mr. Gibson said, “Well, they know what’s going on [be]cause I told them, my situation now or what they got me for. They go online, they find out.” When asked if they knew about his sexual offenses, Mr. Gibson said, “My past charges? Well, yeah.” Regarding how they knew, he said, “Because I guess when I got locked up, I called them and that’s how they found out.” When asked they felt about his offenses, Mr. Gibson said, “They didn’t feel no type of way about my past history.” Regarding how they felt about the length of his sentences, Mr. Gibson said, “I guess, I don’t know; all I know, when I call them, they the same people here today and tomorrow, don’t change, still love [him].” When asked how they felt about the way he has been treated by the criminal justice system, Mr. Gibson said, “I can’t explain that.”

When asked how his support system felt about the current proceedings pursuant to the Sexually Violent Predator Act, Mr. Gibson said, “Well, they know better than that.” He was asked to elaborate and said, “They know me, they know me.” He was asked to provide additional information and said, “They know me, they know I wouldn’t do nothing stupid. I already broke it down; the whole thing, what’s going on. They just want me out, so...” When asked what he “broke down,” Mr. Gibson said, “The SVP ACT.”

When asked how he thought his decisions and behaviors affected others, Mr. Gibson asked, “You mean, according to what they’re accusing me of?” The question was repeated, and he said, “I know me, I’m a good person, not starting trouble with nobody.” He was again asked how he thought he affected others and said, “I can’t explain. I can’t even answer [be]cause I don’t know... If I get in trouble, the women... If I have too many assaults on my record... That’s what they’re doing with this, but they don’t know the situation I’ve had with these women.”

Regarding how important it was for him to consider the feelings of others, Mr. Gibson said, “Uh, if I love someone or something like that?” The question was repeated, and he asked, “Like family?” He was asked again about “others,” and said, “Well, can you say that again?” The question was repeated again, and he said, “Personally, I’ll say family again, people I love, personally.” It was noted that his response did not answer the question and Mr. Gibson said, “I put people over myself; put it like that. I feel good about people.” He endorsed believing that others were concerned with his feelings. Regarding how others would describe him, Mr. Gibson said, “Good, caring, good caring person.” He endorsed that others’ opinions of him were accurate “all the time” and were important to him.

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When asked to describe the types of things that have caused him problems in his life, Mr. Gibson said, "Mostly drinking. Every now and then, drinking and puking. I don't like to drink. Cigarettes, hate it. I quit."

Regarding hostility towards women, Mr. Gibson said that he has women in his life with whom he feels close, including his "sister, daughter, auntie, grandma, nieces, cousins." When asked if he thought it was difficult for men and women to be friends without it becoming sexual or there being sexual tension, Mr. Gibson stated, "Do I think it's hard? No, I got plenty friends, it's not sexual, just women friends. I've got this one girl, known her a long time..." When asked the reason, Mr. Gibson said, "I mean, everything isn't about sex, I'll put it like that." He said no one has ever complained about his behavior towards women and he did not find that he needed to change the way he spoke or acted around women, noting, "I'm flattering myself; I'm a very good, manner-able person, generous gentleman, I'll put it like that."

When asked if a woman ever made trouble for him, Mr. Gibson said, "Yeah, the drunks and the drinks, the wild women, getting locked up, getting in an argument and I'll get the worst end of the stick. They lie, wild women, when I should've just walked away. I've had women do stuff to me when I couldn't move, got maced while on the computer, one pulled a machete on me, a lot of stuff... Yeah, if we get in an argument and I leave and they want me back, they tell rumors and lies and all that stuff. I was staying with this particular woman, left, she called my sister. I linked up with another woman and this woman's down the road, taking pictures of us, said, 'I want you back, I want you back.' There's some wild women I've been with." When asked if he thought that some women would say or do anything to get a man into trouble, Mr. Gibson said, "Yeah, most women; not all women." Regarding how often he thought that happened, Mr. Gibson said, "Oh man, where I'm from, know what I'm saying? It's a lot of reported cases, more often than you think." When asked what he meant by "reported cases," Mr. Gibson said, "Where women will lie on a man, get him locked up, for no reason at all, and she be the one that start it. Can't say that about all women."

Regarding his experiences working with women, Mr. Gibson said, "I never had a woman I worked with as a coworker," and said he never had a female supervisor. When asked if he thought it was a good idea to have women involved in the criminal justice system, Mr. Gibson said, "No," and regarding the reason, he said, "It is what it is." Mr. Gibson was asked for more information, and he said, "It doesn't affect... I mean, I wouldn't see why not, if it's a job to them, you know?" He endorsed there being women involved in his case, and when asked if they treated him fairly, he said, "Oh, yeah." Regarding whether he thought things would have been different if there had been men in those cases, Mr. Gibson said, "No."

When asked to identify his religious affiliation, Mr. Gibson said he "claim[s] to be Christian but I don't live fully as a Christian should. I still believe in God, put it like that." He was asked to

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elaborate and said he was “not a saved person, not a saint; be the first to tell you I’m not perfect.” In the community, he attended church with his father “every Sunday,” noting, “We got our own chapel on our land.” In SCDC, he participated in the “Kairos walk program, in like 2019 and I attend church services.” Regarding the frequency, he said, “Just about every time they have it at the chapel [be]cause I make gospel songs and I sing.” He said religious services were not available “where I’m at now [i.e., the detention center].”

When asked to describe his immediate future plans, Mr. Gibson said, “Well, my thing is to find a job. My dad already said he would help me with a home; I’ll stay with him. My thing is to get a job and pay this child support, get that out of the way.” Regarding what type of job he planned to look for, Mr. Gibson said, “I’ve been thinking about, they got this chicken plant in Sumter, start with that because they have a sign-on bonus and pay good.” He will live with his father, who lives “out in the country” in Clarendon County. He reported that his father “lives with his-self, got his own land.” Regarding whether he had additional immediate plans, Mr. Gibson said, “Well, yeah, it’s a lot. I wanted to be automotive engineer; that’s designing cars. Probably go to college, in Detroit, Michigan. It’s college for creative studies, that’s what I researched so far. I got accepted to Phoenix, Arizona, fine arts and designs, in 2008; I never pursued it. Designing cars, that’s what I do, inventions, invent stuff.”

Collateral Information: In her report, Dr. Gehle noted, “Mr. Gibson plans to live to live [*sic*] with his sister initially. He said, ‘I already called her. She is willing to help me.’ He said of his release plans, ‘Get my license and land myself in a plant.’ When asked how he planned to satisfy his sexual needs, he said, ‘I won’t be thinking about it. I will be working. I won’t have time.’ He reiterated that he would spend his time working and trying to get his life back together. He said he will not be on probation or Community Supervision upon his release to the community.”

When asked to describe his long-term plans, Mr. Gibson said, “I guess be well-stable, set job, business, or whatever, behind a desk, making good money. Something like that.” When asked if he had any other plans, he said, “I got a lot of plans, investments and stuff like that, housing, stuff like that.”

When asked if he foresaw any potential problems in reaching his goals, Mr. Gibson said, “No, not really. No, not at all.” He endorsed having concerns about the future, and when asked to elaborate, he asked, “Like jobwise, business? Like what area? Life itself? ... Basically, investing, making money, and living a good life. Probably married, have a big home, investing, making money.” He was asked again about his concerns and said, “Concerns? Like what? ... I mean, I just said, life, living a good life, basically. If God allow me to make it that long. I do have concerns.” Mr. Gibson was asked to specify these concerns and said, “I can’t really say... I just said, I would rather in the future be well-off, making money, investing.”

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Mr. Gibson said he would have no community supervision upon release.

Collateral Information: An email from Attorney Matthew C. Buchanan, South Carolina Department of Probation, Parole, and Pardon Services, dated 1/24/2024, noted, "Mr. Gibson does not appear to have any supervision required by his current convictions."

GENERAL MEDICAL HISTORY: Mr. Gibson said that he did not have any current medical conditions. He noted, "I had a case of sciatic nerve pain, tripped over a wire like a year ago, gave me a steroid shot. I've been having back problems for a long time, slipped on the back porch. I think I broke something but never went to the hospital. After being in prison, then sleeping on a soft bed, I couldn't walk. They took me to the hospital and gave me a small pill and that helped."

Regarding a history of head injuries, Mr. Gibson said he was "jumped by some gangs in Richland County last year, got stitches, [after getting] chopped with a blade." He said he got stitches "in the head," and when asked if he experienced a loss of consciousness, he said, "I felt like I was gonna pass out, lost a lot of blood but never really passed out; got dizzy."

Mr. Gibson said he never underwent surgery, was hospitalized overnight, or experienced seizure activity. He is not prescribed any medication.

MENTAL HEALTH HISTORY: Mr. Gibson reported never receiving mental health treatment or being diagnosed with a mental illness. He has never been prescribed psychiatric medication.

When asked if he ever received sexual behavior treatment, Mr. Gibson said, "No. Wait, when I was charged with one of my crimes, they had me go to this thing. In like 2014." When asked to identify that "thing," he said, "Like a... I can't remember, like a counseling class, something like that." He said that occurred "in Sumter. When I signed up for the Registry, the class was part of that. I never finished the class, I got sentenced. When I went on the run... I didn't have a car to meet the demands of when they wanted me to go." Regarding how long he attended that "class," Mr. Gibson said, "I went to that place about two times. I didn't have a ride to keep up with it. I didn't have a job, I was staying with my grandma, helping her out." Mr. Gibson said he was not offered sexual behavior treatment in SCDC. When asked if he would have accepted the treatment if it were offered, he said, "Uh, in prison? Well, I probably would, just to learn something to get out of the dorm all day. You learn something from everything." He said he did not need the treatment and had no plans to obtain it in the future.

Collateral Information: SCDC records indicated that Mr. Gibson did not receive sexual behavior treatment while incarcerated.

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Mr. Gibson has never experienced suicidal or homicidal ideation or attempted suicide. He said he has had no recent changes in his sleep, appetite, or weight.

Mr. Gibson reported experiencing depressive symptoms “plenty of times,” that could be caused by “anything, especially losing my mom, a depressing situation, right there. I’m coping with it. Being locked up, wishing I could change my life around, be 16 [years old] again and change it around for the better, better.” These symptoms last “not long; little thoughts hit your mind; you could do better.”

Mr. Gibson did not endorse experiencing anxiety. Regarding worry, he said, “No. Now, I’m anxious about this [i.e., the current proceedings pursuant to the SVP Act]; wishing I wasn’t in this situation.”

Mr. Gibson did not endorse experiencing mania, trauma-related symptoms, psychosis, paranoia, or attention symptoms. He said he has no problems with concentration, waiting his turn, completing tasks, or being forgetful.

Mr. Gibson said he did not consider himself to be impulsive and did not do things without thinking or on the spur of the moment. Regarding whether he ever bought things he could not afford or really did not need, Mr. Gibson said, “Yeah, probably some jewelry, high-priced jewelry, clothes, the best stuff.” He said that he stole things “not very often,” and reported that in approximately 2018, he “took a toolset and got locked up for it.” He said he does not gamble.

Regarding how he would describe his temper and anger management, Mr. Gibson said, “I really don’t have a temper, don’t get stupid for nothing, that’s not my character.” When asked if his temper ever got him in trouble, he said, “If you saying, the charges I been in for, then I let my temper get the best of me. With women, yeah, probably didn’t see it my way.” He said he was “not a hot-headed person,” and that no one has complained about his temper.

When asked how many physical altercations he has had, Mr. Gibson said he was “not really a fighting person. Let’s see, to be honest, I didn’t start these fights; about four.” His first fight occurred “in school, when I got kicked out. A dude was throwing wet spitballs on me when I was asleep in class, so that was that. Just a hand fight, that’s all. We were young.” He said he was “probably 15” years old at the time. When asked why he was expelled, Mr. Gibson said, “Well, I did hit him in the eye, messed his eye up. They expelled me and my mom went down there and got him expelled.” Mr. Gibson’s second fight occurred with a “gang member, in prison, [who] just wanted to pick with me, I guess, and when I said something, defending myself.” He said that occurred in “probably 2000, 2001.” When asked to describe the circumstances of the fight, Mr. Gibson said, “He pushed me in the chest, and I swung at him. The COs [correctional officers] came in time and saved my butt; his boys were coming. They maced him. Mostly, I put my

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hands up like that, they threw me against the wall.” Mr. Gibson said he was uninjured. When asked if the other man was injured, he said, “No. I was pretty big; he was short and stocky... When he pushed me, really just throwing hands, that’s all.” He said they “both” got in trouble and “they just gave us a little detention, threw us up in front of administration. Kirkland [Correctional Institution], they can’t do anything.” Mr. Gibson’s third fight occurred “in prison,” when he was “like 24 to 25 [years old]. Dude bumped into me and pushed me real hard, so I saw him, bumped into him, ‘Hey bro, what’s up?’ That’s how it started. The COs came, maced him; I was on the floor, holding his neck.” Mr. Gibson said he was not injured during the fight but “was maced up pretty bad. They put me in a holding cell, administration overnight, charged me with fighting, gave me a four-month setback.” When asked if his opponent was injured, Mr. Gibson said, “No, we [were] both pretty big guys, just pushing and tussling each other, that’s about it.” His fourth fight was with “a gang member, on the street, and it was crazy. We had another friend, and the dude, like both of us, as friends, he had a car and I paid him to take us somewhere. He came up out the blue, pointed in my face. He ended up swinging, we ended up fighting.” That occurred in approximately 2008, and Mr. Gibson noted, “He tried to come up to get a ride, I said, ‘Man, you can’t get a ride, I already paid him for that. You can’t just jump in on my ride...’” When asked if he was injured, Mr. Gibson said, “No, he was injured... I slammed him, [be]cause he swung on me, trying to get the best of me and he’s bigger than me.” Regarding his opponent’s injuries, Mr. Gibson said he “slammed him on his back. I jumped in the truck, and we hauled tail. He has some boys the next day in the hood try to get me, so I walked the other way.” He said he did not get into trouble for that fight. When asked if he was involved in any other fights, Mr. Gibson said, “No, not that I can remember.” Regarding any fights in the detention center, he said, “Well, yeah. I recently had one in Clarendon County, like three months ago.” He was asked to provide additional information and Mr. Gibson said, “It’s all on camera. I went to get some water; he got in my face. I said, ‘What’s your problem?’ So, I swung on him.” Mr. Gibson said he was not injured but that the man he was fighting with “had a busted lip; that’s mostly what I saw. After it was over with, he tried to grab me, and I guess try to do something with me but he’s only so big and that didn’t work. He started it.” Regarding whether he got in trouble for that fight, Mr. Gibson said, “Yeah, they gave both of us... I was looking at 60 days but after they looked at the camera, he was a bad person, had a bad reputation. They found out... They took me off early. I think I only did seven to 10 days.” When asked to provide more information, he said, “60 days; it’s mandatory, lock down time.” Mr. Gibson said he had no other fights. He reported never using a weapon and did not carry one in the community as he “really don’t need one.”

When asked if there was anything about himself that he wanted to work on or change, Mr. Gibson said, “I would love to change getting myself together, working on me, you know, just having a stable life, you know? Financially, job-wise, working towards something, you know? Saving my money. Got plans for my daughter and stuff like that, you know? Probably starting my own business, taking money I’ve worked hard for and putting it into a business.” Regarding what others would say he should work on or change, Mr. Gibson said, “Nothing, really.”

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Mr. Gibson described his self-esteem as “real good, 10,” on a scale with 10 as the best. He chose that score because he is “just a normal person, just deal with life problems as they come at me in a good way.” Regarding his current life satisfaction and whether there was anything that was missing or needed improvement, Mr. Gibson said, “I got a whole lot that needs improving; lost times, times I’ve been in jail and prison, took a toll on things I wanted to reach, goals and where I want to be. Being well-off, financially stable, good job, whatever else God has in store for me.”

Regarding how often he lies, Mr. Gibson said, “I don’t.” When asked if he never lied, he said, “I mean, not just to tell a lie.” He was asked to provide additional information and said, “I try to be honest... I don’t lie, period. If it’s a life-threatening situation and I have to lie to save my life, yeah, probably.” When asked, Mr. Gibson said he has never been in that type of situation. When it was confirmed that he was saying he has never lied in his life, he said, “I’ve told lies, yeah, but not just to lie.” He “can’t remember” what he has lied about. Regarding whether he has ever used an alias, Mr. Gibson said, “Yes, I have. Certain people, like when I was on the run, my name was John, in another state.” He said he did not con or manipulate people.

When asked if there were things in his life he regrets or feels guilty about, other than criminal acts, Mr. Gibson stated, “No, not really, just the criminal part. Well, probably, yeah, if I could’ve walked away from certain situations, probably would, but it’s hard; wish they could be avoided.” When asked what he was referring to, he said, “Like the stuff I’m in for...”

SUBSTANCE USE HISTORY: Mr. Gibson first consumed alcohol at the age of 21 and his last use was “last year.” When asked to identify his heaviest period of alcohol use, he said, “I really didn’t drink too heavy like that.” Regarding the frequency of his use, Mr. Gibson said, “As I got older, I slowed down on drinking. One time, I drank gin; I puked so much, alcohol poisoning, that’s when I slowed down.” The question was repeated, and he said, “Not that often... Probably, I want to say, every so many months, not all the time. Mostly drink wine and stuff like that now. Or, sit at the bar and have a few shots of tequila and that’s it.” When asked if alcohol caused him any problems, Mr. Gibson said, “I would say, yeah, because certain situations I was involved in, if [he was] not drunk, [he] would’ve known to walk away at the time.” When asked to elaborate, he said, “What I’m in for right now, I guess.” Mr. Gibson has “drunk a few cups” of “buck” in prison, with his last use being “years ago, 2015.”

Mr. Gibson smoked cannabis “one time” at the age of 17 but “don’t even like it; it don’t do nothing for me.”

Mr. Gibson first used cocaine at the age of 23 and his last use was “last year.” Regarding the quantity of cocaine he used, he said, “Not much, just enough, that’s it.” He said he used “every so often,” which was “every few months apart, I guess.” He said cocaine caused him no problems.

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Mr. Gibson used methamphetamine in prison in 2019. Regarding the frequency of use, he said he used “more than often.” When asked to elaborate, he said, “To have something to do... I had a roommate. When I was bored, depressed [he used methamphetamine].” When asked again about the frequency of his use, he said, “I said we did it on and off for a week, probably every one day, something like that.” He said he has not used methamphetamine since 2019 and that it caused him no problems.

Regarding treatment, Mr. Gibson said he completed a “drug and alcohol class. I had to take it; it was part of the ‘Y’ [of the Youthful Offender Act]; way back in 2002. It was mandatory.” When asked about being required to be on the Alcohol Treatment Unit at SCDC as part of a sentence received in 2019, Mr. Gibson said, “Like I said, we was drinking, we were drinkers. The state wanted me really to go do that program.” When asked if he completed the program, he said, “I don’t know, don’t remember. If I did and they ordered me, then it was mandatory. I’m thinking I did, as part of my sentencing.”

Collateral Information: According to Dr. Gehle’s report, “When asked about his substance use, Mr. Gibson said he used ‘a little bit of cocaine’ for a six-month period in 2003, ‘did a little bit of weed regularly’ and ‘used to drink a lot of little wines regularly.’ He said he quit smoking marijuana because he ‘thought it was dumb.’ He denied any problems with substance use. When asked why a judge recommended he be housed in the Alcohol Treatment Unit, he replied, ‘That was a part of the sentencing.’ Despite efforts to get more than a concrete response from him, he provided no further explanation.”

SCDC records indicated that Mr. Gibson completed “Alcohol/Drug Orientation” on 9/18/2013, 2/6/2019, and 8/25/2022. He was “court-ordered” to be placed the Alcohol Treatment Unit (ATU) and was there from 1/8/2019 to 2/28/2019 until he was “transferred.”

INTERPERSONAL RELATIONSHIP HISTORY: Mr. Gibson has never been married and is currently single. He has been single “since that last girl that got me in here,” which has been for “about two years now. March of last year, almost two years.”

When asked to identify the number of significant, important romantic relationships he has had, Mr. Gibson said, “A lot... Of women. I mean, a lot.” He was asked the number and said, “About 30, probably more than that.” When asked if all of those relationships were significant to him, Mr. Gibson asked, “What do you mean?” Additional information was provided, and he said, “I mean, I’ve had a lot of good women. We just separate...” He was asked to provide an estimate and said, “Meaningful? I’d say they were pretty meaningful up until the point we separated. I’ve had a lot of women in my life. A lot I still talk to, to this day, as friends.” His longest relationship lasted “up to three years. Two to three years. The last one was [for] two years, [the] one before

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that was two to three years, before that was one to two years, two years, probably two to three years, from girlfriends to adult women when I was younger. My baby momma cheated on me, so I guess that don't count. Just kidding; but I just left her and got another girl from California just to make her mad. It worked."

Mr. Gibson began his longest relationship when he was 19 years old with a 20-year-old female partner. They were together for two to three years and lived together for "probably two to three years." When asked why the relationship ended, he said, "I think she went back to New York and me and my mom, we moved somewhere else in Clarendon County..."

Mr. Gibson's most recent relationship began in 2021 with a 40-year-old female partner. They were together for "a year or less," and broke up when he "caught her cheating and I put hands on her; I'm not gonna lie." When asked who ended the relationship, he said, "Well, I mean, I guess it ended after I put hands on her and questioned her."

When asked if he felt emotionally close to his partners, Mr. Gibson said, "Yeah, I'm a real caring person." The question was repeated, and he said, "Yeah, I'm real caring." Regarding what and his partners had in common, Mr. Gibson said, "Learning, learn new stuff as you get older." The question was repeated, and he said, "I can't... I don't know. I don't think I can know that." When asked to elaborate, he said, "If we fall in love, communicating and build from there. Knowledge, communication, socialization."

When asked to describe some of the problems in his relationships, Mr. Gibson said, "I had a lot of problems, who don't? Like drinking, the girl drinking, or we both drinking... I don't know... I've had a lot of situations where my partners think you're looking at that girl, stuff like that. Hood rat stuff like that." Regarding whom typically ended the relationships, Mr. Gibson said, "Well, I, basically, I'm the type of person, if a woman causing problems or if I don't love the woman; I can't really say, it's different situations. I've had women that I've cheated [on], and it's got back around, and most of the time, they'll push me off, so..." When asked if family or friends ever interfered with or intervened on his relationships, Mr. Gibson said, "Yeah, I've had some nice-looking girls and have uncles and cousins come behind my back and these women tell me what they said. I've had that happen a lot." Regarding the number of times police were called secondary to a relationship problem, Mr. Gibson counted on his fingers and said, "About three times, that's about it," for "arguments, throwing my clothes out."

When asked the frequency of physical altercations in his romantic relationships, Mr. Gibson said, "Oh man. It depends on... Most of the time, it's cheating or accusing me of cheating. I don't know, I can't... I don't know how many. Basically, I can point out some times, if I'm trying to protect myself..." He provided examples of a woman "pulling a machete" on him and being

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“maced.” He continued, “I pushed her because I was blinded, and she was still hitting me. It’s different stuff.”

When asked if he has ever been in love, Mr. Gibson said, “Um, you call love, loving someone, getting in an argument, fight... I’ve never been in love-love, long extended relationship with a person.” Regarding how he knew, he said, “They probably was [in love with him], but not me, not like that. I probably loved them, didn’t hate them, but not in love with them.” The question was repeated, and he said, “Because certain things; I’ve been with some wild women, more of a girlfriend/boyfriend type moment, not someone I would settle down with if I wanted to find someone to settle down with.”

Mr. Gibson said he dated “a lot” when not in a committed relationship. When asked what qualities he looked for in a partner, he said, “Well, if I get with a partner, end up connecting, you got a job, I can work, we can help each other out, we need each other; basically, stuff like that.” Regarding whether those qualities were hard to find, he said, “Well, yeah, what I want from a woman, when I settle down, good job, good church-going woman, someone I know I’m gonna be with; if I approached her, I’d know. No cheating, both honest. Fifty-fifty, life goals, what you got for the future, what you got to offer, what we can build an empire.”

Mr. Gibson has one daughter who turned 18 in December of 2023. Her mother is a previous girlfriend that he was with for “not even long.... [in] 2005, she was 18 and I was 25; [they were together for] like six months. We end up connecting like one time, I was already on the run. I was on a YOA; she didn’t know. I didn’t tell her, I ended up going to jail, she was pregnant.” When asked if he raised his daughter, Mr. Gibson said, “Partially. I wasn’t in her life all the time like that. Even though my baby momma wanted me to come back but she cheated on me.” Regarding why he was not in his daughter’s life, Mr. Gibson said, “Because I was certain places, didn’t stay in Clarendon County all the time. I was in Sumter... I moved to Lincoln, Nebraska with another woman, I was just all over.” Regarding the frequency of his contact with his daughter, Mr. Gibson said, “Now, just recently. I got my sister working on it.” He was asked to elaborate and said his sister was “trying to contact her. They didn’t know my baby momma had married... changed her last name.” When asked when he last had contact with his daughter, Mr. Gibson said, “I tried to go out there in a rental and talk to her in 2020. The aunties of that family, they get... I get bad vibes from them... Probably 2018, she was in the pool, and I couldn’t even talk to her.” They last spoke “probably years ago, 10 years ago.”

Collateral Information: According to Dr. Gehle’s report, “Mr. Gibson has never married nor fathered any children. He indicated he was involved in two long-term romantic relationships. He said he lived with a woman for ‘two or three years’ between 2011 and 2013; however, when we reviewed his history of time in jail and prison, it was evident that he could have lived with her for no more than nine months. To clarify, he

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said he was dating, but not living with, the woman at the time of the 2012 sexual offense. He indicated they began living together when he was released from prison (November 2013). He moved with her to Nebraska, in violation of his probation. He indicated he knew he was facing a 10-year sentence for probation revocation and decided to move to Nebraska to avoid prison. He indicated he lived with another woman in Manning for about a year."

SEXUAL HISTORY: Mr. Gibson said he began puberty at the age of "14, I guess." When asked to identify his first sign of puberty, he asked, "What do you mean? ... When I could erect, put it like that." He first learned about sex when he was "young... I guess about 14," by "watching [*sic*] some crazy magazines, I guess." When asked to provide additional information, he said, "Porn magazines." He said that "some kids at the school, they shared them, so I took them home." Regarding his reaction at that time, Mr. Gibson said, "Just like an average kid, wanting to know, I guess, where babies come from." The question was repeated, and Mr. Gibson said, "What was my reaction? Just seeing why it was necessary, I guess." He said that he received sexual education in school but did not learn about sex from his parents.

When asked when he first experienced a sexual thought or fantasy, Mr. Gibson said, "I was having sexual thoughts at an early age, probably 13 or 14, something like that." Regarding the content, he said, "I guess trying to have sex with women, I guess, in my head, or what is sex like. Like a normal, average kid." When asked to describe his reaction, he said, "I guess getting a feeling off, I guess." He said he masturbated to that thought "one time, when I was 14."

When asked to describe the current frequency of his sexual thoughts, Mr. Gibson asked, "Like now? I mean, I'm older now, been with a lot of women. It really don't faze me, it really don't cross my mind, put it like that." It was noted that everyone experiences sexual thoughts and Mr. Gibson said, "Yeah, but I'm not a horn dog, put it like that. I've been with a lot of women, trust me, before I die... Trust me." When it was confirmed that he was saying he had no sexual thoughts, Mr. Gibson said, "Not just to have sexual thoughts like that, no... I don't need it; it doesn't faze me." When this was again questioned as being developmentally atypical, Mr. Gibson said, "I can't vouch for everybody; I know me." This was continued to be challenged and he said, "It's not normal for me... I mean, you saying that [sexual thoughts are normal], I know how I operate, how my body, my mind works. You can ask the COs [correctional officers], I'm just jotting down things for the future." Mr. Gibson said he did not have a favorite sexual fantasy or thought. When this was further discussed, he said, "None previously, none now."

Mr. Gibson began masturbating at the age of 14. Regarding his current frequency of masturbation, he said, "I don't. None... Not since last year. I got locked up when I was with my girl." He said he does not experience nocturnal emissions. When this was questioned, Mr. Gibson said, "Sex doesn't faze me like that; my mind is on something else. I don't need

thoughts, nothing. I read a lot, draw a lot.” When asked if he masturbated during his prison incarcerations, Mr. Gibson said, “No, I’m not like that.... When I was younger, probably, yeah.”

Collateral Information: In her report, Dr. Gehle noted, “Concerning his age when he first masturbated, Mr. Gibson said, ‘Can’t remember all that.’ When asked about the frequency of masturbation, he said, ‘I have no idea.’ When asked why he did not have any idea, he said, ‘Because I don’t.’”

Mr. Gibson’s highest frequency of masturbation was “when I been with my girlfriend; only time I masturbated a lot.” When asked to describe the frequency, he said, “We had sex a lot; one to two times a week.” He then noted that his highest frequency of masturbation occurred at the age of 14 when he was masturbating “probably every day when I figured out I could do that.” He never experienced an injury from masturbation.

Mr. Gibson said he had no religious, cultural, or other reasons for or against masturbation. When asked why he does not masturbate, he said, “Because it’s not mandatory, not something you have to live for in life, for me, anyway.” He was asked this question again and said, “I don’t... I just don’t... Sitting there, looking stupid, jacking off, that’s stupid. I got a lot to do... That would be probably a psycho, someone who has nothing else in life, an idiot. I’m not going to sit there and jerk my life away, that’s not me, I’m not like that.”

Mr. Gibson was sexually active with a consenting partner for the first time at the age of 21 with a woman who was “20 or 21 [years old].” When asked to identify the number of consensual sexual partners he has had, he said, “A lot.” He was asked to provide an estimate and said, “Shoot. I ain’t proud of it, close to 200, probably. It’s a lot.” When asked if he thought that was a lot of partners for someone his age, Mr. Gibson said, “No, I don’t think so... I’ve heard some men have more than that, trust me.”

All of Mr. Gibson’s sexual partners have been women. His longest sexual relationship lasted for “one or two years.” Regarding the number of very casual sexual relationships or one-night stands he has had, Mr. Gibson said, “A lot, can’t even tell you, a lot. I could probably go to a club back in the day at 22, 23 [years old], all the girls on you, ‘Let’s go to a motel.’ I can’t tell, it’s a lot, more than one time, when I was younger. I’ve been around, put it like that.” He has had sex with “a lot” of sex workers, estimating this to be “probably more than 20.”

Collateral Information: In her report, Dr. Gehle noted, “He said he had sex for the first time when he was ‘probably 16’ years old. When asked to how many sexual partners he had, he replied, ‘Since I was young?’ He then said, ‘I can’t add how many...it’s a lot.’ He estimated it was between 1 and 25. When asked how many times he paid for sex, he said, ‘I don’t too much pay for sex.’ When asked to clarify, he said, ‘I don’t too much pay for

sex. Probably about one or two times in life.” When “asked how many times he had sex with a stranger, he said, ‘Probably a while.’ When his response was clarified, he denied ever having sex with a stranger, stating, ‘You got to get to know a person.’ When asked if he ever had sex with another male, he said, ‘I love female.’ When asked again, he said ‘no’ and appeared upset by the question. He denied that he felt insulted or upset but said, ‘I would never ask anybody that.’”

Mr. Gibson is not currently sexually active with another person. When asked to describe his desired frequency of sexual activity with another person, he said, “It depends on how they are...” Regarding on his own desired frequency, he said, “It depends on if them [*sic*] start on me, or how much they want it.” If it was up to him, he is “good for like a good day, now I am.” When asked to provide additional information, he said, “Like if I had a girlfriend and she wanted to have sex all day, I’m good for that day; I’ve had them like that.” The question was repeated, and Mr. Gibson said, “I’m good for a day... A whole day and then four days later. Whole day, probably.”

Mr. Gibson was unfaithful to “over 20” of his partners. When they discovered his infidelity, their reaction “wasn’t so good. I got hit in the head with a bottle one time when I was asleep; she could’ve killed me. Plenty of times.” Partners were unfaithful to him “plenty of times.” When asked to describe his reaction, he said, “I confront them about it but if I can’t find too much detail, don’t have the facts to prove it, just leave that person alone. I have done it.” Regarding what he does if he has the “facts,” Mr. Gibson said, “If I really love somebody or try to fall in love with somebody then that’s different. I don’t want somebody messing with everybody on me... I wouldn’t like it, of course, especially because could be bringing me something back.”

When asked to identify his sexual orientation, Mr. Gibson said, “women.” He said he has never contracted a sexually transmitted infection. When asked if there was anything he wanted to change about his current sex life or sexuality, Mr. Gibson said, “What do I want to change, if I were to have sex... Well, I don’t have a current sex life... I don’t understand.” He was asked again if he wanted to change anything about his current sex life and said, “Like being a male?” Additional information was provided, and he said, “If God allows me to be sexually active, when the time comes, of course I want to have sex, until I’m old and can’t.”

Mr. Gibson first used pornography at the age of 14 when he used “magazines. Later on, as I got older, started getting the videos, came out. VHS.” The frequency was “every so often, not an everyday thing, every few days or more. When I was younger. In my young days, that’s when I was masturbating a lot, you know what I’m saying?” Regarding the last time he used pornography, Mr. Gibson said, “I really don’t use pornography, can’t remember the last time. Over 20 years ago, I was dating women. I don’t need pornography; I was well over into dating women. Didn’t need it.” He said that no one ever told him he seemed preoccupied with sex, sex workers, or pornography. Regarding how he thought his sex drive compared to other men his

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age, Mr. Gibson said, “Well now, I’m lower, mine’s average.” He was asked to elaborate and said, “It’s average.”

Mr. Gibson said he did not have any sexual interests that others generally do not or might not enjoy. He said that he did not engage in sexual behavior to feel better about himself, or when he felt lonely, sad, bored, angry, or frustrated. Regarding when he is most likely to feel sexual, Mr. Gibson said, “When we’re happy together and convectionate [*sic*].”

Mr. Gibson was asked about a variety of sexual fantasies and behaviors. He said he has not fantasized or engaged in behaviors involving the following: asphyxiation, biastophilia (sexual arousal to force/coercion), coprophilia (sexual arousal from defecating on or being defecated on by a sex partner), exhibitionism, fetishism (sexual arousal from an inanimate object), frotteurism (rubbing genitals against an unsuspecting and non-consenting other), mysophilia (sexual arousal from soiled items), necrophilia (sexual arousal from a dead person), pedophilia (sexual arousal to prepubescent children), telephone scatologia (making obscene phone calls), transvestic fetishism, urophilia (sexual arousal from urinating on or being urinated on by a sex partner), voyeurism (watching a stranger, family member or neighbor without their knowledge for a sexual purpose) or zoophilia (sexual attraction to nonhuman animals).

LEGAL HISTORY:

Mr. Gibson reported his first arrest occurred at the age of “probably 18 or 19 [years old],” when he was charged with “Burglary, a few Petty Larcenies; that’s how I got my ‘Y [i.e., Youthful Offender Act (YOA)].’ They just added it altogether; [the offenses took place in] just one place, not different places.”

When asked to identify the next time he was arrested, Mr. Gibson said, “I can’t remember.” Regarding the next charge, he said, “I got locked up for stuff, but I can’t remember.” When asked if he was saying he could not remember any of his subsequent charges, Mr. Gibson said, “I just can’t remember the exact year or date.” He was asked to identify the name of his next charge and said, “In order, I don’t know.” When asked the next one he could recall, he said, “Let me see if I can try to remember. Petty larcenies, another Petty Larceny, Receiving Stolen Goods. Breach of Trust, [one charge] with my girlfriend; taking the car without her consent, that was like 2013, 2012, something like that. You wanna know all the charges? ... The sexual charges. They charged me with one girl I was with, they charged me with sexual misconduct, I think third [degree]. Another girlfriend I was with, charged, got out.” When asked what he had been charged with at that time, Mr. Gibson said, “She tried to say some bull; it was sexual misconduct. Assault and Battery on my other girlfriend. And this girl right here, Assault and Battery... Nonsexual, that’s about it.”

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According to reviewed records, Mr. Gibson has had the following interactions with law enforcement (note that the sexual and violent offenses against women are described in more detail in subsequent sections of this report):

1. On 4/14/2000, Mr. Gibson was charged with six counts of Burglary, Second Degree; Malicious Injury to Property; two counts of Petit Larceny; and three counts of Contributing to the Delinquency of a Minor. On 9/4/2002, he pleaded guilty to six counts of Burglary, Second Degree and three counts of Contributing to the Delinquency of a Minor. He was sentenced under the Youthful Offender Act (YOA) for sentences not to exceed six years on the Burglary charges and not to exceed three years on the Contributing to the Delinquency of a Minor charges. He entered SCDC on approximately 9/20/2002.
 - a. According to records, between 11/20/1999 and 4/14/2000 Mr. Gibson broke into a “primary school” and middle school on multiple occasions, along with his 12-year-old brother. Various items were stolen, including “snacks,” pencil boxes, and two cameras. On approximately six dates, they used school computers to access pornographic websites. On one date, they “poured chocolate [*sic*] syrup on the carpet, chairs and books.”
 - b. During the current evaluation, of these offenses, Mr. Gibson said, “We breaking and entering the school that was closed, vandalizing the library and stuff like that, that about it.” He identified “we” as, “Me and my brother.” When asked about “vandalism,” he said, “Just breaking the window, throwing things all over the place. I guess we thought it was funny, just to do stupid stuff teenagers do.” Regarding the outcome of these charges, Mr. Gibson said, “Got locked up, trespassing and all, charged, had to go to court, not showing up to court. When they finally caught me, I had my own place. I ended up getting a Y[OA]. One to six [years].” When asked how many years he served, Mr. Gibson said, “Practically, basically, ran the whole thing up, and maxed out in 2007.”
2. On 6/10/2004, Mr. Gibson was convicted of Parole Revocation and sentenced to a period of incarceration not to exceed six years.
3. On 5/31/2006, Mr. Gibson was convicted of Parole Revocation and sentenced to a period of incarceration not to exceed six years.
 - a. During the current evaluation. Mr. Gibson said these revocations were related to “not showing up for probation, [being] young, just didn’t show up. Or I was in the country and didn’t have a ride at the time and just put it off and didn’t care.” When asked how many times he was re-incarcerated on the YOA sentence, he said, “Like six times, five, six times. The whole one to six [year sentence], six times,” for “not showing up on time or not having enough to pay, stuff like that.”
4. On 3/10/2009, Mr. Gibson was charged with Petty Larceny. He was found not guilty in a bench trial on 4/29/2009.

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5. On 9/12/2009, Mr. Gibson was charged with Breach of Trust with Fraudulent Intent for an offense occurring on 8/28/2009. He was found not guilty in a bench trial on 11/4/2009.
6. On 12/12/2009, he was charged with Assault and Battery of a High and Aggravated Nature; Criminal Sexual Conduct, First Degree; and Kidnapping for an offense occurring on 12/7/2009. All charges were *nolle prossed* on 6/6/2011.
7. Also on 12/12/2009, Mr. Gibson was charged with Non Support but the disposition is unknown.
8. On 10/6/2010, Mr. Gibson was charged with Non-Support but the disposition is unknown.
9. On 4/18/2011, he was charged with Failure to Make Payment of Obligations, but the disposition is unknown.
10. On 1/27/2012, Mr. Gibson was charged with Petty Larceny, Less Than \$2,000. He was convicted on 3/5/2012 and sentenced to time served.
11. On 3/6/2012, he was charged with Petty Larceny, Less Than \$2,000. He was convicted on 3/21/2012 and ordered to pay a fine or serve 30 days in the detention center.
12. On 4/25/2012, Mr. Gibson was charged with Trespassing. He was convicted on 5/9/2012 and ordered to pay a fine or serve 30 days in the detention center.
13. On 6/5/2012, Mr. Gibson was charged with Entering Premises After Warning for an offense occurring on 5/7/2012. He was convicted on 7/11/2012 and ordered to pay a fine or serve 30 days in the detention center.
 - a. During the current evaluation, Mr. Gibson reported being “on the street, homeless at a point of time, went to truck stop to get some change, just got out of jail, went back to get a little change, get something to eat, a motel room or something but they told me not to come back.”
14. Additionally, on 6/5/2012, Mr. Gibson was charged with Criminal Sexual Conduct, First Degree; Kidnapping; Assault and Battery, First Degree; Assault and Battery, Second Degree; and Strong Arm Robbery for an offense occurring on 6/1/2012. On 9/12/2013, he pleaded guilty to Criminal Sexual Conduct, Third Degree and sentenced to 10 years suspended to three years of probation after serving 30 months. The other charges were *nolle prossed*.
15. Also on 6/5/2012, he was charged with Threatening the Life, Person, or Family of an Official and Assault and Battery, Second Degree for an offense on 6/5/2012. He pleaded guilty to both charges on 9/12/2013 and sentenced to 30 months to be served concurrently.
 - a. When asked about these charges during the current evaluation, Mr. Gibson said, “I have no idea... Oh, that’s when I was locked up, now I remember. That’s somebody... When I got into a little altercation with an inmate and he [i.e., the officer] had the cuffs on too tight; I was literally crying.” When asked if he threatened the officer, he said, “I told him I would kill him if he won’t take the cuffs off or loosen them and he just laughed.”

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16. On 2/18/2014, Mr. Gibson was charged with Entering Premises after Warning. He was convicted of this offense on 3/12/2014 and sentenced to pay a fine or jail time.
17. On 12/21/2014, he was arrested in Nebraska and charged with Faud-False Statement and being a Fugitive from Justice. It was noted, "South Carolina Parole Violation Criminal Sexual Conduct/Transferred to Another Agency." The arrest disposition was that he was transferred to South Carolina.
 - a. During the current evaluation, Mr. Gibson said he had been "walking in the middle of the median with a beer bottle and they pulled up my record and saw I had warrants in South Carolina."
18. On 1/3/2015, Mr. Gibson was charged with two counts of Sex Offender Registry Violation, First Offense. He was convicted of both charges on 2/2/2015 and sentenced to time served.
19. On 3/6/2015, Mr. Gibson was convicted of Violation of Probation, sentenced to five years, and entered SCDC on approximately 3/9/2015.
 - a. During the current evaluation, Mr. Gibson said this was "the same one we was talking about... In 2012?" When informed this charge was from 2015, he said, "I can't remember. That's the one... When I got out of jail, didn't go to the [sexual behavior] classes, and they put me on all of that, classes and probation all at the same time... I was in Lincoln, Nebraska with my girlfriend; one of my girls." Regarding why he was there, Mr. Gibson said he "just up and hauled tail with her. I wasn't reporting and paying and knew they were gonna catch me later on. I told her about it and went away." He said he was in Lincoln for "not long, probably a year or something." When asked about telling Dr. Gehle that this violation was related to stealing a "tool set," Mr. Gibson said, "Yeah, I guess. If I can remember, stealing the car, that's theft, breach of trust, taking the car... I stole some tools, yeah, when I was on probation, and I was locked up... In 2017, 2018, somewhere in there." When asked about that occurring in 2015, Mr. Gibson said, "No, they got that wrong. I stole the tools in 2018."
20. On 9/10/2017, Mr. Gibson was charged with Breaking into Auto/Tanks where Fuel is stored. He was convicted on 11/7/2017 and sentenced to time served.
 - a. During the current evaluation, Mr. Gibson said, "That's when I stole the tool set; that's how the charge is written out."
21. On 9/15/2018, Mr. Gibson was charged with two counts of Assault and Battery, First Degree and Burglary, First Degree. On 1/8/2019, Mr. Gibson pleaded guilty to one count of Assault and Battery, First Degree and was sentenced to three years with credit for time served. Charges of Burglary, First Degree and Assault and Battery, First Degree were dismissed "per plea."
22. On 6/26/2020, he was charged with Unlawful Use of Telephone (Threatening Unlawful Act), but the disposition is unknown.

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23. On 7/4/2020, Mr. Gibson was charged with Pointing and Presenting Firearms at a Person, but the disposition is unknown.
24. On 8/8/2020, he was charged with Grand Larceny of a Motor Vehicle, but the disposition is unknown.
25. On 8/10/2020, he was charged with Possess, Sell, Dispose of a Stolen Vehicle >\$5,000; Possession of More than One Gram of Meth or Cocaine Base, First Offense; and Driving Under Suspension, First Offense. On 2/16/2022, the Driving Under Suspension charge was *nolle prossed* and on 8/11/2022, the other charges were dismissed.
26. On 9/17/2020, Mr. Gibson was charged with Armed Robbery, but the disposition is unknown.
27. On 6/12/2021, he was charged with Public Disorderly Conduct and Assault and Battery, Third Degree. He was convicted of both charges on 7/15/2021 and sentenced to time served.
 - a. According to records, on 6/12/2021, officers responded to a business “in reference to a male suspect threatening a Security Officer from Security Management.” It was noted that Mr. Gibson was “irate and yelling derogatory comments pertaining to race toward the victim [victim’s name]. Alonza was causing a disturbance in view of public at which time he was detained.” The victim reported he “was checking the downtown area,” and Mr. Gibson “started yelling at him,” and “was yelling ‘your [*sic*] a bitch ass ‘N’,’ a bitch ass mother (F) [*sic*]’ and called [victim’s first name] a House ‘N.’ Alonza then told [victim’s first name] ‘I got people out to get you.’ [Victim’s first name] advised Alonza then picked up a brick and threatened to hit him with it multiple times.”
 - b. During the current evaluation, Mr. Gibson said he was “sitting down, eating some food, the security guard told me to leave, bothering me for no reason.” Regarding his arrest, he said, “I ended up threatening, telling him to leave me alone, said he was gonna do this, do that, put hands on me. The only reason they locked me up is because I called him a house [racial slur]; I got out the next day.” When asked about the brick, he said, “Yeah, I told him I’d hit him with a brick if he don’t leave me alone.”
28. On approximately 8/25/2021, Mr. Gibson was charged with Sex Offender Registry Violation, Fail to Register, Second Offense, but the disposition is unknown.
 - a. It was noted that on approximately 6/28/2021, he failed “to contact the Sumter County Sheriff’s Office and register or provide notification of current or change or address as required.”
29. On 3/9/2022, Mr. Gibson was charged with Assault and Battery, Second Degree. He pleaded guilty on 8/11/2022 and was sentenced to one year with credit for 155 days time served.
 - a. According to records, on 10/15/2021, Mr. Gibson approached a man and asked, “Are you a cop?” After the victim responded affirmatively, Mr. Gibson “jumped

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on him and began assaulting him, biting him on his head, arms, while assaulting him with [a] closed fist towards him.”

30. On 5/4/2022, he was charged with Sex Offender Registry Violation, Third or Subsequent Offense. On 2/1/2023, Mr. Gibson pleaded guilty to Sex Offender Registry Violation, Fail to Register, Second Offense. He was sentenced to 366 days with credit for serving 335 days.
31. On 6/21/2022, Mr. Gibson was charged with Domestic Violence of a High and Aggravated Nature and Criminal Sexual Conduct, First Degree for an offense occurring on 3/7/2022. On 11/30/2022, he pleaded guilty to Assault and Battery, Second Degree and was sentenced to 18 months with credit for 265 days of time served. The Criminal Sexual Conduct charge was *nolle prossed*.
32. On 8/31/2022, Mr. Gibson was charged with Sex Offender Registry Violation, Fail to Register, Second Offense, but the disposition is unknown.

Regarding the number of prison sentences he has served, Mr. Gibson said, “With the ‘Y[OA],’ of course, that was... I did 10 months, get out, start over till you do your one to six [years].” He said he did “probably nine or 10 [prison sentences],” noting they were all related to the YOA and stated he had “no different charges [for which he served time in prison] after the ‘Y[OA].’” When asked the longest sentence he served, Mr. Gibson said, “Um, the one, 2014 and got out 2017.” He said that was “for the violation for the not showing up for the sexual classes. For the charge I got prior to the classes, one of the girls I got with, she tried to lie on me, say I raped her, something like that. Come to find out, we have consensual sex, but I got the short end of the stick because of my record.” When asked to elaborate, Mr. Gibson said, “Because before I got into it with her, my record didn’t look good, I guess, to the state because they were sentencing me. They wanted me to do time.” Mr. Gibson was asked to further explain and said, “That’s what they said, they wanted me to serve time even though urologists failed to prove I raped her. Crooked system.” When asked what he was referring to related to urology, Mr. Gibson said, “They do a rape kit, to see if you really raped the person.” He was asked to provide additional information and said, “They got ways to figure it out. Rape kit.” When asked the number of sexual offenses he had been charged with, Mr. Gibson said, “Probably two.” He was asked to provide additional information and said, “Yeah, two. Two out of the four,” and clarified, “With women, two Assault and Batteries.”

According to records, Mr. Gibson has had multiple periods of incarceration in SCDC:

1. Mr. Gibson entered SCDC on 9/11/2002 and was conditionally released on YOA parole on 7/15/2003.
2. He entered SCDC again on 6/10/2004 as a “YOA Parole Violator.” He was conditionally released on YOA parole on 6/15/2005.
3. Mr. Gibson entered SCDC again on 5/31/2006 as a “YOA Parole Violator.” He was conditionally released on YOA parole on 6/15/2007.

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4. He entered SCDC on 9/13/2013 and was released on probation on 11/27/2013.
5. Mr. Gibson's probation was revoked, and he entered SCDC on 3/9/2015. He obtained "supervised reentry" on 4/3/2017 and "released" on 9/30/2017.
6. Mr. Gibson's next period of incarceration was from 1/14/2019 to 6/1/2020.
7. His most recent period of incarceration was from 8/16/2022 to 10/3/2022.

Prison Disciplinary Reports: Mr. Gibson reported that at SCDC, he had "probably about three" disciplinary reports for "fighting. Altercations with inmates." Regarding the total number he incurred across his periods of incarceration, he said, "Three." After discussing the SCDC infractions noted in records, Mr. Gibson said, "When you get in a fight, they add all that and all you did was fight; to make you look badder [*sic*], worse than the situation is."

SCDC records indicated the following Disciplinary Reports:

1. 2/4/2003: Lying to Employee/Making False Statement; Closed (Other Action Taken/Informal Resolution).
2. 2/24/2003: Refusing or Failing to Obey Orders; Closed (Other Action Taken/Informal Resolution).
3. 5/28/2003: Violations Written/Posted Institutional Rules; Closed (Other Action Taken/Informal Resolution).
4. 7/31/2004: Strike Inmate With or Without a Weapon; Convicted (Major Disciplinary Hearing).
 - a. According to SCDC records, while in hand cuffs, Mr. Gibson was observed to "run up" to another inmate "and spit in his face."
5. 7/31/2004: Fighting Without a Weapon; Convicted (Major Disciplinary Hearing).
 - a. According to SCDC records, Mr. Gibson was observed to be fighting with another inmate.
6. 12/8/2004: Refusing or Failing to Obey Orders; Closed (Other Action Taken/Informal Resolution).
7. 4/14/2005: Out of Place; Closed (Other Action Taken/Informal Resolution).
8. 5/6/2005: Disrespect; Closed (Other Action Taken/Informal Resolution).
9. 11/16/2006: Fighting without a Weapon; Convicted (Major Disciplinary Hearing).
 - a. According to SCDC records, Mr. Gibson "did engage in a fight without a weapon" with another inmate. It was noted that "they were fist fighting in the cell due to [other inmate's name] stating Gibson hit him because he had refused to give him food from the cafeteria." The other inmate "had bruises to the facial area."
10. 1/27/2007: Fighting without a Weapon; Closed (Other Action Taken/Informal Resolution).
 - a. According to SCDC records, Mr. Gibson was observed to be fighting with another inmate. Both inmates were given "several directive[s] to stop fighting they refuse and continue to fight." Both inmates were maced and charged for fighting.
11. 6/10/2015: Disrespect; Closed (Other Action Taken/Informal Resolution).

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12. 10/3/2015: Damage, Destroy Property valued less \$100; Convicted (Major Disciplinary Hearing).
13. 10/3/2015: Fighting without a Weapon; Convicted (Major Disciplinary Hearing).
 - a. According to SCDC records, Mr. Gibson was observed to be fighting with another inmate. An officer “gave a directive to stop and both I/MS [inmates] kept fighting.” Another officer was called and “gave both I/MS a verbal command to stop. I/M [inmate] Gibson threw one punch and they separated.” Mr. Gibson reportedly stated to the other inmate, “If I lose any of my good time Im [sic] going to kill you.”
14. 10/3/2015: Threatening to Inflict Harm on Inmate; Convicted (Major Disciplinary Hearing).
 - a. According to SCDC records, during the fight described above, in addition to threatening the other inmate, Mr. Gibson “also said that if he couldn’t get to I/M [name] here that he has I/M [name]’s information and would get to him on the outside. While I/M Gibson was saying this he grabbed I/M [name]’s radio and smashed it on the floor.”
15. 11/16/2015: Possession of a Weapon; Dismissed (Major Disciplinary Hearing).
16. 12/30/2015: Possession of a Weapon; Dismissed (Major Disciplinary Hearing).
17. 2/8/2019: Striking An Employee With or Without a Weapon; Convicted (Major Disciplinary Hearing).
 - a. According to SCDC records, Mr. Gibson was observed to be “beating on the wall in the shower.” He was instructed “to stop and he complied.” He was asked for his ID card and “threw the ID card towards me [i.e., officer] hitting the bottom of my pant leg.”

Regarding the number of disciplinary reports he incurred at detention centers, Mr. Gibson said, “Over my life, years, I’ve had a lot, when I was young.” He said he “can’t remember” the number he has had. When asked the reasons for the reports, Mr. Gibson said, “Different little things, cussing out an officer, an officer gets on your nerves, altercations with officers over the years.” He said that occurred in both “county [detention centers] and SCDC.” The last occurred, “Recently... Not recently, November 23rd [2023]. The officer wouldn’t give me a mask and I said I wouldn’t get in the truck if they didn’t give me a mask. And she said, F [sic] my health, and we ended up getting into an altercation.” When asked if he had gotten into a physical altercation at that time, he said, “No, just verbal.” He also said he was disciplined for “fighting like two months ago [from 11/28/2023].”

Clarendon County Detention Center Incident Reports:

1. On 5/27/2023, Mr. Gibson told an officer “he didn’t want the tray I [i.e., officer] passed to him. I told him that he does not get to pick and choose which tray he wants. He walked off and into his cell and came back towards the cooler. He stated to me ‘We can pick what tray we want.’ I said to detainee Gibson ‘Keep your mouth closed.’ He said, ‘Who are you talking to?’ I said ‘You! Keep your mouth closed and keep moving.’ He called me a ‘Cracker’ and called Lt. [name] a ‘Bitch.’ He then addressed the other detainees and told them ‘Ya’ll [sic]

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- can listen to them if you want to. That's the problem.' Detainee Gibson then slammed his cell door closed aggressively." He was "placed on lockdown pending a hearing."
2. On 6/21/2023, Mr. Gibson was observed to be arguing with another detainee "over getting [a] drink out [of] the cooler." They were instructed to "go to their cells. They both returned to their cells and ate lunch, but detainee Gibson was still very upset. I went over to his cell #8 and asked him to just relax and tell me what the issue was. Detainee Gibson then stated, 'I am [sic] bout tired of all these people in here, I just got off lock up and don't won't [sic] no more problems.'" He was moved to a different unit.
 3. On 9/21/2023, Mr. Gibson was observed to be on "top of" another detainee and was "hitting him in the face with a closed fist." The other detainee was moved to another unit.
 4. On 10/19/2023, Mr. Gibson "asked for a mask. I [i.e., officer] informed Inmate Gibson that we will get him a mask once we get to our destination. Lt [name] informed him that he had one to give him. Inmate Gibson said, 'I care about my health. I don't know about y'all.' I told Inmate Gibson, 'We will make sure you get a mask.' Inmate Gibson said, 'what the hell you say. I care about my fucking health Bitch. You dumb slut. Bitch you don't know me, you better ask somebody about me.' I gave Inmate Gibson verbal directives to just sit back and be quiet. I am not about to hear that the entire ride.' He replied, 'Fuck you Bitch.'"
 5. On 1/15/2024, another detainee requested to talk to an officer about Mr. Gibson. He was instructed to "do a statement." An officer then "overheard detainee Gibson, Alonzo told detainee [name], 'I am going to put it up your ass, you aint [sic] no gangster!' He then stated, 'If I got to attack LT [officer's name] or punch [captain's name] in her shit I will!'"
 6. On 3/19/2024, another detainee reported to an officer that "Inmate Alonzo Gibson was knocking on the window every time he go outside to take out trash saying mean things about his deceased mother. To prevent any other altercations, Inmate Gibson was given verbal orders by C/o [correctional officer] [name] to move to another cell. Inmate Gibson said, 'Oh I'm not going in that cell, Y'all going to have to move me.'" Additional officers escorted "Inmate Gibson to another cell. During the movement Inmate Gibson began to make verbal profanity toward Officers. He was saying, 'Fuck this motherfucking shit. Oh you got some balls today. This my motherfucking mouth, I can say what I want to say. I got something for Director black ass.' Inmate Gibson continued to use profanity toward staff."
 7. On 4/14/2024, Mr. Gibson got into an argument with another detainee. The other inmate "was covered in water and both inmates were arguing back and forth. I [i.e., officer] escorted inmate [other inmate's name] to his cell. Inmate Gibson stated he did throw water on inmate [other inmate's name] because he wanted to get him before inmate [other inmate's name] throw water on him."

SEXUAL/VIOLENT OFFENSE HISTORY:

12/6/2009: Assault and Battery of a High and Aggravated Nature; Criminal Sexual Conduct, First Degree; and Kidnapping (Nolle Prossed): According to records, on 12/6/2009, police responded to an address in Manning in reference to a victim having “just been raped.” The victim, “C.B.,” a 37-year-old woman, reported that Mr. “Gibson (Subject)” picked her up at her residence and told her someone wanted to see her at the Motel 8 on Hwy 261. [“C.B.’s last name”] left her residence and was walking with Gibson talking. While walking on First Street Gibson said (using profanity) that his mother had just died and he didn’t care anymore. Gibson then hit [“C.B.’s last name”] on the left side of the face, just above the left eye with a wrench causing her to go unconscious for an undetermined amount of time and visible swelling and redness. Gibson pulled [“C.B.’s last name”] into the yards between [numbers] First St, pulled her pants down and put his penis into her vagina. Gibson also attempted to kiss [“C.B.’s last name”]. [“C.B.’s last name”] also stated Gibson put his penis into her mouth and her anus. Gibson was not wearing a condom and did ejaculate.” The victim was transported to a hospital and had a rape kit completed. It was noted, “Gibson told [“C.B.’s last name”] if she told anyone he would get his dad’s gun and shoot her then fled the scene on foot.”

The Arrest Warrant indicated that Mr. Gibson “unlawfully confined the victim by moving her to a different location. When the victim regained partial consciousness she observed the defendant removing her clothing. The defendant used aggravated force to accomplish sexual battery while the victim was mentally incapacitated by forcing his penis into the victims [*sic*] vagina, mouth and sodomizing her anus.”

Mr. Gibson was charged with Assault and Battery of a High and Aggravated Nature; Criminal Sexual Conduct, First Degree; and Kidnapping. All charges were dismissed on 6/6/2011 secondary to a “Lack of victim cooperation.”

Mr. Gibson’s account during the current evaluation: When asked to describe the allegations against him, Mr. Gibson asked, “You have a name [of the reported victim]? I can’t remember the person because there was two of them. I can’t specifically put the face with the charge.” Mr. Gibson was provided with information from the incident report and said, “Okay, that’s one of my girlfriends. We were walking and had an altercation about some money that she took from me, one thing led to another.” Mr. Gibson was asked to provide more information and said, “And I struck her, but I didn’t strike her with a wrench [be]cause they didn’t find a wrench. If you read any more [of the incident report], they found out we were having consensual sex, that was my girlfriend. One of my girlfriends.” When asked if one could “rape a girlfriend,” Mr. Gibson said, “I don’t know, can you? I don’t know. I never have; so, I wouldn’t know.” The full account of the allegations was read to him, and he said it “never happened. That’s when she lied; because I hit her. She was scared...never proved I had any... It was consensual.”

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When asked why he thought his girlfriend would have made this up, Mr. Gibson said, "Because I hit her, I struck her." Regarding the report that she lost consciousness, he said, "She wasn't unconscious when I left her, she was very conscious." Regarding moving her to another location, Mr. Gibson said, "I didn't move her nowhere." When asked where he struck her, he said, "I think the face, they say the eye, above the eye, whatever." He reported striking her with "my hands. One hand." Regarding the reason, Mr. Gibson said, "We got into an argument, we were drinking, arguing about some money that she took. And she was doing drugs and lied." When it was noted that she was seen at a hospital, Mr. Gibson said, "Yeah," because "I hit her." Regarding why he thought the reported victim would have subjected herself to a rape kit, Mr. Gibson said, "[Be]cause she lied, just to have me locked up, [be]cause she was scared, that's probably why."

Collateral Information: During Dr. Gehle's evaluation, Mr. Gibson "said of the incident, 'That is the one where the girl I knew, she said I raped her but I didn't. We were both drunk that night...She worked at the mariachi.' He said of C.B., 'She is real mouth. We both drunk. I would say something, she would get real mouthy...I would throw her hands, you know. Next thing I know, they called rape.' He said 'nothing really' sexual happened that night. He said, 'She get sloppy drunk and I don't want to be around her.' He said that night, he met her after work. He said they were both intoxicated and they went to an abandoned house and smoked marijuana. He explained that he was staying at his grandmother's home at the time. She was homeless and 'bouncing between houses' at the time. He said she was upset because he would not bring her to his grandmother's house at the end of the night and she had nowhere else to go. Mr. Gibson said he and C.B. were friends. He knew her for two years prior to the charges. He said he knew her from her job at a sports bar. He often stopped by when she was working and he went to her hotel with her one night. He said she wanted to be more than friends. When asked if he was interested in a relationship with C.B., he replied, 'No. I was in the process of, I had a girl from San Pedro, a blonde, [name], she was trying to get back with me...I ended up going to jail and she ended up going back to California.' He also said that he did not want to get back together with [name], explaining, '[Name] had cheated on me. I told her, 'I don't look back. I go forward.'"

6/1/2012: Criminal Sexual Conduct, Third Degree: According to records, on 6/1/2012, officers were "dispatched to Clarendon Memorial Hospital in reference to a rape victim at the emergency room." The victim, "M.V.," a 17-year-old girl, reported that "while she was sitting under a tree off of [road name] Rd (Clarendon County) near the park, she was approached by a Black male 6'2 inches tall approximately 32 years old... that started talking with her and agreed to buy her cigarettes. Ms. ['M.V.'s last name] stated that they walked to the Shell Station... where he paid for a pack of Newports for her at approximately 0130 hrs. Ms. ['M.V.'s last name] then stated that they walked into the city of Manning to an abandoned residence... Ms. ['M.V.'s last name] stated that while at this residence the suspect pulled her shirt up and a struggle ensued.

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During the struggle Ms. [‘M.V.’s last name] attempted to defend herself with a pair of chain link style brass knuckles (chrome in color) that the suspect took from her. Also during the struggle Ms. [‘M.V.’s last name] lost her left shoe... Ms. [‘M.V.’s last name] stated that she attempted to scream while the suspect raped her but he covered her mouth. Ms. [‘M.V.’s last name] stated she was penetrated by the suspect during the rape.” At the “incident location,” a “pair of chain link style chrome color brass knuckles were found on the ground at the rear of the abandoned residence on the left side of the steps leading to the porch along with a purple cell phone cover matching Ms. [‘M.V.’s last name] phone that was on the porch. Below the porch through a large hole was a left shoe.”

The Arrest Warrants indicated that when Mr. Gibson and the victim stopped at the abandoned residence, “the defendant then struck [‘M.V.’s last name] in her left eye. The victim started fighting back and the defendant then started choking her causing the victim to go temporarily unconscious. The defendant then started removing her clothing. The defendant used aggravated force to accomplish sexual battery while the victim was mentally incapacitated by forcing his penis into the victims [sic] vagina.”

According to a memo dated 7/2/2012, an officer was “writing this statement in result of an incident that occurred on the date of June 6, 2012.” The officer was driving “sometime around the hours of between 11:30-12:00 AM,” and observed “Mr. Alonza Eric Gibson Jr. due to numerous illegal matters he has been involved in. Mr. Gibson was walking with an unknown White female that I [i.e., officer] have never seen before by me.” The officer attempted to “get a better look at the female and identify her [as] well,” but was unable to “due to receiving a call for service from our dispatch.” Between “the hours of 1:45-2:00 AM,” the “White female was seen now walking alone.” She “did not acknowledge law enforcement and continued walking. At approx. 3:00 AM we (Manning Units) received a call for service to a female allegeding [sic] rape and were located at the Clarendon Memorial Hospital. Once entering the hospital the victim was the same person that was seen walking along with Mr. Gibson.” She “gave a skin color and clothing description of her attacker and or suspect that fit the clothing description of Mr. Gibson.”

Mr. Gibson was charged with Criminal Sexual Conduct, First Degree; Kidnapping; Assault and Battery, First Degree; Assault and Battery, Second Degree; and Strong Arm Robbery. On 9/12/2013, he pleaded guilty to Criminal Sexual Conduct, Third Degree and sentenced to 10 years suspended to three years of probation after serving 30 months. The other charges were *nolle prossed*.

Mr. Gibson’s account during the current evaluation: Mr. Gibson reported, “She lied and said I raped her or whatever.” Regarding what actually happened during the offense, he said, “We were dating, and I was going with someone else in California. Smoking some weed and I

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told her she couldn't go with me. She was on the streets. I was dating her at the same time; we got into an altercation, and said I raped her, but they couldn't prove it... urologist."

When asked why they "couldn't prove it," Mr. Gibson said, "I took a plea, for some unknown reason, the state wanted me to do time." The reason for this was because "you got a dirty system." Mr. Gibson was asked to provide additional information and he said, "You're right, with those charges, the rape kit got thrown out, it was supposed to prove whether I raped her not. They couldn't prove it, but the state wanted me to do time." When this was further questioned, Mr. Gibson said, "Right, but that's what they said... Right, I just went ahead and took the plea."

Information from the incident reports was read to Mr. Gibson and he said, "The raping her, putting my hands over her mouth... That I just met her; I known her for like two years. I had a girlfriend, I had a home I was going to go to, just messing with her on the side." When asked what actually occurred, Mr. Gibson said, "She couldn't go with me, couldn't be with me, had nowhere to go, I told her I was going on." The question was repeated, and he said, "Nothing really happened. She just got mad with me. I had my own place. I was messing with her on and off." Regarding why he thought the victim would have made this up, Mr. Gibson said, "[Be]cause she didn't like me leaving her, I guess." When asked about the "brass knuckles," he said, "I don't know what she had, that's what the investigator said. They will lie, put all kinds of stuff in there, on you." It was noted that Mr. Gibson pleaded guilty to this as a sexual offense and he said, "Yeah, you're right. I pled guilty to that." When asked if that was what he did during the offense, he said, "Nope." Regarding the report that he stole \$100 from the victim, Mr. Gibson said, "No, she was the one on the street, not me. She lied, trying to get money, I guess. She smoked a lot of weed and cigarettes."

Collateral Information: Dr. Gehle's report indicated, "Please note: When Mr. Gibson was asked to give an account of the offenses, his account was apparently related to an incident involving a different person. When details about the offense was provided, he indicated he made a mistake in his account and provided a brief account of the incident involving 'Maria,' likely referring to the M.V. Nonetheless, the account as he gave it, is summarized below... In the current evaluation, Mr. Gibson said the incident involved '[C.B.'s first name], a girl I was with and we were like close friends.' He said 'We was just walking. I was just walking her somewhere and we got into an altercation.' He said they got into an 'verbal' altercation, explaining, 'We disagreeing on something.' He said, 'They said I hit her.' When asked what he had actually done, he replied, 'I hit her.' He said he hit 'probably her head.' When asked why he hit her, he said, 'I let my rage took over. I got mad.' He said he had a 'quick temper' and that he did not 'tolerate' too much. He said as an example if someone called him gay, his 'rage would take over.' He said he had a lot of triggers that could be 'any little thing.' He said if anyone said something that hurt his 'pride,' he quickly felt enraged. When asked why comments from anyone

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bothered him so much, he said, 'I had a quick temper. I wasn't even thinking before I was acting.'"

The report continued, "Concerning the incident, he said, 'Me and her got into an argument over some money. Money that she took from me. Anybody could tell you, me and her used to be together all the time. We were like best friends.' He added that they remained friends, even after his release from prison. When asked why he pleaded guilty to a sexual offense when he claimed he only hit her, he said, 'I was tired of sitting in jail. I tried to sit in there longer to redeem because she lied. I guess I beat her so bad. She told investigators all kind of stuff that wasn't true.' He said ['C.B.'s first name] was a friend, a sexual partner, and someone who worked for him. He said he and ['C.B.'s first name] had consensual sex. He denied ever sexually assaulting her. He said ['C.B.'s first name] 'ended up in the hospital with lacerations to her head.' He said he hit her until his anger 'died out' and he left; he said she was conscious when he left."

Dr. Gehle and Mr. Gibson "reviewed the records pertaining to this incident. He then said that the offense actually involved 'Maria.' He said he and Maria had consensual sex 'on and off.' He denied sexually assaulting or hitting her. He said Maria told him she was 18 years old."

9/12/2018: Assault and Battery, First Degree: According to records, on 9/12/2018, a victim, "D.D.," reported "to the Sumter Police Department that Alonza Victorlon Gibson, known to her as Eric Gibson, gained entry to her locked house at [address] located within the City of Sumter. This occurred around 4:00-4:18AM, in the hours before daylight, and ['D.D.'s first name] stated that while Gibson was inside he assaulted her with his fists, causing visible injury to her face in the form of knots and swelling from her forehead, and profuse bleeding from her nose. ['D.D.'s last name], who is 73 years old, said that her 81 year old husband [husband's name] emerged from his room when he heard the assault taking place. [Husband's name] is typically wheelchair and bed-bound, and does not normally walk, but as he made his way into the front living room area to assist ['D.D.'s first name], Gibson assaulted ['D.D.'s first name] once again, knocking her into [husband's first name] with the apparent intention of, and ending with the result of sending both of them to the floor. Gibson then fled the scene, and [husband's first name] telephoned law enforcement, who responded to the scene."

When officers arrived, they "had to assist [husband's first name] off of the floor and back into bed. ['D.D.'s first name] was bleeding heavily from the nose, and had very prominent lumps protruding from her forehead just above the brow. The subject, Gibson, is known to [husband's first name] and ['D.D.'s first name], and law enforcement has responded to previous incidents regarding Gibson showing up to the house uninvited, often at late night/early morning hours." Officers took photographs of "D.D."s injuries and her husband "did not have any visible injury.

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Both refused transportation to the hospital by EMS [emergency medical services], though [‘D.D.’s name] would seek medical treatment later that day. Later in the morning of 9/12/2018, [‘D.D.’s name] came to the Sumter Police Department to meet with [detective’s name] regarding the incident, and she was observed at that time to still be bleeding from the nose, and she stated that she felt like Gibson was going to kill her while he was beating her and she was bleeding so profusely. [‘D.D.’s last name] was advised to seek medical attention, and she did go to Palmetto Health Tuomey, where she was treated and released. [‘D.D.’s last name] stated that afterward, she had to return to the hospital for further treatment after having lost consciousness due to still losing blood from her nose. [‘D.D.’s last name] stated that she is now seeing a specialist for follow-up regarding injury to her nose that is still healing.” Her injuries were noted to include “a bloody nose, small laceration on top of her right eye, small bruise on her forehead, and a bruised and cut lip.”

On 9/12/2018, arrest warrants were obtained for Mr. Gibson on the charges of Burglary, First Degree and two counts of Assault and Battery, First Degree. It was noted, “On the evening of 9/15/2018, Gibson was located and arrested on the outstanding warrants, and he was transported to the Sumter-Lee Regional Detention Center. No interview has been conducted with him.”

It was noted that the detective “became familiar with the [‘D.D.’s last name] household after a January 2018 incident where [‘D.D.’s name] reported that Alonza Gibson (‘Eric’) arrived at her home late at night/early morning and was banging on the door and windows and hollering for her to let him in. [‘D.D.’s name] stated that Gibson was able to open the front door, which appeared to have damage to the frame, and he stepped inside the house before leaving. No charges were made in that case, as she never actually saw him in the house. The damaged door frame in that incident was not from forced entry, but from [husband’s name]’s wheelchair catching on it regularly over time. [‘D.D.’s first name] said that she had allowed Gibson, whom she refers to as Eric, to sleep on the couch prior to the January incident when he had no other place to stay. [‘D.D.’s first name] did admit that she has had at least one consensual sexual encounter with Gibson, who since then has taken a possessive attitude towards her. [‘D.D.’s last name] stated that Gibson has been able to enter the home when the doors are locked, and she speculates that he has procured a house key while in the home. As of a 10/16/2018 conversation with [‘D.D.’s first name] and [husband’s name] at their home, both have stated that neither of them have provided Gibson with a key to the home, and that if he has one, he has it without their knowledge and permission.”

A letter from “D.D.” and her husband, dated 10/7/2018, was sent to the detective “expressing desire to drop charges against Gibson, and it was discovered that this was due to a letter that Gibson sent to [‘D.D.’s name] from jail in which he informed her that he was facing being imprisoned for the rest of his life over the charges he is facing. [‘D.D.’s name] produced that letter, which [detective’s name] photographed. In it, Gibson denied having burglarized the

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[‘D.D.’s last name] home, or having assaulted either [husband’s first name] or [‘D.D.’s name]. In the very next sentence, he asks if [‘D.D.’s first name] can find it in her heart to forgive him, ostensibly for the things he did not do, and he directs her to go to the solicitor’s office and ask for the form to drop charges. [Detective’s name] determined that the letter that was sent to him was sent by the [‘D.D.’s last name] because they did not wish for Gibson to be imprisoned for the rest of his life, however they do not wish for him to not be punished at all for the attack on them. [‘D.D.’s name] told [detective’s name] in the presence of [husband’s first name] that she made a mistake by ‘going to bed’ with Eric, as she had needs that could not be fulfilled by [husband’s first name] due to his advanced age and infirmity, but she has stated that she is fearful for her and her husband’s safety now, and no longer wants him around.”

A review of the handwritten letter authored by Mr. Gibson has been transcribed verbatim and contained the following: “[‘D.D.’s first name], This me Eric I been locked up since last Saturday I’m sorry if I done anything wrong to you but you know I didn’t Assault [husband’s first name] and I didn’t Assault you and I didn’t Break into your home you said I could sleep there that night. Anyway I’m asking if you can find it in your heart to forgive and tell the solicitor at the court house you want the paper work to have these charges dropped on me because they trying to give me a life sentence. They didn’t give me a bond for the Assault charges and The First degree burglary charge it self is Life in prison Look it up on your computer the First degree Burglary is Life in prison by it self I hope you can get the paperwork on Monday starting next week to have these charges dropped on me people get into altercations but I would never put nobody away for Life If you want to come visit me next week call the jail house in Sumter and you have to schedule visits to come see me here at the Jail you can look on your computer and find the phone number for the Jail house here or get your friend [name] lives on street behind you to help you get phone number to jail house and schedule visits to come see me please [‘D.D.’s first name] I will die back here Life in prison thats a hard pill to swallow I have a 13 year old daughter If you drop these charges I will never come around again have a life to live these police are nasty and they don’t care. They go home every night just another [racial slur] in jail is what they care and a pay check I’m a poor man. Please come visit me next week and or get the paper work to have these charges dropped on this poor soul, this poor pitiful ‘GOD’s’ child soul sorry Love you and [husband’s first name] please drop these charges [‘D.D.’s first name]. Love Eric.” Within the margin of the page, the following was written, “You can also bring some money up here but if you drop the charges no need. I love you Eric.”

On 9/25/2018, “D.D.” submitted a Request for Dismissal of Prosecution form and wrote, “Receive Life is not fair to all of us – I am a [illegible].” She also wrote, “He needs help not jail [illegible] the rest is up to God.”

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On 1/8/2019, Mr. Gibson pleaded guilty to one count of Assault and Battery, First Degree and was sentenced to three years with credit for time served. Charges of Burglary, First Degree and Assault and Battery, First Degree were dismissed “per plea.”

Mr. Gibson’s account during the current evaluation: Of this offense, Mr. Gibson said, “I was staying with her [i.e., victim]; she sprayed me with the mace. When I lost my house with my brother, that’s who I stayed with. I stayed with her; known her prior. I used to stop by, cut her yard, and we drank together occasionally.” He said they were, “Like friends, you can call it. She let me stay with her and it became sexual, intimate.” Regarding the offense, Mr. Gibson said they “got into an argument. She wanted to have sex, she had a husband, he was bedridden. She drank a lot, smoked marijuana a lot, accused me a lot about other girls. This night, we got into an altercation. She ran at me with a machete, [he] ended up pushing her to get away from me. I just push her, we get into a brawl, fighting. That’s about it. I ran out of the house. Later, I had the police called on me, put me in jail. Law enforcement knew I was staying there, all the time.” Regarding why that mattered, Mr. Gibson said, “I don’t know. I’m thinking, I guess you would want to know that. Everything she’s telling, it’s not true.” When asked to elaborate, Mr. Gibson said, “A lot of flaws; she lied and said I pushed her husband, an old man; he really liked me. He was sick on the bed.” When asked if she told other “lies,” Mr. Gibson said, “Yeah, no, just me pushing him. I hit her, yeah, of course, trying to protect myself; she’s no small woman. The police in the community know about her.” When asked if the victim was also charged, he said, “No, I got the worse end of the stick, of course.” Mr. Gibson was asked to elaborate and said, “Her being her age but she didn’t look it, at all, didn’t act it.”

Regarding alcohol use on that night, Mr. Gibson said, “We both were drinking. I pleaded out.” When asked the reason, he said, “I just pleaded it out. I guess got tired of sitting in jail, and my lawyer said they wanted me to do time again. I guess because of my record.” Mr. Gibson said he “can’t remember” the length of time he served, noting, “three years, nonviolent or something like that.” When asked if he requested that the victims drop the charges, Mr. Gibson said, “No, she was working with them. Come to find out, after she had me locked up, to try to get me out of charges, she know she was wrong for the most part. Even coming, putting money on my books.” Regarding the reason he pleaded guilty, he said, “The state wanted me to take a plea, because I already had that prior record right there.” Mr. Gibson was asked to provide additional information and said, “The state wanted me to do time.” Regarding why he did not take the case to trial, he said, “I wasn’t going to be stupid, going to trial with my record, throw myself under the bus, so I took a good plea.”

Collateral Information: During Dr. Gehle’s evaluation, “Mr. Gibson said he was ‘drunk’ and they ‘got into an altercation.’ He said D.D. came at him with a machete and he hit her in the process. He said he hit her out of anger. When asked how badly he hurt D.D., he said, ‘She said she had a broken nose. Laceration over the eye.’ When asked

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why she came at him with a machete, he said, 'Me cheating. She was drunk and I was drunk and she came at me.' He explained, 'She put me out of the house and she told me not to come back.' He said his stuff was still at her house. He returned to his sister's house. He was involved with another woman. He said, '[D.D.] called me back and I ended up going back...lured me back...confronting me with that [cheating]...She was taking pictures of me and the girl I was with...literally walking down the road.' He said, 'If I was in my right mind, I wouldn't have probably gone back.' He said she 'lured' him back by making him think everything was alright and that he could go back with her. He said he had been renting a furnished home. He got locked up for stealing tools and while he was in jail, his brother broke into the home and stole a grandfather clock that belonged to the owner of the home. He said the owner subsequently did not allow him to return to the home. He said he was staying at D.D.'s home because he had nowhere else to go. He said he stayed with her for five to seven months. When asked about their relationship, he said, 'Me and her were friends. I would go cut her yard...we were good friends.' He said they had sex, adding, 'We were friends but we were having sex yeah.' He said their relationship was romantic. When asked why he referred to her only as a friend, he said, 'We were friends. I knew her before we had sex...It wasn't just about sex.' When asked if he had ever been in love, he replied, 'Yeah, plenty of people. Not specifically, but plenty.' When asked to explain, he said, 'I was in love with more than one person at the time.' He said he believed that D.D. was 65 years old at the time. He said that her husband was living in the house and he was disabled. Mr. Gibson said he helped care for the man. He added that D.D. 'drinks a lot and lies a lot.' When asked why he was involved with someone whom he described as having such poor character, he responded, 'I just had the worst luck with women.'"

3/7/2022: Assault and Battery, Second Degree: On 3/7/2022, officers responded to the Lexington Medical Center emergency department "in reference to Domestic Violence High and Aggravated and Criminal Sexual Assault." The victim, "I.C.," a 41-year-old woman reported that she was in West Columbia "hiding from her live in boyfriend Eric or Derrick Gibson of 1 to 1 1/2 months because they were having a verbal argument. ['I.C.'s last name] knew of no other information about Gibson other than he was tall and light skinned wearing white t shirt, blue jeans, and black shoes with the soles coming off and he is from Sumter. ['I.C.'s last name] also states that she and Gibson have no children in common. ['I.C.'s last name] then states she left from the North Line Street address and began walking north towards Sunset Blvd. At this time Gibson came up behind ['I.C.'s last name] and presented a knife forcefully pushed her north toward Sunset Blvd. They stopped in the speedway at [address] Sunset Blvd which is in the city limits of West Columbia for unknown reasons and then proceeded west further up Sunset Blvd. Gibson then grabbed ['I.C.'s last name] and forced her into the lot of [business] at [address] which is also in the city limits of West Columbia. When Gibson forced ['I.C.'s last name] into the car dealership he again presented the knife and struck ['I.C.'s last name] multiple times with

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a closed fist. Gibson then threw her to the ground and continued to assault her. During this time Gibson sexually assaulted [‘I.C.’s last name]. [‘I.C.’s last name] states that he did penetrate her vagina using his penis without a condom. [‘I.C.’s last name] states that when Gibson was finished he left and then she walked to Lexington Medical Center. [‘I.C.’s last name]’s face was swollen and her left eye has a small laceration under her the [sic] eye. [‘I.C.’s last name] also had a laceration to her head and was complaining of left arm pain and her left hand was swollen. Gibson has assaulted [‘I.C.’s last name] before. Approximately 3 weeks ago on Beltline Blvd and Columbia [police] was notified at that time.”

According to the arrest warrants, Mr. Gibson assaulted “his girlfriend [‘I.C.’s name], by striking her in the face, head, stomach and back several times with a closed fist and kicking her as she was on the ground. [‘I.C.’s last name] and Gibson are homeless but have been living together for the past month and a half. [‘I.C.’s last name] believes she could be pregnant by Gibson which he is aware of as well. Gibson had pulled out a steak knife from his side pocket and pointed it at [‘I.C.’s last name] twice threatening to stab her in the back before the assault which caused [‘I.C.’s last name] to fear for her life.” It was additionally noted that he “penetrated her against her will with his fingers and his penis before ejaculating in her and striking her twice in the face with an open hand.”

On 6/21/2022, Mr. Gibson was charged with Domestic Violence of a High and Aggravated Nature and Criminal Sexual Conduct, First Degree. On 11/30/2022, he pleaded guilty to Assault and Battery, Second Degree and was sentenced to 18 months with credit for 265 days of time served. The Criminal Sexual Conduct charge was *nolle prossed*.

Mr. Gibson’s account during the current evaluation: Mr. Gibson reported that regarding this offense, he “caught her cheating, and struck her and that’s it. She told me she was cheating really, and I didn’t like that.” When asked to provide additional information, he said, “I hit her, struck her; however you say it. Put hands on her.” Regarding the allegations against him, he said, “Whatever she told them to get me in here. First, she tried to lie and played the rape game, but they threw that out.” When asked the reason, Mr. Gibson said, “Because I didn’t do it and that was my girlfriend.” Regarding why that mattered, he said, “The reason why I say she was my girlfriend, and why does it matter; how can you rape your own girlfriend?” This was queried and he said, “You can’t; I don’t think you can.” Mr. Gibson was asked to elaborate and said, “I don’t know; it’s not important to me because I don’t think you can.” When asked the reason, he said, “I don’t know. I don’t know; that hasn’t crossed my mind. I don’t think you can with someone you’re having a consensual sexual relationship with.”

Mr. Gibson said he hit the victim “in the eye, face.” He said he took “a plea... [be]cause of my other previous records.” When asked to describe the plea bargain, he said, “18 months, I think. I’m surprised they don’t put this stuff in that paperwork.” Regarding the report of him having a

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knife, Mr. Gibson said, "I never had a knife. I had a screwdriver and hit her with the back of it and that's about it. If I had a knife, she would have puncture wounds, but she didn't." He said he had the screwdriver to use as "a weapon to protect us on the street while we were walking." When it was noted that he previously denied ever carrying a weapon, Mr. Gibson said, "I carried that in Columbia." He was asked more information about hitting her with the screwdriver and said, "Yes, I did. I didn't want to hit her with the sharp part." Confusion was expressed, and he said he hit her "with the back" of the screwdriver "so I wouldn't be stabbing her." Regarding the reason, he said, "Because she was cheating on me, and I didn't take it very well." When asked about the report that she may have been pregnant, Mr. Gibson said, "She lied again." It was noted that documents indicated that he knew she was pregnant, and he said, "I don't know. I know she's known for lying and on drugs, I figured her out." When asked why he chose to associate with such people, Mr. Gibson said, "As one Black man in America, can say it like this, Black women, that's just how sisters are. That's just how most women are; more aggressive. The neighborhood I was in, that's how women are in the hood." When asked again about her being pregnant, Mr. Gibson said, "She said that, so I didn't know, she lied to me plenty of times before."

It was noted that most of Mr. Gibson's violent charges were for assaulting women. He said, "Those are girlfriends, girls I'm with." Regarding why he primarily assaulted women, he said, "I don't assault women. We get into altercations. That's what they do, that's how Black women are. I don't know how else to say it. Most average Americans know it, how Black women are in the hood... I don't just go assaulting women." The previous charges for these assaults were noted and Mr. Gibson said, "Yeah, those are the type of women I been with, that's where assault comes in, a disagreement." When asked if he did not have disagreements with men, Mr. Gibson said, "Yes, I do," and said he also assaulted them. He said, "In prison [he has assaulted men]; I'm surprised you don't have a report about that." Mr. Gibson reported, "I just got them all expunged; some of the Assault and Battery [charges], 2012... I got three Assault and Battery [charges] against women expunged." When asked how he did that, he said, "Ask for the sheet and I'm entitled to get all my charges expunged." Mr. Gibson was asked to provide additional information and said, "That's what they said, they said I just need to get out and pay to start over." Regarding the Criminal Sexual Conduct conviction, Mr. Gibson said, "Exactly, I got it expunged." When asked how one got a felony expunged, he said, "I'm thinking the same thing; why you got me on the Registry?" The question was repeated, and he said, "Well, I got it expunged."

When asked why he thought the victims would have lied and how they could have known to make very similar allegations against him, Mr. Gibson said, "Just the type of women I was with and their character." It was pointed out that, if true, this would represent terrible luck and he said, "Yeah, with those type of women from the hood." It was noted that, on paper, it appeared as though he liked assaulting women and he said, "Well I don't. I didn't ask for it."

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Collateral Information: During Dr. Gehle's evaluation, "Mr. Gibson said of the charges, 'That was my girlfriend. Like I said, I caught her cheating. So got out of the house. I questioned her about it. She confessed to it...she started telling me about everything she did while we was together. I ended up hitting her.' When asked why he hit her, he said, 'Because the whole time we was together, she was lying.' When asked again, he said, 'At the time, my rage, my feeling, my emotions got involved.' He commented that people could kill and beat their partners in situations like this. He indicated that he could not see any other way to handle it. He then said that he is a 'good person' and not a 'bad person.'"

Supervision Violations: Although not a sexual offense, Mr. Gibson was also asked about his multiple violations of parole/probation.

Mr. Gibson's YOA parole was revoked on 6/10/2004 and 5/31/2006. For the 2013 Criminal Sexual Conduct conviction, he received three years of probation.

On 3/31/2014, it was noted that Mr. Gibson violated his probation was failing to pay supervision fees and fines, failing to refrain from using substances "in that the offender confessed to marijuana," and "failure to attend sex offender counseling." It was noted, "Exempt supervision fee arrears due to financial hardship; written reprimand on marijuana use restructure fine and must attend sex offender counseling as required." He was given a "written reprimand for drug use and attend sex offender counseling" and supervision was continued.

On 7/16/2014, Mr. Gibson was charged with Violation of Conditions of Probation Supervision for "Failure to report having last reported on 4/17/2014 and he is supposed to report monthly. Failure to notify agent of change in address in that a home visit was done on 6/13/14 and he does not reside at the address given to the agent. Failure to work diligently at a lawful occupation in that the offender does not have verifiable employment Failure to pay supervision fees in arrears \$460.00 as of July 16, 2014. Failure to pay fine being in arrears \$42.00 in arrears as of July 16, 2014. Failure to attend sex offender counseling having signed the referral on 11/27/2013 and has not attended any classes as of 6/18/2014."

According to an affidavit, dated 1/9/2015, "Subject failed to follow the advice and instructions of the agent in that he failed to report having last report 10-14-14; failed to refrain from using illegal drugs by confessing to the use of cocaine in Drug Court on 9-3-14; failed to pay restitution being \$180 in arrears; failed to pay fine being \$260 in arrears; and failed to attend and comply with Drug Court by being terminated on 11-12-14. Such actions constitute a violation of his probation agreement which he signed and acknowledged on 12-4-13." Mr. Gibson received a probation citation on 1/13/2015.

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A document, dated 1/27/2015, cited the failure to report since 4/17/2014 and the other violations described in the document dated 7/16/2014. The agent's recommendation was "Revocation," as Mr. Gibson "has done nothing since being placed on probation. He has failed to give agent a verifiable and reliable address and his whereabouts at this time are unknown. Agent is unable to supervise him due to his lack of communication [*sic*] with this office. The offender was extradited from Nebraska."

On 2/2/2015, it was noted that Mr. Gibson violated the conditions of probation as he "failed to report having last report 10-14-14; failed to refrain from using illegal drugs by confessing to the use of cocaine in Drug Court on 9-3-14; failed to pay restitution being \$180 in arrears; failed to pay fine being \$260 In arrears; and failed to attend and comply with Drug Court by being terminated on 11-12-14. Such actions constitute a violation of his probation agreement which he signed and acknowledged [*sic*] on 12-4-13." The agent's recommendation was "Revocation," as "This was subject's second attempt to comply with Drug Court and he failed to comply. Subject is not a good candidate for probation at this time. This is subject's second time under supervision and knows what is expected of him. Subject does not report, does not pay money, nor did he report to Drug Court. Subject was to report to the probation office to give a drug test for Drug Court and never showed up. Therefore, revocation is recommended at this time."

On 3/6/2015, Mr. Gibson's suspended sentence was revoked, and he was required to serve five years; pay fines and department fees; and the "extradiction [*sic*] cost civil judgement."

Mr. Gibson's account during the current evaluation: Regarding his history of violations, Mr. Gibson said they were related to "basically, not working at the time, didn't report, didn't have money to pay at the time."

Collateral Information: During Dr. Gehle's evaluation, "Mr. Gibson said of the [March 2015] violation, 'I violated by, there was a stolen tool set while I was on probation.' He said he stole a tool set (a case of electrical tools from a work truck) while he was on probation. He indicated he had planned to sell the tools to pay rent. He said he was caught due to 'an anonymous call' and was likely observed stealing the tools. He said he the violation was because he 'jumped probation.' He asked if the violation occurred in Sumter, then got upset claiming incorrectly that the undersigned said it happened in Sumter. He appeared especially angry and annoyed during this portion of the interview. He essentially said that nothing ever happened in 2015 that would result in a probation violation."

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PREVIOUS FORENSIC EVALUATIONS:

Mr. Gibson underwent a precommitment evaluation conducted by Dr. Gehle, which was described in a report dated 6/5/2023. He was diagnosed with "Other Specified Personality Disorder (antisocial with no objective information about whether there was evidence of Conduct Disorder by age 15)." Regarding paraphilic disorders, it was noted, "Mr. Gibson denied any paraphilic or deviant sexual arousal. He denied committing all the sexual offenses for which he was charged. He denied committing the offense for which he pleaded guilty. Given that he has been convicted of one offense that occurred on a single date, there is insufficient evidence of a pattern of deviant sexual arousal. Therefore, he does not meet criteria for a Paraphilic Disorder, which requires a pattern of deviant sexual arousal occurring over a period of at least six months." His Static-99R score was reported to be 7 and his Static-2002R score was 4. Dynamic risk factors included "lack of emotionally intimate relationships with adults," "lifestyle impulsiveness," "poor problem solving," "resistance to rules and supervision," and "grievance/hostility." It was noted that Mr. Gibson "has not committed a sexual offense since 2012, despite being in and out of the community." Regarding the ultimate opinion, Dr. Gehle noted the following, "In consideration of his static and dynamic risk factors, lifetime risk estimates, and time in the community without a sexually violent conviction, there is insufficient evidence that he 'more probably than not' will commit acts of sexual violence if not confined in a facility for long-term control, care, and treatment. It is my opinion that Alonza Victorlon Gibson, Jr. does not meet criteria for commitment as a sexually violent predator."

BEHAVIORAL OBSERVATIONS AND MENTAL STATUS EXAMINATION:

On each date of the evaluation, Mr. Gibson arrived appropriately groomed and wore standard detention center attire. He reported having one tattoo of his "daughter's name" that he obtained in prison. He said he had his ears pierced. There were no problems observed with his hygiene or grooming. He wore a facemask but frequently pulled it down while speaking.

Mr. Gibson was alert on each day of the evaluation. His motor activity was appropriate. Regarding his eye contact, he often stared into space and eye contact was frequently broken off as soon as it was made. His speech was clear and of conversational volume and rate. Over the course of the evaluation, Mr. Gibson appeared to be superficially cooperative. He seemed to try to dominate the conversation and frequently said he "don't know" what was being asked in response to simple questions. At times, he appeared to be annoyed and frustrated with the questions and was defensive. He provided verbose and long-winded responses without much substance which were often not responsive to the question. Although it appeared that he was making an attempt to seem cooperative, his presentation suggested that he was being oppositional.

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Mr. Gibson described his mood as being “just regular, I guess; me,” and rated it as an “eight or nine” out of 10 with 10 being the best. His outward emotional expression was within normal limits. His thought process was logical and goal-directed with appropriate content. He was not experiencing auditory, visual, olfactory, tactile, gustatory, or command hallucinations. There was no indication that he was experiencing delusions. He did not endorse current suicidal or homicidal ideation.

Mr. Gibson was oriented to person, place, time, and situation. He correctly spelled the word “world” forward and backward. He correctly calculated a simple monetary subtraction problem in his head. A combination of the above concentration assessment tasks as well as his interview interactions indicated Mr. Gibson’s concentration ability was adequate. He correctly named the days of the week and months of the year. He correctly identified the current United States President, two past Presidents, and recalled who served as the first US President.

ASSESSMENT INVENTORIES AND TEST RESULTS: To follow are summary results of assessment inventories and tests as administered and interpreted by personnel with credentials as required for each instrument. Results are only data points to be considered in the context of the entire evaluation and should not be used for rendering opinions or making clinical or legal decisions independent of other evaluation data. As a part of this evaluation, the following assessment instruments described in this section of the report were administered and interpreted: MMPI-3, SASSI-4, PAI, MIDSA, PPG, PCL-R, Static-99R and Static-2002R, and STABLE-2007 Version 2 (explanations of each are provided in the following paragraphs).

Minnesota Multiphasic Personality Inventory-3 (MMPI-3): The Minnesota Multiphasic Personality Inventory-3 (MMPI-3) is a 335-item self-report objective inventory of adult personality that provides information related to an examinee’s personality, psychopathology, response style, and interpersonal functioning.

Mr. Gibson was administered the MMPI-3 on 10/10/2023. He did not omit any test items. There was evidence of remarkably consistent responding. There was no indication that he was over-reporting psychological dysfunction. Under-reporting was indicated by Mr. Gibson presenting himself in an extremely positive light by denying many minor faults and shortcomings that most people acknowledge. He also presented himself as very well adjusted. In light of this response style, the profile is rendered invalid and further interpretations cannot be made.

During the follow-up interview, Mr. Gibson said that during testing he was “just answering the questions accordingly, I guess.” He was informed of the invalid results and said, “I don’t know what to say. I was just answering the questions accordingly.”

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Substance Abuse Subtle Screening Inventory (SASSI-4): The Substance Abuse Subtle Screening Inventory (SASSI-4) is a self-report instrument used to identify the probability of a substance use disorder.

The SASSI-4 was administered to Mr. Gibson on 10/10/2023. Results from the SASSI-4 indicated that he approached the test in a consistent manner. Defensiveness was noted to be a significant clinical issue. Mr. Gibson's responses suggested a low probability that he has or has had a substance use disorder. There was no evidence of a problem with prescription drug abuse, emotional pain, or acting out behaviors. However, in light of the significant defensiveness noted, these results may not be an accurate representation of Mr. Gibson's functioning.

Personality Assessment Inventory (PAI): The Personality Assessment Inventory (PAI) is a self-report objective inventory of adult personality which assesses psychopathological syndromes and screens for psychopathology.

Mr. Gibson was administered the PAI on 10/10/2023. He did not omit any test items. The validity scales indicated that he did not attend appropriately to item content. This could be due to reading or language difficulties, random responding, confusion, or failure to follow test instructions. There was no evidence of over-reporting. Regarding under-reporting, Mr. Gibson attempted to portray himself as exceptionally free of the common shortcomings to which most individuals will admit. In light of these findings, the results are invalid and further interpretations cannot be made.

Multidimensional Inventory of Development, Sex and Aggression (MIDSA): The MIDSA is a self-report risk management instrument that was designed specifically to identify target domains for intervention with individuals who have been sexually coercive.

Mr. Gibson was administered the MIDSA on 10/10/2023. He passed the initial reading test, indicating that his reading level was at least at a fourth-grade level. The validity scales indicated he scored in the 94th percentile when compared to other individuals incarcerated for sexual offenses on the Positive Image scale. Individuals who obtained elevated scores on this scale may be inclined to exaggerate their positive traits. His score on the Negative Emotion Denial scale was significantly elevated and in the 99th percentile when compared to other individuals incarcerated for sexual offenses. Individuals who score in the high range of this scale may not be admitting that they have undesirable negative reactions to things. His score on the Sexual Lie Scale was significantly elevated and in the 99th percentile when compared to other individuals incarcerated for sexual offenses. Individuals who score in the high range of this scale indicate they are denying engaging in sexual behaviors and having sexual thoughts. His score indicated defensiveness about sexual behavior. In light of these findings, further test interpretations should be made with caution as they are unlikely to be an accurate representation for Mr. Gibson.

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From the Sexual Interests Domains, there was evidence of sexual preoccupation as he reported regularly cheating on his wife or live-in girlfriend or because he reported having had sexual contact with more than 14 adults. There was no evidence that Mr. Gibson was reporting sexual interest in children or sexualized violence.

For the Relational Style Domains, Mr. Gibson had evidence of callousness in the form of lack of guilt and lack of empathy. There was no evidence he was reporting emotional congruence with children or grievance thinking. For the Self-Management scales, there was some evidence of lifestyle impulsiveness in the form of lack of realistic, long-term goals. There was no evidence he was reporting resistance to rules and supervision or dysfunctional coping.

Mr. Gibson reported being arrested for both sexual and nonsexual crimes. He said he was never convicted of either type of crime. He said his first arrest occurred at 19 years old and that he has been arrested nine times. He reported never being incarcerated as a child or as an adult. He reported never receiving psychiatric treatment. He sustained a head injury that required stitches.

Regarding juvenile alcohol and substance use, Mr. Gibson reported never consuming alcohol or using substances prior to the age of 18. As a juvenile, Mr. Gibson once purposely damaged or destroyed personal or public property and was involved in a physical fight. He did not score in the clinical range of the Juvenile Antisocial Scales.

Regarding adult alcohol and substance use, Mr. Gibson reported never consuming alcohol or using substances after the age of 18. As an adult, Mr. Gibson once got into a physical fight. He did not endorse any criminal charges. His scores on the Adult Antisocial Scales were not significantly elevated.

In terms of his general sexual behavior, Mr. Gibson reported having had sexual intercourse with 21 to 50 people. He reported having intercourse with four to five sex workers. He reported having sexual contact "6 to 10 times" with "11 to 20" adult women. He was "19 to 29" years old the first time and 40 years old or older the last time. He began having sexual thoughts about adult women when he was 16 years old and last experienced these thoughts at the age of 41. He masturbated to these thoughts "once or a few times."

In terms of pornography use, Mr. Gibson reported using pornographic materials in the form of magazines, videos, and live sex shows featuring consensual sex, sex acts between adults, and nude women once or a few times when he was a child. As a teenager, he used pornographic materials in the form of magazines, videos, and live sex shows featuring consensual sex, sex acts between adults, and nude women once or a few times. He masturbated to these materials once or a few times as a teenager. As an adult, he used pornographic materials in the form of magazines, videos, internet sites, and live sex shows featuring consensual sex, sex acts between adults, and

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nude women once or a few times. He masturbated to these materials once or a few times. His scores on the Pornography Use Scales were not significantly elevated.

Mr. Gibson did not significantly elevate the Child Molestation Scales, Supplemental Scales Relevant to Sexual Age Preferences, Cognitive Distortions Relevant to Sexual Age Preferences Scales, Sexual Drive Scales, Problematic Sexuality Scales, Sexual Sadism Scales, Expressive Aggression Scales, or Psychopathy -Related Scales. He obtained a comparatively low score on the Masculine Adequacy Scale which was more than 1.5 standard deviations below the mean of the community males (4th percentile). Individuals who obtain high scores on this scale report being “manly” and good at fighting and having sex. He responded “Possibly true” to a question about always being able to defend himself in physical fights. He responded “Definitely false” to questions assessing if women found him attractive, believing he was “manly,” thinking that he excelled in sexually satisfying women, and being as good as his friends when it came to sex.

During the follow-up interview, Mr. Gibson said he “didn’t understand... The way they asked the question” on the MIDSA. When asked about reporting that he never consumed alcohol or used substances in his life and was never incarcerated and asked if he was paying attention to the test questions, Mr. Gibson said, “Yeah, I was paying attention. I was in prison. I don’t know why it said that. I mean, if you said that, I don’t know what to say... I’m just saying that and I’m saying one thing and you saying another thing, what can I say? I mean, I was paying attention, I was just answering the questions. I wasn’t trying to make myself look good.”

Penile Plethysmograph (PPG Examination): Mr. Gibson was administered a PPG examination on 10/19/2023. He reported he never previously underwent a PPG examination. He reported not consuming alcohol or using an illicit substance in the week prior to the examination. The night before the examination, he had approximately eight hours of sleep and did not require additional sleep before participating in the PPG examination. He last ate a meal on the morning of the exam and said he did not require food nor was he hungry prior to the examination. He last experienced an orgasm “more than one year” prior to the examination. He reported he did not experience penile erectile dysfunction.

The PPG system used was Limestone Technologies, Inc. DataPac _USB™ serial #L00116 and PrefTest software. This system measures physiological response to stimuli material, including measurement of penile circumference, galvanic skin response, respirations, and body movement. The strain gauge used was a Limestone LT-HgPC-90 (90 mm), which was calibrated according to the PrefTest PPG protocol. The stimulus sets used were select trials from the Burke-Musolf (also known by the name Real Child Voices set) audio and visual set depicting scenarios of nonconsensual sexual activity with female adolescent and adult victims; sexual activity with female and male consenting adults; and neutral (nonsexual) scenarios and the Marshall audio set depicting scenarios of rape of adult women, sexual activity with consenting adult women, and

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neutral scenarios. These stimulus sets are a standard part of the Limestone PrefTest PPG system. At the start of the examination process, the PPG examination lab temperature was 70 degrees Fahrenheit, and the humidity was 60%.

The PPG results for the RCV set did not meet minimum requirements for a valid examination so no further analysis was conducted.

Using a scale of highly disgusted-moderately disgusted-neither disgusted nor sexually aroused (neutral)-moderately sexually aroused-highly sexually aroused, Mr. Gibson self-rated all the scenarios as being neutral.

The PPG results for the Marshall set met the minimum requirements for interpretation, including arousal indicated by at least one trial of at least a 5-mm increase. The confidence level was medium based on at least one trial with at least a 5-mm or greater increase but none exceeding 10-mm or greater increase. Mr. Gibson's maximum arousal was to a scenario featuring sexual violence against an adult woman.

For the Marshall set, the individual trial results indicate clinically significant arousal to the following trials:

1. Rape of an adult woman.
2. Sexual violence against an adult woman.

For the Marshall set, using a scale of highly disgusted-moderately disgusted-neither disgusted nor sexually aroused (neutral)-moderately sexually aroused-highly sexually aroused, Mr. Gibson self-rated all the scenarios as being neutral except as follows:

1. Sexual violence against an adult woman, which he rated as being highly disgusting.
2. Nonsexual violence against an adult woman, which he rated as being highly disgusting.
3. Rape of an adult woman, which he rated as being highly disgusting.

For the Marshall set, the calculated adult female rape index indicated the presence of "deviant" (abusive) sexual arousal for Mr. Gibson. His arousal to trials featuring rape of adult women showed a clear preference over his arousal for trials featuring consenting adult women.

The PPG technician noted that Mr. Gibson "was very nervous about [the] PPG – kept repeating that 'this was his first time and don't know how to do it.' Directions had to [be] repeated several times. Examinee would interpret a different meaning and asking for a definition of arousal. Examinee selected 3 [i.e., neutral] as rating [for self-ratings] for majority – when asked he stated he did not feel anything sexual for any of the stories." It was also noted that he was uncooperative with the instructions to press a button whenever the scenario became sexual or violent and stopped pressing the button altogether.

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On review of the examination results, it was revealed that Mr. Gibson exhibited respiratory irregularities during more trials than not. The respiratory irregularities during scenarios can be examples of intentional attempts to manipulate the PPG examination equipment, examination protocol, or physiological responses during the examination. Unless Mr. Gibson has an undiagnosed and/or unreported medical disorder with associated respiratory symptoms, dissimulation (i.e., purposeful manipulation of a test) is the likely explanation for these behaviors.

During the follow-up interview, of the PPG exam, Mr. Gibson said, "Just doing the test, I guess, following the procedures." When asked what it had been like for him, he said, "Um, it was embarrassing." He was asked to provide additional information and said, "It was just embarrassing, that's all, being in there, hooked up to whatever y'all had. Something new, something I never did, like that." When asked about the report that he had difficulty following the instructions of test, Mr. Gibson said, "He, the evaluator, said one thing and I probably didn't understand what he was talking about because he was speaking too fast... Certain things, he was talking too fast; I can't remember." When asked about the instructions to indicate whenever the trial became sexual or violent, Mr. Gibson said, "That wasn't the thing. He was telling me, at first, when it came on, press something, something, or something... I was trying to pay attention; he was talking so fast." Regarding his report that he did not feel anything sexual for any of the stories, Mr. Gibson said, "I don't know, I don't remember saying that like that... He was talking too fast." When his uncooperative approach to the test was discussed, he said, "No, I didn't have a problem, he was talking too fast. I didn't understand; that's basically what it is."

When asked if he observed himself becoming sexually aroused during the test, Mr. Gibson said, "No, not at all. I didn't see myself being aroused or felt it." When asked if he was aroused by the trials featuring consenting adult women, he said, "No." Regarding his self-ratings, Mr. Gibson said he rated them the way he did "because it didn't faze me at all. No way, form, or fashion." He agreed that he found the trials featuring consenting adults to be neutral. After being presented with the results and asked what he made of them, Mr. Gibson said, "I don't know what to make of that. If y'all said that; I don't know what to say [be]cause, in my mind, I was neutral, didn't faze me at all." The question was repeated, and he said, "I don't know. I don't know what to say, I didn't get aroused, that's all I'm saying." He said he "don't" have a preference for rape.

Regarding the breathing irregularities noted, Mr. Gibson said, "I thought I was perfectly normal... I'm a normal person, I'm a normal breather. He [i.e., the PPG technician] said, 'Breathe normally,' and I sat there like I'm sitting here now." When asked if he had any medical conditions associated with respiratory symptoms, Mr. Gibson said, "Every now and then I get a little irregular breathing, panic type breathing." He was asked to provide additional information and said, "I even told him [i.e., the PPG technician] that before the test... I told him I was nervous, that I'm a nervous person." It was noted that it appeared that he was attempting to

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manipulate the results of the test and Mr. Gibson said, “I wasn’t trying to mess with it at all. If you bring nurses in here, I do have irregular breathing problems. Honest truth, I wasn’t trying to mess with it, God know that.”

Hare Psychopathy Checklist-Revised: 2nd Edition (PCL-R): The Hare PCL (Psychopathy Checklist) Revised: 2nd Edition (PCL-R) is designed to measure inferred personality traits and behaviors that are related to psychopathy. Psychopathy refers to an early-onset, specific constellation of traits and behaviors reflected in a person’s long-term functioning that result in social dysfunction. It is in this manner that psychopathy, although not classified as a personality disorder in the DSM-5 nomenclature, is consistent with a personality disorder. It involves a pattern of interpersonal, affective, and behavioral symptoms that can be expressed through criminal behavior, substance abuse, and a failure to fulfill social responsibilities. The PCL-R 2nd Edition has two factors (e.g., major groups of behaviors). Factor One, the Interpersonal/Affective factor, is comprised of items that reflect attitudes marked by the selfish, callous, and remorseless use of others, while Factor Two (Social Deviance) refers to behaviors indicative of a chronically unstable and antisocial lifestyle.

The PCL-R provides a score that represents the extent to which a given individual is judged to match the “prototypical psychopath.” The higher the score, the closer the match and, presumably, the greater the confidence the individual is a psychopath. Results of the PCL-R indicated that Mr. Gibson scored one point below the clinical cutoff for psychopathy on this measure. Compared to North American male offender populations, Mr. Gibson’s total score was greater than 79.5% of this sample. His Factor One score was greater than 95.5% of male offender populations, while his Factor Two score was greater than 58.9% of male offender populations. The Factors are further broken down into Facets. Factor 1 includes Facet 1 (Interpersonal) and Facet 2 (Affective). Factor 2 is comprised of Facet 3 (Lifestyle) and Facet 4 (Antisocial). Mr. Gibson’s Facet 1 and Facet 2 scores are greater than 88.6% and 100% of male offender populations, respectively. His Facet 3 and 4 scores are greater than 69.8% and 55.4% of male offender populations, respectively.

Static-99R and Static-2002R: Mr. Gibson was scored on the Static-99R and Static-2002R. The Static-99R is intended to position individuals charged or convicted of a sexual offense in terms of their relative degree of risk for sexual recidivism based on commonly available demographic and criminal history information that has been found to correlate with sexual recidivism in adult men with a sexual offense history. The Static-99R has moderate accuracy in ranking individuals according to their relative risk for sexual recidivism and is widely accepted by the scientific community and by applied evaluators. Research studies suggest administering both the Static-99R and Static-2002R to increase incremental validity of risk prediction. Therefore, Mr. Gibson was also scored on the Static-2002R, and these results are presented in addition to the Static-99R results.

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In routine samples of men charged or convicted of a sexual offense, the average 5-year sexual recidivism rate is between 5% and 15%. This means that out of 100 individuals of mixed risk levels, between 5 and 15 would be charged or convicted of a new sexual offense after 5 years in the community. Mr. Gibson's score was compared to the "Routine Sample." The following values are from tables in "Static-99R Routine Sample: Estimated 5-year and 10-year sexual recidivism rates and projected 20-year sexual recidivism rates," in Helmus et al.'s (2021) Static-99R & Static-2002R Evaluators' Workbook.

Using record information and data collected during this evaluation, Mr. Gibson's Static-99R score was eight (8), which is in the Risk Level IVb, "Well Above Average Risk," for being charged with or convicted of another sexual offense. His Static-2002R score was six (6), which is in the Risk Level IVa, "Above Average Risk," for being charged with or convicted of another sexual offense.

Per the Coding Rules, the "Index Sexual Offense" used to score the Static-99R was Mr. Gibson's 2022 charge for Criminal Sexual Conduct, First Degree. For the Static-2002R, the "Index Sexual Offense" was his 2013 conviction for Criminal Sexual Conduct, Third Degree. Mr. Gibson's Static-99R score was based on the following data: Being between 40 to 59.9 years old at release; not living with a partner for at least two years; conviction for nonsexual violence during the index offense; prior conviction for nonsexual violence; prior sex offense charges and convictions; having four or more prior sentencing dates; no convictions for non-contact sexual offenses; and having unrelated and stranger victims. His Static-2002R score was based on the following data: Being between 18 and 34.9 years old at release from the 2013 conviction; no prior sentencing occasions for sexual offenses; no juvenile arrests for sexual offenses; rate of sexual offending; having an unrelated and stranger victim; prior involvement with the criminal justice system; community supervision violations; years free prior to index offense; and no prior nonsexual violence sentencing occasions.

For the Static-99R, in routine samples with the same score of 8, the 5-year sexual recidivism rate is 31.0 and the margin of error for this estimate (95% confidence interval) is between 27.0% and 35.4%. For the Static-2002R, in the routine sample with the same score of 6, the 5-year sexual recidivism rate is 19.2 with a 95% confidence interval of 16.9% to 21.6%.

For the Static-99R, in routine samples with the same score of 8, the 10-year sexual recidivism rate is 40.9 and the margin of error for this estimate (95% confidence interval) is between 33.7% and 48.6%. After 20 years, the expected recidivism rate is approximately 50.3% for a Static-99R score of 8 and approximately 34.0% for a Static-2002R score of 6.

Percentile ranks describe the individual's risk in comparison to other men who have been charged or convicted of a sexual offense. Because some people have the same scores, there are

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different ways of reporting percentile ranks (% higher, % lower, mid-point average). Absolute recidivism rates cannot be inferred from percentile rankings. For the Static-99R and Static-2002R, percentile ranks are based on routine/complete correctional samples from Canada, which have shown to be reasonably stable in international comparisons with Sweden and California. In routine correctional samples, a Static-99R score of 8 represents the 99.1 percentile, defined as a mid-point average (98.5% with a lower score, 1.2% with the same score, and 0.3% with a higher score). This means that out of 100, 99 would have a lower score, 1 would have the same score, and 0 would have a higher score (numbers rounded). With the 95% confidence interval, the score could span the from 98.2 percentile to the 99.8 percentile. A Static-2002R score of 6 represents in routine correctional samples the 88.3 percentile defined as a mid-point average (84.8% with a lower score, 7.1% with the same score, and 8.1% with a higher score). This means that out of 100, 85 would have a lower score, 7 would have the same score, and 8 would have a higher score (numbers rounded). With the 95% confidence interval, the score could span from the 84.3 percentile to the 92.1 percentile.

Risk ratios describe differences between recidivism rates. For the Static-99R, risk ratios compare the expected recidivism rate for individuals with a particular score, to the expected recidivism rate of individuals in the middle of the risk distribution. The middle of the risk distribution is defined as the rate for individuals having the median score (2). Risk ratios for Static-99R are reasonably stable across follow-up times and jurisdictions. On average, individuals with a score of 8 on the Static-99R have a sexual recidivism rate that is the 7.32 times the rate of individuals in the middle of the risk distribution. On average, offenders with a Static-2002R score of 6 have a sexual recidivism rate that is 2.63 times the rate of offenders in the middle of the risk range.

As a reminder, these are actuarial instruments and therefore only indicates a person's similarity or lack thereof with members of a particular group rather than a risk specific to that individual. Also, the Static-99R and Static-2002R do not measure all risk factors, and therefore Mr. Gibson's risk of sexual offense recidivism may be higher or lower than these scores indicate, and other factors must also be considered in an overall determination of risk.

STABLE-2007: Mr. Gibson was scored on the STABLE-2007 which measures empirical risk factors that are routinely addressed as part of correctional rehabilitation (i.e., criminogenic needs) for adult men convicted of sexual offenses against a child or non-consenting adult. The STABLE-2007 consists of 13 items related to psychological, interpersonal, and sexual functioning, which are added together to create a total score. Per the Coding Manual, the Emotional Identification with Children item was omitted because Mr. Gibson does not have a victim younger than 14 years old.

Mr. Gibson's STABLE-2007 score was based on Brankley et al.'s (2017) STABLE-2007 Evaluator Workbook. Mr. Gibson scored 19 out of a possible 24 points on the STABLE-2007

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which places him in the high-density range of criminogenic needs. This score represents the 98.2 percentile, defined as a mid-point average, of adult men in the instrument's standardization sample (97.7% have a lower score, 1.4% have a higher score, and 0.9% have the same score). In other words, out of 100 individuals convicted of a sexual offense, approximately 98 would have a lower score, 1 would have the same score, and 1 would have a higher score. With a 95% confidence interval, the score could range from the 97.5 to the 98.8 percentile.

Mr. Gibson's STABLE-2007 item scores are summarized in the following table alongside the percent of individuals in the normative sample who scored "0 - No Problem" on each item. The following need areas have been identified as clinically significant concerns: Significant Social Influences, Capacity for Relationship Stability, Hostility Toward Women, Lack of Concern for Others, Negative Emotionality/Hostility, Sex Drive/Sex Preoccupation, Deviant Sexual Preference, and Cooperation with Supervision.

STABLE-2007 Score Summary

Item	Score	% scored 0
Significant Social Influences	2	53.2
Capacity for Relationship Stability	2	23.2
Emotional Identification with Children	N/A	75.2
Hostility Towards Women	2	64.8
General Social Rejection/Loneliness	0	42.8
Lack of Concern for Others	2	61.9
Impulsive Acts	1	46.8
Poor Cognitive Problem Solving	1	37.3
Negative Emotionality/Hostility	2	66.9
Sex Drive/Preoccupation	2	61.0
Sex as Coping	1	67.7
Deviant Sexual Interests	2	35.3
Cooperation with Supervision	2	68.3
Total Score	19/24	

The STABLE-2007 does not measure all targets relevant to risk and to correctional rehabilitation and Mr. Gibson may have other needs not included in this measure.

Static scores combined with STABLE-2007: The STABLE-2007 can be combined with the Static-99R and Static-2002R to provide a composite assessment of risk/needs, and to produce estimates of sexual recidivism. Mr. Gibson was scored in the high-density range of criminogenic needs on the STABLE-2007 and was preliminarily placed in Level IVb on the Static-99R and Level IVa on the Static-2002R. When these measures are combined, his composite assessment places him in Level IVb for supervision and intervention using the standardized risk framework.

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Individuals placed in Level IVb are considered *Well Above Average Risk* using the standardized risk level framework. They often have many criminogenic needs, most of which are chronic and severe. Access to prosocial resources and strengths is likely limited due to significant barriers. The rate of sexual reoffending for individuals in Level IVb is about three to four times the average rate of reoffending for the overall population of individuals convicted of sexually motivated offenses. Most will transition to Level III after sufficient dose of treatment, positive life changes, or should they remain offense-free in the community for 10 to 15 years. The risk of Mr. Gibson reoffending can be described by examining absolute rates of reoffending over a time period. Out of 100 individuals convicted of sexually motivated offenses with the same risk profile as Mr. Gibson, 26.8% (Static-99R/STABLE-2007) to 27.6% (Static-2002R/STABLE-2007) would be expected to recidivate sexually over five years and the margin of error for these estimates (95% confidence interval) are between 17.4% to 36.3% and 17.6% to 37.7%, respectively.

EXAMINEE'S APPRAISAL OF RISK: The following is Mr. Gibson's self-assessment of his risk and plan for avoiding future risk.

When asked how he felt about his arrests and involvement in the criminal justice system, Mr. Gibson said, "I'm embarrassed, more so embarrassed now and that's about it." Regarding the reason, he said, "Because, I mean, I really... Being truthful and honest, with the last girl, really not trying to come to jail again and I told her to leave me alone... Knowing she was on drugs bad, heavy. She was too far gone. She really took a toll on me moving on." Regarding how he felt about his other arrests, Mr. Gibson said, "I don't feel too good about it, wish I could change it, wish it could be avoided. I lost a lot." When asked if he felt that he was treated fairly, Mr. Gibson said, "In the justice system? I'm a say no, if I'm being honest. Certain charges, I wasn't." He was asked to provide additional information and said, "I mean, I wasn't. Certain things, what they charged me with; I wasn't. How they trying to accuse me of certain things, no. For example, I got in a fight with a street police; he started the fight. I told my lawyer; he was drunk, he punches me in the eye. She finds out later on, that he was drunk. I can countersue. I told her the whole time; I was telling the truth. I ended up doing a year and I was supposed to do no time for that charge because he started it first. He was off duty, no badges or anything. He went into the hospital, and he was drunk. After I was locked up, they tried to pin another charge on me, the investigators. Tried to say when me and my girlfriend was having the altercation, I fit the description of someone who assaulted another person. Getting back at me because of that. I said, 'You ready for a lawsuit?' They tried to pin a charge on me. Then, Richland County, again... I went to Sumter because I violated the Registry. Got back to Richland County and they tried to charge me with the same charge with the girl I'm in here for now. I told them... 'I got a lawsuit coming.' Every time I say that I guess they try to get me because of that cop. He's on some task force unit." Mr. Gibson said he did not appeal any of his convictions or sentences. When asked

how fair he thought his sentences were, he said, "I guess fair, not really, but I just took a plea to get on through."

Regarding how he thought his offenses had affected the victims, Mr. Gibson asked, "My actions?" This was confirmed and he said, "The victims in my case? ... Well, I really can't speak on that. Most of the women, those were my women, and either lied or got me locked up, so..." When asked how his offenses had affected the victims' family and friends, he said, "I'm pretty sure they probably asked them what happened or whatever on their side; I can't really tell." Regarding how he thought his offenses had affected his own family and friends, Mr. Gibson said, "Well, just probably, just, I don't know. I mean, I really can't answer that. All I know, it's a bunch of love, they want me out. Gotta be some caring there if they're still concerned about me, no matter what." Regarding the reasons he thought he had gotten in so much legal trouble over the course of his life, he said, "For whatever that happened." The question was repeated, and he said, "Things happen, different altercations and scenarios... I have no idea, started from the Y[OA]. Probably had no father figure in my life, [his father] went to prison when I was 14 [years old] and got out in 2007, just saying, that probably could be."

Mr. Gibson said he would have no community supervision upon release. Regarding his feelings about being on the Registry, he said, "I don't feel good, embarrassed, all this that comes with it. I could be moving on in my life." When asked if he thought it would be difficult to comply with the requirements, he said, "No, matter fact, one time, last year is the only time I missed to report."

Mr. Gibson was asked what he had done to date to address his sexual offending behaviors. He said, "Well, I really don't have, whatever they're accusing me of, I don't have sexual... I don't know how to answer that. Sounds like you're saying, 'You are a sexual predator, what are you doing to address that?' For one, I'm not a sexual predator, so I can't answer that. I don't have a sexual problem." When asked to identify who has tried to help him with his sexual offending behaviors in the past, Mr. Gibson said, "I never really had a sexual problem. Just because the report, the charge says that. I don't have a sexual problem." When asked what changes he has made to reduce his risk, he said, "If there was a risk and if I was a sexual predator or whatever, even being involved in the crazy women I was with, I know how to walk away, wouldn't get involved. I'm trying to work on myself. I know what to look for, focused on getting out and getting myself together."

Regarding his chances of getting into trouble for another sexual offense, Mr. Gibson said, "None, not at all, no chances at all." When asked to explain, he said, "Because I'm focused on me and my life and my future right now." Mr. Gibson was asked to elaborate and said, "I won't, I know how to conduct myself... I'm not gonna put myself in the position. I learned from it, to be around... If I know a woman drinking and know she's gonna be a problem later on, walk away,

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not put myself in that position. If it presents itself, I know how to walk away or whatever, I be the bigger person to know how to look for those type of people, put it like that.”

To make a reoffense less likely, Mr. Gibson will “get myself together, going out there, working, get a job, focus on my daughter, pay off community supervision so I can get on with my life, try to get a job, and work on me. Pay child support off and the rest is me, pursue my dreams.” When asked what he would need to be careful of in the future, he said, “Just crazy people.” He was asked to provide additional information and said, “Just being around a crowd that don’t mean you no good. I should know that, should know what to look for; people who don’t want nothing out of life.”

Collateral Information: During Dr. Gehle’s evaluation, “When asked what he learned in treatment, he said, ‘Be mindful with who I am with. I don’t know. Think a little harder about who I am with and who is in my circle.’ Regarding how he has changed since being convicted of sexual offenses, he said, ‘It’s been really hard for jobs. It’s embarrassing... Since I have been convicted of a sex offense, what has changed with me is that it is embarrassing. Watch who I be with or encounter.’”

It was additionally noted, “When asked how he felt about his offenses now, Mr. Gibson replied, ‘I feel bad...embarrassed... You have to register the rest of your life...everybody will know it.’ Mr. Gibson said he does not believe that he has a problem with his sexual behavior or any other behavior, stating, ‘No, I don’t [have a problem with my sexual behavior]...God as my witness, I don’t [have problems with any of my behavior].’ He said that he does not need sex offender treatment. He stated that he is not concerned that he will commit another sexual offense. He denied having any deviant sexual thoughts or fantasies. He indicated that there were no situations in which he would be at risk to commit another sexual offense. He rated his risk to sexually reoffend a ‘1’ or ‘none’ on a scale of 1 to 10, with 1 being relatively no risk and 10 being high risk, explaining, ‘Because I am not that type of person.’ Mr. Gibson indicated he had no desire to reflect on his past behavior. He said he had no need to look back and evaluate his behavior because he already knew that he was a ‘changed’ person.”

After being presented with his PPG results, Mr. Gibson was asked if he had a preference for rape over consensual sex. He said, “I don’t.” It was noted that his PPG results appeared to be in line with his reported offense behaviors and he said, “Okay, I don’t think I did. I know I didn’t. I wasn’t aroused by none of the pictures in there at all. If you’re saying that, this your theory, your hypothesis. I can’t answer that, I don’t know what to say.” When it was noted that the trials he showed arousal to used audio stimuli, Mr. Gibson said that he was “not aroused by that either. I don’t have no problem at all. I have nothing to say. If you say that, in my mind, I know it’s not that way. That’s not what happened, that’s not me.”

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Regarding the discrepancies between the information provided during the current evaluation and what he told Dr. Gehle during her evaluation, Mr. Gibson asked for an example. He was asked about the discrepant information provided about his sexual history and said, "I don't know." When asked if he wanted to correct any information provided during the current evaluation, he said, "I can't." Regarding the reason, Mr. Gibson said, "You already put what you want in the computer." He then asked, "Is it beneficial? Will it help me? I'm just asking... I don't understand what you're saying now." He was asked again if he wanted to correct anything and said, "Oh, no. No, my bad, no."

DIAGNOSTIC IMPRESSIONS: The following Diagnostic and Statistical Manual of Mental Health Disorders- Fifth Edition Text Revision (DSM-5-TR; 2022) diagnoses were considered:

Personality pathology:

According to the DSM-5-TR (2022), a "personality disorder is an enduring pattern of inner experience and behavior that deviates markedly from the norms and expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time and leads to distress or impairment" (p. 733).

A review of Mr. Gibson's history in addition to the self-reported information and observations of him during the clinical interview are indicative of personality pathology. According to the DSM-5-TR (2022), antisocial personality disorder is a "pervasive pattern of disregard for and violation of the rights of others, occurring since age 15, as indicated by three (or more) of the following: failure to conform to social norms with respect to lawful behaviors, as indicated by repeatedly performing acts that are grounds for arrest; deceitfulness, as indicated by repeated lying, use of aliases, or conning others for personal profit or pleasure; impulsivity or failure to plan ahead; irritability and aggressiveness, as indicated by repeated physical fights or assaults; reckless disregard for safety of self or others; consistent irresponsibility, as indicated by repeated failure to sustain consistent work behavior or honor financial obligations; lack of remorse, as indicated by being indifferent to or rationalizing having hurt, mistreated, or stolen from another... There is evidence of conduct disorder with onset before age 15" (p. 748).

Mr. Gibson clearly exhibits multiple symptoms of antisocial personality disorder. He demonstrates failure to conform to social norms with respect to lawful behaviors, as indicated by multiple arrests, convictions, and incident reports; deceitfulness, as indicated by pathological lying, including the use of aliases; some behavioral impulsivity; irritability and aggressiveness, as indicated by convictions for Assault and Battery, multiple self-reported fights, and aggressiveness in sexual behavior; consistent irresponsibility, as indicated by failure to pay child support payments, relying on others to put money on his "books" during incarcerations, and failing to pay supervision fees; and lack of remorse for previous offenses. Although Mr. Gibson appears to exhibit every symptom of antisocial personality disorder, there is limited evidence of

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conduct disorder prior to the age of 15. Specifically, Mr. Gibson said he never ran away from home, was cruel to animals, set fires, or engaged in criminal acts during his youth and there are no data suggesting the contrary. Therefore, he is diagnosed with other specified personality disorder with antisocial traits.

Regarding psychopathy, although it is not a DSM-5-TR diagnosis, it is a clinical construct consisting of interpersonal traits (e.g., glibness), affective deficits (e.g., callousness, lack of remorse), lifestyle characteristics (e.g., impulsivity), and antisocial behaviors. Psychopathy refers to an early-onset, specific constellation of traits and behaviors reflected in a person's long-term functioning that result in social dysfunction. It is in this manner that psychopathy, although not classified as a personality disorder in the DSM-5-TR nomenclature, is consistent with a personality disorder. Based on empirically supported assessment, it is my opinion that Mr. Gibson exhibits numerous traits characteristic of psychopathy. Specifically, he has an inflated sense of self-importance, consistently lies, demonstrates a lack of remorse, has shallow affect, is callous and lacks empathy, has poor behavioral controls, engaged in promiscuous sexual behavior, has a lack of realistic goals, is irresponsible, has failed to accept responsibility for his own actions, violated conditional release, and was charged with a number of different crime types. There is also some evidence that he is glib, has a need for stimulation, is conning and manipulative, has demonstrated a parasitic lifestyle, and is impulsive.

It is my opinion that Mr. Gibson exhibits characteristics of both antisocial and psychopathic personality disorders. Although most individuals with psychopathy would also meet diagnostic criteria for antisocial personality disorder, most individuals with antisocial personality disorder are not psychopathic. For Mr. Gibson, his chronic pattern of antisocial behavior is very severe, and he exhibits a pattern of overt criminal behavior in addition to the maladaptive personality traits he possesses. His scores on the PCL-R indicate that he displays shallow and labile emotions; is unable to form long-lasting bonds to people, principles, or goals; and is lacking in empathy and genuine guilt and remorse.

Paraphilic disorders:

According to the DSM-5-TR (2022), a diagnosis of sexual sadism disorder is rendered when there is a period of at least six months in which the individual has "recurrent and intense sexual arousal from the physical or psychological suffering of another person, as manifested by fantasies, urges, or behaviors. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning" (p. 790).

Even though Mr. Gibson denied sexual attraction to the physical or psychological suffering of another individual, there is sufficient objective evidence to the contrary. Mr. Gibson has been charged with three sexually motivated offenses and convicted of two. In 2009, he allegedly

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struck the victim with a wrench which rendered her unconscious and subsequently raped her anally, vaginally, and orally when she regained consciousness. In 2012, he approached a 17-year-old stranger and hit her in the eye and choked her before raping her. In 2022, he threatened his girlfriend with a knife while physically assaulting her and allegedly raped her. During each alleged offense, an excessive amount of force was used which was well beyond the amount of force necessary to carry out the rapes. In addition to acting out these very violent behaviors during sexual assaults in which he was aroused, there is also evidence that Mr. Gibson was aroused to violent sexual stimuli within the laboratory. Specifically, during the PPG examination, Mr. Gibson demonstrated “deviant” (abusive) sexual arousal on the calculated adult female rape index and exhibited clinically significant sexual arousal to trials featuring rape of an adult woman and sexual violence against an adult woman. Although Mr. Gibson said he does not currently masturbate or have fantasies of any kind about sex, paraphilic disorders involve arousal based on fantasies, urges, and/or behaviors. There is sufficient evidence that Mr. Gibson has engaged in these behaviors multiple times, as evidenced by a review of the legal documents describing his offenses, and he demonstrated sexual arousal in the laboratory to stimuli involving deviance rather than to the non-abusive stimuli involving consenting adults. Behaviors alone are not sufficient but do contribute to the diagnosis. Mr. Gibson denied that he currently masturbates to thoughts about violent sex and sadism, but results indicated he is currently aroused by these stimuli. A specifier of ‘in a controlled environment’ is applicable due to Mr. Gibson being incarcerated in a setting where opportunities to engage in sadistic sexual behaviors are restricted.

FINDINGS AND RECOMMENDATIONS REGARDING THE CONSULT QUESTION:

The consultation request was to evaluate Mr. Gibson to determine if he meets the definition of a “sexually violent predator” according to the South Carolina Sexually Violent Predator Act, which in turn requires an assessment of 1) mental health, 2) risk of sexual offending recidivism, and 3) treatment needs, if any. Assessment results and recommendations are only guidelines, which should not be viewed as a complete treatment plan because they are focused on specific forensic consultation questions only.

1. **Mental Health Diagnosis:** There are multiple etiologies for inappropriate sexual behavior to include sexually abusive behavior. Mr. Gibson meets diagnostic criteria for sexual sadism disorder, in a controlled environment and other specified personality disorder with antisocial and psychopathic traits.
2. **Sexual Recidivism Risk:** I reviewed records, used various assessment inventories and tests, and conducted a thorough clinical interview of Mr. Gibson. There is no single instrument for assessing risk of sexual reoffending that is accepted universally or that can stand alone as a single indicator of risk. Risk prediction is not an exact science and research is still developing in the field. My opinion regarding risk is based on a review of risk factors that have been studied and published in peer-reviewed scientific literature.

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The most widely used and researched actuarial instrument for the assessment of sexual recidivism risk among adult men is the Static-99R. Mr. Gibson's score on the Static-99R was in the Risk Level IVb, "Well Above Average Risk," for being charged with or convicted of another sexual offense. This score represents the 99th percentile and is 7.32 times the rate of individuals in the middle of the risk distribution. This score does not account for the numerous dynamic risk factors he also possesses.

Mr. Gibson has multiple dynamic and psychologically meaningful risk factors. The following need areas have been identified as clinically significant concerns:

1. "Deviant" Sexual Preference: Mr. Gibson meets diagnostic criteria for sexual sadism disorder and demonstrated a preference for PPG trials featuring rape and sexual violence over those featuring consenting adults. He has been charged with multiple sexual offenses with underlying details that are very similar.
2. Lack of Concern for Others: Mr. Gibson has demonstrated a lack of remorse for his offenses and is callous. For example, he committed several sexual offenses, which likely represented that his desire to have his sexual needs met was more important to him than the needs, desires, or safety of his victims and that he felt entitled to engage in these behaviors. He has poor insight into the effect that his behaviors have on others. He minimized his responsibility for his offenses and described the perceived injustices done to him.
3. Cooperation with Supervision/Treatment: Mr. Gibson has a history of violating the conditions of his supervised release. Although he was required to complete sexual behavior treatment in the community, he reported that he only attended approximately two sessions. He does not believe that he needs any treatment.
4. Problems with his Significant Social Influences/Lack of Emotionally Intimate Relationships with Adults: Although Mr. Gibson listed numerous people who are in his social network and able to provide him support upon his release, based on his report, most of them would represent negative influences. For example, he said that approximately five people in his support system have an arrest history and his father served time in prison for a sexual offense. Additionally, although Mr. Gibson reported that he can get support from his daughter, he also stated that he has not had contact with her in approximately 10 years.
5. Hostility Toward Women: During the current evaluation, Mr. Gibson spoke at length and in very hostile terms about his victims and previous romantic partners. For example, he described how "most women" in the "hood" are "more aggressive," and indicated that it was not possible to rape someone with whom you are in a relationship.
6. Capacity for Relationship Stability: It does not appear that Mr. Gibson has cohabitated with a partner for at least two years, has never been married, has never been in love, and is currently single. This impacts his capacity for future stable, healthy relationships.

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7. **Negative Emotionality/Hostility:** Mr. Gibson has hostility, resentment, and sense of victimization. He has excessively negative reactions to problems and responds with reactive aggression.
8. **Sex Drive/Sex Preoccupation:** Mr. Gibson appeared to minimize his current sexual functioning during the evaluation. However, it has been reported that he engaged in frequent impersonal sex, had a high sex drive, and has been charged with multiple sexual offenses.
9. **Impulsive Acts:** Mr. Gibson has demonstrated impulsive behaviors related to his legal history, sexual behavior, and substance use. He has demonstrated impulsivity across a number of settings and has an unstable lifestyle. His low self-control has led him to engage in risky behaviors with insufficient concern for the consequences.
10. **Poor Problem-Solving Skills:** Mr. Gibson frequently makes poor decisions and fails to identify obvious life problems in multiple domains. He has difficulty generating workable alternatives or solutions to his problems and experiences difficulties recognizing the likely negative consequences of actions.

Regarding potential protective factors, Mr. Gibson is not of relatively young age. However, he does not appear to have other factors that could serve as protective (e.g., he has not completed sexual behavior treatment, was not dissuaded by punishment, has repeatedly reoffended, is medically healthy).

The presence of “deviant” (unhealthy; abusive) sexual arousal correlates with sexual reoffending. Identifying sexual arousal is done by self-report, documented behaviors, and physiological examinations such as penile plethysmography. None of these is definitive, but the more data points indicating the same result, the stronger the support for an opinion. In terms of self-report, Mr. Gibson was not forthcoming about his sexual arousal or offense behaviors. Officially reported behaviors included sexual acts that involved violence and weapon use. Results from the PPG examination indicated that he demonstrated clinically significant sexual arousal to trials featuring rape and sexual violence and he demonstrated preferential sexual arousal to those trials when compared to those featuring consenting adults.

Mr. Gibson meets criteria for sexual sadism disorder, in a controlled environment and other specified personality disorder with antisocial and psychopathic traits. The characteristic features of Mr. Gibson’s personality pathology include shallow and labile emotions; inability to form long-lasting bonds to people, principles, or goals; and lack of empathy and genuine guilt and remorse. It is my opinion that Mr. Gibson’s personality pathology significantly contributed to his offense/allegation behaviors. Specifically, it is my opinion that Mr. Gibson sought to satisfy his sexual arousal to the physical suffering of another individual, and due to

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personality pathology, felt entitled to get these sexual needs met with no care or consideration of the needs, desires, or safety of his victims.

It is my opinion that the presence of personality pathology and paraphilic arousal to the physical suffering of another individual each separately add appreciable risk to Mr. Gibson's risk formulation. Specifically, Mr. Gibson is sexually aroused by violence and has personality pathology related to violating the rights of others. The personality features that Mr. Gibson possesses coupled with his sexual arousal to violence, significantly increase his risk for future sexual violence. A minority of individuals diagnosed with antisocial personality disorder commit sexual offenses, and those who do, often do not sexually reoffend after sanction. Mr. Gibson was charged with sexually motivated offenses in 2009, 2012, and 2022. Thus, his alleged sexual offending history spans approximately 13 years and represents sexual recidivism. This significantly increases his risk for future sexually violent offenses. Research indicates that individuals high on psychopathic characteristics who commit sexual offenses can be prone to violence, are opportunistic and instrumental in sexual offending, and are more likely to reoffend than those not high in psychopathy characteristics. These characteristics significantly increase Mr. Gibson's risk for future sexual violence.

Mr. Gibson has not received treatment for sexual sadism disorder or personality pathology. He did not demonstrate insight into his personality pathology, paraphilic arousal, or their relationship to his risk level and prior offenses. As such, Mr. Gibson does not have realistic plans to avoid acts of sexual reoffending. During the current evaluation, Mr. Gibson minimized his sexual interests, behaviors, and thoughts and fantasies. Sexual suppression and avoidance are not realistic to prevent sexually reoffending. Mr. Gibson's history of sexual and violent recidivism also suggests significant impairment of volitional control.

In sum, Mr. Gibson's paraphilic disorder and personality pathology which led to his offense behaviors are still present. He has limited factors that could mitigate his risk. His future plans do not mitigate his risk as he did not demonstrate realistic strategies to prevent reoffending. It is my opinion that Mr. Gibson is "more probably than not" to engage in future acts of sexual violence in light of his:

- a. Lack of insight into his disorders, risk level, and need for treatment;
- b. History of sexual recidivism;
- c. No prior history of sexual behavior treatment completion;
- d. Perception that he is not in need of treatment;
- e. Well above average risk composite assessment;
- f. Paraphilic disorder and personality pathology that make him "likely to engage in sexual violence" in the form of sexual sadism disorder and personality pathology with antisocial and psychopathic features disorders that caused his offending behaviors and predisposes him to acts of sexual violence;

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- g. Sexual arousal to the physical suffering of another individual;
- h. Limited protective factors;
- i. Significant problems following the rules and conditions of supervision;
- j. Hostility towards women;
- k. Lack of realistic future plans; and
- l. Impaired volitional control, insight, and judgment.

3. **Treatment Recommendation:** Based on published scientific data, (although debated) there is the potential for medication and psychotherapy combination resulting in remission or even a cure for paraphilic and personality disorders; however, there are no current universally accepted cures for these disorders. However, like other chronic medical illnesses, these disorders can be successfully managed with professional intervention provided the individual is willing to participate in the treatment process. Treatments have been successful for some who have actively participated and responded to education, psychotherapy, and in some cases, pharmacological interventions with a holistic approach to managing the illnesses.

Mr. Gibson has never completed a sexual behavior treatment program. In light of this, treatment should be provided by a licensed mental health professional with specific training and experience in managing the type of difficulties Mr. Gibson has exhibited. Management will likely be a lifelong commitment given the current lack of a definitive and universally accepted cure, but living in the community can become an option with treatment. Given that he has engaged in sexual offending behaviors consistent with his paraphilic and personality disorders, that if acted on again would result in the abuse of another person, his treatment should be conducted in a secure setting for public and his own safety.

4. **“Sexually Violent Predator” Criteria:** “Sexual Predator” is a legal term and not a mental health diagnosis. Based on the South Carolina Sexually Violent Predator Act (South Carolina Code of Laws §44-48-10) a “sexual predator” is defined as someone “convicted of a sexually violent offense” who has a “mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care and treatment.” Based on the criteria set forth in the statute, Mr. Gibson is a “sexual predator.” He has been convicted of a sexually violent offense based on the statutory definition, and he has both a “mental abnormality” and “personality disorder” that makes him “likely to engage in sexual violence [as defined by the statute] if not confined.”
5. **Summary:** Based on reviewed documents, interviews, and other assessment data collection methods, Mr. Gibson meets diagnostic criteria for sexual sadism disorder, in a

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controlled environment and other specified personality disorder with antisocial and psychopathic traits. He has never completed sexual behavior treatment and does not believe that he needs treatment. He has a high number of both static and dynamic risk factors and his risk composite assessment places him in the well above risk range for sexual recidivism. Mr. Gibson is considered at risk for sexual offending recidivism and a candidate for treatment. Treatment should be provided by a licensed mental health professional with specific training and experience in managing Mr. Gibson's diagnoses and offense behaviors. Given his behavior history and the risk to the community if he engages in these behaviors again, Mr. Gibson's treatment should be provided in a secure setting until he has been found to be safe to continue treatment in a community setting.

Conclusions and recommendations are subject to revision if new data emerges that, in my assessment would alter my opinion.



Emily D. Gottfried, Ph.D.

Final review and signature date: 6/3/2024

You may have heard testimony
about (criminal) records.

The only evidence you are to
consider is before you.

~~Reason~~

Hearsay testimony about records does
not in + of itself validate
a record or make it reliable.

