

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Oct 29 2025

S.C. SUPREME COURT

—————
Certiorari to Pickens County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

—————
MATTHEW JAMIE BRYANT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000966

—————
APPENDIX
—————

GARY H. JOHNSON
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

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PO Box 11549
Columbia, SC 29211
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ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

I, CHERYL A. SMITH, Official Court Reporter for the Thirteenth Judicial Circuit of 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 Pickens County, South Carolina, on the 9th day of October, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 29, 2025

Cheryl A. Smith

Cheryl A. Smith, CVR-M

Court Reporter

DAVID RICHARD PRICE, PH.D.

EDUCATIONAL HISTORY

- | | | |
|------|---|--|
| 1982 | Auburn University
Major:
Degree:
Dissertation:

Chair: | Auburn, Alabama 36849
Clinical Psychology
Doctor of Philosophy
Conversation Skills Training with Chronic
Psychiatric Patients
James F. McCoy, Ph.D. |
| 1979 | Auburn University
Major:
Degree:
Thesis:

Co-Chair: | Auburn, Alabama 36849
Clinical Psychology
Master of Science
Concurrent Validity of an Early Childhood
Screening Instrument. The Comprehensive Early
Evaluation Profile, Research Edition
James F. McCoy, Ph.D.
Samuel B. Green, Ph.D. |
| 1977 | Clemson University
Major:
Minor:
Degree:
Honors: | Clemson, South Carolina 29631
Psychology
Sociology
Bachelor of Arts with Honor
Psi Chi 1977
Sigma Phi Epsilon Honorary 1976-1977
South Carolina Psychological Association Award
for Undergraduate Research 1977 |

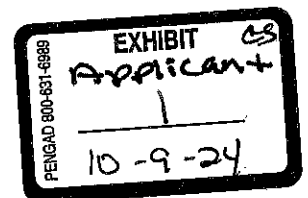
LICENSURE

License Number 330 to practice Clinical Psychology issued by the South Carolina Board of Examiners in Psychology on October 8, 1983.

CLINICAL POSITIONS

- 1991-present Private Practice
[REDACTED]
 Greenville, South Carolina 29609

Duties: Private practice offering psychotherapy, psychological and neuropsychological evaluations, and forensic consultation. Organizational consultation, intervention, and development.



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1991-present

The Forensic Network
[REDACTED]

Greenville, South Carolina 29609

President: Senior Analyst

Duties: Forensic consultation and psychological and neuropsychological evaluations in civil and criminal cases. Claims analysis/review. Fitness for Duty evaluations.

2010-2013

The Assessment Center
[REDACTED]

Greenville, South Carolina 29609

Duties: Evaluate childhood developmental disorders including Autism through structured observations on specific tasks and administration of a battery of tests to assess language, sensory processing, adaptive behavior, and cognitive abilities.

1983-1991

Behavior Resources, Inc.
[REDACTED]

Greenville, South Carolina 29601

Private Practice: Principal member

Duties: Personality, vocational, and neuropsychological assessment. Individual, behavior, family, and marital therapy. Case analysis, forensic consultation, and expert testimony at the local, state, and federal level.

1982-1983

Psychology Service

South Carolina State Hospital

2100 Bull Street

Columbia, South Carolina 29202

Staff Psychologist

Duties: Diagnostic assessment. Crisis intervention, brief psychotherapy, and group therapy. Consultant to treatment team in an acute care psychiatric admission unit. Program evaluations.

Supervisor: Linda S. Moore, Ph.D., Chief Psychologist

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- 1981-1982 Psychology Services (116B)
University Drive
Veterans Administration Medical Center
Pittsburgh, Pennsylvania 15240
- Clinical Psychology Intern (APA Approved)
Duties: Personality, vocational, and neuropsychological assessment.
Stress management, biofeedback and hypnotherapy/relaxation
training. Medical/Consultative liaison. Individual, group,
behavior, family, and marital therapy.
- Supervisor: Arnold Freedman, Ph.D., Chief Psychologist
- 1979-1981 Psychology Service (116B)
Veterans Administration Medical Center
Tuskegee, Alabama 36083
- Psychology Technician. Half-time GS-9 Civil Service position
Duties: Individual, group, and behavior therapy. Personality, neuro-
psychological, and diagnostic assessment. Consultation to
treatment team.
- Supervisor: David A. Herbert, Ed.D., Chief Psychologist
- 1978-1979 Lee County Head Start
Auburn, Alabama 36830
- B.A. Level Psychologist. Half-time position.
Duties: Individual, group, and behavioral assessment. Program design
and evaluation. Consultation to speech and education
departments.
- Supervisors: James F. McCoy, Ph.D., Consultant
Joseph G. Cunningham, Ph.D., Consultant
- 1977-1979 Psychology Department
Auburn University, Alabama 36849
- Instructor
Duties: Teach Introductory Psychology and Developmental Psychology
- Supervisor: Philip Lewis, Ph.D., Professor and Department Head

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ACADEMIC POSITIONS

- 2003-2005 Adjunct Associate Professor
 Department of Social and Behavioral Sciences
 University of South Carolina Spartanburg
 800 University Way
 Spartanburg, South Carolina 29303
- Duties: Teach lower and upper level undergraduate psychology courses.
- 1996-2005 Adjunct Associate Professor
 Department of Psychiatry and Behavioral Sciences
 Medical University of South Carolina
 171 Ashley Avenue
 Charleston, South Carolina 29425-0742
- Duties: Lecture psychiatric students on all forensic areas germane to a psychiatric practice. Administrative Director of the Forensic Psychiatry Research Foundation.

TEACHING APPOINTMENTS

- 2003-2005 Adjunct Associate Professor. Department of Social and Behavioral Sciences, University of South Carolina Spartanburg, 800 University Way, Spartanburg, South Carolina.
- 1996-2005 Adjunct Associate Professor, Forensic Psychiatry Program, Department of Psychiatry and Behavioral Sciences, Medical University of South Carolina. Charleston, South Carolina.
- 1998 Attorney General's National Advocacy Center. U.S. Department of Justice. Columbia, South Carolina.
- 1997 Ira C. Eaker College for Professional Development, Air Force Judge Advocate General School. Montgomery, Alabama.
- 1983-1984 Limestone College, Gaffney, South Carolina.
- 1982 Midlands Technical College, Lexington, South Carolina.
- 1977-1979 Auburn University, Auburn, Alabama.

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PRESENTATIONS

- Ballenger, Ballenger, J.C. & Price, D.R. Evaluating the Expert and the Expert's Examination Protocol. Psychological and Psychiatric Injury Claims Seminar. Sponsored by the Forensic Psychiatry Program, Medical University of South Carolina. March, 1997.
- Blackwelder, I. & Price, D.R. The Legal Context of Mental and Emotional Injury Compensatory Claims in Employment Litigation. Invited lecture presented at the United States Postal Service Law Department Conference. November, 1993.
- Fabia, R., Price, D.R., & Present, N. Analysis of Psychological Injury Claims. Panel discussion presented at the Compensatory Damage Claims in Federal Sector EEOC Cases. February, 1997.
- Kerrigan, R.E., Read, G.C., Price, D.R. & Herman, A.F. Practical Tips on Why and When You Hire a Defense Medical Opinion. Invited lecture at the Damages Seminar sponsored by the Defense Research Institute. March, 1997.
- Lees-Haley, P.R. & Price D.R. Evaluating Posttraumatic Stress Disorder. Invited lecture at the Society of Claim Law Associates Sixth Annual Conference and Seminar. September, 1997.
- McDonald, J.J., Jr., Price, D.R. & Smith, R.D. Ethics: Do What, When, Where, and How? Annual Psychiatric, Psychological and Neuropsychological Injury Claims Conference and Seminar. November, 2002.
- McCoy, J.F., McGee, G.G., Price, D.R., & Mason, D. Social Skills Training For Aggressive Children While Playing Competitive Games. Paper presented at the meeting of the Association for the Advancement of Behavior Therapy. November, 1980.
- McCoy, J.F., Price, D.R., Herring, S.T., & McGee, G.G. Social Skills Training For Aggressive Children in a Summer Day Camp. Paper presented at the meeting of the Southeastern Psychological Association. March, 1982.
- Mross, A. & Price, D.R. Special Issues: Managing the Mentally Ill Employee, the Personality Disorder Employee, and the Substance Abuse Employee Under the ADA and the Enforcement Guidance. Invited lecture presented at the National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance Under the Americans with Disabilities Act, sponsored by the Government Training Institute Foundation. June, 1999.

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- Mross, A. & Price, D.R. Special Issues: Managing the Mentally Ill Employee, the Personality Disordered Employee, and the Substance Abuser Employee Under the ADA and the Enforcement Guidance. Invited lecture presented at the National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance Under the Americans with Disabilities Act, sponsored by the Government Training Institute Foundation. November, 1999.
- Price, D.R. A Survey of Prisoners' Past Participation in and Attitudes Towards Sports. Paper presented at the meeting of the South Carolina Psychological Association. April, 1977.
- Price, D. R. Behavior Therapy in General Medical and Surgical Hospitals. Paper presented at Psychiatry Grand Round, University Drive Veterans Administration Medical Center. February, 1982.
- Price, D.R., In-service Training. The Use of Brief Forms of MMPI: The Use and Abuse of the Mini-mult. Presented to the staff of the Unit 1, Psychology Service, South Carolina State Hospital, September, 1982.
- Price, D.R., In-service Training. An Introduction to Basic Neuro-anatomy and Neuropsychology. A series of lectures presented to the staff of Unit 1, Psychology Service, South Carolina State Hospital. October-November, 1982.
- Price, D.R. Witness Preparation: The Professional in the Courtroom. Invited seminar presented at the meeting of the Council on Child Abuse and Neglect. September, 1989.
- Price, D.R. Defending Against Claims of Psychological Injury Involving Claims of Depression, Anxiety, Organic Brain Syndrome or Trauma. Invited seminar presented at the meeting of the Atlanta Claims Association. April, 1990.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. February, 1992.
- Price, D.R. Psychological, Neuropsychological, and Psychiatric Disorders in Mitigation. Invited seminar and case clinic at the offices of the Public Defender of Indiana. July, 1992.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. August, 1992.
- Price, D.R. The Analysis of Psychological Injury Claims. In-house seminar at Selective Insurance Company of the Southeast. January, 1993.
- Price, D.R. The Analysis of Psychological Injury Claims. In-house seminar at Central Insurance Company. February, 1993.

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- Price, D.R. The Analysis of Psychological Injury Claims. In-house seminar at Gulf Insurance Group. February, 1993.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. April, 1993.
- Price, D.R. Issues in Malingering and Factitious Disorders. Defense of Damages Conference and Seminar. April, 1993.
- Price, D.R. Standards of Care in the Evaluations of Claims of Sexual Harassment. Defense of Damages Conference and Seminar. April, 1993.
- Price, D.R. Claims Analysis. In-house lecture at Central Insurance Company. April, 1993.
- Price, D.R. Defending Claims of Psychological Injury. Invited speech at the Southeastern Claims Association. June, 1993.
- Price, D.R. The Analysis of Psychological Injury Claims. In-house seminar at Gulf Insurance Group. July, 1993.
- Price, D.R. Medical Signs and Symptoms. NAACP Legal Defense Fund Annual Capital Punishment Conference. July, 1993.
- Price, D.R. Use of the Diagnostic and Statistical Manual, Third Edition Revised (DSM-III-R) and its Revision (DSM-IV) in Diagnosing Mental Illness. NAACP Legal Defense Fund Annual Capital Punishment Conference. July, 1993.
- Price, D.R. The Analysis of Claims of Closed Head Injury. Defending Claims of Closed Head Injury Seminar sponsored by the Atlanta Claims Association. August, 1993.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. October, 1993.
- Price, D.R. Issues in Malingering and Factitious Disorders. Defense of Damages Conference and Seminar. October, 1993.
- Price, D.R. Evaluating Claims of Head Injury. Paper presented at The Annual Symposium on Head Injury Claims. December, 1993.
- Price, D.R. Defending Head Injury Claims. Invited in-house seminar at A.I. Management and Professional Liability Claim Adjusters, Medical Malpractice Claims. January, 1994.

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- Price, D.R. The Most Problematic Psychological Injury Claims. Invited keynote speech at Second Annual Mid-Atlantic Regional RIMS Conference. June, 1994.
- Price, D.R. Mental Conditions to Consider. Invited lecture at The Benefits and Challenges of Representing Capitol Defendants in the 90's seminar sponsored by The Association of the Bar of the City of New York. June, 1994.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. July, 1994.
- Price, D.R. Defending Claims of Psychological Injury. Invited lecture at The Arkansas Association of Defense Counsel 1994 Annual Meeting and Seminar. August, 1994.
- Price, D.R. Psychological Injury, a General Orientation. Keynote speech at The South Carolina Claims Association Fall meeting. October, 1994.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. November, 1994.
- Price, D.R. Evaluating Claims of Head Injury. Defense of Damages Conference and Seminar. November, 1994.
- Price, D.R. Defending Psychological Injury Claims. Invited lecture at a Johnson and Higgins of Ohio seminar. Cleveland, Ohio. November, 1994.
- Price, D.R. Introduction to Brain Anatomy and Head Injury. Invited lecture presented at the Handling Head Trauma Cases From The Questionable To The Catastrophic Seminar sponsored by the Atlanta Claims Association. February, 1995.
- Price, D.R. The Analysis and Defense of Claims of Head Injury. Invited lecture presented at the Handling Head Trauma Cases From The Questionable To The Catastrophic Seminar sponsored by the Atlanta Claims Association. February, 1995.
- Price, D.R. Defending Psychological Injury Claims. Invited lecture at a Johnson and Higgins of Ohio seminar. Columbus, Ohio. April, 1995.
- Price, D.R. Defending Psychological Injury Claims. Invited lecture at a Johnson and Higgins of Ohio seminar. Cincinnati, Ohio. April, 1995.
- Price, D.R. Defending Psychological Injury Claims. Invited lecture at a Johnson and Higgins of Ohio seminar. Toledo, Ohio. April, 1995.

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- Price, D.R. Trends and Red Flags in Psychological Injury Claims. Southeastern Electric Exchange Claims Meeting. April, 1995.
- Price, D.R. Analysis of the Psychological Injury Claim. Self-Insurers Association Members Only Conference. April, 1995.
- Price, D.R. Mental and Emotional Injury Claims in Employment Litigation. South Carolina Bar Annual Meeting. June, 1995.
- Price, D.R. Psychological Injury Claims: Future trends. Piedmont Claims Association. June, 1995.
- Price, D.R. Evaluating Psychological Injury Claims. Invited in-house seminar presented to the State Accident Fund Claims and Legal Departments. June, 1995.
- Price, D.R. Psychological Injury Claims in the Workplace. National Workers' Compensation and Occupational Medicine Seminar. July, 1995.
- Price, D.R. The Defense of Mental and Emotional Injury Claims in Employment Litigation. In-house seminar presented to Haynsworth, Baldwin, Johnson and Greaves. August, 1995.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. August, 1995.
- Price, D.R. Psychological Injury Claims. Dallas Claims Association. September, 1995.
- Price, D.R. Evaluating Psychological Injury Claims. In-house seminar presented to the Legal Department of The New York Transit Authority. September, 1995.
- Price, D.R. The Analysis and Limitation of Damages. Keynote speech at the Defense of Damages Conference and Seminar. November, 1995.
- Price, D.R. Analysis and Evaluation of Posttraumatic Stress Disorder and Other Psychological Injury Claims. Invited lecture at the Defense and Evaluation of PTSD and Other Psychological Injury Cases Arising from Injury or Employment Situations Seminar sponsored by the Defense Research Institute. November, 1995.
- Price, D.R. Evaluating Claims of Head Injury. The Annual Symposium on Head Injury Claims. November, 1995.
- Price, D.R. Defending Psychological and Neuropsychological Injury Claims. In-house seminar presented to National Indemnity Company. February, 1996.

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- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. In-house seminar presented to Nationwide Insurance Company. February, 1996.
- Price, D.R. Defending Psychological and Neuropsychological Injury Claims. In-house seminar presented to Westchester Specialty Group. March, 1996.
- Price, D.R. Identifying the "Red Flags" in a Traumatic Brain Injury Claim. Invited lecture at the Traumatic Brain Injury: A Plaintiff and Defendant's Perspective Seminar sponsored by Lorman Education Services. March, 1996.
- Price, D.R. Twenty-five Defense Tips in the Evaluation of the Brain Injury Claim. Invited lecture at the Defense and Evaluation of Brain Damage Claims Seminar sponsored by the Defense Research Institute. April, 1996.
- Price, D.R. Psychological Injury Claims. The Virginia's Self-Insurers Association, Inc. April, 1996.
- Price, D.R. Evaluating Closed Head Injuries and Psychological Injury Claims. In-house seminar presented to Nationwide Insurance Medical Coordinator Seminar. May, 1996.
- Price, D.R. The Analysis and Evaluation of Brain Injury Claims. Invited lecture at the Defense Trial Counsel of West Virginia 1996 Annual Convention. June, 1996.
- Price, D.R. The Analysis of the Psychological Injury Claim. The Annual Mental and Emotional Injury Claims Conference and Seminar. July, 1996.
- Price, D.R. The Analysis and Evaluation of Psychological Injury Claims. Invited lecture at the Psychological Injury Claims Seminar sponsored by the Defense Research Institute. November, 1996.
- Price, D.R. Evaluating Claims of Head Injury. The Annual Symposium on Head Injury Claims. November, 1996.
- Price, D.R. The Role of the Consulting Defense Expert in the Evaluation of Brain Injury Claims. Invited lecture at the Evaluation and Settlement of Claims Involving Acquired Brain Injury seminar sponsored by The Brain Injury Association of North Carolina Second Annual Trial Lawyers Conference. January, 1997.
- Price, D.R. Evaluation of the Psychological Injury Claim. Psychological and Psychiatric Injury Claims Seminar. Sponsored by the Forensic Psychiatry Program, Medical University of South Carolina. March, 1997.

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- Price, D.R. Psychological and Neuropsychological Tests. Psychological and Psychiatric Injury Claims Seminar. Sponsored by the Forensic Psychiatry Program, Medical University of South Carolina. March, 1997
- Price, D.R. Mild Traumatic Brain Injuries. Psychological and Psychiatric Injury Claims Seminar. Sponsored by the Forensic Psychiatry Program, Medical University of South Carolina. March, 1997.
- Price, D.R. The Role of Financial Incentives in the Production of Mental and Emotional Symptoms. Invited lecture at the Damages Seminar sponsored by the Defense Research Institute. March, 1997.
- Price, D.R. Twenty-five Defense Tips in the Evaluation of the Brain Injury Claim. Invited lecture at the Damages Seminar sponsored by the Defense Research Institute. March, 1997.
- Price, D.R. Evaluating Neurological, Psychological and Psychiatric Injury Claims. In-house seminar presented to General Accident Insurance Company. April, 1997.
- Price, D.R. Twenty-five Defense Tips in the Evaluation of the Brain Injury Claim. Invited lecture at the Brain Damage Institute sponsored by the Defense Research Institute. April-May, 1997.
- Price, D.R. Investigation and Defense of Closed Head Injury Trauma Cases. Invited lecture at the PRO NET 5th Annual Meeting. June, 1997
- Price, D.R. Evaluating Neurological, Psychological, and Psychiatric Injury Claims. In-house seminar presented to Peerless Insurance Company. July, 1997.
- Price, D.R. The Analysis of the Psychological Injury Claim. The Annual Mental and Emotional Injury Claims Conference and Seminar. July, 1997.
- Price, D.R. Psychiatric Disabilities and the EEOC's New Enforcement Guidance Under the Americans with Disabilities Act. The National Symposium on Federal EEO Law, Process and Procedures. Washington, D.C. September, 1997.
- Price, D.R. Psychiatric Disabilities and the EEOC's New Enforcement Guidance Under the Americans with Disabilities Act. The National Symposium on Federal EEO Law, Process and Procedures. Los Angeles. September, 1997.
- Price, D.R. Twenty-five Defense Tips in the Investigation and Evaluation of Brain Injury Claims. Presented at The Hot Topics in Worker's Compensation client seminar sponsored by Gibbes, Gallivan, White and Boyd. October, 1997.

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- Price, D.R. Posttraumatic Stress Disorder Claims. Invited lecture at The Trucking Industry Defense Association's 5th Annual Industry Seminar. October, 1997.
- Price, D.R. Twenty-five Defense Tips on the Evaluation and Defense of Psychological Injury Claims. Invited lecture at the Defense and Evaluation of Psychological Injury Cases Seminar sponsored by the Defense Research Institute. November, 1997.
- Price, D.R. Analysis of Psychological Injury Claims. Invited lecture at the Compensatory Damages Claims in Federal Sector EEO Cases Seminar sponsored by the Government Training Institute. December, 1997.
- Price, D.R. The EEOC's Enforcement Guidance: Issues, Questions and Concerns From a Clinician's Perspective. National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance Under the Americans with Disabilities Act sponsored by the Government Training Institute. January, 1998.
- Price, D.R. Mental and Emotional Injury Claims in Employment Litigation. Invited lecture presented to the Employment and Labor Law Section at The South Carolina Bar Mid-year Meeting. January, 1998.
- Price, D.R. Ten Most Common Mistakes Made by Plaintiff's in ABI Cases. Invited lecture at the Mild Acquired Brain Injury: Proving it is Real seminar sponsored by The Brain Injury Association of North Carolina 3rd Annual Trial Lawyers Conference. January, 1998.
- Price, D.R. Evaluating Psychological Injury Claims. Invited in-house seminar presented to F.A. Richard and Associates, Inc/ Ingalls Shipbuilding, Inc. March, 1998.
- Price, D.R. Twenty-five Defense Tips in the Investigation and Evaluation of Brain Injury Claims. Presented at The 31st Annual Convention of The Georgia Defense Lawyers Association. April, 1998.
- Price, D.R. Posttraumatic Stress Disorder Claims. Invited lecture at The Attorney General's National Advocacy Center. U.S. Department of Justice. May, 1998
- Price, D.R. Analyzing Psychological Injuries. Invited lecture at The Attorney General's National Advocacy Center. U.S. Department of Justice. July, 1998.
- Price, D.R. Psychological Impact of Work Related Injury. Invited lecture at the Hand Care in The Workplace seminar sponsored by The Carolina Hand Center. July, 1998.

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- Price, D.R. Analyzing Psychological Injury Claims. Invited lecture at the South Carolina Defense Trial Attorneys' Association and Claims Management Association of South Carolina Joint Meeting. July, 1998.
- Price, D.R. The EEOC's Enforcement Guidance: Issues, Questions and Concerns From a Clinician's Perspective. National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance Under the Americans with Disabilities Act. Invited lecture for Sedgwick Claims Management Services, Inc. August, 1998.
- Price, D.R. The Analysis of the Psychological Injury Claim. The Annual Mental and Emotional Injury Claims Conference and Seminar. August, 1998.
- Price, D.R. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at SAFECO Insurance Group sponsored by the PLRB/LIRB Extension Program. October, 1998.
- Price, D.R. Analysis of Neuropsychological Injury Claims. Invited lecture at the Handling Psychological and Neuropsychological Injury Claims Seminar, sponsored by Lorman Education Services. November, 1998.
- Price, D.R. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at Highlands Insurance Group sponsored by the PLRB/LIRB Extension Program. November, 1998.
- Price, D.R. Handling Psychological and Neuropsychological Injury Claims. Invited lecture to the Advanced Casualty Classes at Royal Sun Alliance Insurance Co. November, 1998.
- Price, D.R. Psychological Injury Claims and Fraud. Invited lecture at the National Council on Compensation Insurance, Incorporated, West Coast Forum and Fraud Conference. November, 1998.
- Price, D.R. Tips for the Evaluation of the Closed Head Brain Injury Claim. Invited lecture at the Psychological and Neuropsychological Injury Claims: From PTSD to Closed Head Injury Claims Seminar sponsored by the Defense Research Institute. November, 1998.
- Price, D.R. Discovery of Emotional Distress Injuries and Evidence in Compensatory Damages Cases. Invited lecture at the Compensatory and Consequential Damages and Federal Sector Cases Seminar sponsored by the Government Training Institute Foundation. March, 1999.
- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited lecture at the South Carolina Claims Association's Spring Meeting. April, 1999.

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- Price, D.R. The Ethical Evaluation of Psychological Injury Claims. In-house seminar presented at Edward, Ballard, Bishop, Sturm, Clark and Keim. June, 1999.
- Price, D.R. The Ethical Discovery, Analysis, and Conceptualization of Psychological Injury Claims. The Annual Psychological and Neuropsychological Injury Claims Conference and Seminar. August, 1999.
- Price, D.R. Expert Witnesses and Testimony. Invited lecture at the Judge Advocate General Negotiations and Settlement Seminar at the Ira C. Eaker College for Professional Development, Air Force Judge Advocate General School. August, 1999.
- Price, D.R. Analyzing Records and Conceptualizing Psychological Injury Claims. Invited lecture at the Mild/Moderate Traumatic Brain Injuries and Psychological Injury Seminar sponsored by the Defense Research Institute. August, 1999.
- Price, D.R. Analysis of Brain Injury Claims. Invited lecture at the Traumatic Brain Injury Seminar sponsored by the Atlanta Claims Association. November, 1999.
- Price, D.R. Handling Psychological Aspects of Personal Injury Claims. Invited lecture at the Third Annual Claims Exposition and Conference. November, 1999.
- Price, D.R. Evaluating the Potentially Violent Employee. Invited lecture at the National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance under the Americans with Disabilities Act sponsored by the Government Training Institute Foundation. November, 1999.
- Price, D.R. The Defense of Mild Traumatic Brain Injury Cases. Invited lecture at the Damages Seminar sponsored by the Defense Research Institute. March, 2000.
- Price, D.R. Analysis of Mental and Emotional Injury Claims. Invited lecture at the Damages Seminar sponsored by the Defense Research Institute. March, 2000.
- Price, D.R. Analysis of Psychological Injury Claims. Invited lecture at the Compensatory and Consequential Damages in Federal Cases Seminar sponsored by the Government Training Institute. March, 2000.
- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited lecture at the Ninth Annual Worker's Compensation and Occupational Medicine Seminar sponsored by S·E·A·K. March, 2000.
- Price, D.R. Evaluating Symptom Magnification, Deception and Malingering. Invited lecture at the Ninth Annual Worker's Compensation and Occupational Medicine Seminar sponsored by S·E·A·K. March, 2000.

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- Price, D.R. Analysis of Psychological Injury Claims. Invited lecture at the Compensatory and Consequential Damages in Federal Cases Seminar sponsored by the Government Training Institute Foundation. April, 2000.
- Price, D.R. Evaluating Psychiatric Injury Claims for Compensatory Damages in Personnel Cases. Invited lecture at the OAGC (M&RA) CPL Seminar for the Department of the Navy. August, 2000.
- Price, D.R. The Ethical Discovery, Analysis and Conceptualization of Psychological Injury Claims. Annual Mental and Emotional Injury Claims Conference and Seminar. October, 2000.
- Price, D.R. Handling the Psychological Aspects of Claims. Invited lecture at the Annual Claims Exposition and Conference. October, 2000.
- Price, D.R. The Emotional Side of Asbestosis, Lung Cancer, and Mesothelioma. Invited lecture at the Asbestos Personal Injury Litigation Seminar sponsored by the Defense Research Institute. November, 2000.
- Price, D.R. The Ethical Discovery, Analysis, and Conceptualization of Psychological Injury Claims. Annual Mental and Emotional Injury Claims Conference and Seminar. November, 2000.
- Price, D.R. Psychological Injury Claims: Overview, Analysis and Evaluation. Psychiatric, Psychological and Neuropsychological Claims Conference and Seminar. July, 2001.
- Price, D.R. Psychological and Brain Injury Claims. Tennessee Farmers Insurance Companies. August, 2001
- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Defending Traumatic Brain Injury Claims Seminar sponsored by Mabry & McClelland. September, 2001.
- Price, D.R. The Psychological Aspects of Claims. Invited lecture at the Annual Claims Exposition and Conference. October, 2001.
- Price, D.R. Evaluating Psychological Injury Claims. Invited lecture at the Louisiana Claims Association Eighth Annual Educational Conference. May, 2002.
- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited lecture at Sharon W. Ware & Associates. April, 2002.

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- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited lecture at Hartford/Omni Insurance Company. August, 2002.
- Price, D.R. A Review of Federal Employment Mental Health Issues: From a Psychiatrist's Perspective. Invited lecture at the 2002 EXCEL: Examining Conflicts in Employment Laws Conference. Sponsored by the EEOC. August, 2002.
- Price, D.R. Evaluating Claims of Brain Injury. Invited lecture at the Evaluating Traumatic Brain Injury Seminar sponsored by Mabry & McClelland. September, 2002.
- Price, D.R. Analysis and Evaluation of Psychological and Neuropsychological Injury Claims. Annual Psychiatric, Psychological and Neuropsychological Injury Claims Conference and Seminar. November, 2002.
- Price, D.R. Evaluating Brain Injury Claims. Invited lecture at the McAngus, Goudelock & Courie, LLC Client Seminar. November, 2002.
- Price, D.R. Dealing with Psychological Injury Claims in Employment Cases. Invited lecture at the Civilian Personnel Law Seminar for the Department of the Navy. February, 2003.
- Price, D.R. Posttraumatic Stress - Real or Fake. Invited lecture at the Case Management Society of America (CMSA), Birmingham Alabama Chapter, Ninth Annual Conference. April, 2003.
- Price, D.R. Psychiatric, Psychological and Neuropsychological Injury Claims. Invited lecture at Travelers Insurance Company, Charlotte, North Carolina. May, 2003.
- Price, D.R. Evaluating Psychological Injury Claims. Invited lecture at the Louisiana Claims Association Ninth Annual Educational Conference and Expo, Biloxi, Mississippi. May, 2003.
- Price, D.R. The Science of Neuropsychology: Evaluating Mild Brain Injury Cases. South Carolina Defense Trial Attorneys' Association and Claims Management Association of South Carolina, Thirty-Sixth Annual Joint Meeting. July, 2003.
- Price, D.R. Federal Employment Mental Health Issues: From a Psychologist's Perspective. Examining Conflicts in Employment Laws Conference sponsored by the EEOC. August, 2003.
- Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited in-house seminar presented to Carolina Casualty Insurance Company. September, 2003.
- Price, D.R. Malingering. Invited lecture at The Oregon Chapter International Association of

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Special Investigations Unit 9th Annual Insurance Fraud Conference. April, 2004.

Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited lecture at Citizens Insurance Company. May, 2004.

Price, D.R. Primer on Evaluating Psychological Injury Claims. Invited lecture presented at the Society of Insurance Trainers and Educators. June, 2004.

Price, D.R. Educating the Trainers on Teaching How to Evaluate Psychological and Neuropsychological Injury Claims. Invited lecture presented at the Society of Insurance Trainers and Educators. June, 2004.

Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited in-house seminar presented at the Gainey Corporation. July, 2004.

Price, D.R. Identification of Fraudulent Psychological and Neuropsychological (Brain) Injury Claims. Invited lecture presented at the 2004 Asia Pacific Fraud Convention and Trade Show. September, 2004.

Price, D.R. Investigating and Detecting Fraudulent Stress Claims. Invited lecture presented at the 2004 Asia Pacific Fraud Convention and Trade Show. September, 2004.

Price, D.R. Evaluating Workplace Stress Claims. Invited lecture at the Managing Stress: A Multi-Disciplinary Approach Seminar. September, 2004.

Price, D.R. Posttraumatic Stress Disorder Claims. Invited lecture at the Insurance Fraud Executive Council. November, 2004.

Price, D.R. Evaluating Claims of Pediatric Brain Injury. Invited Lecture at the Brain Injuries Seminar, sponsored by Mabry & McClelland, January, 2005.

Price, D.R. Detecting Fraudulent Psychological and Neuropsychological Injury Claims. IASIU 20th Annual Seminar and Expo on Insurance Fraud. September, 2005.

Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited in-house seminar presented to State Farm Insurance Company. (Please note this seminar was presented twice by request.) September, 2005.

Price, D.R. Evaluating Psychological and Neuropsychological Injury Claims. Invited in-house seminar presented to State Farm Insurance Company. (Please note this seminar was presented twice by request.) September, 2005

Price, D.R. Evaluating Traumatic Brain Injury Claims. Invited lecture at Sharon W. Ware

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& Associates. December, 2005.

Price, D.R. Evaluating the Invisible Injury Claim - Posttraumatic Stress Syndrome Disorder. Invited lecture presented at the Damages Seminar sponsored by the DRI Trial Tactics Committee. March, 2006.

Price, D.R. Malingering and Fraud in Psychological and Neuropsychological Injury Claims. Invited lecture presented at the Damages Seminar sponsored by the DRI Trial Tactics Committee. March, 2006.

Price, D.R. Evaluating Malingering in Workers' Compensation. Invited lecture at the South Carolina Workers' Compensation Update 2006 Seminar sponsored by the Council on Education in Management. May, 2006.

Price, D.R. Evaluating Brain Injury Claims. Invited lecture at Crawford University sponsored by Crawford & Company. June, 2006.

Price, D.R. Evaluating Malingering in Psychological and Neuropsychological Injury Claims. Presented at the 21st Annual Seminar & Expo on Insurance Fraud sponsored by the International Association of Special Investigation Units. September, 2006.

Price, D.R. Evaluating Claims of Mild Traumatic Brain Injury. Presented at the Atlanta Claims Association. November, 2006.

Price, D.R. Detecting Malingering, Symptom Exaggeration and Fraud in Psychiatric and Neuropsychological Claims. The NHCAA Institute for Health Care Fraud Prevention, 2006 Annual Training Pre Conference Program. November, 2006.

Price, D.R. Detecting Malingering, Symptom Exaggeration and Fraud in Psychological, Psychiatric and Neuropsychological Claims. The NHCAA Institute for Health Care Fraud Prevention, 2006 Annual Training Conference. November, 2006.

Price, D.R. Evaluating for Fraudulent Psychological and Neuropsychological Injury Claims presented at the Mental Health Fraud and Substance Abuse Issue Seminar sponsored by The National Health Care Anti-fraud Association Institute of Health Care Fraud Prevention. February, 2007.

Price, D.R. Malingering in Psychological, Psychiatric and Neuropsychological Injury Claims. Invited lecture at Carolina Casualty Insurance Company. April, 2007.

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- Price, D.R. Analysis of Psychological, Psychiatric, and Neuropsychological Claims. Presented at the 2007 Claims Conference sponsored by Mountain West Farm Bureau Insurance Company. June, 2007.
- Price, D.R. "I Can't Even Think of Driving Again"; PTSD Claims. Trucking Industry Defense Association Worker's Comp Seminar. August, 2007
- Price, D.R. Detecting Fraudulent Psychological and Neuropsychological (Brain) Injury Claims. Presented at the 22nd Annual Seminar & Expo on Insurance Fraud sponsored by the International Association of Special Investigation Units. September, 2007.
- Price, D.R. Investigating Fraudulent Psychological Claims. The United States Postal Service and the Office of Inspector General, 2nd National Injury Compensation Symposium & Training Conference. April, 2008.
- Price, D.R. Malingering. The United States Postal Service and the Office of Inspector General, 2nd National Injury Compensation Symposium & Training Conference. April, 2008.
- Price, D.R. Detecting Fraudulent Psychological and Neuropsychological (Brain) Injury Claims. International Association of Special Investigation Units (IASIU), 23rd Annual Seminar & Expo on Insurance Fraud. September, 2008.
- Price, D.R. Arson and The Criminal Mind. Carolina Fire Investigators Association. September, 2008.
- Price, D.R. Malingering in Mental and Emotional Injury Claims. International Claims Association Annual Education Conference. September, 2008.
- Price, D.R. Evaluating Mental and Emotional Injury Claims. International Claims Association Annual Education Conference. September, 2008.
- Price, D.R. How to Interpret and Use Neuropsychological Testing. DRI Complex Medicine Seminar. November, 2008.
- Price, D.R. Detecting Malingered Fraud in Psychological and Neuropsychological (Brain) Injury Claims. NC Insurance Crime Information Exchange 17th Annual Training Conference. February, 2009. (Please note this seminar was presented twice by request.)
- Price, D.R. Detecting Malingered Fraud in Psychological and Neuropsychological (Brain) Injury Claims. NC Insurance Crime Information Exchange 17th Annual Training Conference. February, 2009. (Please note this seminar was presented twice by request.)

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- Price, D.R. Detecting Fraudulent Psychological and Neuropsychological (Brain) Injury Claims. International Association of Special Investigation Units (IASIU). 24th Annual Seminar and Expo on Insurance Fraud. September, 2009.
- Price, D.R. The Evaluation of PTSD: Causes and Symptoms. Making The Case For Life XII: Mitigation and Jury Selection in Capital Cases sponsored by the Southern Center for Human Rights and the National Association of Criminal Defense Lawyers. September, 2010.
- Price, D.R. The Evolution of Posttraumatic Stress Disorder. Invited lecture at the Charlotte Claims Association. November, 2010.
- Price, D.R. The Evolution of Posttraumatic Stress Disorder. Invited lecture at the Houston Claims Association. December, 2010.
- Price, D.R. The Evolution of Posttraumatic Stress Disorder and Malingering. Invited lecture at the Chicago Claims Association. March, 2011.
- Price, D.R. Dealing with Difficult Clients. Invited lecture at the Public Defender Investigators Conference. March, 2011.
- Price, D.R. PTSD/Traumatic Brain Injury Claims, Future Trends. South Carolina Defense Trial Attorneys' Association & Claim Management Association of South Carolina. 44th Annual Joint Meeting. July, 2011.
- Price, D.R. Managing Stress in the Private Investigator. Invited lecture at the Public Defenders Conference. March, 2012.
- Price, D.R. Managing Stress in the Private Investigator. Invited lecture at the South Carolina Association of Legal Investigators. May, 2012.
- Price, D.R. Evaluating Traumatic Brain Injury Claims. Invited lecture at the 2014 South Carolina Farm Bureau Claims Conference. March, 2014.
- Price, D.R. Trends in PTSD and TBI Claims DSM-5TM and Beyond. Invited lecture at Canal Insurance Company. June, 2015.
- Price, D.R. Trends in PTSD and TBI Claims, DSM-5 and Beyond, Part I. Iowa Defense Counsel Association's 2016 Annual Meeting. September, 2016.
- Price, D.R. Trends in PTSD and TBI Claims, DSM-5 and Beyond, Part II. Iowa Defense Counsel Association's 2016 Annual Meeting. September, 2016.

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Price, D.R. Evaluating PTSD and Traumatic Brain Injury Claims. Invited lecture at the Nationwide Division Midwest Region Conference. April, 2017.

Price, D.R. Traumatic Brain Injuries: Evaluating Claims. Invited lecture at the 2018 American National Claims / Litigation Training Conference. September, 2018.

Price, D.R. Traumatic Brain Injury: Analyzing Claims. Invited lecture at the 2019 National Association of Mutual Insurance Companies (NAMIC) Claims Conference. February, 2019.

Price, D.R. Traumatic Brain Injury: Analyzing Claims. Invited lecture at the 2019 Complex Summit, Midwest Zone, at Liberty Mutual Insurance, Warrenville, IL. May, 2019.

Price, D.R. Trends in TBI and PTSD Claims. 61st Annual Texas Farm Bureau Insurance 2019 Statewide Claims Meeting. August, 2019.

Price, D.R. Brain Injury Claims: CTE and PTSD. 2021 PLRB Regional Adjusters Conference. September, 2021. (This lecture was presented twice by request.)

Price, D.R. Brain Injury Claims: CTE and PTSD. 2021 PLRB Regional Adjusters Conference. September, 2021. (This lecture was presented twice by request.)

Price, D.R. Diagnosis and Treatment of Traumatic Brain Injuries. Insurance Law Institute. The State Bar of Georgia. October, 2022

Fox, W.S. & Price, D.R. Evaluating Brain Injuries. Invited lecture at Home Depot. May, 2006.

Kamanski, J.B. & Price, D.R. Catastrophic Injury Defense. Presented at the 2011 Claims Conference of Northern California. September, 2011.

Liberatore, J. & Price, D.R. Evaluating Claimed Traumatic Brain injuries. PLRB/LIRB Large Loss Conference. November, 2009. (Please note that this speech was given on two consecutive days by request.)

Liberatore, J. & Price, D.R. Evaluating Claimed Traumatic Brain injuries. PLRB/LIRB Large Loss Conference. November, 2009. (Please note that this speech was given on two consecutive days by request.)

Price, D.R. & Beaudoin, D. Posttraumatic Stress Disorder. Invited lecture at the PLRB/LIRB Crossroads 2005 Claims Conference. April, 2005. (Please note this speech was presented twice by request.)

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- Price, D.R. & Beaudoin, D. Posttraumatic Stress Disorder. Invited lecture at the PLRB/LIRB Crossroads 2005 Claims Conference. April, 2005. (Please note this speech was presented twice by request.)
- Price, D.R. & Blackwelder, I. Defending Mental and Emotional Injury Claims in Employment Litigation. Invited lecture presented at the United States Postal Service Law Department Conference. November, 1993.
- Price, D.R. & Brannon, W. Head Trauma Damage Claims. Invited lecture at the South Carolina Defense Trial Attorneys' Association and Claims Management Association of South Carolina Joint Meeting. July, 1996.
- Price, D.R., & Campbell, D.A. Overcoming Stress and Achieving Self-motivation. Invited seminar presented at the Administrative Management Society Area IV Conference. October, 1988.
- Price, D.R. & Cohen, L. Evaluating Neurological, Psychological and Psychiatric Injury Claims. In-house seminar presented to Great West Casualty Company. April, 1996.
- Price, D.R. & Darroch, R.M. "Traumatic Brain Injuries" - Claim Handling Guidelines & Coverage Issues. Atlantic Claim Executives Association Spring Conference. April, 2013.
- Price, D.R. & Dowies, C. Managing Stress in the Claims Profession. Invited lecture at the PLRB/LIRB 2011 Claims Conference. April, 2011. (Please note this speech was presented twice by request.)
- Price, D.R. & Dowies, C. Managing Stress in the Claims Profession. Invited lecture at the PLRB/LIRB 2011 Claims Conference. April, 2011. (Please note this speech was presented twice by request.)
- Price, D.R. & Fox, W.S. Malingering and Symptom Exaggeration. Presented at the 2008 Claims Conference & Insurance Seminar Expo sponsored by PLRB/LIRB. April, 2008. (Please note that this speech was given two times on consecutive days by request.)
- Price, D.R. & Fox, W.S. Malingering and Symptom Exaggeration. Presented at the 2008 Claims Conference & Insurance Seminar Expo sponsored by PLRB/LIRB. April, 2008. (Please note that this speech was given two times on consecutive days by request.)
- Price, D.R. & Kerr, L.S. Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB 2011 Claims Conference. April, 2011. (Please note this speech was presented twice by request.)

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Price, D.R. & Kerr, L.S. Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB 2011 Claims Conference. April, 2011. (Please note this speech was presented twice by request.)

Price, D.R. & Kerr, L.S. Traumatic Brain Injuries. Invited lecture at the PLRB/LIRB 2012 Claims Conference. April, 2012. (Please note this speech was presented twice by request.)

Price, D.R. & Kerr, L.S. Traumatic Brain Injuries. Invited lecture at the PLRB/LIRB 2012 Claims Conference. April, 2012. (Please note this speech was presented twice by request.)

Price, D.R., Crowley, B., Gold, L.H. & McDonald, J.J. Inter-Profession Ethics: The Ethical Interplay Between Psychologist, Psychiatrists and Attorneys. Psychiatric, Psychological and Neuropsychological Claims Conference and Seminar. July, 2001.

Price, D.R., Fox, W.S. & Kerr, L.S. Malingering and Symptom Exaggeration. Presented at the 2007 Claims Conference & Insurance Seminar Expo sponsored by the PLRB/LIRB. March, 2007. (Please note that this speech was given two times on consecutive days by request.)

Price, D.R., Fox, W.S. & Kerr, L.S. Malingering and Symptom Exaggeration. Presented at the 2007 Claims Conference & Insurance Seminar Expo sponsored by the PLRB/LIRB. March, 2007. (Please note that this speech was given two times on consecutive days by request.)

Price, D.R., Fox, W.S. & Kerr, L. Malingering and Symptom Exaggeration. PLRB/LIRB 2009 Claims Conference and Insurance Services Expo. March, 2009. (Please note this lecture was presented twice by request.)

Price, D.R., Fox, W.S. & Kerr, L. Malingering and Symptom Exaggeration. PLRB/LIRB 2009 Claims Conference and Insurance Services Expo. March, 2009. (Please note this lecture was presented twice by request.)

Price, D.R. & Hiers, J.B. Evaluating Claims of Brain Injury. The Annual Symposium on Head Injury Claims. Sponsored by the Forensic Psychiatry Program, Medical University of South Carolina. December, 1997.

Price, D.R.; Kamanski, J.B and Morgan, S. Catastrophic Injury Defense, Including Mild Traumatic Brain Injury Claims. Presented at the 24th Annual Combined Claims Conference. March, 2012.

Price, D.R. & Lees Haley, P.R. An Introduction to Psychological Injury Claims. Defense of

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Damages Conference and Seminar. August, 1995.

Price, D.R. & Lees Haley, P.R. An Introduction to Psychological Injury Claims. Defense of Damages Conference and Seminar. November, 1995.

Price, D.R., Lees-Haley, P.R. & McDonald, J.J. The Defense of Mental and Emotional Injury Claims in Employment Litigation. In-house seminar presented to Fisher and Phillips. February, 1995.

Price, D.R., Lees-Haley, P.R., & Smith, R.D. Handling Psychological Injury Claims. Invited in-house seminar presented to the Delta Air Lines, Inc. Claims Department. February, 1995.

Price, D.R., & McCoy, J.F. Conversation Skill Training with Chronic Psychiatric Patients. Paper presented at the meeting of the Southeastern Psychological Association. March, 1982.

Price, D.R. & McDonald, J.J. The Defense of Mental and Emotional Injury Claims in Employment Litigation. In-house seminar presented to Fisher and Phillips. April, 1993.

Price, D.R. & McDonald, J.J. The Defense of Mental and Emotional Injury Claims in Employment Litigation. Invited lecture at the Advanced Labor and Employment Law Practitioners Seminar at the Ira C. Eaker College for Professional Development, Air Force Judge Advocate General School. June, 1997.

Price, D.R. & O'Connell, B. A. Posttraumatic Stress Disorder Claims. Invited lecture for Sedgwick Claims Management Services, Inc. August, 1998.

Price, D.R. & Simon, R.I. The EEOC's Enforcement Guidance: Issues, Questions and Concerns from a Clinician's Perspective. Invited lecture at the National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance under the Americans with Disabilities Act sponsored by the Government Training Institute Foundation. June, 1999.

Price, D.R. & Simon, R.I. The EEOC's Enforcement Guidance: Issues, Questions and Concerns from a Clinician's Perspective. Invited lecture at the National Symposium on Psychiatric Disabilities and the EEOC's New Enforcement Guidance under the Americans with Disabilities Act. November, 1999.

Price, D.R. & Smith, R.D. Handling Psychological Injury Claims. Invited lecture at the PLRB/LIRB 1997 Claims Conference. April, 1997. (Please note that this speech was given twice on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological Injury Claims. Invited lecture at Erie Insurance Company sponsored by the PLRB/LIRB Extension Program. October, 1997. (Please note that this speech was given twice in two consecutive three-hour sessions by

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request.)

Price, D.R. & Smith, R.D. Handling Psychological Injury Claims. Invited lecture at Grange Insurance sponsored by the PLRB/LIRB Extension Program. November, 1997.

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at MARTA (Metropolitan Atlanta Rapid Transit Authority). November, 1997.

Price, D.R. & Smith, R.D. Handling Psychological Injury Claims. Invited lecture at Kemper Insurance Company sponsored by the PLRB/LIRB Extension Program. November, 1997.

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/ AICPCU 1998 Claims Conference. April, 1998. (Please note that this speech was given three times on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/ AICPCU 1998 Claims Conference. April, 1998. (Please note that this speech was given three times on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/ AICPCU 1998 Claims Conference. April, 1998. (Please note that this speech was given three times on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at AMICA Mutual Insurance Company, sponsored by the PLRB/LIRB Extension Program. November, 1998.

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/ AICPCU 1999 Claims Conference. March, 1999. (Please note that this speech was given three times on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/ AICPCU 1999 Claims Conference. March, 1999. (Please note that this speech was given three times on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims.

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Invited lecture at the PLRB/LIRB/CPCU/ AICPCU 1999 Claims Conference. March, 1999. (Please note that this speech was given three times on consecutive days by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture sponsored by the PLRB/LIRB Extension Program. October, 1999.

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the Claims Conference 2000 sponsored by the PLRB/LIRB/ CPCU/ AICPCU. March, 2000. (Please note that this speech was given two times on consecutive days by request.)

Price, D.R. & Smith, R.D. Analysis of Psychological Injury Claims. Invited lecture at the Claims Conference 2000 sponsored by the PLRB/LIRB/CPCU/AICPCU. March, 2000. (Please note that this speech was given two times on consecutive days by request.)

Price, D.R. & Smith, R.D. Psychological and Neuropsychological Injury Claims. Invited lecture at the Claims Conference 2001 sponsored by the PLRB/LIRB/CPCU/AICPCU. March, 2001. (Please note that this speech was given two times on consecutive days by request.)

Price, D.R. & Smith, R.D. Psychological and Neuropsychological Injury Claims. Invited lecture at the Claims Conference 2001 sponsored by the PLRB/LIRB/CPCU/AICPCU. March, 2001. (Please note that this speech was given two times on consecutive days by request.)

Price, D.R. & Smith, R.D. Evaluating Mental and Emotional Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/AICPCU 2002 Claims Conference and Insurance Services Expo. April, 2002.

Price, D.R. & Smith, R.D. Evaluating Traumatic Brain Injury Claims. Invited lecture at the PLRB/LIRB/CPCU/AICPCU 2002 Claims Conference and Insurance Services Expo. April, 2002.

Price, D.R. & Smith, R.D. Evaluating Mental and Emotional Injuries. Invited lecture at the PLRB/LIRB Crossroads 2003 Claims Conference & Insurance Services Expo. April, 2003.

Price, D.R. & Smith, R.D. Detecting Fraudulent Mental and Emotional Injury Claims IASIU 18th Annual Seminar on Insurance Fraud sponsored by the International Association of Special Investigation Units. September, 2003. (Please note this lecture was presented twice by request.)

Price, D.R. & Smith, R.D. Detecting Fraudulent Mental and Emotional Injury Claims IASIU 18th Annual Seminar on Insurance Fraud sponsored by the International Association of

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Special Investigation Units. September, 2003. (Please note this lecture was presented twice by request.)

Price, D.R. & Smith, R.D. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at the Chambers, Mabry, McClelland and Brooks Client Seminar. May, 1998.

Price, D.R. & Smith, R.D. Psychological and Neuropsychological Injury Claims Evaluation. Invited lecture at the PLRB/LIRB Crossroads 2004 Claims Conference and Insurance Services Expo. March, 2004. (Please note this lecture was presented twice by request.)

Price, D.R. & Smith, R.D. Psychological and Neuropsychological Injury Claims Evaluation. Invited lecture at the PLRB/LIRB Crossroads 2004 Claims Conference and Insurance Services Expo. March, 2004. (Please note this lecture was presented twice by request.)

Price, D.R. & Smith, R.D. Detecting Fraud in Emotional and Psychological Injury Claims. IASIU 19th Annual Seminar and Expo on Insurance Fraud. September, 2004.

Price, D.R., Smith, R.D. & Kerr, L.S. Malingering and Symptom Exaggeration. Invited lecture at the 2006 PLRB/LIRB Claims Conference. April, 2006. (Please note that this speech was given on two consecutive days by request.)

Price, D.R., Smith, R.D. & Kerr, L.S. Malingering and Symptom Exaggeration. Invited lecture at the 2006 PLRB/LIRB Claims Conference. April, 2006. (Please note that this speech was given on two consecutive days by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2017 Claims Conference and Insurance Service Expo. March, 2017. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2017 Claims Conference and Insurance Service Expo. March, 2017. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2018 Claims Conference. April, 2018. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2018 Claims Conference. April, 2018. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2019

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Claims Conference. March, 2019. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2022 Claims Conference and Insurance Service Expo. April, 2022. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2022 Claims Conference and Insurance Service Expo. April, 2022. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2022 Claims Conference and Insurance Service Expo. March, 2023. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2022 Claims Conference and Insurance Service Expo. March, 2023. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2017 Claims Conference and Insurance Service Expo. March, 2024. (Please note that this lecture was presented twice by request.)

Price, D.R. & Stickley, R.S. Traumatic Brain Injury: Evaluating Claims. PLRB/LIRB 2017 Claims Conference and Insurance Service Expo. March, 2024. (Please note that this lecture was presented twice by request.)

Smith, R.D. & Price, D.R. Handling Psychological and Neuropsychological Injury Claims. Invited lecture at CNA Commercial Insurance. August, 1998.

Smith, R.D. & Price, D.R. Reviewing and Analyzing Educational Records In Brain Injury Cases. Annual Mental and Emotional Injury Claims Conference and Seminar. October, 2000.

Smith, R.D. & Price, D.R. Brain Injuries. Invited lecture at the PLRB/LIRB Crossroads 2003 Claims Conference and Insurance Services Expo. April, 2003.

Smith, R.D. & Price, D.R. Evaluating Brain Injuries. Invited seminar at Philadelphia Insurance Company. June, 2005.

Stickley, R. & Price, D.R. Defending Against Fraudulent Brain Injury Claims. The Institutes: CPCU Society. February, 2024.

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Taff, E.W. & Price, D.R. Cross-Examination of the Neuropsychologist. Preeminent Lawyer - Superstars of Trial Seminar. Sponsored by Defense Research Institute. September, 2006.

Walker, R.J. & Price, D.R. Direct Examination of the Plaintiff's Neuropsychologist. Preeminent Lawyer - Superstars of Trial Seminar. Sponsored by Defense Research Institute. September, 2006.

Watson, R. & Price, D.R. The Not-So-Obvious Injury: Posttraumatic Stress Disorder and Closed Head Injury. Invited lecture at the North Carolina Academy of Trial Lawyers 35th Annual Convention. June, 1999.

PUBLICATIONS

Burke, W.H., Price, D.R. & Price, D.C. Claims Analysis of Rehabilitation Plans in Mild Closed Head Injury, Claims Magazine, June, 1993, 68-75.

Law, J., Price, D.R., & Herbert, D.A. A Study of WAIS, Quick Test, and Premorbid Estimates of Intelligence for Neuropsychiatric Patients. Perceptual and Motor Skills, 1981, 52, 909-911.

Price, D.C., Raskin, D.E., & Price, D.R. Malingering. In Burke, W.H. (Ed.) The Handbook of Forensic Rehabilitation. Houston: HDI Publishers. 1994.

Price, D.R. Teens, Sex, Education, and You: Avoiding a Far-Reaching Tragedy. Family Connections, Vol. 1, No. 3, Fall, 1987.

Price, D.R. Children and Divorce: They Can Survive. Family Connections, Vol. 2, No. 1, Winter, 1988.

Price, D.R. The Evolution of Malingering. Claims Magazine. July, 1993, 37-42.

Price, D.R. The Evolution of PTSD Claims. Claims Magazine. January, 1994, 30-32.

Price, D.R. PTSD Diagnostic Criteria Evolves Again. Claims Magazine. February, 1994, 30-32, 88.

Price, D.R. Personality Disorders and Traits. In McDonald, J.J. & Kulick, F.B. (Eds.) Mental and Emotional Injuries in Employment Litigation. Washington: Bureau of National Affairs, 1994.

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- Price, D.R. Case Analysis in Forensic Rehabilitation. In Burke, W.H. (Ed.) The Handbook of Forensic Rehabilitation. Houston: HDI Publishers. 1994.
- Price, D.R. Evaluating Claims of Postconcussional Disorder. Claims Magazine. March, 1995.
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COMMENTARIES:

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FORENSIC PSYCHOSEXUAL EVALUATION

NAME: Matthew Jamie Bryant
DOB: [REDACTED]
RACE/SEX: Caucasian Male
EVALUATION DATE: 12/08/17, 01/05/18, 02/01/18, 02/09/18 03/02/18 & 03/22/18
REPORT DATE: ~~10/08/24~~ 03/24/18
EXAMINER: David R. Price, Ph.D.
REFERRAL SOURCE: Daniel E. Hunt, Esquire

REASON FOR REFERRAL:

Mr. Bryant was referred for a Forensic Psychosexual Evaluation following his arrest for Criminal Sexual Conduct, First Degree.

EVALUATION PROCEDURES:

Background Information
 Behavioral Observations
 Clinical Interview
 Psychosexual Survey
 Psychological Testing
 Minnesota Multiphasic Personality Inventory-2-RF (MMPI-2-RF)
 Psychosocial Stressors Checklist
 Structured Inventory of Malingered Symptoms

Review of Legal Records

Baptist Easley Hospital
 Edith J. Phillips Sexual Assault Nurse Examiner's Form 04/05/16

Court Documents

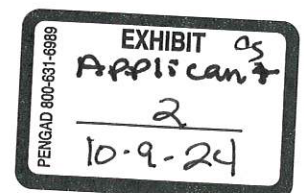
Request for Notice of Alibi and Insanity Defense 06/14/16
 Request for Rule 5 Disclosure 06/14/16

Law Offices of Daniel E. Hunt, P.A.

LaShonda D. McGoig Cooper
 Addressed to Matthew Jamie Bryant 09/12/17

Miscellaneous

Various Photo Photocopies
 QRAP Response



Pickens County Sheriff's Office
 Detective Michael Hendricks
 Supplementary Incident Report Narrative 04/08/16
 Deputy Torrance Jackson and Officer Rita Burgess
 Incident Report 04/05/16
 Supplemental Incident Report 04/05/16
 Deputy Torrance Jackson
 Supplementary Incident Report Narrative 04/08/16, 04/09/16
 Property Report
 Officer Tony Robinson
 Supplementary Incident Report Narrative 04/08/16
 Trespass Notice Warning 05/12/16
 Voluntary Statements:
 K.R.C. [REDACTED] 04/05/16
 Dirk Smith VonHollen 04/05/16
 Franklin Barnard Lomax 04/05/16
 Your Rights/Waiver of Rights

South Carolina Law Enforcement Division
 DNA Analysis 08/31/17

State of South Carolina
 Shannon Odom
 Addressed to Daniel Hunt 06/14/16, 09/06/17, 09/07/17
 Bail Processing Form II
 Arrest Warrant 2016A3910100337
 Checklist for Magistrate and Municipal Judges
 Search Warrant

BEHAVIORAL OBSERVATIONS:

Mr. Bryant presented a valid South Carolina driver's license as proof of identity. He was seen on six occasions by this examiner. On each appointment he was casually dressed with appropriate hygiene. His appearance was notable for the presence of an ankle monitoring device that he was wearing on a condition of bail. His hair was short and at times he was unshaven. He had diamond type earrings in each ear but wore no other jewelry. He presented alone on each occasion and was noted to be punctual. He drove himself to each appointment.

Mr. Bryant's ambulation was normal. Grooming was neat and hygiene was normal. He had not motor abnormalities. Eye contact was satisfactory. His speech volume, rate and prosody was all within normal limits. He was fluent and coherent. Language was normal. Thought content was within normal limits. Thought processes were linear and nonpsychotic. He had a full range of affect that was situationally appropriate. His mood was euthymic. He had not psychotic features.

He was engaged in the evaluation. All of his symptom validity scales were in the normal range

and not suggestive of embellishment or prevarication. He was compliant with all tasks requested of him.

Mr. Bryant had no problems hearing. He no problems reading. He had no issues breathing. There was no difficulty in understanding. He was fluent and coherent. He had no issues with attention or concentration. He had no issues talking. He showed no evasiveness in answering questions. This along with his psychological test validity scales suggested some credibility to his verbal responses.

Mr. Bryant had no problems sitting down or arising from a seated position. He had no problems standing. Ambulation was normal. He had no visual issues or problems in seeing. He had no problems writing or using his hands.

Mr. Bryant did not display any hyperactivity, pressured speech or flight of ideas. His esteem was within normal limits. He was not distractible. He was neither anxious nor depressed. He was not delusional.

Mental control was adequate. He was oriented to person, date, place and situation. He could recall four of five words immediately and two of five words and a several minute delay with interference. He performed a serial sevens task with one error. He could spell WORLD correctly forward and in reverse. He could recall seven digits forward and four digits backwards.

This examination should be a valid reflection of his psychological and psychosexual functioning.

BACKGROUND INFORMATION:

Medical history

Mr. Bryant reported a positive history for the following:

- Sinus Headaches
- Migraine Headaches

Mr. Bryant denied ever having the following:

- Back Pain
- Neck Pain
- Cancer
- Lumps/Tumors
- Ulcers
- Coma
- Kidney Problems
- Prostate Problems
- Sexual Problems
- Stress

Tension
Chronic Obstructive Sleep Apnea
Drug Addiction
Alcohol Addiction
Anorexia
Bulimia
Hypoglycemia
Sinus Headaches
Thyroid Problems
Arthritis
Rheumatoid Arthritis
Fibromyalgia
Lupus
High Blood Pressure
Heart Disease
Seizures
Diabetes
Venereal Disease
Tuberculosis
Attention Deficit Disorder
Hyperactivity
Chronic Illness
Asthma
Allergies

PSYCHOSOCIAL HISTORY:

Mr. Bryant is 36-year-old Caucasian, single male. He stands six-foot-three-inches tall and weighs 199 pounds. He has black hair and hazel eyes. He is right handed. He lives in Easley, SC. He is employed as a maintenance technician at CF Saur which makes Dukes mayonnaise. He has a valid SC driver's license and can drive without problems.

Mr. Bryant is not in any psychological or psychiatric treatment. He has never had any type of mental health treatment. He is on no medications. He is not under a doctor's care for any condition. He is on no prescribed medications. He has used Maxalt in the past for migraines. He sparingly uses alcohol. He used no illegal recreational drugs. He has never been in drug or substance abuse rehabilitation.

Overall his health has been good. He has never had a Traumatic Brain Injury, toxic exposure or significant physical injury. He does smoke approximately half a pack of cigarette daily. He uses caffeine rarely.

Mr. Bryant's biological parents were married. His mother is alive and in good health. He gets along well with her. His father is alive and also in good health. He had one brother who died in an MVA on 05/26/17. Mr. Bryant lived with his parents until he left home at the age of 20. There is no history of psychiatric disorders in his family.

Mr. Bryant has been married on two occasions. He was married from 2007 until 2010 and again from 2012 until 2014. Mr. Bryant currently cohabitates with his significant other and has for the last eight months. Mr. Bryant has a nine-year-old daughter who he is currently estranged from. Mr. Bryant's driver's license was suspended in the past for failure to pay a ticket. He had a DUI arrest for which he was found not guilty. He is currently facing a criminal charge of Criminal Sexual Conduct, First Degree for which he is awaiting trial.

Mr. Bryant has complete 11 years of formal education. He has not earned a diploma nor GED. He was never in special education classes. He does not have a learning disability. He has never been in the military.

CLINICAL INTERVIEW:

Mr. Bryant stated that he was moving out of a mobile home that he had been living in when the victim allegedly grabbed him and started kissing him and said that she wanted him. He said he said no. He reported that the next day at lunch he "made a stupid decision" and went to see her. He admitted to having sex with her and stated that it was consensual. He left and said that several hours later the police showed up at the home he was sharing with his fiancé and her daughter.

He did not want his fiancé to discover that he had slept with the victim so he denied seeing her. One week after that he was arrested and charged with CSC in the first.

Mr. Bryant has been continually employed since the age of 16. He quit school in the 12th grade. While he went to Adult Ed, he never got a GED.

He reports that his mood is good. He denied problems with depression. His brother, who died on 04/26/17 in a MVA, had been treated for depression. He reported his sleep is good. His energy level is good. For pleasure he likes to fish, hunt and paint. His appetite is good and his weight is stable. He denies problems with crying spells. He denies feelings of guilt or worthlessness. He denied ever being treated or diagnosed with ADD or ADHD.

Mr. Bryant denied any problems with anxiety. He denies panic attacks. He denies any issues with obsessions or compulsions. He denies having nightmares or flashbacks. He has no phobias. He has no delusions. He denies auditory or visual hallucinations. He does not self mutilate. He does not have thoughts of suicide. He denies homicidal thoughts.

PSYCHOSEXUAL INTERVIEW:

Mr. Bryant has denied ever having sexual contact with a minor under the age of 16. He denied ever grooming a minor for sexual activities. He has never rewarded a minor for sexual activities. He has never threatened a child for sexual activities. He has never physically forced anyone into sexual activity. He has never used a weapon in order to engage in sexual activity.

Mr. Bryant has never belonged to NAMBLA or any group that approves of sex between adults and children. He denied ever downloading child pornography. He has never bought child

pornography. He has never traded child pornography. He has never engaged in the manufacturing or production of child pornography. He has never been involved in a sex ring.

Mr. Bryant denied any sexual contact with a child.

Mr. Bryant denied any interest in bestiality. He has never engaged in fetish burglary. He has never stolen clothing or mutilated it. He has never masturbated using stolen feminine clothing.

Mr. Mobley has never made obscene phone calls. He has "talked dirty" with his girlfriend "on the phone". Any phone contact he has had in that manner were with adult women.

Mr. Bryant denied any voyeuristic activities. He has never engaged in exhibitionism. He has never engaged in Frotteurism. He has no interest in minor male or female children.

Mr. Bryant denied ever having sex with an adult without their consent. He has never had sex with an individual who had loss their sensibility due to intoxication on any substance. He has never had sex with someone who was unconscious or sleeping. He has never had sex with a handicapped person.

Mr. Bryant denied any interest in masochism, sadism or bondage. He has never had any interest in sex with animals. He has on an occasion in the past engaged in choking with a willing adult female partner as part of foreplay who requested that behavior. He has never tortured anyone. He does not have any unusual sexual fantasies, thoughts or images. He denied masturbating to these fantasies. Mr. Bryant has had no interest in adult pornography.

Mr. Bryant has never engaged in a homosexual experience. He has had nine sexual partners. None of these were prostitutes or anyone that he paid for sex. These occurred with consenting adult individuals or within relationships.

TEST RESULTS AND INTERPRETATION:

MINNESOTA MULTIPHASIC PERSONALITY INVENTORY-2-RF

Mr. Bryant completed the Minnesota Multiphasic Personality Inventory-2-RF (MMPI-2-RF). There were no problems with unscorable items on this test. There were no indications of somatic or cognitive complaints. No suggestion was noted of a psychotic or characterological disorder. No specific diagnoses were associated with his test performance. Overall he presented himself as well adjusted on this instrument.

PSYCHOSOCIAL STRESSORS CHECKLIST:

Mr. Bryant reported having experienced the following psychosocial stressors:

- Death of a close relative
- Court appearance

Changed jobs/career within the past 5 years

STRUCTURED INVENTORY OF MALINGERED SYMPTOMATOLOGY™ (SIMS™):

The (SIMS™) is a 75-item, multi-axial, self-administered screening measure used for the detection of malingering across a variety of clinical and forensic settings.

Mr. Bryant was administered the Structured Inventory of Malingered Symptomatology™ (SIMS™). This inventory consists of 75 true/false questions that are then rated for the following scores:

Total Score
 Psychosis Scale
 Neurological Impairment
 Amnestic Disorders
 Low Intelligence
 Affective Disorders

Research has determined cutoffs for these scores above which Malingering would be indicated. Mr. Bryant's scores are as follows:

SCALES	CUTOFF SCORES	MR. BRANT'S PERFORMANCE
Neurological Impairment	>2	0
Affective Disorders	>5	2
Psychosis Scales	>1	0
Low Intelligence	>2	3
Amnestic Disorders	>2	0
Total	>14	5

One of the six scores exceeded the cut-off scores that are suggestive of symptoms embellishment or malingering. This would indicate that Mr. Bryant is not embellishing or faking a mental disorder. It would suggest that his self report is likely credible.

DIAGNOSTIC IMPRESSION:

Based upon all available information, and with the assumption that the veracity of Mr. Bryant's self-report is valid, and using the *Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition* (DSM-5™), Mr. Bryant has the following probable diagnosis:

Problems Related to Other Legal Circumstances (DSM-V V62.5)

SUMMARY AND CONCLUSIONS:

1. Mr. Bryant does not currently meet the diagnostic criteria for a mental disorder, substance abuse disorder or cognitive disorder. He has no mental disease or defect that would impact his capacity to conform his behavior to the requirements of the law. He is competent. He can assist his legal representative in his criminal defense.

2. Mr. Bryant does not currently have a mental disorder, sexual fetish or characterological disorder that would predispose him to aberrant sexual behavior. He would not appear to be a threat to himself or others in the community.
3. Mr. Bryant appeared to be credible in this examination. Testing did not indicate any attempt to portray himself with an emotional or psychiatric disorder to escape the consequences of his behavior.
4. Mr. Bryant is preparing for a trial on CSC in the first and hence, merits the diagnosis of “Problems Related to Other Legal Circumstances (DSM-V V62.5)”. This is a diagnosis of his legal situation and not a mental disorder.

Problems Related to Other Legal Circumstances (DSM-V V62.5)

David R. Price, Ph.D.
Licensed Clinical Psychologist
The Forensic Network PA

Nate Brooks

Phone: [REDACTED]

Email: nbrook@clemson.edu

LinkedIn: <https://www.linkedin.com/in/nate-brooks-76505a11>

Clemson University
321 Calhoun Dr. (Brackett Hall, Room 137)
Clemson, SC 29634

Purpose:

To use my unique professional experiences to have a positive impact on the next generation of law enforcement professionals.

Education:

- Masters in Administration of Criminal Justice / *Anderson University Command College*, August 2018 – May 2020

- Bachelor of Arts in Political Science (Subfield in Pre-Law and Criminal Justice) / *The Citadel*, 1993-1997

Professional Timeline:

- August 2023 – Present – *Lecturer (Clemson University)* / Develop and execute undergraduate curriculum for students in the College of Anthropology, Sociology, and Criminal Justice. Initiate, facilitate, and moderate classroom lectures and discussions. Prepare in-class and homework assignments. Evaluate and grade student performance and work product. Courses conducted:

- Criminal Investigations
- Ethics in Criminal Justice
- Policing
- Justice Administration
- Professional Development
- Internship Management



- November 2012 – Present – *Owner / Carolina Polygraph Services LLC* – I operate a business that conducts validated polygraph services for public and private entities. Fully licensed, bonded, insured, and in good standing with all professional polygraph associations and certifying boards.

- July 2017 – August 2023 – *Office of Professional Standards / Polygraph Program Coordinator / Lead Polygraph Examiner / Linguistic Analysis Examiner* for the Greenville Police Department. Responsible for developing policies and procedures for the creation of a Credibility Assessment Unit. Supervise and conduct criminal polygraph

Curriculum Vitae (Updated 09.19.2024)

examinations and subsequent interviews for all requesting law enforcement agencies. Responsible for conducting pre-employment examinations for incoming Police Department applicants. Also responsible for conducting linguistic analysis for criminal and administrative investigations.

- August 2021 – May 2023 – *Adjunct Lecturer (Clemson University)* / Develop and execute undergraduate curriculum for students in the College of Anthropology, Sociology, and Criminal Justice. Initiate, facilitate, and moderate classroom lectures and discussions. Prepare in-class and homework assignments. Evaluate and grade student performance and work product.

- July 2017 – August 2023 - *S.W.A.T Crisis Negotiator / Training Coordinator* / Responsible for conducting negotiations with subjects during high profile active law enforcement engagements for the purpose of avoiding or deterring loss of life or personal injury.

- February 2009 – July 2017 – *Sergeant / Polygraph Program Coordinator / Lead Polygraph Examiner* for the Greenville County Sheriff's Office. Responsible for supervising and conducting criminal polygraph examinations and subsequent interviews for all law enforcement agencies in Greenville County. Also responsible for conducting pre-employment examinations for incoming Sheriff's Office applicants. Supervise and manage the first federally accredited polygraph program in the State of South Carolina.

- February 2009 – July 2017 - *Sergeant / Supervisor for the Sheriff's Office Internal Affairs Unit*; responsible for overseeing the day to day operations regarding police misconduct investigations. I have supervised 176 Internal Investigations and 32 Officer Involved Shooting Investigations.

- July 2006 – July 2017 – *S.W.A.T Crisis Negotiator* / Responsible for conducting negotiations with subjects during high profile active law enforcement engagements for the purpose of avoiding or deterring loss of life or personal injury.

- July 2006- February 2009 - *Master Deputy / Primary Investigator for the Sheriff's Office Internal Affairs Unit*. Responsible for conducting all internal investigations into allegations of police misconduct and criminal incidents involving Sheriff's Office personnel. I have been the lead Investigator on 206 Internal Affairs Investigations and 17 Officer Involved Shootings.

- March 2004-July 2006 - *Investigator* / Conducting in-depth, detailed, and long term investigations into major criminal incidents and allegations with a focus of determining and bringing to justice the perpetrator.

- February 2001-March 2004 - *Deputy Sheriff* (Greenville County Sheriff's Office, Greenville SC) / Responsible for patrolling the County of Greenville, responding to calls for service, investigating misdemeanor allegations, and detecting and enforcing the laws of the State of South Carolina.

- August 1997- February 2001 - *Police Officer* (Charleston Police Department, Charleston SC) / Responsible for patrolling the northern portions of the Charleston peninsula, West Ashley, and Daniel's Island and enforcing the laws of the State of South Carolina.

Presentations and Invited Lectures:

- Invitation to assist with the creation of additional policies and procedures for the Internal Affairs Unit of the Charleston Police Department
- Currently Instruct Advanced Polygraph Courses for the Department of Defense
- Currently Instruct the basic 40 Crisis Negotiators Course for the South Carolina Association of Crisis Negotiators
- American Polygraph Association
- Clemson University
- Greenville Insurance Association
- Greenville Citadel Club
- Greenville Technical College Criminal Justice Program
- South Carolina Legal Investigators Association
- Goodwill Corporate Conference
- Greenville County School District
- South Carolina Crisis Negotiators Association
- University of South Carolina
- Central North Carolina Association of Crisis Negotiators
- Northeast Counterdrug Training Center
- South Carolina Sheriff's Association
- Virginia State Police
- Customs and Border Patrol
- South Carolina Attorney General's Office Internet Crimes Against Children Task Force
- Texas Association of Crisis Negotiators
- The Citadel
- North Carolina Bureau of Investigation
- New York State Police
- Ohio Highway Patrol
- Las Vegas Police Department

- Michigan Association of Polygraph Examiners

Publications:

- Subject of a Television Show (Home Alone / Season 1 – Episode 3)) on the Discovery Investigation Channel regarding negotiations conducted in 2012 on Skyland Dr.
<https://www.investigationdiscovery.com/tv-shows/home-alone/>

Formal Training:

- Class 1 South Carolina Law Enforcement Certification / *Police Corps*, August-December 1997
- National Crisis Negotiators Course / *Federal Bureau of Investigation Academy, Quantico VA*, March 2018
- Basic Polygraph Operator's Course / *Maryland Institute of Criminal Justice*, 2009
- Basic Detective Course / *S.C.C.J.A.*, 2004
- Relevant / Irrelevant Screening Applications for Law Enforcement / *S.C.A.P.E. Conference (N.C.C.A. Instructor)*, 2010
- American Polygraph Association Conference 2010
- Empirical Scoring and Physiology / *S.C.A.P.E. Conference (N.C.C.A. Instructor)*, 2011
- Advanced techniques for Polygraph Pre-test, Zone Techniques, Sex Offender Issues, Test Question Construction, Modified General Question Test, Law Enforcement Pre-Employment Test, and Test Data Analysis / *S.C.A.P.E. Conference (N.C.C.A. Instructor)*, 2011
- Reid Interview and Interrogation Course, *John Reid and Associates*, January 2012
- Validated Polygraph Techniques / *S.C.A.P.E. Conference (N.C.C.A. Instructor)*, January 2012
- American Association of Police Polygraphists Conference, May 2012
- Testifying to Polygraph in Court / *S.C.A.P.E. Conference (S.L.E.D Instructor)*, 2010
May 2012
- Law Enforcement Pre-Employment Test / *National Center for Credibility Assessment*, July 2012
- Law Enforcement Standardization Course / *National Center for Credibility Assessment*, October 2012

- Managing Conversation during Pre-Employment Screenings / *S.C.A.P.E. Conference (N.C.C.A. Instructor)*, February 2013
- Senior Polygraph Examiner's Course / *Federal Bureau of Investigation and the National Center for Credibility Assessment*, May 2013
- Physio-Psychological Detection of Deception Test Data Analysis / *National Center for Credibility Assessment*, SCAPE Conference October 2013
- Post-Conviction Sexual Offender Testing School / *Maryland Institute of Criminal Justice*, November 2013 (40 Hours)
- Crisis Negotiators Training Session / *South Carolina Crisis Negotiators Association Conference*, October 2014 (16 Hours)
- Sexual Offender Training / *S.C.A.P.E. Conference (Tracy Alvord, Executive Director of the Georgia Sexual Offender Registration Review Board)*, November 2014
- Force Science Certification Course / *Force Science Institute*, Department of Homeland Security, November 2014 (40 Hours)
- Test Data Analysis and Post-Test Interview Techniques / *National Center for Credibility Assessment*, South Carolina Law Enforcement Division Training, December 2014
- Advanced Statistical Models for Polygraphy / *S.C.A.P.E. Conference (Dr. Jennifer Vendemia)*, *University of South Carolina*, April 2015
- American Polygraph Association Conference, August 2015
- Linguistic Statement Analysis / *S.C.A.P.E. Conference (Dan Weatherman, Instructor for the National Center for Credibility Assessment)*, November 2015
- Cybercrime and the Deep Web / *S.C.A.P.E. Conference – National Center for Credibility Assessment*, April 2016
- Credibility Assessment through Linguistic Analysis / *National Center for Credibility Assessment*, August 2016 (40 Hours)
- Polygraph in Asset Forfeiture / *S.C.A.P.E. Conference – Lisa Holtz, Internal Revenue Service* / October 2016
- Crisis Negotiators Training Session / *South Carolina Crisis Negotiators Association Conference*, October 2016 (16 Hours)

Professional Associations:

- S.C. Representative to the National Crisis Negotiators' Association, 2023-Present
- Member of the South Carolina Crisis Negotiators Association, 2006-Present
- Board Member for the South Carolina Crisis Negotiators Association, 2016-Present
- Vice-President of the South Carolina Crisis Negotiators Association, 2021-2022
- President of the South Carolina Crisis Negotiators Association, 2022-2023
- Member of the National Association of Internal Affairs Investigators, 2006-2023
- Full Member of the American Polygraph Association, 2009-Present
- Member of the American Association of Police Polygraphists, 2009-2023
- Full Member of the South Carolina Association of Polygraph Examiners, 2009-Present
- South Carolina Association of Polygraph Examiners Secretary and Treasurer 2011-2013
- President of the South Carolina Association of Polygraph Examiners, 2013-2015
- Member of the Polygraph Law Enforcement Accreditation Board, responsible for mentoring and inspecting law enforcement polygraph programs nationwide towards excellence. I have been a part of the inspection team for the following agencies:
 - Edmond Police Department (Edmond, OK)
 - North Carolina State Bureau of Investigations
 - Richland County Sheriff's Office (Richland, SC)
 - Indiana State Police
 - Florida Highway Patrol
 - Columbia Police Department (Columbia, SC)
 - Virginia State Police
 - Pennsylvania State Police
 - Los Angeles Police Department
 - Houston Police Department
- Chief of the Polygraph Law Enforcement Accreditation Inspection Group, responsible for overseeing the nationwide inspections of all law enforcement polygraph programs obtaining or renewing their P.L.E.A Accreditation; 2015-2017
- President of the Polygraph Law Enforcement Accreditation Group; 2017-2022
- Training Coordinator of the Polygraph Law Enforcement Accreditation Group; 2022-2023

Polygraph Examination Statistics:

As of the date of this Curriculum Vitae, I have conducted over 2490 polygraph examinations. These examinations cover the entire spectrum of criminal offenses, pre-employment screenings, business and internal investigations, and sexual offender history and maintenance reviews. I currently have an overall deceptive rate of 21.13%. Of those individuals deemed to be deceptive, I have a 94.15% admission and/or confession rate. A full copy of my polygraph statistics is available upon request.

Honors and Awards:

- Recipient of the Military Order of the World Wars
- Recipient of the Scottish American Military Society Award
- Charleston Police Department Commendation; for the apprehension of one Wallace Bishop immediately after he had committed a murder, December 2000
- Greenville County Sheriff's Office Commendation; for the apprehension of two individuals in the process of robbing the Rafferty's on Congaree Road, October 2003
- Greenville County Sheriff's Office Deputy of the Year Nomination for 2005; for clearing 216 cases, signing 204 warrants, making 74 arrests, and recovering \$63,500 in stolen property
- Greenville County Sheriff's Office Deputy of the 1st Quarter of 2006; for the apprehension of Brian Cappitelli and the subsequent confessions of 29 burglaries, 2 safecrackings, 2 armed robberies, 1 kidnapping, and 10 autobreakings
- Greenville County Sheriff's Office Distinguished Service Award for the negotiations conducted during a hostage rescue operation on Skyland Drive, October 2012
- Appreciation Award from the Anderson County Sheriff's Office for participation in the organization of the 2013 Upstate Shield S.W.A.T. / Negotiator Training Conference

Courtroom Experience:

- Experience testifying in multiple criminal trials and civil litigations. Unique experience testifying to polygraph operations and statements made during examinations.
- Most recent account of testifying for polygraph results; September 2015 in the United States Federal Court System regarding a case for the Drug Enforcement Agency.

Military Experience:

- Reserve Officer Training Corps, *The Citadel*, 1993-97
- Reserve Officer Training Corps Advanced Course, *Fort Lewis* – Washington, 1997

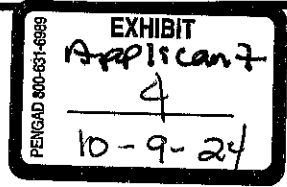
- Promoted to 2nd Lieutenant, *Platoon Leader* for the 116th Signal Company out of North Charleston, SC, August 1997
- Signal Officer's Basic Course, *Fort Gordon* – Georgia, September 1998 - February 1999
- Promoted to 1st Lieutenant, *Executive Officer* for the 116th Signal Company out of North Charleston, SC, October 1999
- Promoted to Captain, *Operations Officer* for the 108th Signal Battalion out of Camden, SC, March 2002
- Honorable Discharge from the South Carolina National Guard, March 2006
- Multiple Oversees Missions to the European Theater in Support of Combat Operations with the 2nd Signal Brigade, the 102nd Signal Battalion, the 509th Signal Battalion, and the 6981st German Signal Unit.

Community Service:

- Deacon at Edwards Road Baptist Church
- Safety and Security Ministry Developer for Edwards Road Baptist Church
- Avid Beekeeper

Additional law enforcement training documentation available upon request

Carolina Polygraph Services, LLC
31 Boland Ct., Greenville SC 29615
Polygraph Report
www.carolinapolygraph.com



This is an official report generated by Carolina Polygraph Services, LLC and is to be used in connection with an official criminal, background, or internal investigation. This report is intended only for the use of the agency to which it was disseminated and may contain information that is either privileged or confidential. Its contents are not to be distributed outside your agency except to those with appropriate legal interest.

Examinee Full Name: Matthew Jamie Bryant	Examinee DOB: [REDACTED]	Issue: Criminal Sexual Conduct	Polygraph File #: CP-24-2487
Requesting Agency: J. Falkner Wilkes, Attorney at Law	Agency Case#: N/A	Case Officer: J. Falkner Wilkes	
Testing Issue: To determine if the examinee sexually assaulted the alleged victim in this case.			

Pre-Test Interview:

On 09/17/2024 I responded to the Tyger River Correctional Facility and the request of J. Falkner Wilkes, Attorney at Law, in order to perform a polygraph examination on one Matthew Jamie Bryant. I activated the polygraph video/audio recorder and Jamie Bryant was escorted into the Tyger River Conference Room. I first provided Jamie Bryant with a Hold Harmless and Release Agreement, which he stated that he understood and was willing to agree to in order to take the polygraph examination. Jamie Bryant read and signed the Hold Harmless and Release Agreement. I then initiated the polygraph examination. During the pre-test phase of the examination, I obtained biographical data on Jamie Bryant and developed the question list for the examination. I reviewed the questions with him. During this time I also obtained Jamie Bryant's version of events. Jamie Bryant was adamant that the sexual acts between himself and the alleged victim in this case was consensual.

Relevant Questions:

I requested that Jamie Bryant write the following on a blank statement form:

I did not rape **K.R.C.** Everytime we had sex it was consensual. We only had sex one time.

Jamie Bryant stated that the statement was true and factual. The following were the relevant questions for the examination:

1R1: Regarding your statement, are you falsifying any information? No

1R2: Regarding your statement, are you omitting any information? No

Examination Operation:

Once the pre-test phase was complete Jamie Bryant was given a break. After the break, I attached the polygraph components to Jamie Bryant and conducted the chart collection phase of the examination. The examination was conducted on a six channel Lafayette LX4000 computer polygraph system (Serial Number 382217 / Version 11.8.6), which records respiration data, electrodermal activity, relative blood pressure and pulse, and minute movements. A self diagnostic was conducted on the instrument and revealed no malfunctions. Jamie Bryant was administered a Directed Lie Screening Test (D.L.S.T.) in a Post Conviction Sexual Offender Test (P.C.S.O.T.) format, which is routinely used due to its high level of validity and reliability. In addition, an acquaintance test was conducted before the D.L.S.T. which is standard procedure during pre-employment examinations. The above relevant questions were asked during the examination. Jamie Bryant was given a break between each phase of the chart collection. After the collection of charts Jamie Bryant was given another break while I conducted a review of the charts.

On 09/21/2024 a quality control under blind scoring conditions was conducted by South Carolina Licensed Polygraph Examiner Marc Sharpe, who **CONCURRED** with the examination results.

Testing Format D.L.S.T.	Examiner Opinion: NO DECEPTION INDICATED	Instrumentation: Lafayette LX4000 Polygraph
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Post-Test Interview:

N/A

This opinion should be considered a final report; however, all examinations undergo a Quality Control Review. Should this Quality Control Review change the results of this examination, your agency will be promptly notified by written report.

Examiner: Nate Brooks, Carolina Polygraph Services	Date of Exam: 09/17/2024	Date of Report September 21, 2024
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STATE OF SOUTH CAROLINA

ISSUED BY THE Circuit Court / Common Pleas COURT IN THE COUNTY OF GREENVILLE

MATTHEW JAMIE BRYANT, 00376069, Plaintiff

v.

SUBPOENA IN A CIVIL CASE

STATE OF SOUTH CAROLINA, Defendant

Case Number: 2023-CP-39-01319

Pending in Pickens County

K.R.C.

TO:

[x] YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY Greenville County Courthouse 305 East North Street, Greenville, SC 29601

COURTROOM PCR courtroom as directed by bailiffs

DATE AND TIME Wed. October 9, 2024 at 2:00 p.m.

[] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

[] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

PLACE

DATE AND TIME

[] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(e)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

[Signature]

October 5, 2024

J. Falkner Wilkes

Attorney/Issuing Officer's Signature

Date

Print Name

Indicate if Attorney for Plaintiff or Defendant

Attorney's Address and Telephone Number :

J. Falkner Wilkes, 12893

248 Deerwood Park Drive, Oakland, MS 38948 jfalknerwilkes@gmail.com

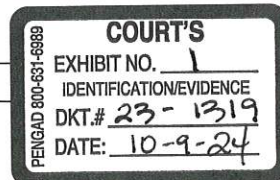
Counsel for Applicant

Clerk of Court/Issuing Officer's Signature

Date

Print Name

Pro Se Litigant's Name, Address and Telephone Number :



PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

STATE OF SOUTH CAROLINA

ISSUED BY THE Circuit Court / Common Pleas COURT IN THE COUNTY OF GREENVILLE

MATTHEW JAMIE BRYANT, 00376069, Plaintiff

v.

STATE OF SOUTH CAROLINA, Defendant

Case Number: 2023-CP-39-01319

Pending in Pickens County

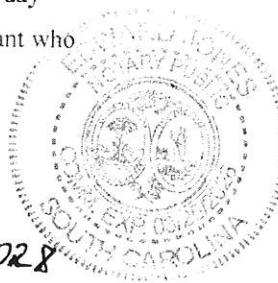
Affidavit Of Service

On 10/07/24 at approximately 1:16 pm EST I served the **Subpoena in a Civil Case** in this matter to **K.R.C.** personally at **[REDACTED]** Easley, SC 29640. **[REDACTED]** **K.R.C.'s** physical description is as follows: Age: 25 , Gender: Female, Ethnicity: Caucasian, Weight: 178 Lbs, Height: 5'2", Hair: Brown, Eyes: Brown, Glasses: Yes, Military:No, Married: No.

I certify that I am over the age of 21, and am not a party in this action.

Subscribed and Sworn to before me on 8th day of October, 2024 by the affiant who personally known to me.

Ed Jones
NOTARY PUBLIC
My Commission Expires: 03-25-2028



[Signature]

Frederic David
Lys Process Servers, LLC
6735 Hwy 357
Campobello, SC 29322
ID #4760

Clerk of Court Pickens County, SC
MAY 7 2025 PM 12:48

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)
Matthew Jamie Bryant, SCDC #376069)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE THIRTEENTH JUDICIAL CIRCUIT

Case No.: 2023-CP-39-01319

ORDER OF DISMISSAL
(with prejudice)

This matter comes before the Court by way of an application for post-conviction relief filed on November 27, 2023, by Applicant Matthew Jamie Bryant, challenging his conviction for criminal sexual conduct, second degree. An evidentiary hearing was held on October 9, 2024, at the Greenville County Courthouse with the Honorable Patrick C. Fant, III presiding. Applicant was present with his counsel J. Falkner Wilkes Esq. Assistant Attorney General Tommy Evans, Jr., of the South Carolina Attorney General’s Office represented the State. The witnesses before this Court included: Dr. David Price (forensic psychologist), Nathaniel Brooks (polygraph examiner), **K.R.C.** (victim), Dana Young, Brandy O’Kelly, and trial counsel, Daniel Hunt, Esq. Applicant also testified at the hearing.

At the conclusion of the hearing, this Court took the matter under advisement. Thereafter, this Court advised the parties that the application is denied and dismissed with prejudice and instructed the State to submit and prepare a proposed order for this Court’s consideration.

The Court now issues this order with its findings of facts and conclusions of law as required under S.C. Code Ann. § 17-27-80. Based upon the record, the evidence presented at the evidentiary hearing held in this matter, the argument of the parties, and consideration of the applicable statutory and case law, this court finds that the applicant has failed to establish any deficient performance on the part of counsel and/or any prejudice resulting from counsel’s

performance required under *Strickland v. Washington*, 466 U.S. 668 (1984), and *Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989), or any other cognizable claim allowed under S.C. Code Ann. § 17-27-20. Consequently, Applicant's request for post-conviction relief is **DENIED** and the application is **DISMISSED** with prejudice.

GENERAL PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections, Tyger River Correctional Institution, pursuant to orders of commitment from the Pickens County Clerk of Court. A Pickens County Grand Jury indicted Applicant in July 2016 on the charge of criminal sexual conduct, first degree, (2016-GS-39-1551).

On April 17-19, 2018, Applicant's case proceeded to a jury trial with the Honorable Letitia H. Verdin presiding. (Trial Tr., at 1). Daniel Hunt, Esq., represented Applicant and Megan Owen of the Thirteenth Circuit Solicitor's Office prosecuted the case. (Trial Tr., at 1). At the conclusion of trial, the jury found Applicant guilty of the lesser included offense of criminal sexual conduct, second degree. (Trial Tr., at 401). Judge Verdin sentenced Applicant to fifteen (15) years imprisonment. (Trial Tr., at 412). Applicant timely filed a notice of appeal.

Direct Appeal

J. Falkner Wilkes, Esq., and trial counsel, Mr. Hunt represented Applicant on appeal. The following issues were raised:

1. Did the court err in denying the defense motion for directed verdict?
2. Did the court err in charging the jury with second-degree criminal sexual conduct over the objection of the defense?
3. Where the defendant was charged with one ground for conviction under a statute may the court deny a motion for directed verdict based on evidence of a second and additional statutory ground that ground was not included in the indictment?

4. Is second-degree criminal sexual conduct (S.C. Code Ann. § 16-3-543) a lesser and included offense of first-degree criminal sexual conduct (S.C. Code Ann. § 16-3-542) as a matter of law or does it depend on the particular facts of each case?
5. Can a conviction on a lesser included offense not charged in the indictment stand where the case should have ended with a directed verdict?
6. Is there sufficient evidence in record to support the conviction in this case?
7. Does error below require reversal of the Appellant's conviction?

These seven issues were raised in the statement of issues but the argument section was consolidated as follows: (1) the trial court erred in denying his motion for a directed verdict and (2) the trial court erred in charging the jury on second-degree CSC. *See State v. Bryant*, Unpublished Op. No. 2021-UP-396 (S.C. Ct. App. filed March 2, 2022). The Court found that Applicant abandoned issue six. *Id.*

By per curiam unpublished opinion filed on November 10, 2021, the Court of Appeals affirmed. *State v. Bryant*, Unpublished Op. No. 2021-UP-396 (S.C. Ct. App. filed November 10, 2021). Appellate counsel filed a petition for rehearing on December 9, 2021, that the Court of Appeals denied on March 2, 2022. With the denial of the petition, the Court of Appeals withdrew the prior opinion and issued a substituted, expanded opinion that also affirmed the trial court. *State v. Bryant*, Unpublished Op. No. 2021-UP-396 (S.C. Ct. App. filed March 2, 2022).

Appellate counsel filed a Petition for Writ of Certiorari in the Supreme Court of South Carolina on March 31, 2022, seeking further review. The State filed its return on May 25, 2022. Our Supreme Court denied the petition on January 12, 2023, and the Court of Appeals issued the remittitur on January 31, 2023.

CURRENT PCR ACTION

Applicant filed his *pro se* application for post-conviction relief on November 27, 2023. Applicant, through counsel, amended the allegations on September 10, 2024. On September 16, 2024, Applicant, through counsel, again amended the allegations, and proceeded on the following ineffective assistance of counsel allegations:

1. Trial counsel failed to use, offer, or submit expert testimony in the investigation, negotiation and defense of the case to show that Applicant was not a sexual predator, nor predisposed to commit a sexual offense based on a behavioral or psychological disorder or condition.
2. Trial counsel failed to properly used, offer, or submit evidence in the investigation, negotiation and defense of the case, of phone call(s) or messages sent to Applicant by the prosecutrix after the alleged incident, and adequately cross-examine the prosecutrix about said call(s) or messages, and to properly present, argue and preserve for appeal the issue involving the jury's viewing of the actual call(s) or messages contained on the Applicant's phone.
3. Trial counsel failed to use, offer, or submit evidence in the negotiation and defense of the case to contradict prosecutrix's claim that the prosecutrix had not known or seen the applicant until the day before the alleged incident.
4. Trial counsel failed to use, offer, or submit evidence of applicant's good character in the negotiation and defense of the case.
5. Trial counsel failed to use, offer, or submit evidence in the negotiation and defense of the case of prior unfounded abuse allegation(s) by the prosecutrix against third parties.
6. Trial counsel failed to adequately convey and advise Applicant regarding any plea offers.
7. Counsel failed to investigate, obtain, use, or offer evidence in the negotiation and defense of the case that the prosecutrix engaged in a pattern of fabricating abuse allegations against the Applicant and/or others.
8. Trial counsel failed to timely raise and properly preserve issues for direct appeal.

9. Counsel failed to consider, obtain, use, and/or offer testimony and evidence, including but not limited to, a polygraph examination of the Applicant in the investigation, negotiation, and defense of the case including but not limited to its use under "§ 16-3-750." SC Code 16-3-750 Request that victim submit to polygraph examination (South Carolina Code of Laws (2024 Edition)) to obtain a similar test by the prosecutrix.

On September 30, 2024, Applicant, through counsel, filed a supplement to the amended allegations that:

1. Counsel failed to investigate case and interview witnesses that would have led to the discovery of a statement by the prosecutrix admitting that she fabricated the allegations.¹

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After carefully considering the record and the arguments presented by counsel, this Court now presents the relevant findings of fact and conclusions of law as required by S.C. Code Ann. §17-27-80 (2003). This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments at the PCR hearing. This Court has further had the opportunity to observe each witness who testified at the hearing and to closely pass upon their credibility. This Court has weighed the testimony accordingly and finds that trial counsel rendered reasonably effective assistance under prevailing professional norms and demonstrated a normal degree of skill, knowledge and professional judgment that are expected of an attorney who practices criminal law. *Strickland v. Washington*, 466 U.S. 668, 694 (1984). Thus, Applicant has not shown resulting prejudice, i.e. that but for trial counsel's alleged deficiencies, the outcome of trial would have been different. *Id.*

INEFFECTIVE ASSISTANCE CLAIMS

¹ This allegation is referenced as Allegation 10 in the Merits Analysis of this Order.

This Court is guided by the familiar test: To show a violation of the Sixth Amendment, an applicant must show that counsel's representation fell below an objective standard of reasonableness, and but for counsel's error, there is a reasonable probability that the outcome of the trial would have been different. *Strickland*, at 694; *Simpson v. Moore*, 367 S.C. 587, 595–96, 627 S.E.2d 701, 706 (2006). "A reasonable probability is a probability sufficient to undermine confidence in the outcome" of the trial. *Strickland*, 466 U.S. at 694. It is presumed that counsel made all decisions in exercise of reasonable judgment. *Strickland*, 466 U.S. at 689. It is the applicant's burden to prove, by a preponderance of the evidence, that he is entitled to relief. Rule 71.1 (e), SCRPC. *See also Speaks v. State*, 377 S.C. 396, 399, 660 S.E.2d 512, 514 (2008) ("the burden of proof is on the applicant to prove the allegations in his application").

To conduct a fair review of counsel's performance, a reviewing court must "eliminate the distorting effects of hindsight" and attempt "to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time." *Strickland*, 466 U.S. at 689. Further, it is presumed that counsel made all decisions in exercise of reasonable judgment. *Strickland*, 466 U.S. at 689. It is the applicant's burden to prove, by a preponderance of the evidence, that he is entitled to relief. Rule 71.1 (e), SCRPC. *See also Speaks*, 377 S.C. at 399, 660 S.E.2d at 514 ("the burden of proof is on the applicant to prove the allegations in his application").

PCR TESTIMONY

Applicant presented Dr. David Price, a forensic psychologist and neurologist, who conducted a clinical psychosexual evaluation of Applicant. Dr. Price testified that he was retained by trial counsel to conduct the evaluation, and based on his report, he could not recall that there was indication of an increased risk of sexual offenses when evaluating Applicant. Dr. Price testified

that he could not specifically recall what Applicant was evaluated for but that it was related to his arrest. He testified that he was unaware of Applicant's prior CSC in Spartanburg which resulted in dismissal.

Applicant presented Nathaniel Brooks, a polygraph examiner and lecturer of criminal justice at Clemson. Mr. Brooks testified as to his experience with sex offender polygraph testing and post-conviction sex offender testing. Mr. Brooks testified that he had Applicant write a statement in regard to the crime and determined that the statement was not indicative of deception. Mr. Brooks testified that a polygraph is not 100% accurate.

Applicant called Keyana Couch, the victim, to testify in regard to the assertion that she allegedly made up the allegations against Applicant. Ms. Couch confirmed that she worked at Burger King with Dana Young during the time period the incident occurred. She testified that she did not tell Ms. Young that she made up the allegations. She further denied that she told Ms. Young that she made up the allegations against Applicant because she was upset with her boyfriend and that her boyfriend would beat her up for cheating on him. She testified that she did not have any conversation with Ms. Young in regard to the rape.

Applicant called Dana Young, who worked with Ms. Couch at Burger King around the time of the incident. Ms. Young testified that Ms. Couch told her that she had gotten herself in a mess by messing with a taken man and that she had to go to court because she claimed he raped her. Ms. Young testified that Ms. Couch told her that she was scared of her boyfriend and Applicant's girlfriend. She further testified that Ms. Couch told her she wouldn't change her mind about making the allegations and that she wasn't going to jail for making false allegations. On cross examination, she confirmed that Ms. Couch relayed this information to her prior to trial, but she did not attempt to tell police or contact anyone at the solicitor's office. She testified that she did

was not contacted by defense counsel nor did she attempt to contact defense counsel, but Brandy, Applicant's then fiancé, called her when she found out that Ms. Young knew Ms. Couch.

Applicant called Brandy O'Kelly, who was his fiancé at the time of the incident. She testified that she used to work with Ms. Young and she saw that Ms. Young was Facebook friends with Ms. Couch. She informed Ms. Young that Ms. Couch was the one who made the rape allegations against Applicant. Ms. Young relayed to Ms. O'Kelly that Ms. Couch admitted to her that she had lied about the rape. Ms. O'Kelly testified that she gave trial counsel enough information to get in contact with Ms. Young, however trial counsel told her that the information was hearsay. She confirmed that she did not tell anyone else about the information Ms. Young relayed to her.

Daniel Hunt, trial counsel, testified that his representation of Applicant began when Applicant was out on bond. He stated that he was honored to represent Applicant and would do everything he could do for him. He testified that Applicant told him the sexual encounter was consensual, and trial counsel confirmed that there was no evidence of a struggle. Counsel confirmed that the prior csc was kept out and that he had Applicant undergo a psychosexual evaluation. He testified that he did not recall discussing a polygraph with Applicant or that Applicant requested to take a polygraph, and that a polygraph would not have made a difference in Applicant's case. He testified that he did not recall that there were any plea offers. He testified that had he known there was a statement that contradicted the allegations, he would have pursued that witness, and that he would have moved heaven and earth to get Dana Young to testify. He confirmed that he didn't call Dr. Price because he was worried about the prior csc charge being discussed if he did so.

Applicant testified that he offered to take a polygraph prior to trial, however one was never conducted. He testified that he was not advised of plea offers or negotiations and that he did not know Dana Young.

Allegation 1 – Failure to Offer Expert Testimony

As to the allegation that trial counsel failed to offer expert testimony to show that Applicant was not a sexual predator, nor predisposed to commit a sexual offense based on a behavioral or psychological disorder or condition, this Court finds that Applicant's allegation is without merit.

Applicant presented Dr. David Price, a forensic psychologist and neurologist, who conducted a clinical psychosexual evaluation of Applicant prior to trial. Dr. Price testified that he was retained by trial counsel to conduct the evaluation, and based on his report, he could not recall that there was any indication of an increased risk of sexual offenses when evaluating Applicant. Applicant introduced the evaluation into evidence as Applicant's Exhibit 2. Dr. Price testified that he could not specifically recall what Applicant was evaluated for but that it was related to his arrest. He testified that he was unaware of Applicant's prior CSC charge in Spartanburg which resulted in dismissal. Trial counsel confirmed that he didn't call Dr. Price because he was worried about the prior CSC charge being discussed if he did so.

"There is a strong presumption that counsel rendered adequate assistance and exercised reasonable professional judgment in making all significant decisions in the case." *Edwards v. State*, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011) (citing *Strickland*, 466 U.S. at 689) "[W]hen counsel articulates a *valid* reason for employing a certain strategy, such conduct generally will not be deemed ineffective assistance of counsel. The validity of counsel's strategy is viewed under an 'objective standard of reasonableness.'" *Id.*, quoting *Lounds v. State*, 380 S.C. 454, 462, 670 S.E.2d 646, 650 (2008).

If presented at trial, the State is entitled to cross-examine Dr. Price concerning the factors he considered in making his determination as to characterizing or excluding Applicant as a sexual predator in his evaluation. As demonstrated in the evidentiary hearing, Respondent asked Dr. Price if he was aware that Applicant had a prior CSC charge in Spartanburg, to which Dr. Price responded that he was not aware of that charge. It is more than likely that the State would have taken the opportunity to discuss the prior CSC charge in front of the jury. In fact, upon notification by the solicitor's office that they intended to introduce Applicant's prior CSC charge, trial counsel asked the Court to exclude the evidence asserting a *Brady* violation due to the late nature of the notice, or to continue the trial so that he can adequately prepare. (Trial Tr. pp. 45-46). Ultimately the Court warned Applicant that if the door is opened to the prior CSC being admitted, that he would likely allow the State to go into the prior charge. (Trial Tr. p. 54). The record is clear that trial counsel viewed any reference to Applicant's prior CSC charge to be harmful to Applicant's case, and that his decision not to call Dr. Price was objectively reasonable considering the risks. Even so, Dr. Price's findings and the subsequent report is not relevant to Applicant's guilt or innocence of the crime he was on trial for.

Allegation 3 – Failure to Contradict the Victim's Testimony

As to Applicant's allegation that trial counsel failed to use, offer, or submit evidence in the negotiation and defense of the case to contradict the victim's claim that she had not known or seen Applicant until the day before the alleged incident, this Court finds that this allegation is without merit.

At trial, the victim testified that she and her son were living with her boyfriend, Billy, and another roommate named Dirk. (Trial Tr., at 90-91). She testified that when she moved in, she didn't know another person was living there until he showed up one day and used a key to get into

the house to get some of his things. (Trial Tr., at 91). When she asked Dirk who it was, he told her the man was Applicant, and that he was friends with Dirk and Billy growing up. (Trial Tr., at 93). She testified that she saw Applicant a handful of times prior to the incident. (Trial Tr., at 93-94). She testified that she spoke with Applicant the night before and the day of the incident. (Trial Tr., at 93-94). Dirk confirmed that Applicant was in the process of moving in with his then girlfriend and still had some belongings and furniture at the residence, as well as a key, at the time of the incident. (Trial Tr., at 201-202). He testified that he saw Applicant attempt to reach for the victim and pursue her while he, Applicant, and the victim were in the residence, and the victim pointed at the door and told Dirk to “get your friend.” (Trial Tr., at 202-204). Applicant also testified that not only did he know the victim, but that she was trying to pursue him while she was living in the residence. (Trial Tr., at 326-327).

At the evidentiary hearing, Applicant did not present any additional evidence to show the extent of the alleged relationship between the victim and Applicant. Even so, it is undisputed that the victim and Applicant knew each other prior to the incident. Applicant has not shown that defense counsel’s representation was deficient, as the allegation itself is contradictory because the victim testified that she knew Applicant prior to the incident. Further, elaboration on the extent of their involvement does not negate that Applicant committed the crime of which he was convicted and does not provide the jury with any additional information as to the incident itself. As to this allegation, Applicant has failed to show that trial counsel’s performance was deficient, or that he suffered prejudice from the alleged deficiency.

Allegation 4 – Failure to Offer Good Character Evidence

As to the allegation that trial counsel failed to use, offer, or submit evidence of Applicant’s good character in the negotiation and defense of the case, this Court finds the allegation to be

without merit. Applicant has not presented this Court with any evidence that could be attributable to his character.

Even so, defense counsel testified, and the record shows, that he wanted to keep Applicant's prior CSC charge from the jury and that any question regarding Applicant's character which relates to the subject crime, could potentially open the door to questions regarding the prior CSC charge. *See State v. Gibert*, 196 S.C. 306, 13 S.E.2d 451, 454 (1941) (the character evidence "must relate and be confined to the general reputation of the accused in the community in which he lives or has lived, and must be limited to the particular trait involved in the offense charged."); *see also State v. Lyles*, 210 S.C. 87, 41 S.E.2d 625 (1947) (opinion and the value of such opinion can be tested by asking the witness whether he has ever heard that the person has been accused of doing acts wholly inconsistent with the character which he has attributed to him.). Further, Applicant has not specified the nature of the character evidence he claims would have affected the outcome of his trial, nor has he shown that if the relevant character evidence was introduced, that there is a reasonable probability that the outcome of trial would have been different.

Allegation 6 – Failure to Convey and Advise Regarding Plea Offers

As to Applicant's allegation that trial counsel failed to adequately convey and advise him regarding any plea offers, this Court finds that the allegation is without merit. Applicant has failed to establish that any plea offers existed or that he would have accepted a plea offer or entered a guilty plea.

Applicant "must demonstrate a reasonable probability [that he] would have accepted the earlier plea offer had [he] been afforded effective assistance of counsel." *Simuel v. State*, 432 S.C. 150, 155, 850 S.E.2d 642, 644 (Ct. App. 2020) quoting *Missouri v. Frye*, 566 U.S. 134, 147, 132 S.Ct. 1399 (2012). "To establish prejudice, it is necessary for [Applicant] to 'show a reasonable

probability that the end result of the criminal process would have been more favorable by reason of a plea to a lesser charge or a sentence of less prison time.” *Id.*, citing *Frye*, 566 U.S. 147. “A[n] [Applicant] ‘must also demonstrate a reasonable probability the plea would have been entered without the prosecution canceling it or the trial court refusing to accept it, if they had the authority to exercise that discretion under state law.’” *Id.*, citing *Frye*, 566 U.S. 147.

Trial Counsel testified that he did not recall any plea offers from the solicitor, thus there were no offers to discuss with Applicant. Trial counsel cannot be deficient for failing to convey a plea offer that did not exist. Further, Applicant testified at the evidentiary hearing that he did not tell counsel that he was willing to plead guilty. Thus, Applicant cannot be prejudiced by an alleged failure to discuss accepting plea offers or entering a guilty plea because Applicant failed to show that he would have even considered entering a guilty plea, or that he would have accepted a plea offer instead of going to trial.

*Allegation 9 – Failure to Submit Applicant to Polygraph
& Request Victim Submit to Polygraph*

Applicant’s allegation regarding defense counsel’s failure to use a polygraph examination in Applicant’s case, and further request the victim undergo a polygraph examination is wholly without merit.

“The general rule is that no mention of a polygraph test should be placed before the jury. It is thus incumbent upon the trial [court] to ensure that should such a reference be made, no improper inference be drawn therefrom.” *State v. Palmer*, 415 S.C. 502, 517-518, 783 S.E.2d 823, 831 (Ct. App. 2016) (quoting *State v. Johnson*, 376 S.C. 8, 11, 654 S.E.2d 835, 836 (2007)). Thus, Applicant must show this Court that the evidence would have been admissible under Rule 702,

SCRE², Rule 403, SCRE³, and the Jones⁴ factors, and further, that there is a reasonable probability that the lack of this evidence prejudiced the outcome of his case. *See Palmer*, 415 S.C. at 517, 783 S.E.2d at 831 (citing *State v. Council*, 335 S.C. 1, 515 S.E.2d 508 (1999), *cert. denied*, 528 U.S. 1050, 120 S.Ct. 588 (1999)).

Applicant testified that he would have taken a polygraph examination had defense counsel asked him to. Defense counsel testified that he never discussed a polygraph examination with Applicant and that a polygraph would not have made a difference in Applicant's case. Applicant has not shown this Court how a polygraph examination would benefit his case, nor has he shown that the examination would be admissible at trial. As to using the polygraph as a bargaining tool for plea negotiations, there were no plea offers presented to Applicant, nor did Applicant relay to defense counsel that he wanted to plead guilty. Thus, defense counsel would have no reason to negotiate a plea offer when his client does not want to plead guilty. Even assuming that Applicant received a favorable result from a polygraph examination, it would be less than convincing to the State considering the evidence is non determinative, and inadmissible at trial. Likewise, the same admissibility issue remains in regard to the victim undergoing a polygraph examination.⁵

Allegation 10 – Failure to Investigate and Interview Witnesses

² The trial judge must find the evidence will assist the trier of fact, the expert witness is qualified, and the underlying science is reliable.

³ The trial judge should determine if its probative value is outweighed by its prejudicial effect.

⁴ *State v. Jones*, 273 S.C. 723, 259 S.E.2d 120 (1979) (listing four factors to assist in determining the reliability of the scientific evidence: (1) scientific methodology; (2) peer review; (3) consideration of general acceptance; and (4) the rate of error of a particular technique).

⁵ Applicant references S.C. Code 16-3-750 in his application which provides that a law enforcement officer, prosecuting officer, or other governmental official may request the victim of a CSC offense submit to a polygraph examination but does not require the victim to do so to proceed with the investigation, charging of prosecution. This discretion does not lie with defense counsel and does not allow for defense counsel to request a polygraph examination.

As to Applicant's allegation that trial counsel failed to investigate and interview witnesses that would have led to the discovery of a statement that the victim admitted she fabricated the allegations against Applicant, this Court finds that Applicant has failed to show that counsel acted deficiently.

In support of this allegation, Applicant called Dana Young and Brandy O'Kelly at the evidentiary hearing. Dana Young worked with the victim at Burger King around the time of the incident. Ms. Young testified that the victim told her that she had gotten herself in a mess by messing with a taken man and that she had to go to court because she claimed he raped her. Ms. Young testified that the victim told her that she was scared of her boyfriend and Applicant's girlfriend. She further testified that the victim told her she wouldn't change her mind about making the allegations and that she wasn't going to jail for making false allegations. On cross examination, she confirmed that the victim relayed this information to her prior to trial, but she did not attempt to tell police or contact anyone at the solicitor's office. She testified that she was not contacted by defense counsel nor did she attempt to contact defense counsel, but Brandy, Applicant's then fiancé, called her when she found out that Ms. Young knew the victim.

Brandy O'Kelly was Applicant's fiancé at the time of the incident. She testified that she used to work with Ms. Young and she saw that Ms. Young was Facebook friends with the victim. She informed Ms. Young that the victim was the one who made the rape allegations against Applicant. Ms. Young relayed to Ms. O'Kelly that the victim admitted to her that she had lied about the rape. Ms. O'Kelly testified that she gave trial counsel enough information to get in contact with Ms. Young, however trial counsel told her that the information was hearsay. She confirmed that she did not tell anyone else about the information Ms. Young relayed to her.

Trial counsel testified that had he known there was a statement that contradicted the allegations, he would have pursued that witness, and that he would have “moved heaven and earth” to get Dana Young to testify.

“Counsel has a duty to undertake reasonable investigations or to make a decision that renders a particular investigation unnecessary.” *Taylor v. State*, 404 S.C. 350, 363, 745 S.E.2d 97, 104 (2013) citing *Strickland*, 466 U.S. at 691. “Thus, ‘[a] criminal defense attorney has the duty to conduct a reasonable investigation to discover all reasonably available mitigation evidence and all reasonably available evidence tending to rebut any aggravating evidence introduced by the State.’” *Id.*, quoting *McKnight v. State*, 378 S.C. 33, 46, 661 S.E.2d 354, 360 (2008) (citation omitted). “In reviewing a claim that defense counsel failed to properly investigate a defense to a crime, a court’s principle concern is whether the investigation ‘*was itself reasonable.*’” *Id.*, citing *Wiggins v. Smith*, 539 U.S. 510, 522–23, 123 S.Ct. 2527 (2003) (emphasis in original) (citation omitted). “Moreover, counsel’s decision not to investigate should be assessed for reasonableness under all the circumstances with heavy deference to counsel’s judgment.” *Id.* at 364.

This Court credits trial counsel’s testimony that he was unaware of the information that Ms. O’Kelly claimed to have relayed to him regarding Ms. Young. This Court also takes note of trial counsel’s lengthy experience as a criminal defense attorney and scrutinizes Ms. O’Kelly’s testimony that counsel seemingly discounted the information she relayed to him regarding the victim allegedly confessing that the allegations were fabricated to Ms. Young as hearsay. Additionally, this Court notes the prior relationship between Ms. Young and Ms. O’Kelly, and passing on their credibility, credits defense counsel’s testimony that he was unaware of Ms. Young’s conversation with the victim. As such, counsel acted reasonable under the circumstances and Applicant has failed to show deficiency, and resulting prejudice.

Other Allegations

This Court finds that the following allegations were not addressed at the evidentiary hearing and are thereby abandoned:

2. Trial counsel failed to properly used, offer, or submit evidence in the investigation, negotiation and defense of the case, of phone call(s) or messages sent to Applicant by the prosecutrix after the alleged incident, and adequately cross-examine the prosecutrix about said call(s) or messages, and to properly present, argue and preserve for appeal the issue involving the jury's viewing of the actual call(s) or messages contained on the Applicant's phone.
5. Trial counsel failed to use, offer, or submit evidence in the negotiation and defense of the case of prior unfounded abuse allegation(s) by the prosecutrix against third parties.
7. Counsel failed to investigate, obtain, use, or offer evidence in the negotiation and defense of the case that the prosecutrix engaged in a pattern of fabricating abuse allegations against the Applicant and/or others.
8. Trial counsel failed to timely raise and properly preserve issues for direct appeal.

See Glover v. State, 318 S.C. 496, 458 S.E.2d 538 (1995) (holding that a PCR applicant cannot show that he was prejudiced by counsel's failure to call a favorable witness to testify at trial if that witness does not later testify at the PCR hearing or otherwise offer testimony within the rules of evidence).

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not established any constitutional violations or deprivations during his trial. Therefore, this PCR application must be **DENIED** and **DISMISSED** with prejudice.


This Court advises the Applicant that he must file a notice of intent to appeal within thirty

(30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

IT IS THEREFORE ORDERED:

1. Applicant's application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant is remanded to the custody of Respondent for completion of his sentence.

AND IT IS SO ORDERED this 2nd day of May, 2025.



PATRICK C. FANT, III
Thirteenth Judicial Circuit, Presiding Judge

Pickens, South Carolina