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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE HORRY COUNTY
COURT OF COMMON PLEAS

THE HONORABLE WILLIAM SEALS, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2024-002044

In the Matter of the Care and Treatment of Paul Shuler II, ...Appellant

---

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	CASE #: 2023-CP-26-04874
)	
IN THE MATTER OF THE)	
CARE AND TREATMENT OF;)	
)	**ORDER OF COMMITMENT**
PAUL SHULER II,)	
)	
RESPONDENT.)	

The trial of this case was held in the Horry County Court of Common Pleas the week of November 18, 2024. A jury of the citizens from Horry County heard this case pursuant to a request for a jury trial filed by the State. James K. Fisher, Esq., from the Attorney General's Office represented the State and Kindle K. Johnson, Esq., represented Respondent. The jury, having heard the presentation of the evidence, made the following findings of fact pursuant to S. C. Code Ann. §§ 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Paul Shuler II, is a sexually violent predator as that term is defined in S. C. Code Ann. § 44-48-30.

NOW, THEREFORE, IT IS ORDERED THAT:

(a) Respondent, Paul Shuler II, is committed to the South Carolina Department of Mental Health for his long-term control, care, and treatment;

(b) Respondent, Paul Shuler II, is to continue to be detained at the Horry County Detention Center, until such time as he can be transported to the secure facility of the Department of Mental Health, which houses the Sexually Violent Predator Treatment Program. The Detention Center or the Sheriff's Department is to transport Respondent on such scheduled date as is coordinated with the Department of Mental Health.

IT IS SO ORDERED.

HON. WILLIAM H. SEALS
Chief Administrative Judge
Fifteenth Judicial Circuit
Court of Common Pleas

November 19, 2024
Conway, South Carolina

FILED
HORRY COUNTY
2024 NOV 19 P 3:25
REHEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA * COURT OF COMMON PLEAS
*
COUNTY OF HORRY * TRANSCRIPT OF RECORD

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IN THE MATTER OF THE CARE AND TREATMENT OF PAUL SHULER, II.

CASE NO. 2023-CP-26-04874

----------x

November 18-19, 2024

B E F O R E:

The Honorable William Seals, Presiding Judge

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

James Fisher, Esq.
Assistant Attorney General for the State

Kindle Kay Johnson, Esq.
Attorney for the Respondent

Court Stenographer: Bobbi Fisher, RPR
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(Exhibits on file in Clerk of Court's Office.)

State's Exhibit

No.	Description	ID.	REC'D
1	Records	86	87

Respondent's Exhibit

No.	Description	ID.	REC'D
1	Certificates of Completion	223	229

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1	Jury Note/Question	274	274

P R O C E E D I N G S

(The jury panel entered the courtroom at 12:25 p.m.)

JURY VOIR DIRE

THE COURT: All right. Up to this point in time, you-all have been determined to serve as jurors. Now, I need to go one step further and make sure that you're qualified to serve on a particular case. In that regard, I have a few questions to ask you, and if any of these questions apply to you, I need for you to please stand.

The case that we're going to try is the case called: In the Matter of the Care and Treatment of Paul Shuler II. In this case, the State of South Carolina alleges that Paul Shuler is a sexually violent predator and seeks the involuntary civil commitment of Mr. Shuler for the long-term control, care, and treatment in a secure facility. Mr. Shuler denies that this is needed and seeks to be released.

In this regard, has any member of the jury panel heard anything about this case? read anything about this case? talked to anybody about this case? If you know anything at all about this case, please stand.

(No response given.)

THE COURT: And, Mr. Paul Shuler, if you'd be so kind as to please stand and turn and face the jury panel.

(The defendant complies.)

THE COURT: All right. Thank you. You may be seated.

Is any member of the jury panel related by blood or marriage or has a close personal or social relationship with Mr. Shuler in this case? If so, please stand.

(No response given.)

THE COURT: All right. And would the attorney for the State of South Carolina, Mr. Fisher, stand and introduce yourself.

MR. FISHER: Good morning. Good afternoon. My name is James or Jim Fisher. I'm an Assistant Attorney General for the State of South Carolina. Thank you.

THE COURT: Thank you.

Is any member of the jury panel related by blood or marriage or has a close personal or social relationship with or has been represented by Mr. Fisher at any point in time? If so, please stand.

(No response given.)

THE COURT: Ms. Johnson, if you'd stand and introduce yourself and any members of your firm.

MS. JOHNSON: Thank you, Your Honor.

I'm Kindle Johnson. I have a law firm in Rock Hill, South Carolina, called K. Johnson Law Firm, and we go throughout the state. I represent Mr. Paul Shuler in this matter.

THE COURT: Thank you.

Is any member of the jury panel related by blood or

marriage or has a close personal or social relationship with Ms. Johnson in this case or has been represented by her or her firm at any point in time? If so, please stand.

(No response given.)

THE COURT: All right. The witnesses on behalf of the State of South Carolina will be a Dr. Christopher Gillen with the South Carolina Department of Mental Health. In this regard, is any member of the jury panel related by blood or marriage or has a close personal or social relationship with Dr. Gillen? If so, please stand.

(No response given.)

THE COURT: The witnesses on behalf of the Respondent will be Kim Woo, Corey Campbell, Desmond Grace, and William McGuire. Is any member of the jury panel related by blood or marriage or has a close personal or social relationship with any of the respondent's witnesses? If so, please stand.

(No response given.)

THE COURT: Has any member of the jury panel or any member of your immediate family ever been the victim of a crime of violence? If so, please stand.

(No response given.)

THE COURT: Has any member of the jury panel or any member of your immediate family ever been accused of a crime of violence? If so, please stand.

You can come forward if you'd like.

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

THE COURT: Your name and your juror number?

JUROR NO. 72: 72, Nicole Criss.

THE COURT: And how does that question apply to you?

JUROR NO. 72: My brother was convicted of a sex offense and imprisoned for 13 years.

THE COURT: Okay. Taking that into account, if you were selected to serve on the jury in this case, could you be fair and impartial not only to the respondent but the State as well?

JUROR NO. 72: Mm-hmm.

THE COURT: Is that a yes?

JUROR NO. 72: Yes.

THE COURT: Would you be fair and impartial to both sides?

JUROR NO. 72: Yes.

THE COURT: Thank you. Appreciate you coming forward.

(The juror returned to the gallery.)

MS. JOHNSON: Your Honor, we're going to -- I don't know if you have gotten my list, but I'm striking No. 10 just because of the child --

THE COURT: I thought what I would do is --

MS. JOHNSON: Just go through that.

THE COURT: His are just like yours.

MS. JOHNSON: Yes, sir.

THE COURT: I'll ask those and then I'm going to ask about the daycare workers.

MS. JOHNSON: Yeah, I think that will be good.

MR. FISHER: Who was that? No. 72?

MS. JOHNSON: She was No. 72, yeah.

THE COURT: Right.

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

THE COURT: Give me your name and your number, please, ma'am.

JUROR NO. 88: Betty Eng-Finucane, No. 88.

THE COURT: 88. Okay.

JUROR NO. 88: My sister-in-law was just arrested for domestic violence about 2-1/2 weeks ago.

THE COURT: Your sister-in-law was arrested for domestic violence? Is that what you said?

JUROR NO. 88: Mm-hmm.

THE COURT: And taking that into account, if you were selected to serve on the jury in this case, could you be fair and impartial to both the State and the respondent?

JUROR NO. 88: I think I would be.

THE COURT: Would you be fair and impartial to both

sides?

JUROR NO. 88: Yes.

THE COURT: Thank you. Appreciate you coming forward.

BENCH CONFERENCE

(The following bench conference the juror was held outside the hearing of the jury and others.)

THE COURT: What's your name and your juror number?

JUROR NO. 320: 320, Anne Sobien.

THE COURT: 320?

JUROR NO. 320: I don't know if this counts, but, like, when my sister was younger, somebody, like, tried to grab her purse and, you know, they threw her around a little bit, but that was it.

THE COURT: Taking that into account, if you were selected to serve on the jury in this case, could you be fair and impartial to the State and the respondent?

JUROR NO. 320: I would try, yes.

THE COURT: Would you be fair and impartial to both sides?

JUROR NO. 320: Yes.

THE COURT: Thank you.

(Open court resumes as follows:)

THE COURT: Has any member of the jury panel or any member of your immediate family ever been the victim of a sexual assault? If so, please stand.

(No response given.)

THE COURT: Does any member of the jury panel have any religious or closely held beliefs that would not allow you to render a verdict in this case? If so, please stand.

(No response given.)

THE DEPUTY: Your last question...

THE COURT: Come on up.

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

JUROR NO. 379: Whitney Miranda. Sorry...

THE COURT: What's your juror number; do you remember?

JUROR NO. 379: 379. I'm sorry. 379.

THE COURT: Just relax. You're good. And how does that question apply to you?

JUROR NO. 379: Yeah.

THE COURT: Which one was it? The sexual assault? Were you a victim?

JUROR NO. 379: Yes.

THE COURT: Taking that into account, if you were selected on the jury in this case, could you be fair and impartial to both the State and the respondent?

JUROR NO. 379: (Juror nods head in the negative.)

THE COURT: Okay. I'm going to excuse you. You don't have to stand up for any more questions.

She's excused.

MR. FISHER: What was that number?

THE COURT: 379.

MR. FISHER: I don't think I have a 379.

THE CLERK: Second page.

MS. JOHNSON: 36.

MR. FISHER: I don't have a 36 or a 379.

THE COURT: You should.

THE CLERK: Oh, I'm sorry...

MS. JOHNSON: Was that on the table?

THE CLERK: Yes, ma'am.

(Pause in the proceedings.)

THE COURT: Everybody ready?

(Open court resumes as follows:)

THE COURT: Does or has any member of the jury panel or member of your immediate family ever worked in the fields of psychiatry or psychology? If so, please stand.

BENCH CONFERENCE

(The following bench conference the juror was held outside the hearing of the jury and others.)

THE COURT: All right. Your name and juror number?

JUROR NO. 236: Oh, I don't know my juror number. Lori Murray.

THE COURT: Let's look it up real quick.

JUROR NO. 236: I think it was 236.

THE CLERK: 236.

THE COURT: How does that question apply to you?

JUROR NO. 236: I had my own non-profit agency for mental health in the state of New Jersey.

THE COURT: Taking that into account, if you were selected to serve on the jury in this case, could you be fair to the State and the respondent?

JUROR NO. 236: Yes.

THE COURT: Would you be fair to both sides?

JUROR NO. 236: Yes.

THE COURT: All right. Thank you. Appreciate you coming forward.

MS. JOHNSON: What number was she?

THE CLERK: 236.

MS. JOHNSON: Okay.

(Open court resumes as follows:)

THE COURT: Has any member of the jury panel been involved in or have any training in prison ministry, prison outreach, or any other program involving incarcerated persons? If so, please stand.

(No response given.)

THE COURT: Has any member of the jury panel ever been a school teacher, preschool teacher, daycare worker, or any other child-related job? If so, please stand.

BENCH CONFERENCE

(The following bench conference the juror was held outside the hearing of the jury and others.)

THE COURT: All right. Give them your name and your number again.

JUROR NO. 320: 320. Anne Sobien. I worked in an elementary school library for -- that's where I retired from -- for 20-some years.

THE COURT: Okay. Thank you. Appreciate you coming forward.

(The juror returned to the gallery.)

THE COURT: Anything else to ask?

MS. JOHNSON: I was just going to ask Your Honor about No. 8 and 9 of mine about moral and religious beliefs.

BENCH CONFERENCE

(The following bench conference was the juror held outside the hearing of the jury and others.)

THE COURT: Okay. Your name and your number?

JUROR NO. 277: Pam Reed, 277.

THE COURT: Okay.

JUROR NO. 277: And I was a preschool teacher.

THE COURT: Thank you. Appreciate you letting us know.

BENCH CONFERENCE

(The following bench conference was the juror held outside the hearing of the jury and others.)

THE COURT: Hi. Your name and your number.

JUROR NO. 194: Laura Lieck, 194.

THE COURT: Okay. And you were?

JUROR NO. 194: I was an assistant -- the last four years, I was assistant principal at a Christian school. And prior to that, a schoolteacher for 17 years.

THE COURT: Thank you. Appreciate you coming forward.

BENCH CONFERENCE

(The following bench conference was held with the juror outside the hearing of the jury and others.)

THE COURT: Your name and number?

JUROR NO. 88: Betty Eng-Finucane, No. 88. Retired elementary schoolteacher.

THE COURT: Thank you. Appreciate you letting us know.

BENCH CONFERENCE

(The following bench conference was held with the juror outside the hearing of the jury and others.)

THE COURT: Your name and number again?

JUROR NO. 236: 236, Lori Murray. I was a family advocate and worked with DYFS in the state of New Jersey through my non-profit agency.

THE COURT: Thank you. Appreciate you letting us know.

BENCH CONFERENCE

(The following bench conference was held with the juror outside the hearing of the jury and others.)

THE COURT: And your name and number?

JUROR NO. 117: Lee Goff. 117.

THE COURT: 117. All right. How did that question apply to you?

JUROR NO. 117: I ran education and then operations for non-profit children's museums.

THE COURT: Thank you. Appreciate you coming forward.

(The juror returned to the gallery.)

THE COURT: And which one did you want?

MS. JOHNSON: No. 8 and 9, Your Honor. Religious and moral convictions or prior convictions or sexually explicit language or details.

(Open court resumes as follows:)

THE COURT: Does any member of the jury panel have any moral or religious convictions which would prevent you from rendering a fair and impartial verdict in a case that involves a person with a criminal conviction? If so, please stand.

(No response given.)

THE COURT: Is anyone in the jury panel morally or religiously offended by sexually explicit language or details? If so, please stand.

(No response given.)

BENCH CONFERENCE

(The following bench conference held outside the hearing of the jury and others.)

THE COURT: Anything further from the Respondent?

MS. JOHNSON: And just No. 11 from the testimony of the expert witness and medical psychological question.

(Open court resumes:)

THE COURT: Is there any member of the jury panel who would give more weight to the testimony of a witness simply because that person is a medical or psychological professional? If so, please stand.

(No response given.)

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

THE COURT: All right. Anything further from the State?

MR. FISHER: No. 13.

THE COURT: I don't have a 13. What you got?

MR. FISHER: "Is there anyone related by blood or marriage to each other?"

MS. JOHNSON: Oh, okay.

(Open court resumes as follows:)

THE COURT: Is there any member of the jury panel who are related by blood or marriage to any other member on the jury panel? If so, please stand.

(No response given.)

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MS. JOHNSON: Thank you, Your Honor.

THE COURT: Do y'all want to take a few minutes and look at your list and let me know when you're ready?

MS. JOHNSON: How many --

THE COURT: Why don't we get two alternates. 12 jurors and two alternates. Let me know when you're ready to pick a jury.

(Open court resumes as follows:)

THE COURT: If everybody would just relax; they're studying your names, and we'll pick a jury in just a moment.

(Pause in the proceedings.)

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

THE DEPUTY: She just wants to talk to you about the sexual abuse question. She had a step-daughter that was removed from the house.

THE COURT: Why is she waiting?

THE DEPUTY: I don't know. Do you want me to have her come up?

THE COURT: Tell her to come on up here.

(Open court resumes as follows:)

THE COURT: Let me speak to the lawyers real quick at the same time.

MS. JOHNSON: Did you say you want to speak to us, Your

Honor?

BENCH CONFERENCE

(The following bench conference was the juror held outside the hearing of the jury and others.)

JUROR NO. 83: I'm sorry.

THE COURT: Hold on one second. Let's get the lawyers up here.

All right. Your name and your number.

JUROR NO. 83: Annette Duncan and it's 83.

THE COURT: What did you want?

JUROR NO. 83: It was a gray area, so I wasn't sure. My oldest daughter is adopted, and the reason she's adopted is because her family was sexually abused by the parents. And so, even though my daughter was not -- so it's not my immediate family, but I remained -- I'm in contact with her siblings, and so, I don't know if that counts.

THE COURT: Taking that into account, if you were selected to serve on the jury in this case, could you be fair to the State and the respondent?

JUROR NO. 83: I would try ---

THE COURT: Is that a yes?

JUROR NO. 83: --- but I will tell you that I have a preconceived perception.

THE COURT: What's your number again?

JUROR NO. 83: 83.

THE COURT: Strike her from this case.

JUROR NO. 83: Thank you. I'm sorry about that.

(Open court resumes as follows:)

(Pause in the proceedings.)

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

THE COURT: All right.

MR. FISHER: Kindle...

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MR. FISHER: Because of Kindle, I'm second-guessing myself. How many strikes do we get?

THE COURT: Four and four.

MR. FISHER: Okay. That's what I thought. Okay. Thanks.

(Open court resumes as follows:)

JURY SELECTION

THE CLERK: We'll start with the plaintiff. Please strike the numbers from the left, 1 through 20.

MR. FISHER: The State would strike No. 1.

THE CLERK: Plaintiff strikes No. 1.

MS. JOHNSON: The defense would strike No. 3.

THE CLERK: Defense strikes No. 3.

MR. FISHER: State strikes No. 11.

THE CLERK: Plaintiff strikes No. 11.

MS. JOHNSON: Defense strikes No. 22.

THE CLERK: 1 through 20, please.

MS. JOHNSON: I'm sorry. Defense strikes No. 18.

THE CLERK: Defense strikes No. 18.

MR. FISHER: The State strikes No. 4.

THE CLERK: Plaintiff strikes No. 4.

MS. JOHNSON: State -- I'm sorry, the defense strikes No. 10.

THE CLERK: Defense strikes No. 10.

MR. FISHER: The State strikes No. 15.

THE CLERK: Plaintiff strikes No. 15.

MS. JOHNSON: Defense strikes No. 17.

THE CLERK: Defense strikes No. 17.

Please pick a number 21 through 23.

MR. FISHER: The State strikes No. 23.

THE CLERK: Plaintiff strikes No. 23.

MS. JOHNSON: The defense strikes No. 22.

THE CLERK: Defense strikes No. 22.

Strike a number 24 through 26.

MR. FISHER: The State strikes No. 25.

THE CLERK: Plaintiff strikes No. 25.

MS. JOHNSON: Defense strikes No. 24.

THE CLERK: Defense strikes No. 24.

Let me review your strikes, please. Plaintiff strikes No. 1, 4, 11, 15, 23, and 25. Is that correct?

MR. FISHER: That is correct.

THE CLERK: Defense strikes No. 3, 10, 17, 18, 22, and 24. Is that correct?

MS. JOHNSON: That is correct.

THE CLERK: As I call your name and number, please be seated in the jury box:

202, John Mahoney.

No. 293, Jessica Ross.

278, Thomas Reed.

194, Laura Lieck.

309, Brandon Sealey.

82, John Doyle.

146, Benjamin Hopwood.

307, Vicki Schwartz.

358, Dennis Wade.

58, Patricia Chatman-Driver.

215, Robert McNeil.

285, Martha Ricciardi.

112, Samantha Gaylor.

254, Julie Pardue.

THE COURT: Any objections to the jury from the State?

MR. FISHER: None, Your Honor. Thank you.

THE COURT: Any from the defense?

MS. JOHNSON: None from the defense.

THE COURT: Members of the jury, if you'll be back at

2:00, we'll start this case. Do not research the case. Don't Google anybody's name. Don't look it up. Don't even talk about it to anybody. You'll get everything you need right here. Just go enjoy your lunch, and we'll see you back at 2:00.

(The jury exited the courtroom at 12:58 p.m.)

THE COURT: All right. The rest of you are excused. If you would call back in tomorrow after 6:00 to see if there are any further instructions for you. Have a good day.

(The remaining jury panel exited the courtroom at 12:59 p.m.)

THE COURT: All right. See you back at 2:00.

MS. JOHNSON: Thank you, Your Honor. Are they going to close the courtroom?

THE DEPUTY: Yes.

MR. FISHER: Judge, before we recess, is it your intent to take up the pretrial motions when we get back at 2:00?

THE COURT: We can do it right now. I was skipping ahead right on into the trial.

Okay. And what kind of pretrial motions do we have for the State?

MOTIONS/MATTERS OF LAW

MR. FISHER: Judge, there's three pretrial motions. They're all motions in limine. You should have also received a memorandum of law.

The first memorandum of law -- and I have attached the case law or cited to the case law. The first motion is -- as to where if, in the event that Mr. Shuler is committed, that there be no reference to prison, jail, any kind of incarceration. This is a detainment for a secure -- in a secure facility for care and treatment of his mental health issues that Mr. Shuler -- I believe Mr. Shuler has. So, I would ask that there be no reference to prison or jail.

And, Judge, so the Court's aware, the residents used to be detained out at Broad River, which was part of the prison system. That's not the case any longer. They have their own separate facility. However, I'm asking that there be no reference to it being a jail or a prison or anything like that simply because it's not relevant.

THE COURT: Any objections to that?

MS. JOHNSON: Your Honor, we wouldn't go -- I mean, obviously, my client's been in prison, but I think that's different than what Attorney Fisher is saying as far as characterizing Wellpath as a prison facility or something like that. We have no intention of doing it that way.

THE COURT: All right. Second one?

MR. FISHER: And then, Judge, the second motion that I have is that there be no reference to any treatment. We're here to determine as to the relevance of whether Mr. Shuler has a mental abnormality or personality disorder that makes

him likely to re-offend. And it's our goal that he get the treatment in Wellpath, but there should be no reference whatsoever to outpatient treatment or what type of treatment or anything like that. That's up for the professional, should he be committed. So, I ask that there be no reference to any treatment outside of any facility.

THE COURT: Any objection?

MS. JOHNSON: Your Honor, we would like to get into the availability of treatment outside of Wellpath, that there are options to being treated and having counseling that do not require detention of my client or involuntary commitment.

And in particular in this case, it's one of the strange ones, but we -- my client has already lined up sex offender treatment, although that's not sexually violent offender treatment necessarily.

But we wouldn't be going into the details about how that's better or what it's comprised of, only that it's available out -- without having to have him detained.

MR. FISHER: And, Judge, we're here -- it's simply not relevant. We're here for whether or not Mr. Shuler has a mental abnormality or personality disorder that makes him likely to re-offend if he's not confined in long-term care, control, and treatment. What he may or may not have on the outside is irrelevant.

And, personally, I hope that he does get all the

treatment he can stand, but at this point, for these proceedings, it's simply not relevant.

THE COURT: I tend to agree.

MS. JOHNSON: Your Honor, if the -- the sexually violent predator law deals with confinement, and that confinement is necessary because they pose such a danger that they need to receive treatment, and we would argue that it is relevant because it goes to the fact that there is treatment that does not require confinement. And so, based on that, we believe that it's relevant to the case.

THE COURT: Well, I guess the jury has to commit him or not commit him. Whether there's something else outside of that, obviously, is irrelevant because that's after the fact. What they're looking at right now is everything they need to know as to whether or not he needs to be committed to a secure facility or not.

MS. JOHNSON: Yes, Your Honor, but because part of that statute requires -- is a question of whether he requires confinement so that he can receive treatment, then we believe that it's actually directly relevant to the actual issue at hand.

THE COURT: Well, why don't you just ask one question that you sort of insinuated, that there is treatment outside a secure facility or whatever, instead of going into great detail and all that.

MS. JOHNSON: You would prefer me to limit that, Your Honor?

THE COURT: You can mention that.

MR. FISHER: Judge, I'm not sure I understand the Court's ruling, but if we're going to get into any form of treatment -- we are here -- I think I said it pretty clearly. We're here on whether or not he needs to be confined for long-term control, care, and treatment, and whether or not he has a mental abnormality or personality disorder. All the other stuff about treatment is completely irrelevant, and I think it's dangerous to go down that road.

THE COURT: Well, it seems to me, if he's telling himself that "I need some treatment" and he's making that step to get treatment, he's lined up treatment, then he's showing that he exhibits some form of trying to correct things. It does seem to me it goes to the ultimate issue in the case, I would certainly agree. It's kind of like somebody pleading guilty in court or somebody having a trial. They're having a trial to say, "I'm not guilty" and they're not taking any responsibility at all.

MR. FISHER: I understand what the Court's saying. I think we're in Common Pleas. This is not a criminal case.

THE COURT: But the jury could say, "We want him committed."

MR. FISHER: It's either he's going to be committed or

not. If Mr. Shuler wants to seek all the treatment should he not be committed, that's on him. Have at it. But for these proceedings, it seems to me it's irrelevant. And, Judge, I'm not sure I understand the --

THE COURT: But, at the same time, he is showing some signs that he is taking responsibility. He is trying to get better. He might not be clear enough to be let out, but at the same time, he wants the support. It does seem relevant to a certain degree.

I don't know if it's a big deal as we're all making it, but I'm going to let her ask about it anyway. The doctor can always say, "That's not good enough, I don't think he's good enough for that, I think he would still be a danger." The doctor can still say all that stuff.

MR. FISHER: I understand the Court's ruling, and the State objects.

THE COURT: All right.

MR. FISHER: And the third motion: Any mention whatsoever of how long Mr. Shuler has been in custody, will be in custody, it's completely irrelevant to these proceedings.

THE COURT: Any objection to that?

MS. JOHNSON: Your Honor, just -- we weren't going to get into it. I believe the statute says indeterminant amount of time, and we would like to be able to mention the part that it's indeterminant or even use the phrase "indefinite."

THE COURT: He's talking about the jail time he's already served.

MS. JOHNSON: Oh, the jail time already served?

MR. FISHER: Any reference to any confinement that Mr. Shuler has served or will served. And the statute has -- I have read that statute cover to cover; it doesn't say anything about indeterminant. What it does say is that he will be confined for long-term control, care, and treatment.

THE COURT: You're talking about the time he's already served in jail?

MR. FISHER: Correct.

THE COURT: Y'all keep going over into the second half.

MS. JOHNSON: So, you're objecting to how much time he's already served in jail?

MR. FISHER: I'm objecting to any reference to time served in custody, whether it be in the future or whether it be in the past. I don't think it's relevant.

This jury is charged with determining whether Mr. Shuler has a mental abnormality or personality disorder such that, if he is not confined, he's likely to re-offend. That's all. Because -- and, Judge, we're going to get into this, I think, in a minute because I have seen a motion in limine from Ms. Johnson -- and I'm aware of it -- that Mr. Shuler wants to be able to say, "Well, I'm going to get treatment outside. I'm going to be held for X amount of time -- X amount of

days."

If Mr. Shuler takes the stand and he says, "I'm better; I'm going to get treatment," then I should be able to get into the fact that, then, you will hold the keys to the hospital. Mr. Shuler handles -- owns the keys.

So, if he's committed, it's not up to me and it's not -- it would be up to a Court and jury sometime in the future whether or not he's made such progress that he's no longer a danger to the community.

THE COURT: Let's do this. The time he's served in the past, I think that should come in. I mean, if he's served 10 years or 20 years, and he's now being released and therefore, we're at this stage in the process. But as to the future, it would be speculative as to how long he's committed. That's not up to you, me, or any of us. So, the past is okay and the future, I don't know that he would be able to define it. I'm charging the jury anyway, so they're going to know that.

MS. JOHNSON: And, so, Your Honor, you -- I'm not allowed to say -- use the phrase "indeterminant" or "indefinite"?

THE COURT: Or we just don't know. He will be confined. I think the charge lays it out and tells the jury all they need to know.

MR. FISHER: And those are the three motions, Your Honor.

THE COURT: All right. And how about from you, Ms. Johnson?

MS. JOHNSON: And, Your Honor, if I just may clarify: As far as the existence of outside treatment, I'm limited into how much I can bring that --

THE COURT: A little bit, but I think you can. It's somewhat relevant.

MS. JOHNSON: Okay. Thank you, Your Honor.

And my motions in limine, I think a lot of these have been handled. We striking No. 1, Your Honor. No. 2, that motion is just regarding my client's likelihood of seeking sexually violent treatment. As I have mentioned before in the arguments, we do want to discuss that it's available, but we do not want, for example, Dr. Gillen saying, "Well, it's not likely he's going to get treatment because he hasn't done anything for himself." I don't necessarily think that's going to apply in this case because my client has been quite proactive, but just in case, we want it to be limited strictly to his likelihood of seeking treatment thereafter.

MR. FISHER: Judge, I think -- this is a very dangerous slope we're about to go down, because -- and I just want to get through this trial, but I don't want it to turn into something else, because if Mr. Shuler takes the stand and starts saying things, then that's going to open the door to a lot -- to a lot of questions of which I would ask the liberty to go cross-examine him on.

THE COURT: Sure.

MR. FISHER: And I don't want to turn it into a collateral trial on treatment. I want to keep it -- the guardrails on as to the real issues here.

THE COURT: You can.

All right. Any others?

MS. JOHNSON: I don't -- I don't know what we're doing on No. 2, Your Honor. Have you -- am I allowed to -- Your Honor, I can't tell if you've --

THE COURT: You're talking about him seeking treatment on his own if he gets out?

MS. JOHNSON: Yes. I wanted him to be able to -- I want there -- testimony to be allowed as to availability but not as to likelihood.

THE COURT: Yeah, if he wants treatment outside.

MS. JOHNSON: Yes.

THE COURT: I have already said that's fine.

MS. JOHNSON: Your Honor, we have already taken care of No. 3 and 4 on mine.

No. 5 is just Dr. Gillen being a conduit for inadmissible hearsay, and specifically -- and I believe some of them deal with my client's -- anything that's been nolle prossed or dismissed.

I'm happy to do that as it comes, Your Honor, to object if the issue arises as it comes. I know we have tried cases with Dr. Gillen before. I haven't found him to be a person

who does that excessively, so I'm happy to deal with that as it comes through the trial.

And, again, that's going to be -- and I don't know what the State will be offering as to any prior arrests or convictions that were nolle prossed or dismissed. I do know that some of them are taken into account when the evaluator does his evaluation and some of his statistical analysis, but we do want at least testimony about some of the details of those limited.

MR. FISHER: There's no escaping it. Dr. Gillen is going to talk about the things that he relied on. It's expert testimony under 702 and 703. It's entirely admissible. The problem we run into is when it gets hearsay upon hearsay upon hearsay and then it becomes really problematic because you don't -- none of us really know what the jury is relying on.

Having said that, it's not my intention to go any further than I absolutely have to, to get the expert to testify as to how he reached his opinion. And some of it is going to be a little graphic but limited.

MS. JOHNSON: And, Your Honor, that's another thing that I think, if it arises, I can certainly deal with it at that time. But that is basically -- and that's the same for 6, 7, and 8. You know, if the testimony starts to be a little excessive, I'll certainly object at that time, but that would be the extent of our motions.

Oh, Your Honor, we do have a motion. And I did not -- and I mentioned this to Mr. Fisher and he's already told me he's going to object, and it's just that we would request a bench trial instead of a jury trial. I know we don't really have a -- my client doesn't have a right to a bench trial. We would argue that he -- there's a lot of difficulty getting fair trials when it comes to these sexually violent predator cases; that's why we would request it. But I do know, by statute, either of us can request a jury trial.

MR. FISHER: Judge, the right to a jury trial is statutorily enacted. The State has exercised that right and asked for a jury trial.

THE COURT: All right. 2:00, we'll start.

MR. FISHER: One last thing, Judge: Today, I was given approximately six witnesses. I don't know if these witnesses are going to be called. These are what I have received this morning from Ms. Johnson.

The first is Paul Shuler. No objection.

Of course, Dr. Gillen. No objection.

I don't know, on the facts and law in this case, what his mother; his pastor; Desmond Grace, Paul's Apostle, I don't know what that is. Or William Tracy McGuire; I don't know who that is.

I can anticipate 1 and 2, but I can't anticipate Witness 3, 4, 5, and 6. And I have no earthly idea what these people

are going to say.

If his mother is here and she wants to say she loves her son and wants to be there for him, I get all that, but it's not relevant to these proceedings.

I don't want to get a witness on the stand and then, you know, she's saying that she loves her son. I'm willing to stipulate that. But I don't have any earthly idea what these other four witnesses are going to say.

THE COURT: 2:00, we'll find out.

MS. JOHNSON: Do you want me to answer that, Your Honor, or are we moving forward?

THE COURT: I think you can call those witnesses if you want to.

MS. JOHNSON: Okay. Thank you, Your Honor.

THE COURT: See you at 2:00.

MR. FISHER: Thank you.

(A lunch recess was taken from 1:16 p.m. to 2:05 p.m.)

JUROR ISSUE

THE COURT: All right. I did have one juror -- Juror No. 309, Brandon Sealey, he said that he was accused of CSC at some time in the past but nothing ever came of it. Do y'all want me just to replace an alternate with him?

MR. FISHER: Yes, please.

MS. JOHNSON: We would not.

THE COURT: Are you good with that?

MS. JOHNSON: Your Honor, if that is -- if he sees so fit to do that; of course, we would not object to him remaining on the jury.

THE COURT: Do you want me just to bring him out and have him -- see if he could be fair and impartial?

MS. JOHNSON: That would work for us, Your Honor.

THE COURT: Bring out No. 309, Brandon Sealey.

Y'all can come up.

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

THE COURT: All right. And you're Brandon Sealey, Juror No. 309?

JUROR NO. 309: Yes, sir.

THE COURT: Tell them and tell me what you told the bailiff.

JUROR NO. 309: Yeah, I might have just misunderstood, when you were calling for -- if you've been accused of a crime of violence. I understood that to mean, like, gun violence or, like, assault and battery. But 18 years ago, I was accused of criminal sexual conduct. I wasn't convicted. I didn't have to register as a sex offender or anything, but I was accused.

THE COURT: Never went to court or anything?

JUROR NO. 309: No, sir.

THE COURT: Just somebody said something and that's it, or...

JUROR NO. 309: Well, I had to hire a lawyer. We met with the prosecutor. I was on probation. The whole nine yards. I did community service too.

THE COURT: I tell you what, I'm going to replace him with an alternate.

MR. FISHER: Thank you.

MS. JOHNSON: But, Your Honor, I mean, he hasn't said whether he can be fair and impartial.

THE COURT: You served how much time? Was it CSC 1, 2, 3?

JUROR NO. 309: I'm not sure what that means.

THE COURT: How much time could you have gotten?

JUROR NO. 309: According to what I was told, about 10 to 15 years.

THE COURT: I think that would disqualify him from serving as a juror, period.

MS. JOHNSON: But --

THE COURT: Much less this trial.

MS. JOHNSON: Was he convicted?

THE COURT: Anybody who was convicted of a crime that carries a punishment of more than one year is not qualified to serve as a juror.

MS. JOHNSON: Was he convicted? I thought he said he

wasn't convicted.

JUROR NO. 309: No.

THE COURT: You said you were on probation?

JUROR NO. 309: Yeah, I was put on probation.

THE COURT: He had to have had a conviction if he was on probation. And community service?

JUROR NO. 309: Yeah, I did community service.

MS. JOHNSON: But what were you convicted -- I'm sorry, Your Honor.

THE COURT: Go ahead. I'm fine. Ask him.

MS. JOHNSON: What were you convicted for?

JUROR NO. 309: I didn't -- I was never convicted of anything.

MR. FISHER: It sounds like some --

JUROR NO. 309: Oh, yeah, I was on the -- what's that called? Solicitor's intervention program.

THE COURT: So you don't have a record at all.

JUROR NO. 309: No.

THE COURT: All right. But, on this case, if you were selected -- well, you have been selected to serve as a juror. Now that we know what you're telling us, can you be fair and impartial to the State and to the respondent? You can tell just me honestly. It doesn't matter to me.

JUROR NO. 309: I don't know if it -- I don't know, to be honest.

THE COURT: That concerns you?

MS. JOHNSON: Your Honor, I guess one of my issues is -- because this is as to fairness and impartiality for any reason were brought up prior to this. So, if there has been no conviction, I'm not sure then why, all of a sudden, there would be an issue as to fairness and impartiality.

THE COURT: Because he didn't respond to one of the questions I asked when he should have.

MS. JOHNSON: But I do believe you asked if there's any reason why they --

THE COURT: But he didn't respond. And now he is responding. And he's hesitant to say he can be fair.

I'm assuming you would be leaning toward the guy that's been --

JUROR NO. 309: Well, I mean, being under that kind of pressure before, you know -- you know, I was having to go through the whole process of hiring an attorney and clearing my name.

THE COURT: All right. I'm going to replace him with an alternate. I have a hard time --

MR. FISHER: Thank you.

MS. JOHNSON: So, just to be clear, you cannot be fair and impartial?

JUROR NO. 309: I don't think so.

MS. JOHNSON: And, Your Honor, may I question him a

little further as to this?

THE COURT: Yeah, go ahead.

MS. JOHNSON: Is there any particular reason why you now are saying you can't be fair and impartial when, before, that was a question that was brought up? Is it all related to the fact that we are now asking you about this potential conviction?

JUROR NO. 309: No. I just misunderstood the judge's question. I didn't know whether or not my past would apply to what he was asking, so I decided to ask for clarification.

Now that I'm getting that clarification -- see, I mean, it's like I guess you could say I have been in his position. You know what I mean? I have been where he's sitting. I have had to go before a judge. I've had to go before a prosecutor. I have been arrested, you know, for a similar crime.

So, I don't think that I could really be fair in his case because I think I would be partial towards him, having been in that situation in my past, and the way it, like, affected my whole life going forward.

MS. JOHNSON: But you were aware -- even if you had questions about whether you were convicted or not, you had the sentiments about having this negative interaction with law enforcement and the criminal justice system; correct?

JUROR NO. 309: Not necessarily. I didn't think I was treated unfairly.

MS. JOHNSON: But now you believe that you could not be fair and impartial, even though you weren't treated unfairly?

THE COURT: He would be fair to you. He doesn't feel like he could be fair to the State.

JUROR NO. 309: Yeah, I'm saying that just the way the case was --

THE COURT: That's what he said.

JUROR NO. 309: I don't think I was treated unfairly back then, but...

THE COURT: Either way, my job is to give y'all a fair jury, and I don't think he can be fair under these circumstances.

MR. FISHER: Thank you for your candor.

JUROR NO. 309: You're welcome.

THE COURT: The first alternate now will become a juror.

MS. JOHNSON: And, Your Honor, we would obviously object as to him being removed from the jury.

THE COURT: I understand.

All right. Thank you. You're excused.

THE CLERK: What's your juror number?

JUROR NO. 309: 309.

THE COURT: And the first alternate is...

THE CLERK: Samantha Gaylor, 112.

THE COURT: Juror No. 112 will now be on the jury.

You can go.

JUROR NO. 309: Okay. Thank you.

THE COURT: Thank you.

MR. FISHER: Judge --

THE COURT: Hold on one second. Go ahead.

MR. FISHER: Can we approach again?

THE COURT: The jury is coming in now. Hold on one second. Go ahead.

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

MR. FISHER: I have certified copies of his convictions. They were in a folder. Now, they're not there. I don't know what happened. I'm taking responsibility for myself. I don't know what I did, but my fear is that I used them in the Carmichael case.

Is there -- I don't how to even get to them to see what I put into evidence because I might have put the Carmichael certified convictions --

THE COURT: You need to ask the lady down there. She would be familiar with all that stuff.

MS. JOHNSON: I've got my copy too. Do you want me to look real quick?

MR. FISHER: Yeah.

(Pause in the proceedings.)

THE COURT: So, you did find them?

MS. JOHNSON: The ones that I have are for Carmichael. They were used properly.

THE COURT: Okay.

(Pause in the proceedings.)

MR. FISHER: Found them, Judge. I found them.

THE COURT: So, we're ready?

(The jury entered the courtroom at 2:17 p.m.)

THE COURT: All right. All we need is the clerk of court so we can swear the jury in.

And, Ms. Lieck, I'm going to make you the forelady of the jury. If you would go ahead and come and take this very first seat in the front row.

JUROR NO. 194: Me?

THE COURT: Yes, ma'am.

As soon as we get the clerk here, we'll swear you-all in and get started.

(Pause in the proceedings.)

THE COURT: If you'll go ahead and swear the jury. We're ready to roll.

THE CLERK: Please stand and raise your right hand to be sworn.

(The jury was duly sworn.)

THE CLERK: You may be seated.

OPENING REMARKS

THE COURT: All right. Members of the jury, I want to

tell you a few things before we begin. The first thing I want to tell you is what your role is and what my role is and how they differ.

You, as the jury, you-all are the judge of the facts. In turn, I am the judge of the law. You ask yourselves, "Well, how does that differ?" What it means is that you-all determine what the facts of this case are. Not me, not my clerk, nobody in the audience. Just you.

You ask yourselves, "Well, how do we determine what the facts of the case are?" It's very simple. You'll look at the evidence. Evidence is made up of two things. It's made up of witnesses that come over here and get in that witness box and they're sworn in and they testify; and it can be made up of any exhibits admitted into the record as evidence. That could be reports, photographs, things of that nature. That is for you-all to determine what the facts of the case are.

At the very end of this trial, I'm going to instruct you on the law applicable to this case, and when I -- only when I tell you to begin your deliberations, you'll take the facts as you find them, the law as I give it to you, you'll put the two together, and make a decision therefrom; a lot of common sense in that process.

Furthermore, I want to let you know that, at no point in time do you need to start discussing this case until I tell you to. The reason I tell you that is because it would be

premature if you started talking about it before the State ended their case, before the Respondent ended their case, and before I gave you the law. You need everything before you get started making a decision.

So you say, "What can we talk about?" You can talk about yourselves, talk about sports, or whatever, but not this case until I tell you to and that will be at the very end.

Furthermore, at any point in time if you need a break, need to stand up, need to go to the restroom, something to eat or drink, that's fine. Just catch my attention or his attention, and we'll take a break and be sure you're taken care of.

I recognize the State for your opening statement.

MR. FISHER: Thank you, Judge.

Before we proceed, can Ms. Johnson and I approach?

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MR. FISHER: I don't know if your witnesses are in the courtroom, but if they are, I'm going to invoke the rule of sequestration.

THE COURT: Are they in the courtroom?

MS. JOHNSON: Yes, I have got two in the courtroom, Your Honor.

THE COURT: Just tell them to go out in the lobby real

quick.

All right. Go ahead and start your opening statement.

MR. FISHER: Good morning.

MS. JOHNSON: Wait a second.

MR. FISHER: Ms. Johnson's asked me to wait a second.

MS. JOHNSON: And, Your Honor, as soon as the testimony begins, I have instructed my witnesses to leave, unless you want --

MR. FISHER: What's the Court's pleasure?

THE COURT: They need to leave.

MS. JOHNSON: Now?

THE COURT: Yes.

MS. JOHNSON: Okay.

Thank you, Your Honor.

MR. FISHER: If it please the Court?

THE COURT: Yes. Go ahead.

OPENING STATEMENT ON BEHALF OF THE STATE

MR. FISHER: Well, it was a false start but we're starting now. You'll be pleased to know what lawyers say is not evidence, so I'm not going to be up here long-winded. All of the evidence is going to come from the witness stand in the form of exhibits and testimony.

We're here on a very unusual type of case. It's called an SVP, sexually violent predator. And the legislature invokes or passed this law that they have determined -- the

legislature -- that certain individuals, although they have completed their sentence, or maybe multiple sentences, are dangerous predators, sexual predators. And it's under 44-48-10 that the legislature has decided that these cases need to be considered by a jury, and that's why we're here today.

The State has to prove -- and I expect the evidence to show -- that Mr. Shuler suffers from a mental abnormality or a personality disorder. We're here because I expect Dr. Gillen to say that Mr. Shuler has a personality disorder. And what is that? It's other specified paraphilic disorder. And I expect Dr. Gillen will testify, and he will explain fully what this it is.

There's going to be some details that we have to get onto the table here, but what I want everybody to remember is that Mr. Shuler has served his sentence, and that's not why we're here.

The question is: Is Mr. Shuler, does his mental abnormality or personality disorder make him prone, likely to re-offend if he were to be released into the communities? So, therefore, Mr. Shuler needs to be confined for long-term control, care, but most importantly, treatment. That's why we're here. That's one of the reasons we're here.

The State believes Mr. Shuler needs treatment before we can release him back into the community. And the question is:

What were Mr. Shuler's qualifying offenses? And, at some point, I fully anticipate entering into evidence copies of the convictions.

Now, Dr. Gillen, as an expert -- and I anticipate to qualify him as an expert -- is going to state to you that he looked at a lot of data in order to come up with the conclusion that Mr. Shuler suffers from a mental abnormality or personality disorder and that, if he's not confined, that he's likely to re-offend. I'm trying to put this into the simpler terms, but that's ultimately what it is. I'm not going to use legal mumbo jumbo.

On September 6th, 2016, Mr. Shuler was convicted of criminal sexual conduct with a minor, an 11-year-old, and I expect the evidence to show that Mr. Shuler was running a martial arts studio, that this was one of his students, and that he sexually assaulted her.

And he was convicted of it. And he went to prison. And he served his prison sentence, and it's over. The question before us is whether or not Mr. Shuler needs to be confined for long-term care, control, and treatment.

I also have another certified copy of a conviction in which Mr. Shuler was convicted, on September 6th, 2016, of criminal sexual conduct in the first degree. Same victim. 11-year-old girl.

I also expect to enter into evidence dismissal or "nolle

prosequi" -- it's Latin; it means dismissed. And I have got the original here. And it says that certain charges were dismissed because Mr. Shuler entered a plea to criminal sexual conduct with a minor and criminal sexual conduct in the first degree and went to prison and was sentenced, but there are other charges that were dismissed, and these charges that were dismissed, Dr. Gillen can consider as he evaluates whether or not Mr. Shuler is likely to re-offend.

What it has to do with is compulsivity. Can't control yourself. Don't understand or appreciate what you're doing. That's what we're here for.

But there are other charges that were dismissed, including kidnapping, contributing to the delinquency of a minor, impersonating a law enforcement officer.

So, while Mr. Shuler has been arrested, he gets what's called pretrial release, and he can go out into the community while those original charges are pending. And while those charges were pending, before a conviction, before the judge accepted his plea, Mr. Shuler, two, three months out, on pretrial release, again re-offended with a friend of his daughter -- I'm sorry, with a friend of his son in his apartment complex.

And here's the rub in all of it: Mr. Shuler didn't appreciate that he put himself back into this high-risk situation.

So, he's waiting for his case to be resolved. He commits another offense -- actually, multiple offenses -- against a young lady, 13 years old, who was a friend of his son.

But then, finally, the straw that broke the camel's back -- one of them, anyway -- is, while Mr. Shuler is out, he has picked up a new offense, which indicates, at least to me and to the State, that he has what I have said before, compulsivity. He can't control himself.

But then while he's out, he commits yet another offense. This one is pretty in-depth: advertising online to young ladies. He's going to take photographs of them in a hotel room. And a woman showed up -- a young lady showed up, and I expect the evidence to show that this was nothing less than a con job.

So, he's got this young lady in a room. I don't know if she was in the country legally or not, but it's going to be important to know that Mr. Shuler took advantage of that situation when he sexually battered that woman as well.

So, he lures this woman to a hotel room. She will not comply with his sexual advances. He rapes her. And there were handcuffs. And there was a badge. And there's a statement made by Mr. Shuler that, "If you don't do what I say or if you go to law enforcement -- my father is the chief of police, here's my badge -- you'll be arrested, and I'll have you deported; all my friends are cops."

MS. JOHNSON: Your Honor --

MR. FISHER: But it has to do with --

MS. JOHNSON: Your Honor, may we approach?

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

MS. JOHNSON: Your Honor, I was trying to not object during the opening, but these are only some of the gory details that I don't believe are relevant and I believe they're unfairly prejudicial to my client. I mean, to even talk about this immigration issue and her [sic] using a badge, all of these are --

THE COURT: Opening statements are not evidence anyway.

MS. JOHNSON: But my concern is, once it's out of the jury, they already sort of have a prejudice against --

MR. FISHER: I fully anticipate Dr. Gillen testifying --

THE COURT: If he testifies to it and finds it relevant, then it is relevant.

MS. JOHNSON: But, I mean, of course, we're going to even have objections, Your Honor, about some -- because he hasn't been charged -- he did not find -- Dr. Gillen did not find that my client had paraphilic disorder, and there's a lot of gory details about the sexual advances towards these young people. And we believe, again, these are unfairly prejudicial.

So, I apologize for interrupting you during your opening but we are objecting.

THE COURT: I understand. I think it's admissible. I think the case law is that it's relevant. This is substantially outweighed by its prejudicial effect, if the doctor uses it in his diagnosis and recommendation. But in a civil trial or criminal trial, Lord knows it wouldn't come in, but in these kind of cases, I think they do come in based on the law that I have read.

MS. JOHNSON: Okay. Thank you, Your Honor.

(Open court continues as follows:)

MR. FISHER: So, while Mr. Shuler is waiting for his cases to be resolved, he has found a woman who may be in the country illegally. He sexually batters her. And then he makes unfounded -- not accusations or insinuations. "All my friends are cops; I'll have you deported." And of course this woman, she went directly to law enforcement.

All of this information is really important because it goes to Mr. Shuler's mental abnormality or personality disorder. His personality disorder is "other specified" -- "other specified/paraphilic disorder." And Dr. Gillen will explain what that is. Frankly, I'm not a doctor.

But the State has to prove whether Mr. Shuler has a mental abnormality or personality disorder. That's on the verdict form. That's No. 1.

No. 2 is: Is Mr. Shuler a risk to re-offend in the community if he's not detained for long-term care, control, and treatment? And that's why we're here. Because the issue is whether he will re-offend.

Now, I anticipate the evidence to show that not only will Mr. Shuler re-offend but that he doesn't appreciate, doesn't internalize the things that he's done, and the things that he will continue to do unless he gets the treatment.

So, in wrapping this up very quickly, this is about treatment. That is about taking Mr. Shuler and putting him in a position in the future to succeed so that he never finds himself going back to prison, so, he never finds him re-offending. This is ultimately a way to help Mr. Shuler. And when it's all said and done, I ask that you return a verdict that Mr. Shuler is a sexually violent predator.

Thank you.

THE COURT: All right. Respondent?

MS. JOHNSON: Thank you, Your Honor.

OPENING STATEMENT ON BEHALF OF THE RESPONDENT

MS. JOHNSON: Good afternoon, ladies and gentlemen. My name is Kindle Johnson, and I represent Paul Shuler, who is sitting just over there.

And as Attorney Fisher told you, we're here on a sexually violent predator case. So, he did give you a little bit of background about it, but it's sort of a strange law. Not

every state in the country has it, but basically, the law says there are some people who are sexually violent offenders -- they have committed sexual offenses, and they've gone to jail -- those people have to register when they get out, get watched.

But then the law says there's some people who are even more dangerous than sexually violent offenders, so just registering isn't enough; we're going to institutionalize them, we're going to put them in a facility, and we're going to force them to undergo treatment. And I believe the statute says for long-term control and treatment.

And so, it's not just a run-of-the-mill sexual offender issue. It's a question of is the person dangerous, more dangerous than others.

So, you're going to hear a little bit about Mr. Shuler today. And the good news is, I don't think that this case is going to go very long, but I am going to ask that you really kind of hone into a few things when you're listening to the testimony.

And so, one of the issues is about a mental abnormality. So, the law says that Mr. Shuler has to have -- for him to be considered a sexually violent predator, he has to have a mental abnormality or a personality disorder. So, I want you to listen out for that and what the State presents to you as evidence of his personality disorder.

Also, I want you to pay particular attention to this issue in the law, because the statute says it has to -- that his personality disorder has to make him likely to engage in sexual acts of violence if released, more probably than not. And so, that's really a question for you-all also, which is: Do I think that, once he's released, Mr. Shuler is more probably than not going to commit acts of sexual violence again?

And then, finally, there's part of that statute that says that he -- that confinement is required because he would be a menace.

So, basically, you have to find that the evidence shows that he has to be confined because he's such a menace to society. That's what you guys have to decide in order for my client to be considered a sexually violent predator.

An important thing to know is that my client does not have to prove he's not a sexually violent predator. You have heard in criminal cases where the State has to prove their case beyond a reasonable doubt. This is not a criminal case, but still, the State has to prove their case beyond a reasonable doubt.

And when I think of "beyond a reasonable doubt," I think of anything that -- any doubt that would cause you to pause, that would cause you concern, that would make you think "I'm not sure about that." That would be a reasonable doubt, and

my client would not be able to be convicted as a sexually violent predator or found to be a sexually violent predator.

Lastly, I want to talk to you about Mr. Shuler's past, which you're going hear about. So, you are going to hear that he committed sexually violent offenses. That's not even an issue for you guys to have to decide because, I'll be honest with you, he has. He's committed sexually violent offenses, and for those offenses, he went to prison and he served time.

And so, today, the question is not whether he should be punished for them, whether he should serve time for them, whether they were wrong, whether he did the wrong thing; those questions have already been answered because my client went to prison for those cases.

The question is now whether he's so violent that he can't go home after the time that he spent in prison. That's the real question. Does he have a personality disorder? Can he control himself? Is he so violent that we can't even allow him to have his liberty and move forward with his life?

So, I'm not going to stay, as I said, a long time talking to you today, this morning -- this afternoon during this opening argument, but I'll go into more detail after you have heard the evidence at closing. But I just ask that you pay very close attention to those, and I thank you for your service as a juror.

Thank you, Your Honor.

THE COURT: Call your first witness.

MR. FISHER: Yes, the State will call Dr. Gillen.

DR. CHRISTOPHER GILLEN,

after having been duly sworn, was examined and testified to as follows:

THE CLERK: Just state your name for the record, please.

THE WITNESS: My name is Christopher Gillen, G-i-l-l-e-n.

DIRECT EXAMINATION

BY MR. FISHER:

Q And, Dr. Gillen, are you employed?

A I am.

Q What do you do?

A I'm a psychologist for the South Carolina Department of Mental Health, Forensic Evaluation Service.

Q And how long have you been doing that?

A Since October of 2019.

Q And during that time, how many forensic analyses have you done?

A I have completed I think approximately 117 sexually violent predator evaluations, a handful of sex offender registry removal petition evaluations, another handful of psychosexual evaluations with patients who have been committed for long-term treatment at our main forensic hospital in Columbia, South Carolina; those were patients who were found either not guilty by reason of insanity for sexual crimes or

other crimes, having some sexual problems in the hospital, and I have been referred to do some evaluations with them to help with treatment.

And I think I have also done some assisting on competency evaluations, but that may have only been one or two when I first started. Most of my work has been exclusively with sexually violent predator, or SVP, cases since 2019.

Q And would you detail your education for the jury.

A Yes. So, I received my doctorate Ph.D. in clinical psychology from the University of Southern Mississippi in 2018. Prior to that, I received my master's degree in psychology from Carleton University in 2013 and my bachelor is in science in psychology from Carleton University as well in 2011.

Q And where did you -- did you do postgraduate work?

A I did, yes. So, after getting my doctorate in clinical psychology, I completed a one-year postdoctoral fellowship in forensic psychology. That was in Wisconsin, both at the Sand Ridge Secure Treatment Center and the Mendota Mental Health Institute. That is the main hospital and evaluation center where Wisconsin does their sexually violent person or their SVP program and their main forensic hospital there for competency-to-stand trial patients as well as individuals who were found not guilty because of a mental illness.

That training in Wisconsin encompassed both treatment

with individuals who have been committed in Wisconsin as sexually violent persons or SVPs as well as doing these types of evaluations with individuals who have been committed as sexually violent persons. Also conducting violence risk assessments for people who were hospitalized in the forensic hospitals in Wisconsin and competency-to-stand trial evaluations for people who, because of a mental illness, weren't able to proceed with their criminal charges in court there.

As part of my doctorate, I also completed a one-year American Psychological Association, or APA, accredited internship. That was at the University of Tennessee Health Science Center in Memphis, Tennessee. It was a what's called a broadband type of training. It's an intensive clinical year of training that you need in order to complete your doctorate. And I got some specific forensic psychology assessment experiences there in that year, to include domestic violence risk assessment training, competency-to-stand trial training with adults and juveniles, juvenile waiver to adult court evaluations through the juvenile court system in Shelby County, Tennessee, as well as other types of treatment work with individuals, both adults and children there.

Q And have you been published?

A Yes, I have.

Q Can you explain briefly how you have been published and

where?

A So, in academia, in university, one of the goals is to try and put forth peer-reviewed public research in your area of expertise. So, I have published 11 peer-reviewed public -- sorry, peer-reviewed publications and different scientific research articles. The majority of those have been first author publications, so I was the lead researcher and author on that work.

My work has really covered a lot of different areas, to include both forensic psychological assessment research; so, in other words, how good -- how reliable are tools that can be used in forensic assessments. I have also done work with personality assessment, you know, and how someone might express different types of criminal personality traits and how can we assess those.

And my most recent publication specifically dealt with evaluator decision-making in SVP, or sexually violent person, cases; what type of factors can influence an evaluator and the types of decisions that they make in these types of cases that I'll be discussing today.

Q And do you belong to any professional organizations?

A I belong to the American Psychology Law Society, or APLS, which is an organization devoted to how psychology and the law interact together and how psychology can help answer different types of legal questions that the courts might need guidance

on.
Q And are you licensed?
A I am, yes.
Q Where are you licensed?
A Here in the State of South Carolina.
Q So, you are licensed in South Carolina for what?
A I'm licensed as a psychologist here in the State of South Carolina.
Q And how long have you been so licensed?
A I believe I received my license in January of 2020.
Q What does the area of forensic psychology entail?
A So, broadly, forensic psychology is how the study of behavior, personality, emotions in people and how that applies to the criminal justice system. So, the word that often is used is "interface," which is really how those two things come together broadly to answer different types of questions that the Court might be interested in.
Q And have you been qualified as an expert in forensic psychology in courts in the state of South Carolina?
A I have.
Q How many times?
A I believe 13 separate times.
Q Have you been qualified as an expert in forensic psychology on SVP cases?
A Yes. Each of those 13 cases were sexually violent

predator cases here in South Carolina.
Q And were you asked to do an evaluation on Mr. Shuler?
A I was.
Q Explain how that happened for the jury.
A So, as the Department of Mental Health, or DMH, employee at Forensic Evaluation Services, my supervisor, Dr. Kelly Gothard, assigns the cases that her staff, you know, is to do. And so, I was told to do the evaluation by my boss, basically.
Q And did you do an evaluation on Mr. Shuler?
A Yes.
Q Do you see Mr. Shuler in the courtroom?
A I actually don't because the easel is blocking him, but I saw him earlier, and I assume he's still there. There he is. Yep, that's him.
MR. FISHER: Let the record reflect the in-court identification of Mr. Shuler.
BY MR. FISHER:
Q What is mental abnormality or personality disorder?
A So, the statute defines a mental abnormality as a disorder affecting a person's emotional or volitional capacity that predisposes the person to commit sexually violent offenses. Basically what that means is that there's some underlying mental condition, some sort of emotional behavioral problem that a person has that causes them a severe difficulty to control their sexual behavior, and it's going to increase

their likelihood of committing those same types of sex offenses again in the future.

Q And did you have a chance to interview Mr. Shuler and where was that?

A Yes, I did. I interviewed Mr. Shuler on two occasions in February of 2024 for approximately 8-1/2 total hours of clinical interviews, and that occurred over at the main hospital grounds, Crafts-Farrow State Hospital grounds, Department of Mental Health in Columbia, South Carolina.

Q And did you explain to Mr. Shuler the purpose of your evaluation?

A I did, yes.

Q And explain to the jury what you explained to Mr. Shuler.

A That he was referred for an evaluation under the Sexually Violent Predator Act. I explained what the Act entailed. I explained the limits of confidentiality; so, for example, that things we talked about in our interview together weren't secret, they weren't confidential. It's not like a typical doctor-patient conversation that stays between you. He was aware of that.

He was also made aware that, if I had to testify in the case, like I'm doing now, people who aren't directly involved in the legal system, like the judge in the case or the attorneys in the case, would also hear about our interview together through the testimony that I provide.

He was alerted to that and he agreed to proceed with the evaluation.

Q How many times did you interview Mr. Shuler?

A Twice.

Q Do you remember the dates on that?

A One was early February and one was late February. I can get the specific dates here. February 6th and February 29th in 2024.

Q And did you prepare a report in this case?

A I did.

Q What's the date on that report?

A The date on the report is May 1st, 2024.

Q From May 1, 2024, through today, has anything happened that you would change your ultimate diagnosis?

A No, I'm not aware of any new information since I submitted my report.

Q Can you briefly explain to the jury what documents or -- what did you rely on to conduct this evaluation?

A So, lots of different information was relied upon to form my opinion and to complete the evaluation. I did a review of the criminal history records. That's going to include things like incident reports, victim statements, warrants, indictments, sentencing sheets.

I also looked at Department of Corrections records to include medical/mental health records, disciplinary records,

both Department of Corrections in South Carolina as well as the -- I believe it's the Department of Rehabilitation and Corrections in Ohio for records from when he was in prison there.

I also looked at what are called forensic interviews. So, for example, when someone is alleged to be a victim of sexual abuse, usually children, they'll go and meet with a trained provider who conducts an interview to try and gather information about what happened. So, I was able to review those forensic interview reports in Mr. Shuler's case.

I also took a look at collateral sources. So, what that means, these are other people besides Mr. Shuler that I talked to that know him or know about him that can give me some additional information about him.

So, I conducted two separate telephone interviews with both his mother and father, and that information was used as part of my opinion. As I already testified to, I also met with Mr. Shuler for about 8-1/2 total hours of clinical interviewing, and that information was used.

In this case, I also scored what's known as the Minnesota Multiphasic Personality Inventory 3, or MMPI-3. That is a broadband psychological and personality testing inventory. It's a true/false test of 330 questions that people fill out to try and get an idea about their personality and psychological functioning. I used that to help inform some of

my diagnostic decisions.

I also scored different sex offense-specific risk assessment measures. One is the Static-99R or Static-99 Revised, and the other one was the Violence Risk Scale Sex Offense Version, or VRS-SO. Both of those tools were used in my risk assessment of Mr. Shuler to help decide whether he is someone who is likely to commit sexually violent offenses if he gets released.

Q Now, in your report, you went into some detail about the family and developmental history. Can you explain to the jury why that's important?

A So, generally speaking, for every case, I want to review someone's background and family history because it can help me get some information for whether a personality disorder might be an appropriate diagnosis for the individual or not. Specifically what I mean by that is to get information about if there are problems that someone's been having in their life, to what degree are they long-standing, chronic, inflexible.

So, going back in time to when they were younger and their family functioning is for me to gather information to see if there are problems, how long they have been present for.

Q Is the best indicator of future conduct past conduct?

A Generally speaking, yes.

Q So, Mr. Shuler's developmental or family history, what were you able to acquire?

A So, there was a few pieces of information that were relevant in this specific case. One is that Mr. Shuler told me that he was basically sent to a boys' home when he was in Ohio between age 12 and 13 for stealing some caps for a cap gun, and he was also sent to their -- "their" being Ohio's Department of Juvenile Justice for a few weeks after he was caught stealing a jersey around age, I believe, 13 or 14. So, that just kind of shows some of these behavior problems happened, that also happened when he was an adult, happened long before then.

Also talking with his father, I learned that he was bullying other kids in his marital arts class when he was a student around age 9 --

MS. JOHNSON: Your Honor, I object. I object to that hearsay.

THE COURT: Sustained.

THE WITNESS: So, just -- oh, sorry.

THE COURT: Y'all come on up here.

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

THE COURT: Your objection was for what reason?

MS. JOHNSON: I objected for hearsay. I also think it's

unfairly prejudicial and irrelevant.

MR. FISHER: He specifically just said that he relied on it in conducting his evaluation. And we're going to get there because this is -- he's got antisocial personality traits.

MS. JOHNSON: Your Honor, the concern is that he says he got it from his father, who is not a mental health -- a mental health aficionado or some sort of licensed person. But also, just the issue of bullying, that's very prejudicial to my client. I think it's unfairly prejudicial.

And while he may have used it for a basis, using the exact statement, I mean, certainly he can say there's some issues of bullying, but using the exact statement from his father I think is hearsay, Your Honor.

THE COURT: Of course, you stated a whole lot of stuff in there.

MS. JOHNSON: I did. I apologize.

THE COURT: I think most of what he's saying is relevant, and the relevance substantially outweighs its prejudicial effect, but we still got to get around the hearsay. He can talk with the father. He got information from the father. He indicated he was bullying or whatever. But "the father said" is still hearsay.

MR. FISHER: Well, I don't -- the witness can clearly ---

THE COURT: Rely on.

MR. FISHER: --- rely on hearsay, and so I don't

understand the objection. It's not hearsay on hearsay. It's hearsay what he used to render his opinion that he's got antisocial personality traits. And I have got to prove that he started that before the age of 15. So the testimony is 12 to 13, he was doing this, as early as the age of 9 and 10.

MS. JOHNSON: But he hasn't been diagnosed with antisocial personality disorder.

MR. FISHER: Yes, he has, with traits. With traits.

MS. JOHNSON: He's been diagnosed with "other specified personality disorder."

MR. FISHER: With antisocial personality, narcissistic personality disorder traits, yes.

MS. JOHNSON: Your Honor, the report that I have, Dr. Gillen said he was diagnosed with other --

THE COURT: You can cross-examine him in that regard.

MS. JOHNSON: But if we're talking about hearsay -- and my understanding is Mr. Fisher is saying that it's related to his antisocial personality disorder and that he has to prove it based on age and that's why these issues about bullying, the statement about bullying should come in under those.

I said a lot of words just now.

But -- and one of my objections was to relevance. The fact that he has not been diagnosed with antisocial personality is a huge deal.

THE COURT: I think you can cross-examine him in that

regard.

MS. JOHNSON: Okay.

THE COURT: Any holes in his testimony, you can --

MS. JOHNSON: So as far as -- so is he allowed to do the --

MR. FISHER: I'm going to move on. It doesn't matter, but you know...

MS. JOHNSON: Okay.

(Open court resumes:)

BY MR. FISHER:

Q So, at some point, was Mr. Shuler placed into protective custody? Or explain why was that important to you.

A It was important because he had reported --

Q Who is "he"?

A Mr. Shuler.

He had reported that he wasn't able to get to a job when he was a teenager because he was at this facility, he wasn't able to get there. So, in looking at some problems with employment, that helped explain maybe why he was having some problems showing up on time to a job when he was a teenager. So it made sense in that context why he was having those problems.

Q Explain to the jury why you believe that the academic history is important for Mr. Shuler.

A So, for Mr. Shuler and for everyone that I evaluate, I

want to figure out how their academic functioning was so I can get an idea of how well they're doing intellectually. It's going to help me craft the questions that I answer, how I -- how I ask them.

But for Mr. Shuler specifically, I was interested to learn about his disciplinary history, again, for the same reasons I was interested to learn about maybe some of his earlier developmental history, to see if there was that long-standing pattern of rule violating and behavior problems from a young age in the school setting.

Q And what did you learn about Mr. Shuler and academic history?

A So, he told me that he basically left school after a suspension over threatening a principal at school. And then there was also a time where he said he got an expulsion because he had a knife in his possession, from around age 12 or 13.

Q Let's change subjects a little bit and talk about Mr. Shuler's employment history. Why is that important to you?

A So, it's another setting to look at to see if a personality disorder might be applicable for someone. Specifically, if someone is having problems on the job, is that one of the areas where maybe that personality disorder is being expressed. So, I asked questions to figure out how his

employment history was.

Q And what did you learn about Mr. Shuler's employment history?

A For the most part, he reported a fairly positive employment history in the community with not a lot of problems. The only problems that he had mentioned were what I testified to earlier about the times when he had some tardies and absenteeism from a teenage job that he had because he was placed in a foster or group home, which got in the way of him being able to get to that job.

So, really, looking at his employment in the community outside of that, he didn't report problems in that area.

Q Did you subsequently learn that Mr. Shuler ran a martial arts studio?

A Yes, as an adult. Yes.

Q Well, not only the employment as a juvenile or even young teen but even as an adult, why was Mr. Shuler's employment history important?

A Yeah, that's a good question. So, with Mr. Shuler, he had two jobs that he characterized as more part-time or seasonal-type jobs. One of them was the martial arts instructor. And to answer that question, that was important because he was convicted of sexually abusing one of his students over three to four months of time in his role as the instructor.

Q Let's talk about Mr. Shuler's South Carolina Department of Corrections work history.

A Mm-hmm.

Q So, was Mr. Shuler ever terminated from a position while in custody at South Carolina?

A Yes, twice.

Q What were those for?

A So, in 2020 and 2021, one was as the result of a major disciplinary infraction which he received outside of the workplace. So, losing his job was a consequence for that disciplinary infraction.

In 2021, it was considered a protective custody move, so he lost his job as a result of that.

When I was talking with him during our interview together, he had mentioned that that second termination was because he had asked a cellmate or a peer in prison to order some markers in for him. And unbeknownst to him or without his awareness, he says, that showed up hollowed out with tobacco, a contraband item inside it. So, he was framing that as something he didn't know was going to happen, that this peer ordered that in for him, but he received the disciplinary sanction. That's why he said he lost that job in 2021.

Q Did Mr. Shuler initially tell you that he had lost the position in SCDC? Explain how that came out.

A So, initially, he said no, and then when I pulled the

records and said, "Well, it says you lost a job because of a disciplinary reason in 2020," he then explained and acknowledged that happened.

Q Was that important to you, the initial denial and then once --

A I mean, you know, usually in most cases I'm not going to put tons of stock into that. These are high-pressure interviews. It's not uncommon for people to be nervous or maybe make mental slips.

In the case for Mr. Shuler, though, given he has a long-standing history of deceit, deception, conning, manipulating, when there's inconsistencies like that that come up in the interview, I put maybe a little bit more stock into that as potential evidence of withholding information or maybe not being initially forthcoming more so than maybe I would in other cases.

Q Let's change subjects and talk about Mr. Shuler's relationship history. Did Mr. Shuler indicate to you that he was married? And what were the parameters about that?

A He told me that he was married twice. In terms of the parameters, I guess, of the first marriage, he said that they had only been seeing each other for a very brief period of time and then he impulsively or really without thinking proposed to her.

When I asked, "Well, why did you decide to propose to

her?" he said he liked the idea of being a married man, thought that would come with a certain social status. So, that was his reason for pursuing that marriage.

And it terminated and ended in separation, I believe, maybe a month or so -- maybe a month and a half after they got married.

The second marriage was more recently. With that marriage, it was with someone who was living abroad. It was mostly a long-distance relationship. Even though they had gotten married earlier, they maintained that relationship long distance over a number of years before she moved to the United States with him just before he was imprisoned for his most recent sex offense.

Q What does that tell you about the impulsivity or compulsivity of Mr. Shuler?

A So, the first one for impulsivity, I mean, even by his own accounts, that was a very impulsive decision to marry someone so quickly after meeting them without really thinking of the consequences or the stakes involved in that decision.

With his most recent marriage, when it talks about compulsivity, he was very upfront that he was unfaithful to his second wife both while she was out of the country and also while she was in the country, by maintaining an affair with an administrative assistant at his martial arts studio initially, and then later when he was creating what he termed casting

couch pornography as a way to meet kind of short-term casual sexual partners.

Q Why is it important to you to evaluate Mr. Shuler's lack of fidelity to his wife?

A So, it speaks to both potential problems related to a personality disorder. One of the four broad areas related to personality disorders is relationships or interpersonal functioning. So, how someone interacts in their relationships is important for being able to rule in or rule out a diagnosis. It also speaks directly to both static and dynamic risk factors.

Very briefly, how long someone is in a relationship is predictive of their risk of potentially sexually offending again, and also the quality of that relationship is also important for someone's risk to commit a sex crime again, specifically whether they have deep, trusting, emotionally close relationships with intimate partners.

Q Well, what does it tell you when somebody's got a willing partner in a relationship but they're choosing to sexually violate underage or other people?

A There's a few things. So, for one, for a personality disorder, it reflects impulsive decision-making, acting without thinking of the consequences ahead of time. Even by his own account, he acknowledged that it reflects a lack of remorse. He didn't really think about how his actions were

impacting his wife when he chose to be unfaithful. That's also consistent with a personality disorder and problems with, you know, risk factors related to sexual offending again.

It also shows that he was committing sex offenses, not just being unfaithful -- I mean, that's something different -- but actually committing sex offenses while he was maintaining adult consensual sexual relationships with other people.

He was having sex with people, but despite that, he still went out and committed multiple sexual offenses. That's relevant because, again, it's to someone who has a severe difficulty being able to control their sexual behavior. Now, there's a high amount of sexual outlets that the person needs or has, and they still can't control their behavior.

So, it really hits on each of those things, which are relevant to this evaluation.

Q Let's change subjects a little bit and talk about Mr. Shuler's sexual history. What did Mr. Shuler tell you about his first sexual encounter?

A That it happened at age 15.

Q And how many times -- how many different sexual partners did Mr. Shuler claim to have?

A He reported over a hundred different sexual partners.

Q Were they relationships? What were they?

A He said the vast majority of those over 100 relationships were more casual encounters with strangers, or one-night

stands.

Q Why is that important to you?

A It's important because it speaks to both, in his case, risky sexual behavior, because he had said that, in many of those instances where he had sex with strangers, he didn't use a condom. I think he said he can count on one hand the number of times he used a condom, which speaks to engaging in risky sexual behavior over a long period of time with a large number of partners.

The other piece is that it kind of gets back to sexual compulsivity risk factor; as I just testified to, a high outlet of sexual -- sorry -- a high number of sexual outlets. Again, he's engaging in a lot of high-risk sexual behaviors over a long period of time.

What did Mr. Shuler tell you about his casting couch pornography? What was it?

A So, how he described it was essentially a ruse or a scheme to try and secure casual sexual partners. And so, how he described it was he would send out online advertisements about a --

MS. JOHNSON: Your Honor, I object as to Rule 403, Your Honor, relevance and prejudicial effect.

THE COURT: I'll overrule that and find that it's relevant. It substantially outweighs its prejudicial effect.

BY MR. FISHER:

Q Go ahead, Dr. Gillen.

A So, he had described that he was creating this pornography to try and get casual short-term sexual partners, so that he had created these online ads and then brought in cameras and video cameras to try and create what seemed like a more legitimate operation that he was running.

And how he was describing it was that was his way to try and get sexual partners. Again, basically promising them that they'd be able to maybe get some sort of modeling portfolio or a job. And so, that's relevant again because it's showing that he's going to great lengths. I mean, that's a very intricate plan. He's putting a lot of time and effort into trying to secure these sexual partners, more so than he even did in the past, based on what he told me.

Q Did you view this, in your clinical judgment, as a deceitful act or con job? How did you describe it?

A Oh, it was definitely a con job. And the reason being is he promised them something, and they believed they were going to get something out of doing this modeling --

MS. JOHNSON: Your Honor, objection to that. It's speculative in nature, what they believed.

THE COURT: What was your question again?

MR. FISHER: Well, it started out with what was the level of deceit or con job that Mr. Shuler was engaged in.

THE COURT: I'm going to overrule it, if that's the

question.

Go ahead and answer it.

A So, based on what he told me, that that is exactly what it was because he was setting up these advertisements, promising something that he was never going to offer the woman. He didn't own a modeling agency. He wasn't a professional photographer. He was doing it to try and secure sex from these women when they thought it was --

MS. JOHNSON: Your Honor, and that's my objection. What the women thought, I believe, is speculative.

MR. FISHER: Well, it's a statement directly from Mr. Shuler.

THE COURT: Overruled. Go ahead.

A So, right. Based on what Mr. Shuler was saying, that's exactly what it was. He was very forthcoming about that aspect of what he was doing for about six months before his most recent sex offense, and that what he was promising was not what was being delivered.

And his reason for doing it was to secure casual short-term sexual partners unbeknownst or in a way that the women weren't aware of, because he didn't tell them that. That's the thing I'm trying to get at is that he didn't say, "Oh, here's the trick" after it was all said and done. He told them what they'd get, and that was never what he intended to deliver.

BY MR. FISHER:

Q And did you challenge him by asking why were you doing this?

A I did because, again, this is someone who earlier told me that they've had, you know, well over a hundred casual sexual partners before. And so, I asked him, "Well, you know, why didn't you just go ahead and do that?" To me, you'd have a lot less time, a lot less planning, a lot less effort.

And he didn't really have an answer for why he put so much time and effort into that scheme to get casual short-term partners whereas it never really seemed to be a problem for him in the past.

Q Now, let's change subjects and talk about Mr. Shuler's legal history. Did you inquire as to what happened with the conviction for criminal sexual conduct with the minor child K.A.?

A Yes.

Q Explain what you asked Mr. Shuler and his response.

A So, I asked Mr. Shuler about what happened in that offense. His response was that there was no offense that happened at all. He denied any sexual behavior with K.A. in that offense.

Q When did this allegedly happen?

A So, between three to four months, it would have started late 2013 up until about March 2014.

Q And I said "allegedly," but it's really not alleged. I'm going to show you...

(Conferring with Ms. Johnson.)

MS. JOHNSON: Your Honor, may we approach?

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

MS. JOHNSON: Your Honor, Mr. Fisher is going to enter these into evidence, these records of his sexually violent offenses, his convictions. We don't object to that. The only objection we do have is that the arrest warrant has -- there's some details in the arrest warrant that we would ask to be redacted because of hearsay.

MR. FISHER: As long as the doctor relied on it, it's admissible under 703. I can't imagine for the life of me what --

MS. JOHNSON: I'm just telling you off the top of my head what I remember are there's some things about one of the victims yelling and ---

MR. FISHER: No, that's not in here.

MS. JOHNSON: --- which I think is unfairly prejudicial. That must be on another one. That's the only...

MR. FISHER: "She yelled for help after he raped her." Seems pretty logical to me.

MS. JOHNSON: I don't understand why those have to go in

when we're already -- I mean, you know, we agree that they're sexually violent offenses. We're not objecting to the entry of the sentencing sheet. The issue is the warrant that's got these details on it.

MR. FISHER: Judge, there's nothing -- I don't know what the objection is, but if it's hearsay, it's admissible under 702 and 703, and if the doctor relied on it, it's still admissible under 702 and 703. There's nothing in here that shocks the conscience or leads me to believe anyway that it's substantially outweighed by the prejudicial effect.

THE COURT: I think that stuff does come in.

MS. JOHNSON: Including all the details without redactions?

MR. FISHER: Well, there's not all the details. She had bruising on her wrists after he handcuffed her and raped her.

MS. JOHNSON: And, again, this is one of the issues about the gory details that I mentioned. We're not convicting my client. He's already been convicted for those things.

THE COURT: I understand.

MS. JOHNSON: And the jury already has --

THE COURT: I think what he's --

MR. FISHER: I don't --

THE COURT: -- is he relied on all that stuff to make his opinion.

MS. JOHNSON: But at some point, Your Honor, I mean, the

details of what he relied on, if they get transmitted to the jury, it's going to cause unfair prejudice to my client.

THE COURT: That's the quirky thing about these trials. I mean, in every trial known to man, they don't generally come in, but in this particular trial, the Courts have said the relevance substantially outweighs its prejudicial effect.

MS. JOHNSON: Thank you, Your Honor.

(Open court resumes:)

COURT STENOGRAPHER: State's No. 1.

(State's Exhibit No. 1, Records, was marked for identification.)

BY MR. FISHER:

Q Dr. Gillen, I'm showing you what's been now marked as State's Exhibit 1. Would you take a look at that. There's multiple documents. Take a minute and just review them, read all of them.

A (Witness reviews exhibit.) Mm-hmm.

Q Dr. Gillen, did you rely on State's Exhibit 1 in rendering your opinion in this case?

A I did.

Q Why were the convictions and even the cases that were dismissed important to you?

A They're important because they go to assessment of relevant mental abnormalities, potential personality disorders that someone might have, and what's really important is how

relevant those might be to someone's sexual offense history.

The second piece is that it's relevant with scoring accurately and reliably the different risk assessment tools that speak directly to whether Mr. Shuler is going to be likely to do this type of behavior again in the future.

MR. FISHER: Your Honor, at this time, I'd ask that State's Exhibit 1 for identification be received as State's Exhibit 1.

MS. JOHNSON: Into evidence?

MR. FISHER: Yes.

MS. JOHNSON: Your Honor, we would object based on unfair prejudice and relevance. We would ask that redactions be made as to the details in the warrants.

THE COURT: Come up here real quick.

BENCH CONFERENCE

(The following bench conference with the juror was held outside the hearing of the jury and others.)

THE COURT: Of course I've already ruled on the relevant stuff, but what reactions exactly are you wanting?

MS. JOHNSON: Just the details -- just the details in the warrants alone, Your Honor. The details here in the -- that he had been touching her privates, that she -- this one is under her breast -- clothes. I think it was -- it might be this one is the one. Okay. Met her at Hard Rock. Began photographing her for modeling portfolio. She declined to

wear a bathing suit. Then there's the immigration issue that was not -- that he was not convicted for.

He then forced her to commit oral sex on him, penetrated her vaginally, then turned over and penetrated her anally. She was in handcuffs during this whole process. Bruising on her wrists corroborated his [sic] story and that he [sic] was able to identify him, etc.

But we believe that information also is unfairly prejudicial. These are some of the gory details that --

THE COURT: I still think that's what he's relying on to make his opinion.

MS. JOHNSON: And I understand, Your Honor, but he could still make his opinion without the jury having all of these particular details.

THE COURT: Well, what's your take?

MR. FISHER: Judge, it's admissible. The doctor relied on it. And it's his opinion as to his ultimate opinion as to other specified paraphilic disorder with narcissistic and antisocial traits.

THE COURT: I tend to agree.

MR. FISHER: It's directly for a lack of empathy, which is antisocial.

MS. JOHNSON: And I understand that the charge and that the allegations go directly to the empathy, but all of these details are not necessary. He's got the conviction. And

while I understand Dr. Gillen relied on those convictions, we don't have to publish all of these details for Dr. Gillen to get his point across that he believes that the use of some violence and some coercion made him believe that he was higher risk.

THE COURT: I'm going to overrule it. I think, in this particular case, that stuff does come in, but I appreciate your objection.

MS. JOHNSON: Okay. Thank you, Your Honor.

(Open court resumes as follows:)

(State's Exhibit No. 1 was received into evidence.)

MR. FISHER: So State's Exhibit 1 has been received as State's Exhibit 1.

BY MR. FISHER:

Q Dr. Gillen, in regard to the sexual offense of K.A., when did you say that began?

A About three to four months before March of 2014.

Q And did you subsequently learn that Mr. Shuler was arrested for the criminal sexual conduct with a minor of K.A.?

A Yes.

Q And the next sexual offense that Mr. Shuler -- when did that happen and why was that important to you?

A So, the next sexual offense that he was arrested for was in, I believe, May of 2014. That's when it allegedly occurred. I believe the arrest happened in June, so the

following month, with it occurring the previous month in May.
Q Why is that important to you?
A Because he was arrested by police for sexually abusing an 11-year-old that he was later convicted of doing. He gets released on bond after being detected by law enforcement and then, just a short time later, he inserts himself back into a high-risk situation where he's alone with a 13-year-old female just two months after being released on bond. So, to me, that's concerning because he's re-entering and going back into those high-risk settings around minors that were directly related with why he was arrested in the first place.
Q Why is that concerning to you?
A It's concerning because it speaks to, again, a difficulty being able to control your behavior, being able to use proper what I call relapse prevention plans, being able to avoid and manage high-risk situations so that you can prevent yourself from committing a sex crime or even being charged or accused of a sex crime again. He just flat out didn't do it.
Q And in the police reports and other evidence that you reviewed, what did K.A. say about the abuse, where it happened specifically?
A Right. It was primarily in the martial arts studio, mostly in the office area.
Q And what did that sexual abuse entail?
A It involved touching both breasts and genital area and

then progressing to sexual intercourse.
Q Is manipulation important to you as you evaluate these SVP cases?
A Certainly. It's something that I'm evaluating and looking for.
Q So, how did Mr. Shuler have K.A. come to his office at the studio?
A So, he would ask her to come initially and then, over time, he let her know to just come on her own. And she complied because she thought he would just call her up anyway if she didn't come.
Q And what did K.A. say about the abuse and about the fact that it hurt?
A I believe, in one incident, she had communicated that what was happening was harming her, was hurting her, and the response by Mr. Shuler was not to desist but to continue offending in a different area after he was made aware of what was going on.
Q So, after he hurt her, he continued to do it?
A In a different area, yes.
Q Why is that important to you?
A It speaks to a severe difficulty, again, being able to control sexual behavior. Got to keep in mind that, at the time this is happening, he's saying he's also maintaining an extramarital affair with the secretary around this time. He's

having adult consensual sexual partners, but here he is sexually abusing an 11-year-old. And when there's some sign that's what's happening is harming, he's not able to clamp the brakes on. The only thing he's able to do is offend in a different area but continues to do so. That speaks to a severe difficulty, being able to control sexual behavior or, how we look at it, it's termed volitional impairment that he has severe difficulty controlling.

Q Now, did you subsequently interview Mr. Shuler about this incident?

A Yes.

Q Please explain to the jury how Mr. Shuler explained it.

A Well, as I testified earlier, he denied engaging in any sexual behaviors with K.A.

Q Did she say that he falsely accused her?

A Yes, I believe so.

Q And what did Mr. Shuler tell you about K.A. being the teacher's pet?

A That was the term that he used to describe her. He explained that that was because she had a very close attachment to him, wanted to spend a lot of time with him. When I asked him, you know, why that was the case, he denied that he was kind of doing anything to make her behave that way.

Q Let's change subjects and go back to the 13-year-old now.

You said that occurred in May but he was arrested in June of 2014?

A I believe so.

Q Okay. Do you remember what Mr. Shuler was arrested for?

A I believe it was for contributing to the delinquency of a minor and then criminal sexual conduct with a minor in the third degree, were the two charges.

Q Who was this 13-year-old girl to Mr. Shuler?

A It was a friend of his son who lived in the same apartment complex as them.

Q And where did the contributing to the delinquency charge come from?

A Do you mean, like, what that was about?

Q Yeah.

A So, it was for him providing alcohol and I believe codeine. The way they describe it in the record is a sedative to bring on sedation or a sedative effect.

MS. JOHNSON: Your Honor, I object to the hearsay and also the speculative nature of that.

MR. FISHER: I don't know what's speculative about it. I mean, Mr. Shuler was giving codeine and alcohol to a minor.

MS. JOHNSON: Your Honor, may we approach?

THE COURT: I'm going to overrule it.

MS. JOHNSON: May we approach, though, Your Honor?

BENCH CONFERENCE.

(The following bench conference with the juror was held outside the hearing of the jury and others.)

MS. JOHNSON: Your Honor, one of the issues that I have with this particular accusation is that the charges did not lead to a sexual offense. They were dismissed regarding this particular one. So I believe it's different than the other ones.

THE COURT: Still, if he relied on it for his opinion, I think, based on the case law, it comes in.

MS. JOHNSON: Thank you, Your Honor.

MR. FISHER: Thank you.

THE COURT: Thank you.

(Open court resumes as follows:)

BY MR. FISHER:

Q What did Mr. Shuler then say about offering money to this 13-year-old?

A So, again, what -- when you say, "What did Mr. Shuler say?" what specifically are you asking? I just want to make sure I understand the question.

Q Well, did Mr. Shuler offer this 13-year-old money to expose herself?

A Are you asking me what he told me or what is documented in the, like, criminal history record?

Q Well, that's a great question. How about both? What did Mr. Shuler say?

A So, Mr. Shuler told me that nothing happened. He said that he did provide her with alcohol but it was as a form of payment in addition to money that he provided for her helping with a cleaning job with his son around the apartment. He told me that, you know, he drank as a minor and didn't -- at the time, didn't see that as a problem and that she consumed the drinks that she wanted, that she requested in his apartment, as a form of payment.

Q When Mr. Shuler is saying that he didn't see a problem with giving a 13-year-old alcohol and codeine, why was that important to you in your analysis?

A Just to clarify, he did not acknowledge giving her codeine, to my knowledge. He did tell me that he gave her alcohol. So, I think your question was why didn't he see this as a problem or could you repeat --

Q Yes.

A Well, because of his own history, you know, that he had consumed alcohol when he was younger, so he -- at the time, he didn't think that that was a problem, because of his own history.

Q Then, in looking at the records, why did you think that was a problem?

A Well, it's a problem because it's illegal, for one. Minors don't -- aren't allowed to consume alcohol. It's illegal to provide a minor with alcohol. So, generally,

that's why it's a problem.

In Mr. Shuler's case more specifically, it's a problem because, again, he's out on bond for a sex offense involving an 11-year-old girl. And now he's providing alcohol. Again, he's in a position where he's alone with a 13-year-old minor while he's out on bond for a prior sex offense charge. It speaks -- I mean, that is very concerning because he's not able to manage himself and get out of high-risk environments that are related to prior sex offenses.

Q And although Mr. Shuler said he didn't view it as a problem, what did he say was the effect on the 13-year-old, about screwing up her life?

A Right. So he -- kind of in hindsight, he told me that, you know, in the interview room when we were talking, that he had since learned that, you know, what he had done was problematic and that it contributed to screwing up her life. That was the term that he used.

Q Let's go on to the next victim. Explain to the Court what the casting couch pornography was all about.

A So, as I testified to earlier, he talked about using this casting couch pornography, sending out online advertisements in order to secure, how he termed it, adult consensual kind of short-term sexual partners. It was his strategy to try to accomplish that.

Q Is control of a victim something that you would take into

account as you do these evaluations?

A Yes.

Q Explain how Mr. Shuler tried to control M.L.

A So, he tried to control her with physical restraints. Handcuffs, specifically. So, he -- again, as I have already testified about the casting couch pornography, he sends out an online advertisement. He -- in order to try and secure, I guess, what he's saying short-term sexual partners.

In the case with M.L., they meet beforehand and then they agree to go to a location for filming. She does not agree to any bathing suit or underwear or nude photography during their initial meeting. He asked again during the photo shoot, and she again denies that. And that is when he applies the handcuffs that he has to her to restrain her.

Q And do you remember when that happened?

A Do you mean, like, in the sequence of the offense?

Q Yes. So we have K.A. in March of 2014.

A Oh, I see. So, that happened, I believe, about 13 months after the arrest for the offense involving the 13-year-old. So, he's released on bond again. So, that's a second time. He gets put on an ankle monitor or an electronic monitoring monitor. And while he has that increased level of oversight, he commits the crime against M.L. in July of 2015.

Q And do you remember how old M.L. was?

A I believe she was 20.

Q So, subsequently, Mr. Shuler enters a plea to some charges and not others?

A Yes.

Q Why was the fake badge so important?

A So, the reason why it was important was because of how he used it. So, as I have already testified to, she's already given him an indication that she's not interested in that type of photography, that type of modeling. After the second rebuff, while the photo shoot's occurring, she turns and, without saying anything, that's when he puts the handcuffs on her. She then starts to yell or scream, protest against what's happening, and that's when he then displays the fake law enforcement badge and he tells her that, you know, if she doesn't go along with it, if she doesn't comply, you know, he's going to get his friends that work in law enforcement involved. He threatens that, you know, they can get her deported if she doesn't comply or she tells about what's about to happen.

He mentions that, you know, his father is the police chief. All of these things are not true, but he's using this badge as a way to try to gain compliance and then also to prevent her from telling so, that way, he can avoid detection by law enforcement.

Q How did Mr. Shuler characterize his behavior on the third incident with M.L.?

A So, to me, when I was asking him, he characterized it as a crime of opportunity and an impulsive act. So, he told me that, you know, he had gone there with the same intention he had with the previous casting couch pornography incidents, trying to get consensual sex, and he described that he was so aroused that he just lost control and didn't know why it spiralled to the point it did.

He acknowledged to me that -- I think the word he told me was it happened as they documented it. The sexual assault was as they listed in the police report. And he said that was because he lost control in the moment when he was aroused and faced with the opportunity.

Q This casting couch pornography seems like a pretty intricate plan. How did Mr. Shuler characterize his behavior, though?

A How did he characterize the casting couch pornography?

Q Did he say it was intricate or --

A I'm not sure if that was the words that he used. Again, the way he described it to me was it was part of his strategy to get short-term sexual partners. I can't remember off the top of my head if he used those words to describe it. He described it as very much a means to an end.

Q Did you inquire to Mr. Shuler about his preparatory behaviors for this casting couch?

A Mm-hmm, I did. Well, I did in the sense of this crime

with M.L. I asked about the handcuffs, the police badge. I think those were the two -- the two big ones that come to mind.

Q But did Mr. Shuler attempt to blame K.A., the 13-year-old, or M.L. for his sexual offense?

A Well, with K.A., again, he denied that any sexual offense happened. So, in terms of blaming -- I mean, he wasn't really blaming her for a sexual offense because he's saying no sexual offense happened.

Now, with M.L., I don't know if I'd use the word "blame," but he had an explanation for why he had handcuffs, and his explanation was that, during their first meeting, she had told him that she was interested in S&M stuff, and -- which he was led to believe that she would be interested in being restrained with handcuffs consensually.

Again, that's contrary to -- the official records would state she was not interested in any type of sexual, nude, or bathing suit photography with him at any point. But his account was that he brought the handcuffs for her sexual interest.

Q Let's move on a little bit about antisocial personality disorder. What is that?

A Well, the first -- you know, you've heard me talk about a personality disorder a lot, so I think it's important to define what is a personality disorder in general.

What a personality disorder is, is it's when someone's way of thinking, believing, interacting, and how they perceive the world around them is fundamentally distorted. It's fundamentally flawed and causes problems for the person. But what makes it connected to the personality is that it's stable. It's not changing over time. It's very rigid. And you're going to see problems related to how they interact and see the world in a lot of different settings, a lot of different environments over a long period of time in situations.

The way it's always kind of described to me is a personality, even if it's disordered or not, is like someone's climate. Right? Of course you can get some really hot days in Canada and get some really cold days in South Carolina, but that's not the climate of the area. Canada is generally cold in the winter; South Carolina is a little bit more temperate. And so, with a personality disorder, it's the way the person typically interacts with the world. It's not like the temperature of the day.

So, to get back to the question about what antisocial personality disorder is, that's just one of many different types of personality disorders someone can have, and what it's based on is that there's a kind of chronic and flagrant disregard and violation of the rights of other people.

Q So, when you were evaluating Mr. Shuler, were you

interested in just the sexual offending or was it more than that?

A It's, I mean, both. So, when looking at a personality disorder, I am interested to me if the sexual offending is specifically associated with or connected to the personality disorder. That's important for this type of evaluation. But, on the other hand, too, a personality disorder isn't just about sex offending. Again, as I testified to, there's a lot of different -- you want to see problems in a lot of different areas and settings for the person for it to truly be a personality disorder.

So, to answer the question, I'm looking at both the sex offense as well as other areas of the person's life, some that might not even involve crimes.

Q Did you have a chance to take a long look at Mr. Shuler's criminal history overall?

A Yes.

Q And explain why that's important to you.

A So, to me, it's important because some of the direct symptoms of antisocial personality disorder speak to criminal behaviors or the types of things people might do in criminal behaviors. So, one is that someone could be engaging in conduct which is against the law. It puts them at risk of being locked up or incarcerated. It can deal with things like deceit, manipulation, and conning. Those things can happen

within offenses but they can also happen outside them. A lack of remorse for behaviors; that can happen in offenses, it can happen in other areas of someone's life.

Impulsivity or acting without thinking of consequences, being irresponsible with finances or payments. Other types of symptoms would be recklessness that put yourself or other people in danger.

These are different types of symptoms that make up antisocial personality disorder. So, looking at the criminal history is important to see if someone was displaying those problems in their offenses.

Q Without going into too much detail, what were some of the nonsexual offenses that were important to you in regard to Mr. Shuler's criminal behavior?

A Okay. So, to me, some of the big ones are going to be -- as I mentioned, one of the systems of ASP, or antisocial personality disorder, is conning, deception, manipulation. And so, I was looking to see if there were any crimes that fit those types of problems.

So, in his record, he has multiple forgery convictions, multiple convictions for passing bad checks. And it's an Ohio charge, so I always forget the name of it -- or it might have been Georgia. But, either way, let me just make sure I get the name right. Theft by deception. That was another conviction that he had.

And so, I wanted to figure out, well, what was going on in these crimes. And so, when I asked him about it, he had described that the theft -- I always forget the name of it -- by deception -- there it is -- theft by deception, he talked about a pretty intricate plan where he would forge signatures to get duplicate copies of car ownerships and then he would then forge the signature to get possession of the car, which he would then sell for money. So, that's how he described those types of crimes.

When talking about the forgeries and the passing bad checks, he described two different types of crimes. One was basically trying to get supplies that he couldn't afford -- I think he said paint supplies -- by intentionally passing bad checks so he could acquire what he wanted, and then the second one was essentially he described embezzling funds from his own business. So taking money from a business account to pay himself, and he said he was doing that so that he wouldn't have to show -- I don't know if it was a wife but it was certainly a committed romantic partner about financial problems that he was having.

So all those different types of nonsexual offenses get at the deceptive behavior, that kind of conning behavior.

Q Did Mr. Shuler end up on probation at some point?

A Yes.

Q And explain how he complied with the terms of probation.

A So, he had a violation of probation charge I believe out of Georgia, and then I asked him about it, and he explained that he didn't like the extra oversight of probation, so he decided to leave the state and went back to Ohio. And that's what resulted in the violation of probation charge.

I believe he also had an escape charge as well on his record, but the one that he told me about was that violation of probation where he left the state.

Q So, did Mr. Shuler tell you that he did not like the terms and conditions of probation?

A Right. That's how he described it.

Q What about appearing in court? Did Mr. Shuler have failures to appear?

A I'd have to go back and check.

Yes. He was charged in 2008 with that.

Q Again, why was that important to you?

A It just shows, again, that he's not complying with some court directive. I don't know anymore details than that, but that type of crime is certainly important to document.

Q There was an assault and battery case in 2013 in South Carolina. Can you explain why that was important to you?

A Well, again, so, one of the areas of personality disorder outside of recklessness or irresponsibility or impulsivity is aggression. And the way that we make these diagnoses is something called the Diagnostic and Statistical Manual 5th

Edition Text Revision, or DSM-5 TR.

The reason I bring that up is because they have very specific guidelines about what aggression can look like for a personality disorder. They really focus on physical aggression -- irritability and physical aggression when looking at that particular symptom.

And so, looking at that offense, I was interested to learn more about what specifically Mr. Shuler had done to get charged with that.

Q Now, we talked a little bit about the incarcerative history. I think you said that he was in prison in Ohio and in South Carolina. While in Ohio, did he have any violations of the Ohio Department of Corrections?

A I believe one.

Q And do you remember what that was?

A Essentially, for not following staff directives, on one instance.

Q Is Mr. Shuler somebody who can properly comply with terms of probation and parole?

A Based on his history, he hasn't yet. I think he received two one-year probationary terms. This is outside of the violation of probation. And although there were no formal violations or sanctions, within those one-year periods, he was convicted of new crimes. He went out and committed crimes that he was convicted of. So, what that tells me is that at

no point did Mr. Shuler successfully complete a probationary period without either being charged with a violation or committing a new crime while on probation.

Q Let's change subjects a little bit and let's talk about the diagnostic formation. Does Mr. Shuler have a history of understanding the consequences of his acts?

A What do you mean by that?

Q What's his interpersonal functioning like?

A I mean, he -- in terms of understanding the consequences of his actions, I would say he struggled with having remorse for his behavior over a variety of settings, different types of offenses.

Q Did you come to an ultimate conclusion about Mr. Shuler's mental abnormality or personality disorder?

A I believe he meets criteria for a personality disorder.

Q And what is that?

A So, he was diagnosed specifically with "other specified personality disorder with antisocial and narcissistic features."

Q Why did you not give him a diagnosis for full-blown antisocial personality disorder?

A So, as I testified to earlier, one of the things that is important for my evaluation is looking at things like education history -- right? -- their disciplinary conduct, looking at their family functioning, their juvenile

functioning, you know, had they been involved in the juvenile system, things like that.

And although he did have problems in those areas before age 15, which is necessary for a diagnosis of antisocial personality disorder, I just felt that there wasn't quite enough frequency or long-standing problems before age 15 in enough different areas to really say that this is someone who had what's called conduct disorder before age 15.

So, in that sense, I felt that, if I assigned the full diagnosis of antisocial personality disorder, I would be -- I just didn't think it fit him. I was looking -- generally speaking, I wished that there was a little bit more evidence of juvenile problems for me to definitively make that type of diagnosis. I'm someone who feels, once you apply a diagnosis, it's harder to take it away than it is to give it. I think that applies to medicine and it applies to a lot of fields. So, I want to be more cautious when I assign diagnoses and make sure that what I assign fits the evidence rather than trying to make it fit for a specific case.

Q Were you trying to give him the benefit of the doubt?

A I guess that's a way of saying it, but I would also say that I go where the evidence goes. Right? We didn't have extensive juvenile criminal history records. I didn't get school records outlining a bunch of suspensions or expulsions.

I talked with Mr. Shuler about his past. He was upfront

about some of those problems he had as a kid. I talked with collateral sources, and they provided somewhat of a different take, but generally about the same. So I just felt, based on all the evidence that I had, that's where the evidence was going. So, I think you have got to stick with the information that you have when making a diagnosis or when scoring risk assessment tools.

Q But is it your opinion that he absolutely has the traits?

A Oh, for sure. And so, as I talk about in my report, he has a long-standing history of antisocial traits, both as a teenager as well as in adulthood. So, one of the things that I talked about that's important for a personality disorder, again, is long-standing problems across a variety of contacts, a variety of settings. And that's just the case for any personality disorder. Could be antisocial, narcissistic. Anyone.

And so, for him, Mr. Shuler has demonstrated chronic, inflexible problems in a lot of ways consistent with antisocial personality disorder. I just didn't think there was enough evidence of problems before age 15 to go ahead and assign a full ASPD, or antisocial personality disorder diagnosis.

Q Let's change the subject a little bit. And did you diagnose Mr. Shuler with narcicisstic personality disorder?

A I did not.

Q And what are some of the things that you were looking for?

A So, similar, narcicisstic personality disorder, it's a different type of personality disorder separate from antisocial personality disorder. The hallmark of that disorder is someone who is grandiose, sees themselves as very self-important, entitled, arrogant, hottie, or they are interpersonally exploitative, which essentially means they're taking advantage of people in their relationships. They don't have empathy for people. They don't understand how other people are feeling.

And, so, again, I'm looking to see if there's enough problems in those types of areas that it's actually causing some sort of problems for Mr. Shuler or some sort of distress for him or risk of harm or consequences to other people.

Q Did Mr. Shuler have good insight into empathy?

A Yes and no. I think he was able to articulate and tell me what it was, and so, he was able to understand what empathy was about. But I think that's still an area that -- in terms of developing real empathy, that feeling of how someone else is feeling I think is still very much a work in progress.

Q What did Mr. Shuler say about his history of arrogance or entitlement?

A So, he was upfront about some of those problems that he had, framing them as historical problems. He said that he's

been called arrogant by other people. In terms of entitled, he talked about how he felt he deserved special attention because of the status that he thought he had.

He really liked to associate with people he perceived to be high status or important, and he believed, because of that, he should be given special treatment or special attention.

Kind of related to that, he talked about going to places he viewed as high status. He would try and buy high-status items or expensive cars. And, again, kind of on the surface, there's nothing inherently maybe wrong with any those things; right? I'm sure we all know someone that likes their fancy toys and their expensive gadgets, and that's fine. What makes it a personality disorder is, in Mr. Shuler's case, he couldn't afford those things, and he resorted to crime to try and get money in order to fund this image that he was trying to present to people. That's why it's disordered.

Because I think people hear the word "narcissism" and maybe they know a loved one or friend that might kind of seem like they might act that way, but that doesn't mean they have a disorder. It becomes a disorder when it starts interfering in your life or causing problems to others, and that's what was going on with Mr. Shuler, was some of these problems.

Q So, what is Mr. Shuler's medical diagnosis?

A Well, his psychological diagnosis that I assigned was "other specified personality disorder with antisocial and

narcissistic features."

Q What did Mr. Shuler tell you about reacting without thinking?

A He said that was a problem for him, that he would act without considering consequences beforehand.

Q Okay. Let's change subjects a little bit, Doctor. What is the Static-99?

A Well, the Static-99 was an initial actuarial risk assessment tool to try and determine someone's likelihood of engaging in sexual offenses in the future after they have already been caught and convicted of a sexual offense in the past.

Q What are static risk factors?

A So, you'll -- so, there's two different types of risk factors: static and dynamic. Static is basically historical. That means these are factors related to someone's history, things that can't really easily be changed because they've already happened, that are going to be statistically and scientifically related to someone's risk of committing a new sex crime.

So, the way I like to think of static risk factors is like with car insurance. If you go to try and pick up a new policy or renew a policy, your car insurance company, they have all your historical driving information. They know if you filed a claim for an accident. They know if you've been

married; that might impact your risk. Your age. All those things kind of go into their equation to figure out how risky it is to insure you as a driver with that specific car that you're driving.

So, not things you can change easily. It's a lot based on your history or factors outside your direct control.

Q Well, taking into account Mr. Shuler's static risk factors, what did you conclude?

A So, I used a tool called the Static-99 Revised, or Static-99R. And after I scored the tool and the different items on the tool, he received a score of five. Based on that information alone, so only considering that piece of a risk assessment, that's consistent with someone who is considered above average risk for sex offending.

Q What were the static risk factors that you took into account for Mr. Shuler?

A So, there's a number of different items. The first item is age. Mr. Shuler is over 40, so he actually got a negative one score on that.

The second factor is going to be if someone has maintained a long-term cohabiting romantic relationship for at least two years. Although Mr. Shuler was able to maintain some significant relationships, none of them were ever cohabitating for two years. So he received a point for that.

There's two other items that look at nonsexual violence,

so these are convictions for crimes that are nonsexual but violent in nature. Let me make sure I get that one correct.

So, I said that he does have a prior nonsexual violent conviction on his record, which is a cruelty to children conviction that he has. But he does not have a non-sexual offense conviction at the same time he committed his most recent sex offense.

Another item that he scored on was prior sex offenses. So, what this is getting at is how many prior charges and/or convictions does someone have related to sex offenses specifically. He scored a two on that item. The reason being is that he was -- he committed his first sex offense that we talked about, K.A. He gets -- I believe it's the criminal sexual conduct with a minor second degree charge for that. He gets detected by the police. He gets released on bond. He goes out and gets another charge involving a 13-year-old. That charge, he gets two charges, which are sexually motivated: criminal sexual conduct with a minor, third degree, and contributing to the delinquency of a minor. Both of those are considered, for this specific tool, to be sexually motivated crimes.

So, already he's up to three prior charges because, when he gets out after that arrest, he ends up committing his most recent sex offense against the adult woman, the 20-year-old.

So, all those prior offenses regarding the 11- and

13-year-old, each of those charges and convictions count up as priors, to give him a score of two.

He has four or more prior sentencing occasions. Basically all that means is that, prior to the sex offenses, he's been charged, convicted, released four or more times for just any types of offenses. So, it shows that this is someone who, at least four times, has been released back out into the community after being sanctioned and done a crime again. And he got a point for that.

And he also got a point for having an unrelated victim. Pretty much all his sexual offense victims he was not related to. They weren't a child of his or a wife or other family member. So, he got a point for that as well.

Q And I think you totalled them up and you came to a score of what?

A Five.

Q And what does that five tell you?

A So, as I testified earlier, just that piece of information alone is not considering other risk relevant information. A five on the Static-99R means that they're considered above-average risk.

Q Let 's talk about dynamic risk factors. What is a dynamic risk factors?

A So, unlike static risk factors, which are going to be more historical, based on someone's history, a dynamic risk

factor are items or problems that someone has that are going to also be related to someone's risk of committing a new sex crime, but they're things that are more changeable, things that someone can do maybe in treatment or changing their environment that can also help to lower their risk.

Q And did you have an -- I'm sorry; strike that.

Did you have an opportunity to inquire into Mr. Shuler's dynamic risk factors?

A I did, yes. And so, basically, the way to think of that is, you know, I talked about car insurance with static risk factors, and it's kind of the same thing now with those -- I think they call them telemetry programs; basically, like, the drive safe program that, you know, you put on your phone, and it monitors your driving while you're driving. Like, did you take a hard turn? Did you brake too hard? Are you speeding? Are you maybe driving at the wrong times of the day where it's more risky? Those are all things that might be risk relevant for a car insurance company, but those are things that you can change. You can improve your braking, your turning, all that stuff to lower your risk and save money on your car insurance, at least that's what they tell you.

So, dynamic risk factors for sex offending work in the same sort of way in that they're related to risk, but you can change them with treatment and improve to try and lower your risk as well. And so, that's something that my assessment of

Mr. Shuler involved.

Q Is it kind of the point of dynamic risk factors that, through treatment, somebody can change those risk factors?

A Yeah, I mean, that's a big part of it. The other part of it is that they're statistically and scientifically related to sex offending. I mean, we could really want someone to change things, but if it's not related to treatment, it doesn't really matter.

Getting back to the car insurance example, if steering better or taking not-so-hard turns didn't actually impact how risky you are as a driver, it wouldn't matter. But these dynamic risk factors do matter because each of them is related to sexual offending. So, by changing them, you can reduce your risk.

Q So, what are some of the dynamic risk factors? Let's start with the first one: sexual deviance. Explain the risk factors under sexual deviance.

A So, these are different dynamic risk factors related to sexual deviance. They include things like:

A sexually deviant preference -- so, someone who has a preference for deviant or abnormal sex;

A sexually deviate lifestyle, which can include when someone's whole life is wrapped up engaging in sexually deviant behaviors or putting a lot of time and effort to engaging in sexual deviance;

Sexual compulsivity, which is -- some people have described it almost like a sexual addiction. It's like they're almost driven by a motor and can't control their sexual behavior, they're having a high number of sexual outlets compared to others;

Offense planning. Pretty intuitive. Someone who is putting a lot of time and effort into planning their sex offenses;

And another one is sexual offense cycle, which is just someone who kind of gets into a pattern with the same sorts of factors causing sexual offending repeatedly over time again and again like a cycle.

Q Why is the offense planning important to you?

A It's important to me because it's directly risk relevant for someone committing a sex crime in the future if they have done it before. The higher amount of offense planning someone has, the higher their risk is.

Q And so, when Mr. Shuler was doing the casting couch pornography, was that something that was really important to your diagnosis?

A Well, it was in the case of M.L., so the 20-year-old victim, because that is the example where it's directly leading to a sex offense. So, again, he's putting in considerable time and effort not just to arrange this casual sexual partner; he's putting a lot of time and effort for

offending. And I think that's an important distinction to make because Mr. Shuler has handcuffs to restrain a victim. He didn't just find them at the room. He brought them there.

He had his own law enforcement badge. Why does he have it? It's because he literally, I believe the day or the day before, went to a pawnshop and bought one, and he brought it and used it in the offense. That, again, speaks directly to someone who has a premeditated plan to try and either coerce someone into sex or try and limit the risk of being caught.

He also had in his car at the time of that offense things which were indicative of offense-planning behaviors. These were, quote, "bondage rope," quote, "bondage kit, whip and tickle package, as well as lubricant." Having these items in your car at the time of this type of sexual offense where restraint and force is used, again, speaks to someone who has the materials at their disposal to commit these types of crimes.

So, again, it speaks to someone in a very instrumental plan type of offending which, again, it's important because that's related to someone who is more risky. It's not just because it sounds bad; it's because, statistically, scientifically, that is a riskier type of presentation for sex offending.

Q The next category appears to be criminality. What is that as it relates to the dynamic risk factors?

A So, criminality encompasses a lot of different types of problems. So, this could be something like a criminal personality. So, this is someone who is grandiose, arrogant, entitled, deceptive, manipulative, callus, lacks remorse, that has superficial relationships.

That certainly fits Mr. Shuler based on not just his offenses but then also some of his interactions in his sexual offense history; for example, the casting couch pornography. Even outside of the offending is a reflection of that; things like impulsivity, so acting without thinking of consequences.

Interpersonal aggression. So, that can look a lot of different ways. It could be physically aggressive behavior, it could be verbally aggressive behavior, it could be threatening behavior. Unlike the diagnostic criteria for antisocial, which is very much focused on physical violence and aggression, interpersonal aggression on this scale is more broad. So, it can include things like verbally aggressive behavior or threatening behavior.

You see that with Mr. Shuler very briefly with the threatening behavior that he engaged in in his sexual offense as well as some of his nonsexual offenses where he's not just being physically aggressive but some accounts of being verbally threatening and aggressive as well.

The other risk factors that make up criminality are going to be things like poor compliance with community supervision.

I have already testified to the problems that he had on probation that's directly relevant there, and another one is community support. And what that's about is having a good, positive support network but then also the person's ability to benefit from it, to really rely on it and be able to benefit from positive support.

Q And then what about treatment responsivity?

A So, those -- for a lot of different things that are going to be more related to areas that can be targeted in treatment. So, someone's insight into why they committed their past sexual offenses. Do they have an understanding about why they did what they did? Treatment compliance. How well they're following a treatment program. And distortions. Are they using justifications, rationalizations to excuse their sex offenses, as well as their release to high-risk situations? Do they have a history of going back to the same settings that were related to their sex offenses? And do they have a good plan to manage it in the future?

THE COURT: Tell you what, let's stop and take a quick break, if you would. 15 minutes. And we'll come back and we'll finish up.

(The jury exited the courtroom at 4:14 p.m.)

THE COURT: Let's take a short break.

(A brief recess was taken from 4:14 p.m. to 4:37 p.m.)

THE COURT: We did talk with the jury and they want to

finish this witness and then break and come back in the morning.

MS. JOHNSON: Yes, sir.

THE COURT: That's what they said.

Let's go ahead and bring in the jury.

(The jury entered the courtroom at 4:39 p.m.)

THE COURT: If you'll continue.

MR. FISHER: Thank you, Your Honor.

BY MR. FISHER:

Q So, Dr. Gillen, we were talking about treatment responsivity, and we talked about high-risk situations. What about insight?

A So, as I mentioned earlier, insight is someone's understanding into why they committed their past sexual offenses. For Mr. Shuler, he did not have good insight into why he did what he did, didn't understand -- the term I use is precipitating factors, so what brought it on. Didn't go along with recommendation interventions for him to try and learn why he committed sexual offenses.

A good example of that is he framed the offense against the 20-year-old woman as opportunistic and impulsive, despite all the different signs that he had taken steps and planned out how to commit that offense or have items to try and facilitate that offense.

Q And what about any additional needs and specifically

intimacy deficits? What's that about?

A So, intimacy deficits gets at the ability of someone to form deep, trusting, emotionally close, intimate bonds with other people, typically within the context of a romantic relationship.

And so, for Mr. Shuler, although he did report that there were some degree of -- excuse me, some degree of emotional closeness and trust with certain romantic partners, he also described some kind of more broad problems with trusting people. And in some of his relationships, he talked about not having very close connections with those partners at all.

It also gets back to the high number of casual sexual partners that he had, where there was no deep connection with them.

I think kind of tellingly, when I asked, you know, what are your most significant relationships, he mentioned his first marriage, which, again, that lasted maybe about 1-1/2 months. By his account, you know, there really was no emotional connection there. The marriage was for other reasons.

So, those are the types of problems that kind of speak to intimacy deficits.

Q Dr. Gillen, let's change the subject a little bit. What is a sexually violent predator?

A So, by statute, a sexually violent predator is someone

who has been convicted of at least one sexually violent offense, and then that person has to have a mental abnormality or personality disorder that makes them likely to commit acts of sexual violence if not confined for long-term care, control, and treatment.

Q Does the mental abnormality or personality disorder -- I'm going to forget mental abnormality right now because there is no diagnosis for mental abnormality.

A Correct. That's right. Mr. Shuler was not given a differential diagnosis that would reflect a mental abnormality. He was given a personality disorder diagnosis.

Q And that personality disorder, does that affect his volitional control, to control himself?

A Yes, I believe it does, and that's because of the ongoing, repeated pattern of his sexual offending despite being caught, released, caught, released again. He's demonstrated a difficulty being able to stop his conduct even within offenses.

So, as I testified to earlier, he continued to offend when the victim said that they weren't interested, that they did not want to comply, and he continued through. That shows he has a hard time controlling. When the victim was yelling, screaming, or also when he noticed that they were harmed, he didn't desist, he didn't stop. He continued.

Because of the personality disorder, it's related to the

personality disorder, the fact that he does have a lack of remorse and empathy. That's, in part, why he was able to continue doing these things when other people who maybe don't have that personality disorder would have pulled back or been able to stop.

Q Now, based on Mr. Shuler's unique static and dynamic risk factors, were you able to, in your actuarial analysis, able to determine whether or not Mr. Shuler is a risk to re-offend?

A Yes, I was.

Q And what was your analysis and how did you reach it?

A So, both the Static-99R and the Violence for Scale Sex Offense version that measures static and dynamic risk factors, they're two separate tools, two separate instruments, but you can combine the data from both of them to generate what someone's five-year risk -- in other words, what is the probability that someone is going to commit a new sex offense within five years is based on that information.

Q And based on that information, were you able to determine whether or not Mr. Shuler is likely to re-offend?

A Based on that information alone, no. So, that information put his five-year risk of committing a new sex crime if released at 26.2 percent.

Q What's his lifetime risk?

A So, his lifetime risk, which includes the probability that he could go undetected -- in other words, commit a sex

offense and not be caught by the police; it also includes his risk of committing a sex crime beyond five years.

So, in other words, what is the risk for committing a sex crime in Year Six, Seven, Eight, Nine, all the way up to 20 years, and considering all that information together, measuring and quantifying what the different parts of risk are for each of those pieces -- the risk of going undetected and the risk of offending after five years -- his total risk is 51.7 percent.

Q Based on everything we have discussed, is it your opinion, within a reasonable degree of scientific certainty, that Mr. Shuler is likely to re-offend?

A Yes.

MR. FISHER: I think that's all I have at this time, Your Honor.

THE COURT: All right. Yes, ma'am?

MS. JOHNSON: Very briefly, Your Honor.

CROSS-EXAMINATION

BY MS. JOHNSON:

Q Mr. Gillen, I have just got a few quick questions for you. You were just -- you mentioned about his lifetime risk being about 51.7 percent -- or the total risk?

A Yes. That's his total lifetime risk of committing a new sex offense if he's released within his lifetime.

Q But the five-year risk was 26.2 percent?

A I think that's right. Let me just double-check. Yes, that's correct.
Q Now, what is the five-year risk from? Which tools did you use to come up with that?
A So that's going to be based on his static risk factors as measured by the Static-99R, as well as his dynamic risk factors as measured by the Violent Risk Scale Sex Offense Version. So it's the combined influence of both of those together, and what that suggests is what his risk of being charged or convicted of a new sex crime within five years.
Q So, that 99R -- that Static-99R that you're talking about, the score that you gave him was five; right?
A Yes, that's correct.
Q And that puts him at what? A 15.2 percent rate of recidivism?
A Well, I'm not sure, because I don't calculate the individual probabilities based on each scale anymore the reason being, it's incomplete information. So, my initial -- the first percentage I gather is going to be the combined percentage using both tools.
Q Okay. But you don't disagree with me that the 99R score of five could very possibly equal about 15.2 percent rate of recidivism?
A It's possible. I'd have to check the manual.
The other thing with the Static-99R is the -- a little

bit more complicated, but they have two different reference norms. What that means is they consider there's two different kind of groups of sex offenders that were in their research sample. They divided them into high risk, high need, and -- I forget the other name. Basically, it's not the high risk, high need, but a less risky group.

The important thing to know about that is they actually have different recidivism estimates, different probabilities, different percentages, even if they might have the same score. So, someone with a score of five, if you think they are more closely to the high risk, high needs group, they'll have a higher probability compared to the other group, even they have the same score.

So, I just want to qualify that because the percentages could be different if you're using just the Static-99R; you have to make some clinical decisions about what group you're going to compare them to.

Q Okay. But you don't disagree that it could be 15.2 percent? That doesn't sound so off the wall; correct?

A For a five-year rate?

Q Yeah.

A No, but I'd have to verify with the manual. I have it on me if you want me to look.

Q Yeah, if you don't mind looking.

And you mentioned the five-year rate. I thought the 99R

goes also for a ten-year rate, or am I wrong?

A No, that's correct. There is also a ten-year rate. The issue with the 99R is they -- that's kind of just a logistic issue. It's harder to follow guys for ten years after they're released than five, so you get less data points as people drop out for one reason or another. Maybe they move out of state. They can't contact them. They're not in the record anymore. They die. So, there's less data ten years, so it's somewhat of a less reliable estimate when you're just using the 99R.

Q Okay.

A But let me just pull it up now. They have released some updated numbers, and I think my manual is from 2016, so it's possible that my numbers are wrong -- or I shouldn't say wrong but just not the most updated. I have that on my computer at work and didn't print it.

So, the routine sample five-year, with a score of five, could be 15.2 or if you go high risk, high needs group, it goes up to 21.2. And, again, those might be a little off. They released a norm update a few years ago; I just didn't print off the hard copy for my binder.

Q Do you happen to have the ten-year in there as well?

A I should. Let me see.

Okay. So, for the -- here we go. Looks like I only have the ten-year for the high risk, high needs, which is unusual. But if you go with that, a score of five is 32.1 percent.

Again, that's the high risk, high needs group. That's the sample that the research developers of this is saying is a higher risk group of people, so just to qualify that.

Q So, basically, that means, in that ten year, it would be 32.1 percent or lower? It could be lower?

A Yes, based on just the static risk, assuming that the updated norms are different from that. It's very close to the ballpark, but I don't know them off the top of my head.

Q Okay. So, just to go back to the sexual offenses that went into the report that you made, you mentioned three victims. There was an 11-year-old. That was the first victim that you mention in your report; correct?

A Yes.

Q Okay. And that occurred from about February 25th, 2014, to March 5th, 2014; right?

A About three to four months. So, about the end of 2013 up until March 2014.

Q Okay. And so about three to four months.

Then the Victim 2 was a mention of this 13-year-old victim; right?

A Yes.

Q Now, I need to make clear: That was not a conviction; correct?

A Yes, that's correct. He wasn't convicted for that.

Q Never led to being convicted for that.

A Correct.
Q And even then, the allegation we're talking about was one day; right?
A Yes.
Q May 23rd, 2014, one day?
A I'm not sure of the specific date in May, but yes, it did happen in May of 2014.
Q Okay. But you can confirm we're only talking about one day -- the allegations coming from one day?
A Yes.
Q Okay. And then this third victim led to a conviction; correct?
A Yes.
Q This victim, M.L.; right?
A Yes.
Q And, again, that's one day we're talking about; right?
A Yes, that's correct.
Q July 9th, 2015, thereabouts? That's the day?
A Yes, that sounds about right.
Q But you considered all of that when you were doing your evaluation?
A Yes.
Q And you considered all of his convictions even when they were not sexual offenses; right?
A Yes. That was part of the evaluation.

Q And you considered non-convictions, even if they were not sexual offenses; right?

A In certain ways. So, for example, with the sexual offenses, the charges count on the Static-99R. The reason being, charges, even if they're not convictions, are still really prior charges. Even if they're not convictions, they're still related to increasing someone's risk of being charged or convicted with a new sex offense in the future. And in terms of non-sexual offenses, incident reports and things of that nature, I'm looking more at with the Violence Risk Scale Sex Offense Version, specifically because those types of credible sources are not just allowed but that's how you're supposed to score the tool. If you don't use that information, you might be actually underestimating or overestimating, depending on what the information is, someone's risk.

So, I guess the short of that is, yes, I'm considering that but in different parts of the risk assessment where it's clinically appropriate and based on the guidelines and the manuals.

Q Okay. Now, when you did Mr. Shuler's evaluation, how old was he?

A He was 41 at the time.

Q And so, that would mean that these offenses that you're -- the sexually violent offenses that he was accused of and

convicted for with the 11-year-old and then later just the accusations of the 13-year-old, and even the one after that, they would have occurred when he was about, what, 31 to 33 years old?

A That sounds about right.

Q And before then, before he was 31, 33 years old, you have his record, but there were no sexual offenses on his record before then; right?

A Yes, that's correct.

Q Okay. And, in fact, you don't even really have allegations of sexual offenses before his record -- I mean, allegations of sexual offenses before 31?

A No. No, as I mentioned in the report, there was no evidence of sexual offending prior to the incident in late 2013 to 2014.

Q And, in fact, it stopped -- let's see -- July 2015, this third victim; right?

A Yes. He was arrested and incarcerated and sent to prison.

Q But even in prison, no sexual offenses; right?

A Yes, that's true. He wasn't written up for engaging in any sexually problematic behaviors while he was in prison, both in Ohio before the sexual offenses and then afterwards in the South Carolina Department of Corrections.

Q So, what we're really talking about is about an 18-month

period where -- that led to two sexually violent convictions; right?

A Right. I'm not sure if it's exactly 18 months, but that's close to the ballpark.

Q Close to the -- I mean, it's roughly?

A Yeah, late 2013 up until July of 2015.

Q Now, you did note that he improved managing some of these traits you talked about, these antisocial personality traits and narcissistic traits; right?

A Yes and no. So, he's reporting that he's improved managing his impulsivity. There's evidence to back that up. He hasn't gotten any infractions in prison since about 2021, so it shows that he's able to comply with some of those rules in a secure setting. That's certainly important and it was considered in the risk assessment and resulted in his risk being lower than it otherwise would have been.

And on the same time, though, especially with his most recent sexually violent offense, you know, how impulsive was that? That was very planned, very premeditated with everything else. So, it was managing impulsivity. Would that have really addressed that particular issue, that particular offense, which is also connected to other aspects of his personality disorder.

Q And, in fact, when you did his evaluated, you noted that he doesn't present as grandiose or some of the other

presentations that people with narcissistic personality disorder have; right?

A Right, yeah. He didn't come across as particularly glib or grandiose in the time I was interviewing him, and that was one of the data points, one of the reasons why I didn't think a full diagnosis of narcissistic personality disorder fit for Mr. Shuler.

I think there's ample evidence for why he's displayed traits and why those traits have caused problems in his life across different contacts, but that was one of the incidents that gave me pause and why I didn't feel comfortable saying he meets full criteria for narcissistic personality disorder.

Q And, to that end, Mr. Shuler talked to you about different services he took advantage of while incarcerated; right?

A Yes.

Q Okay. And he actually did quite a few services to help him to improve himself. Would you agree with me?

A I mean, he did a few. I guess it depends on how you quantify "quite a few," but he did some.

Q Okay. And can you tell me the ones that you remember?

A So, I know he talked about doing some anger management classes while he was in the Department of Corrections through a Victim -- I think it was called Victim Impact or Impact of Crime Group. He talked about learning to develop victim

empathy.

He also talked about developing consequential thinking skills. So, how he described that was being able to stop and think before acting to manage his impulsivity. And he said those were things he learned in more general correctional programs that he participated in.

Q And there were things that went along with his understanding of impacts of his crime, of character-based programs, that sort of things?

A Right. So, he participated in a character-based program. My understanding is the Crime or the Victims of Crime might be separate for that or maybe it's a component of that program, but I believe those are separate programs that he was in.

Q And he also did an alcohol and drug orientation program and a family roles and relationships programs?

A I'm not sure about the latter, but I think almost everyone does some sort of alcohol and drug orientation when they first get into the prison, so he definitely would have done that.

Q You said you're not sure about the latter?

A I'm not sure about the latter.

Q Because in your report, you note it --

A If it's in there, I believe you. I have no reason to believe that's inaccurate, but --

Q Well, I'm going to read you some of these. You say here

-- and just stop me if you think I'm wrong -- "He completed some programs with good participation or by meeting requirements; ergo, alcohol and drug orientation and family roles and relationships."

A That does sound accurate.

Q That sounds accurate. Okay.

A Yep.

Q And so, ultimately, you came up with a diagnosis for my client, Mr. Shuler; right?

A Yes.

Q Now, the DSM has about ten personality disorders?

A I'd have to go through and count them.

Q Well, let me ask you this: You did not diagnose him with avoidant personality disorder; correct?

A Oh, yeah, that's correct.

Q Yeah. And there's another one: Borderline personality disorder. You didn't diagnose with him with that; right?

A No.

Q You did not diagnose him with dependent personality disorder; right?

A No.

Q You did not diagnose him with histrionic personality disorder; right?

A No.

Q You did not diagnose him with obsessive compulsive

personality disorder; correct?
A I did not.
Q What about paranoid personality disorder? Did you diagnose with him with that?
A I did not.
Q Schizoid personality? Did you diagnose him with that?
A No.
Q Schizo type of personality disorder? Did you diagnose him with that?
A I did not, no.
Q Now, interestingly, you did not diagnose him with paraphilic disorder; right?
A Right, which is separate from personality disorders.
Q Right. And no diagnosis for that?
A That's correct.
Q And under paraphilic disorder, there is pedophilic disorder; right? Tell me what those two mean.
A What a paraphilic disorder and what a pedophilic disorder means?
Q Yes.
A So, the best way is to say "What is a paraphilia?" because you have to have that before you can have a disorder. So, a paraphilia is any sort of intense, sustained arousal to anything other than a fully mature, physically developed consenting human partner that is phenotypically normal. So,

that could be, for example, an attraction to shoes. That is, you know, severe, persistent, and sustained. It could be an attraction to children. It can be attraction to any number of things as long as it's not a physically mature consenting human partner.

So, then what makes a disorder? What makes it a paraphilic disorder? So, it's when that paraphilia, it's when it is going to be demonstrated for a period of at least six months and it's causing distress to the person who's experiencing it or risk of harm to others when it's expressed on. So, that's what paraphilic disorder is.

There's lots of different types of paraphilic disorders. One of them is pedophilic disorder, which is a paraphilic disorder involving a sexual attraction to prepubescent children; so, these are kids who have not started puberty.

Q Okay. And you did not diagnose him as having pedophilic disorder; right?

A No.

Q And you did not diagnose him as having a paraphilic disorder; right?

A No, I don't think he has a paraphilic disorder.

Q And just how is paraphilic disorder different than the personality disorders that the DSM-5 has, like the 10 that they have?

A Well, they're in different categories. They're different

disorders. So, paraphilic disorders are -- you can broadly think of them as disorders of very specific types of sexual deviance; sustained, prolonged interest that's causing risk of harm or self [sic] to others in very specific ways.

Personality disorders, on the other hand, are, like I testified earlier, really the way that the person sees and interacts with their world around them in a lot of different contacts and settings. It can impact someone's sexual behavior, nonsexual behavior, relationships, job functioning. It really is a very broad way that the person sees and interacts with their world.

So, they're just different types of mental disorders that are included in the diagnostic manual.

Q Okay. And to that end, when you talk about antisocial personality disorder, the truth is, he is not diagnosed with antisocial personality disorder; correct?

A That's right. I didn't provide that specific diagnosis.

Q And, in fact, you're just saying he has some traits of the antisocial personality disorder.

A Right. So, in the report, I talk about how, from adolescence all the way through adulthood, he's demonstrated numerous different traits of antisocial personality disorder across a wide variety of context, from both a sexual offending, nonsexual offending, sexual history, relationship history, and also his supervision history as well.

So, again, we're seeing it in adolescence, young adulthood, all the way up throughout his offending. I just didn't feel that I felt there was enough evidence of the juvenile conduct problems before age 15 to assign the antisocial personality disorder diagnosis. Again, because of my mentality, it's easier to give a diagnosis than it is to remove it. I want to be very conservative and very -- I don't want to overpathologize someone if I feel there's not quite enough evidence there. I want to be really sure if I'm going to give that type of diagnosis to someone.

Q And if that's the case, then that also means you did not diagnose him with narcissistic personality disorder; right?

A Right.

Q Again, traits but not the actual disorder.

A Right. So, I didn't feel like he had that specific disorder, but I still diagnosed him with a personality disorder, and I feel he meets the criteria for a general personality disorder. I just feel it's best captured by traits from those two domains and that there wasn't quite enough evidence to say he has two separate standalone specific personality disorders of antisocial and narcissistic together. I thought his overall presentation, looking at all the evidence across different sources and records in his own report that the "other specified" category was more applicable to him.

Q And is this "other specified personality disorder," is that recognized by the DSM-5?
A It is, yes.
Q And when I say "DSM-5," can you tell me what I'm talking -- can you tell the jury what I'm talking about?
A So, in the United States, mental health professionals, psychiatrists, psychologists, they rely on the Diagnostic Statistical Manual, 5th Edition, Text Revision, or DSM-5, for diagnostic decision-making. So, it includes a whole range of different types of mental disorders and the diagnostic criteria or symptoms associated with them and criteria to be met in order for someone to be diagnosed with a specific disorder.
Q Okay. And so, this "other specified personality disorder" that you did diagnose him with, it's kind of the catch-all when he doesn't fit into any of the other personality disorders? Is that a good way of summarizing it?
A Yes and no. I think maybe a better way to summarize it is it's to try and capture when someone has a personality disorder, which means they have displayed impairments in functioning in at least two of four areas, to include their thinking, their emotional functioning, their relationships, or their impulsivity. And if they have displayed problems in those two areas and it's such that, again, it's really their whole way of looking at things -- how they interact and

perceive what their world across time and context -- then that's what a personality disorder is.

And they give very specific symptoms and guidelines for what needs to happen to meet a specific disorder, like antisocial and narcissistic. And when I feel that the bar hasn't been met on one of those symptoms that's required, I'm not going to diagnose it.

And so, the "other specified personality disorder" allows for when someone does meet criteria for a personality disorder, a way that you can describe it and label it to describe what the person's problems are and how that's being presented. And so, that's why the diagnostic manual has that category and why it allows for it to be used.

Q And what were the diagnostic tests or what were the tests that you ran on Mr. Shuler?

A Well, so, in terms of personality and diagnoses, in this case, I used the Minnesota Multiphasic Personality Inventory, or MMPI-3, which is that broadband, 330-question, true/false test, which is objective self-report measure of someone's psychological functioning and personality, in addition to the clinical interview, for example, that also was used in diagnostic decision-making and the review of records.

Q And, sorry, what were -- that was what the MMPI does?

A That was all the different types of information I was relying on. The MMPI-3 is a specific self-report measure.

It's considered an objective self-report measure of psychological functioning and personality. So, that was one specific test or tool that was administered in this case.

Q Okay. And the other tools were the Static-99R?

A Yes, that was one.

Q There's this Violent Risk -- VRSO. Can you tell me the full name again?

A Yeah, the VRS-SO, or Violence Risk Scale Sex Offense version. Both that tool and the Static-99R are violent -- are sex offense-specific risk assessment tools. Those are used when looking at someone is likely to sexually re-offend again. The MMPI-3 is a different type of tool; it's used more with diagnostics rather than risks.

Q And those are the -- sort of only tools that you used in that sense to come up with these number values? Or am I missing one?

A Well, in terms of specific standardized assessment tools, yes, those were the only three that were used in this case.

Q And just last question for you: You mentioned this sort -- there's been a lot of discussion and testimony about this casting couch. There was a casting couch porn?

A Yes.

Q Okay. But you considered it only -- you considered it for your evaluation only to the extent as it relates to Victim No. 3, M.L.; right?

A No. So, it impacts a lot of different ways. The best way is -- to kind of break it down a little bit better. So, when -- the term "casting couch pornography," that's his term. So, this is information that he was giving me during the interview. And what he was talking about was a six-month period leading up to the most recent sex offense in 2015. And he was saying that was this scheme that he had developed to try and get casual sexual partners.

And I have already gone into that in detail, so I won't go over it again, but to me, what's important about that from this evaluation standpoint is it speaks to even -- again, this, what he's saying in those six months is not offending. He's says he's not offending women in that six months of the casting couch pornography. What he's saying is he's deceiving them into sexual -- consensual sexual relationships. That's important because it speaks to, again, that personality disorder where he is interpersonally exploitative and manipulative and conning. It's a great example of that in his sexual offense history.

It also speaks to dynamic risk factors, one being sexual compulsivity. And I think if you just kind of think of it at face value, it makes a lot of sense. This is a man who earlier had told me that he's had over a hundred consensual short-term casual sexual partners, and within the last six months, he's gone to great lengths to continue to secure more

and more of these partners. He's putting in a great deal of time and effort with these elaborate plans to try and get casual sexual partners.

Q And you're saying -- sorry -- within the last six months. You mean during the time that this was occurring?

A That's right.

Q You don't mean in the last --

A Sorry. Yeah, that's correct. The six months preceding the most recent sex offense.

So, again, that speaks to someone who is sexually compulsive, and that's consistent with also what Mr. Shuler told me when I was talking about his actions around that time in 2015. When I pressed him on what he was doing, he said, "Well, I just lost control. I wasn't thinking, and I acted on my arousal," in leading up to that most recent sex offense in 2015.

And so, the casting couch pornography, it kind of hits on a lot of different areas that are relevant both in terms of his personality disorder as well as the risk assessment, and that's without even thinking of those behaviors as offending. It's just taking it at face value with what he told me.

Q So, I have down -- I have written down that, under your questioning by Attorney Fisher, you said that these casting couch details went into the assessment, but they were only important to the case of M.L., the third victim.

A Well, yes, because he was doing the same thing prior to that offense, so he set it up the same way. But he didn't do that with the minor victims. He didn't put out advertisements to model children and then sexually abuse them in that way. He did that with the 20-year-old victim. So, yes, I believe that behavior would only really apply to that specific offense.

Q Okay. And just -- you mentioned something about cruelty to children in his record.

A Yes.

Q All right. But that is from him hitting his son; right?

A Yes. That's what that involves.

Q Okay. And we're not talking about him having -- I just want to clarify that this is not an issue where he had sexually -- there's no sexual assault of another child. He hadn't horribly beaten another child. This is related to corporal punishment, the cruelty to children; correct?

A I would not use the term "corporal punishment." That's not illegal here in South Carolina. What he did in that offense was not corporal punishment. He hit him in the face to the point where there was blood in his eardrum. So, again, I would not call that corporal punishment.

Q Okay. And, also, when you look at these, one of the major issues that you were concerned with as it relates to Mr. Shuler is his compulsivity; right?

A Sexual compulsivity specifically.

MS. JOHNSON: I have no further questions, Your Honor.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. FISHER:

Q One question: Did Mr. Shuler take advantage of sexual -- sex offender treatment in prison?

A No.

MS. JOHNSON: Your Honor, I object. That's out of the scope of my cross-examination.

THE COURT: Sustained.

MR. FISHER: Judge, we're in open cross. So, I'm redirecting based on her cross. If they brought it up, his behavior in prison --

THE COURT: Go ahead and ask. One question.

BY MR. FISHER:

Q Did Mr. Shuler take advantage of sex offender treatment in prison?

MS. JOHNSON: And, Your Honor, I object because I believe that that question calls for a response that is out of the scope of my cross-examination.

MR. FISHER: We're in open cross.

THE COURT: Overruled. Go ahead.

THE WITNESS: Am I allowed to answer the question, Judge?

THE COURT: Why don't you repeat that question.

BY MR. FISHER:

Q Did Mr. Shuler take advantage of sex offender treatment in prison?

THE COURT: You can answer.

A No. No, he did not. He refused to participate in sex offender treatment.

MR. FISHER: Nothing further.

MS. JOHNSON: Your Honor, may I?

THE COURT: Recross.

RECROSS-EXAMINATION

BY MS. JOHNSON:

Q Well, okay. So, you're saying he refused to do sex offender treatment?

A Yes.

Q But he did go into the sex offender treatment; right?

A So, what happened was he initially declined when offered. The mental health therapist had explained the benefits of sex offender treatment to him --

Q Okay. And, again, I don't want to get into too much hearsay. So, did he go into -- did he start sexual offender treatment?

A So, he refused. Months later, he did an introductory class where, during that class, he said he shouldn't need to be in treatment, didn't want to be in it and wanted to be discharged. He then met with a clinical therapist, I believe,

two days after that, and continued to say he wanted to discharge, and they granted him his wish. He never returned back to sex offender treatment again. And so, the one session he participated in, he basically was saying he didn't want to be there and didn't think he needed to be there.

Q Thank you. Oh, I'm sorry. And to that end, that means that there is sex offender treatment outside of being institutionalized; correct?

A Sure, yeah. He has probation until I think about July of 2025, so that's about eight, nine months now where he would be court ordered to participate in treatment as part of his probationary program.

Q And he'll also be court ordered to register as a sex offender, as far as you know; correct?

A Yes, he will. Because of his past convictions, he will be required to register.

MS. JOHNSON: No further questions, Your Honor.

MR. FISHER: Nothing further, Your Honor.

THE COURT: Doctor, you may step down. Thank you.

Does the State rest?

MR. FISHER: I believe we do.

THE COURT: All right. Members of the jury, I'll see you at 9:30 in the morning to finish the trial.

(The jury exited the courtroom at 5:17 p.m.)

THE COURT: All right. Y'all have a good evening. I'll

see you in the morning.

MS. JOHNSON: And we'll do direct verdict and all that tomorrow?

THE COURT: Yeah, let me hear it now. I'm sorry.

MS. JOHNSON: Your Honor, I'm not objecting to Dr. Gillen being excused, by the way.

THE COURT: All right.

MOTIONS/MATTERS OF LAW

MS. JOHNSON: At this time, Your Honor, we would renew all of our prior objections, and we are moving for directed verdict. Additionally, at this time, Your Honor, I would move for a new trial.

The directed -- sorry, not move for a new trial, but as far as the issue with directed verdict, we're moving for a directed verdict at this time. We do not believe that the State has proven their case beyond a reasonable doubt specifically as it relates to my client having a personality disorder.

I know there has been some testimony as to other personality disorders, but specifically antisocial personality disorder traits and narcissistic traits, but I read a long list of personality disorders, and my understanding is Dr. Gillen said that he had not been diagnosed with any of those.

So, we believe that -- we are asking for a directed verdict as it relates to that. And I can listen to a response

and then go into my next motion.

THE COURT: Thank you.

Yes, sir.

MR. FISHER: Considering the evidence most favorable to the nonmoving party, the State has the burden to prove personality disorder. We have it, in that Mr. Shuler is more probably than not likely to engage in further sexual offenses. Dr. Gillen opined, based on a scientific certainty, that Mr. Shuler is likely to re-engage in acts of sexual violence if not confined. Those was his exact testimony. So, I think the State has met its burden.

THE COURT: I think we have a question of fact for the jury and will respectfully deny your motion.

MS. JOHNSON: And very quickly, Your Honor, I have a motion. I am moving for a new trial at this time, and it's specifically as it relates to testimony that was elicited regarding casting couch.

So, there was testimony about casting couch behavior that did not lead to an offense, and then there was testimony about casting couch behavior that did lead to a sexual violence conviction. Both of these were testified to, and I objected to both of them.

When we were questioning Dr. Gillen, I did ask him about the relevance of those comments -- and I believe Mr. Fisher did as well -- and he did mention that the casting couch went

into -- it was only important as to the assessment of the case regarding M.L., the one that led to the conviction, and that means that, I believe, Your Honor, there was irrelevant evidence that came into -- that the jury heard testimony about these offenses that actually were not important to his evaluation based on my understanding of Dr. Gillen's testimony.

And so, given that I had already objected because I thought they were prejudicial and my understanding was that it was overruled for relevance, at this time, I'm also saying, not only was it prejudicial but it was also irrelevant because it did not -- it was not important to his evaluation.

THE COURT: All right. Yes, sir.

MR. FISHER: Judge, frankly, I don't understand the motion for a new trial. Was something said so prejudicial that the case should be suspended and brought back to a new trial? I can't imagine what that was.

The casting couch statement came directly from Mr. Shuler that Dr. Gillen testified to. So, I can't see manifest necessity to declare a new trial based on Mr. Shuler's own words to Dr. Gillen.

THE COURT: And they were used in his assessment.

MR. FISHER: Correct.

MS. JOHNSON: Your Honor, that's my issue is that Dr. Gillen -- I believe his testimony was that it was not

important to his assessment.

THE COURT: But still, that's a part of his assessment. I can't remember exactly what he said. I'm going to respectfully deny your motion.

MS. JOHNSON: Yes, sir.

What time will we get started, Your Honor?

THE COURT: 9:30.

MS. JOHNSON: 9:30. Thank you.

MR. FISHER: Judge -- off the record.

(The case adjourned for the day at 5:22 p.m.)

* * * *

TUESDAY, NOVEMBER 19, 2024 (9:43 a.m.)

MR. FISHER: Judge, before we bring the jury in, I want to make sure that I understand the Court's ruling on this area of treatment as opposed to being inpatient. I think I made the record, but I'm going to just say that it's my opinion that the -- any discussion about treatment as an option is absolutely not relevant to these proceedings. I understand and respect the Court's ruling. If Ms. Johnson starts going down that road, I'm going to object. I would appreciate a standing objection, because I don't want to be, you know, going up and down objecting.

THE COURT: You have a standing objection.

MR. FISHER: Thank you.

THE COURT: All right. Let's go ahead and bring out the

jury.

(The jury entered the courtroom at 9:45 a.m.)

THE COURT: All right. Defense will call your first witness.

MS. JOHNSON: Thank you, Your Honor. Good morning.

Your Honor, at this time, we would call Kim Woo to the stand.

MARY ANN KIM WOO,

after having been duly sworn, was examined and testified to as follows:

THE CLERK: State your name for the Court, please.

THE WITNESS: Mary Ann Kim Woo.

MS. JOHNSON: I'm just going to approach a little bit. Is it picking up okay, her testimony?

COURT STENOGRAPHER: We'll see.

DIRECT EXAMINATION

BY MS. JOHNSON:

Q Ms. Woo, good morning. How are you?

A Wonderful.

MS. JOHNSON: Can you hear her okay?

COURT STENOGRAPHER: Mm-hmm.

BY MS. JOHNSON:

Q All right. So, I want to make sure that you're talking loud enough so that the jury can hear you. Okay?

A Yes, ma'am.

Q Tell me about yourself. Tell me -- tell me where you live.
A I live in Conway, South Carolina.
Q Okay. And are you married?
A No, ma'am. Divorced.
Q Divorced.
Do you have children?
A Yes, ma'am.
Q How many children do you have?
A I have got my son, Paul, and I've got my grandson, Cameron.
Q And so your son -- is that your son, Paul Shuler there?
A Yes, ma'am.
MS. JOHNSON: And let the record show that she is speaking -- pointing -- referencing my client, Paul Shuler.
BY MS. JOHNSON:
Q Okay. So, where -- where was Paul born?
A Columbus, Ohio.
Q And have you-all had a close relationship all of your -- all of his life?
A Yes, ma'am, for the most part.
Q Tell me what kind of kid he was.
A He was a child that he got along with any and everybody. He liked helping in school. One of his rewards being in class and everything, doing his work -- like, I think it was the

third or fourth grade -- but one of the things that his teacher allowed him to do -- because it was, like, kindergarten or pre-K on up to, like, junior high school, and she would let him go down to the kindergarten class or the first grade class and almost do like a -- I won't say mentoring but they would help -- he would help, you know, kids that were having -- struggling doing some of their, like, math or whatever.

So, he's always been loving. A lot of things that I did, raised him in the church. We would go to the hospitals or we would go to visit the sick or whatever -- whenever -- in the nursing homes, whenever we got out of church on Sundays.

So, he was used to the, you know -- he was really -- like I said, he's a lot like me. Love people a lot of times. Always looking for the good in somebody versus the negative.

He also took martial arts, and we both did some -- I want to make sure I was able to defend myself if something were to happen. But he enjoyed it. And he would help the kids there. You know, the older people, I guess, like me, he would help them, you know, when they were having issues.

BY MS. JOHNSON:

Q And, sorry -- and you've been sick; right?

A No, ma'am.

Q Well --

A I apologize. I have whatever that is where your mouth

goes -- and I don't know -- what it's called? Where my mouth goes. My mouth is very dry.

Q I just want to make sure that we can hear you. Can you talk into the microphone?

A Do you want me to hold it?

Q No, you don't need to hold it.

Okay. So, Ms. Woo, at some point, Paul lost his way. Would you agree with me?

A He did. When he was about -- if I can remember correctly, it was about 12 years old that he really started having problems. He started having the problems from the divorce, though, when he was, like, 7 or 8. I was a stay-at-home mom. His father worked. And he didn't want to pay child support or what have you. So, what he would do is, when I had him -- like, he had even said, "Okay, you take the child or the house, and I'll take, you know, the other," he said, "So, you can't have both." So, I chose my child, and then the judge ended up saying that I could stay -- remain in the home and all that.

Q Okay. But I'm specifically talking about when he started to be arrested and have criminal issues. Were you in his life at that time?

A Yes, ma'am.

Q Yeah. And do you remember at some point that he started to have sexual offense charges and convictions?

A I mean, was I in his -- yes.
Q Were you in his life at the time?
A Yes, ma'am. I'm sorry.
Q And are you in his life today?
A Definitely.
Q Is there a difference between Paul at that time versus Paul now?
A Definitely.
Q Tell me about that.
A For one -- I don't know if this is bad, but for one, he wanted to go to trial with all this that was going on, and we said no. So, since he had been in, he would -- I would talk to him. It was rough for him. He would be crying or what have you. So, for the first couple of years or maybe three years, it was difficult with him being incarcerated and him trying to navigate through. But I told him to keep his head up, remember God doesn't make mistakes, whatever.

And I think now he started really getting the word of God. He's got his -- oh, I left that behind there. Sorry. But he's got his doctorate degree. He also was able to get an associate's degree. He's taken all kind of courses there. He's got a lot of certificates and license.

I lost -- I had that binder, but he's got a lot more than he has in there that I can't find. I have got a problem with my disability -- I mean, one of my disabilities is my memory.

So, if I'm going off, thank you for coming back.

But, you know, he -- and his whole attitude towards me had changed, and he would just be talking about the word of God. And he had told me once before, before any of this happened, that he had a dream or whatever that was saying he was going to reach a multitude of people, he was going to be able to bring them to Christ. And since he's been in, he has brought a lot of different ones into Christ, and that is very important to me. It's important in our lives.

And he's got something else, that desog (ph) -- I don't know if he's going to testify, but the desog that he has, and that's like a spiritually based thing of trying to help those that have gone through the penal system, those that, you know, just need other help. And like I said, I really don't want to expound on it, but I just don't remember, but ---

Q I understand.

A --- he's a changed person. He has gone on and said that, you know, he's sorry for the things that he did, but he said it was a good thing because it made him take inventory of himself. You know? And he said he was sorry for --

Q Well -- and I want to ask you specifically about your experience with him.

Now, if you -- you know, it's one thing for somebody to say they're sorry, but have you actually noticed that his demeanor or his attitude has changed?

A Yes, ma'am. And I'm sorry; when I said "with us," because he finally apologized to me also about some of the things he went through in his youth.

But, you know, he would -- and I have one -- I have a couple of letters that he had written to me, and, you know, when he was to go through the -- we were trying to get him to come out earlier, do whatever -- I can't remember the name of it.

Q Early release?

A Thank you.

Q Something called early release?

A Yes, ma'am. And the letter that he wrote was saying he was remorseful for what he had done. But, you know, he does. He'll try to encourage me and say, "Ma, don't worry about things." But, you know, like I said, again, he's a different person. He wasn't talking the way he's been talking.

Q And are you -- if Paul gets to go home -- if he gets to go home tomorrow, are you going to be part of his support system?

A Definitely.

Q Tell me how you're going to work or support him in that way. Tell me what you're going to do. Is he going to live with you?

A He will not be able to live with me because I live in Conway, South Carolina. They just built Whitmere Park across

the street, so I know he can't, and he was denied, and I understand that.

He will be residing in North Carolina. His father bought him a house. He went and had me go around and look at the property, but he finally went on and purchased the house because there's nothing around him except for a railroad track. He's got neighbors, but I didn't see any small kids or anything around there.

And I'm willing to go there if I -- for me to be doing something, if the Court would say that he wanted me to be there, they wanted me to be with Paul, I would stay with him. I'd do what I'd have to and also make sure that he's getting back and forth to treatment.

We have talked a lot to Mr. Isaac Jackson, which --

MR. FISHER: Objection, Judge. This is not relevant to those proceedings.

THE COURT: What was she saying?

MS. JOHNSON: She's talking about the treatment that they have arranged for Mr. Shuler.

THE COURT: All right. Overruled. I understand your objection.

BY MS. JOHNSON:

Q Tell me about the treatment you've arranged for Mr. Shuler.

A His name is Isaac Jackson. I'm sorry; I have everything

in that binder.

MR. FISHER: Objection. Can we approach?

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MR. FISHER: Judge, I'm very confident that your ruling was that we could say that treatment was available and limit it to that. Now, we're getting into who's going to treat him, where he's going to be treated. It's not relevant.

THE COURT: I'll give her some latitude and let her testify, over your objection. I understand. Go ahead.

MS. JOHNSON: Your Honor, may I grab her binder? Because she's having trouble remembering, just in case I need to refresh her recollection.

THE COURT: Sure.

(Open court resumes as follows:)

BY MS. JOHNSON:

Q Ms. Woo, is your binder just over here at your purse?

A Yes, ma'am. It's that big folder.

Q All right. So, you have arranged for -- have you arranged for Paul to have sex offender treatment?

A Yes, ma'am. I'm sorry; I need my glasses too.

Q You need your glasses. Of course.

A I can't see.

Q Of course. I understand.

A I'm so sorry.
Q No, that is perfectly fine. You're okay.
A Thank you, ma'am.
The only reason I was bringing this up is because we have been in constant contact with Mr. Isaac Jackson. He is at the RNC Recovery Consulting Group, Incorporated, and I said I'd make sure that he got there, and he said that --
Q Sorry -- and I hate to interrupt you. When you say you'd make sure that he got there, are you saying you'll make sure that Paul is going to get to treatment?
A Exactly, ma'am.
Q With Dr. Jackson?
A Yes, ma'am. And he's located in Laurinberg, North Carolina.
Q Okay. And he is at Sandhills Recovery?
A I don't think so. What is this?
Q Well, I can strike that question. Is he the person that you're arranging for Paul to have sex offender treatment?
A Yes, ma'am.
Q Okay.
A And he'll be going to church. And we have also got an apostle that's not able to be here because he didn't know what time. He couldn't leave work because he said he's a man short.
MR. FISHER: Objection, hearsay. Objection, leading.

Objection, relevance.

THE COURT: Overruled on relevance. Sustained on hearsay and sustained on leading.

BY MS. JOHNSON:

Q Ms. Kim, I'm going to move forward to the next question that I have for you.

A I'm sorry.

Q That's okay. That's okay.

Tell me about some of the programs and certificates that you know that Paul has completed. Because have you been his support system through this whole thing?

A (Witness nodding.)

Q Yes?

And you just have to answer on the mic. I know this is really tough for you. I know you're -- you're doing fine.

Do you need a second?

A I don't know.

Q Would you like some water?

A I just don't understand why I can't tell what kind of treatment he would be getting and the support --

Q And I understand. But I think the point is that you have made sure that he's going to have sex offender treatment when he gets out; right?

A Definitely, yes.

Q And he's willing to do that; right?

A Right.
Q And, as a matter of fact, he's actually participated so that he can make sure that he gets it when he gets out; right?
A Yes.
Q Okay. Tell me some of the other ways he's been working on his behalf. Because does he give you his certificates? Do you get them?
A Yes, ma'am. And that's why I said, with my memory, I couldn't find this. I had the originals, and these are some of the things that I have got. But this is a binder full that he's done to be able to make him be able to come back into society and to be a -- what you call -- citizen. Like I said, he's got his associate's degree. He's got his doctorate. He's got --
Q Well, and --
A And he's also got --
Q Excuse me.
MS. JOHNSON: May I approach, Your Honor?
BY MS. JOHNSON:
Q What you're saying is really important so I just want to go slower.
Do you have his certificates?
A Yes, ma'am. This is a book of them.
Q Can you flip through his certificates?
MR. FISHER: Objection, hearsay. That piece of paper

should not be testified.

THE COURT: She can look at it to refresh her memory and then testify.

THE WITNESS: Well, do you want to look at it?

MS. JOHNSON: I'm sorry, Your Honor. I didn't hear you.

THE COURT: She can look at it to refresh her memory and then testify.

BY MS. JOHNSON:

Q So, are you able to remember it, off the top of your head, what all of the programs are?

A Most -- some of them, I believe.

Q Okay. Are you able to remember all of them that you have in that notebook?

A I hope so. I mean, yes, I know that he had taken courses and stuff, but I wasn't there when he did it because he was incarcerated.

Q Don't be nervous. If you can't remember, that's okay. I'll let you look at your notebook. I just want to make sure that you don't need to look at your notebook to say what programs you can remember that he got the certificates.

A Okay. Do you want me to put it over here?

Q No, you're okay.

Okay. Tell me what some of the programs are.

A He was involved in training dogs and cats.

Q Okay.

A There was a program like that.

He also participated in a jump (ph), and I guess that was where -- I'm hoping this is where it was, but where they ended up teaching them different -- about treating other people, you know.

Oh, you said I can't look.

Q No, no, I didn't say that. You can look.

If you don't remember, just let me know.

A I don't remember them all, because like I said, they'll tell you what it's all for. But, like I said, he's got a lot of different things. I know that he's also -- most of this stuff was biblical. And then he was straight A. He had a couple of B's or what have you. But he's always been involved and wanted to do prison ministry. And now he's -- I don't know if he's going to be able to do that anymore. He had honor rolls. I'm going to go back to -- counseling, teacher, guidance, understanding the Bible.

Can I say stuff like this?

Q Yeah, if you -- if those are things that you know that he took part in.

A Sharing the good news. Helping Christians grow. Preaching and teaching. He's got it on abundant life -- living. Also, he's got -- so, when he comes out, instead of him just not having anything, not only did he get those -- the degrees, you know, he also has completed courses -- he's got

certificates and stuff from carpentry. So he's got these things that he's done. Administrative clerks; he's got two of those. And grooming, where he took care of the dogs and stuff, and he -- because he's always loved animals. Life skills, beginning relationships. That's at Jump Start, which is from McDougall, when he was at transformation of the --

MR. FISHER: Judge, objection. I mean, it's clear that the witness is reading from --

THE COURT: That's fine. Overruled. Just read the programs that he's completed.

A He's got, like, four. Certificate of completion from Allendale with some of the things that he had done there. And he has another one that's character restoration initiative. He graduated for a teacher expecting student achievement --

BY MS. JOHNSON:

Q And Ms. Woo, may I ask you -- and I don't want to interrupt you, but -- so may I ask you: Are these ways that Paul has been working on himself as he's been incarcerated?

A Right. Because, like I said, when he started out and it was hard for him, he said, then, when he finally started pulling himself together, he knew what God -- he remembered what God told him, and he said, "Mom, He didn't tell me" -- okay, "He didn't tell me where I was going to be saving souls." And he says, "I just have to look at it that that's why I'm here."

And he took all these other classes and different things because he said he wanted to be -- he was trying to take -- really, when he went in, he wanted to save his marriage. That's another reason why he said, you know, he took it because we told him she would wait for him. So, that's why he did what he did.

But he wanted to take courses that would even help him in being able to be there, you know, for his wife and making sure he doesn't do the same things or, you know, get in any trouble once he would come out.

Q Ms. Woo, are you -- are you ready for Paul to come home?

A Yes, ma'am.

Q And you understand that, if he comes home, it's going to be a lot of responsibility. He's going to need a lot of support. Are you willing to do that?

A Definitely. And like I said, I'm disabled. It's working on my body -- on my body. It's tearing it up. I have been working, like, seven years. But I have been totally disabled.

So, him being home, I would just quit my job, and where he needs to go, I'll take him. I'll be -- if it takes me to sell my house in Conway to be with him, if that's what you guys would say, I'm willing to do that.

But, like I said, I would not be in this courtroom today if I felt he was going to be -- I call it a menace to society. I would not do that. I have got to answer to God for this.

And if he does something again, you know, which I am not going to even say he will, but, you know, it's going to be -- this is his opportunity to, you know, show himself. But he also, like I said, has the apostle that we were under. He's got ministers that are going to be there. He's got a tight reign of people and a lot of pastors and different ones that he's known that's going to be there. And, like I said, Isaac Jackson has been trying to work with us for months.

Q So, he's got -- Paul will have an extensive support system. Is that what you're saying?

A Yes, ma'am.

MS. JOHNSON: Beg the Court's indulgence, Your Honor.

BY MS. JOHNSON:

Q Ms. Woo, I don't have any questions for you. So, Mr. Fisher is just going to ask you a few questions and then, hopefully, we'll be done with your testimony.

Are you okay?

A Whatever you say, ma'am.

MS. JOHNSON: All right. Thank you, Your Honor.

THE COURT: Thank you.

Cross?

CROSS-EXAMINATION

BY MR. FISHER:

Q Good morning, Ms. Woo.

A Hi.

Q You love your son very much, don't you?
A Sir?
Q You love your son very much, don't you?
A Definitely.
Q You were in his life when he was committing these crimes?
A I do not believe because there was a period of time that -- oh, okay.
Q So, from 2013 when he started raping K.A. to today, you were not a part of his life?
A Yes, I was.
Q Okay. And you weren't able to control him, were you?
A I didn't know I had to control him. I didn't know anything that was going on. With the K.A., as I said, there was always adults in the dojo.
Q K.A. was 11 years old; correct?
A Right. But, like I said, I don't know -- I can't say that he raped her because it was always somebody -- an adult in the dojo.
Q Are you saying that he did not rape K.A.?
A I wasn't there, so...

Like I said, I don't know how anything could have happened because there was always an adult there.

Q Well, it did because he pled guilty to it, didn't he?
A He did, trying to save his marriage. And they were saying what -- they told him 25 to life on one thing and then

gave --

MR. FISHER: Objection. That's hearsay.

BY MR. FISHER:

Q The question is ---

A No, that's what --

Q --- were you in his life when he was --

A Definitely.

Q Okay. And you understand that he pled guilty to it; correct?

A He took an Alford plea.

Q So, then he did not take responsibility --

MS. JOHNSON: Your Honor, I'd just ask that my -- that my witness be allowed to finish her sentence.

THE COURT: Finish your answer. Go ahead. You may answer.

A Not to be disrespectful, but I was not -- I mean, only he, Kayshock (ph) -- K.A. and God know what he did. I would not have, for one second, approved of it. Or, you know, I would not have been there and he would not have my support doing anything to anybody. Doesn't have to be a kid. No.

BY MR. FISHER:

Q And then, in May of 2014, he raped a 13-year-old?

A He did not, not that --

Q Are you saying --

A No, not to my knowledge. That's what came up. Each time

with K.A., I had told him I didn't like him -- the closeness that he had to the mother and the kids because he was trying to help the kids. He was worried about the kids' welfare. So, that's how he became close with K.A.

I would say, "Paul, I don't want -- it doesn't feel right. You need to be -- you know, you can't be that close," because she had a brother also, so he was there also.

Paul just was trying to help those children. Again, he has always tried to help children, and every time I turn around, he's rescuing some animal, bringing it into the house. So, he has a heart of trying to help, and that's what he was trying to do.

The 13-year-old, he told me -- and as soon as they even said anything, he immediately gave himself up. He never -- he always turned himself in when they said that it was a case against him. And he let the police -- they said that they -- he opened up everything, let them have full reign of everything that he had.

Q And then, while he was on pretrial release for raping K.A. and for raping the 13-year-old --

MS. JOHNSON: Your Honor, I object. Those facts are not in evidence. My client was never convicted for raping a 13-year-old.

THE WITNESS: No.

THE COURT: Overruled. You can answer the question.

BY MR. FISHER:

Q And then, while he's on pretrial release, he raped M.L. and you're saying he didn't do it.

A Who -- I didn't say that.

Q He didn't?

A You asked K.A. And now you're saying he didn't do M.L. and, like I said, I never said that.

Q Okay. Let me say it again. And I'll slow down.

So, you're saying that he didn't rape K.A. but he pled to it anyway?

A He took an Alford plea trying to keep his marriage. This is 7-1/2 years that he -- 7 to 10 years he would be -- he would have to serve or 25 to life for, like, the K.A. 13 and the M.L., and all of them, they said it would be beyond 50 years. So, he would have died in prison. He did not want to take an Alford plea. He wanted to go to court. We said, "Take it." And his wife said, "7-1/2 years? I'll wait. But for 25 years, I'm not." That's why he did that.

Q You don't know that, though. You don't know what --

A Yes, I was right there.

Q Are you saying you know what's in your son's mind?

A No, you asked --

MS. JOHNSON: Your Honor, I object to the relevance of this and also the speculative nature.

THE COURT: I'm not real sure what he was saying and she

was saying and you were saying.

When you object, everybody else stop so I can hear her objection and I'll rule on it and we'll go from there.

Go ahead and ask your question.

MR. FISHER: Thank you.

BY MR. FISHER:

Q You have all of your son's certificates in that binder?

A A big portion of them.

Q Please pull out the one that says that he successfully completed sex offender treatment while in prison.

A I don't know if he has -- I don't have anything like that on me. And I don't -- he had gone to one of these sex places about maybe three or four months before he was released, took him in the middle of the night, I guess. And then when he called me, he said, "Mom, I'm not at Evans anymore. They shipped me out."

"What's going on?" I called Evans and I called that specific place, and they said that's where sex offenders, they would go and have their training and whatever.

And when -- we didn't know, and the lady kept on saying she didn't know. She looked into it and said he was a low offender and whatever, and they sent him back to Evans and said he did not need to take that.

Q Are you saying that the DOC, Department of Corrections, told your son he did not need sex offender treatment?

A I don't know.

MS. JOHNSON: Your Honor, I object. I believe that this testimony and these questions are calling for hearsay at this point.

MR. FISHER: Judge, I'm just following up on the answers.

THE COURT: What was your question?

BY MR. FISHER:

Q Are you saying that it was the Department of Corrections, SCDC, that told Mr. Shuler that he did not have to go to treatment?

A No.

THE COURT: Sustained.

THE WITNESS: It was another --

THE COURT: You don't need to answer that.

Go ahead and ask another question.

BY MR. FISHER:

Q How many women were in the South Carolina Department of Corrections with your son?

MS. JOHNSON: Your Honor, I object as to relevance.

THE COURT: What is the relevance?

MR. FISHER: The fact of the matter is, Judge --

THE COURT: What's the relevance?

MR. FISHER: He had sex with three women --

MS. JOHNSON: Your Honor, I object to the speaking.

THE COURT: Were they in the Department of Corrections?

MR. FISHER: Pardon?

THE COURT: Were they in the Department of Corrections?

MR. FISHER: They were not in the Department of Corrections. But this witness is saying that he did not want to enter a plea. This witness is saying that they talked him into a plea. My question is, well, then, he pled to this but he couldn't re-offend at the Department of Corrections.

MS. JOHNSON: Your Honor, his question was whether there were women at the Department of Corrections with him, and that's why I objected.

THE COURT: Sustained.

BY MR. FISHER:

Q Where is Isaac Jackson today? Is he here?

A No. He's in North Carolina.

Q You understand that your son plans on going to North Carolina; correct?

A That's what I said. Yes, sir. And I'm willing to go with him. He served ten years.

Q And your testimony was, just to be clear, your son was not granted early release by probation and parole?

A Yes, because they said it was for me on my behalf for all my disabilities. And they said if you're asking for him to come out, it has to be something like he's got cancer or something like that. It has to fall on him. And everybody in all the -- I have those here too.

And they said that, because it was for me and everything -- it looked like it was for me, he could not get out. If it was for him -- if he had the different things -- disabilities and different things that he was going through and needed help, then they would have considered it.

Q But the answer is, he was not allowed early release; correct?

A Yeah, because they said it had to be him -- for him.

Q I'm going to ask the question one more time. He was not granted early release; correct?

A No.

Q Correct. Thank you.

THE COURT: Redirect?

MS. JOHNSON: Beg the Court's indulgence.

Your Honor, I have no further questions for this witness.

THE COURT: You may step down.

MS. JOHNSON: Your Honor, may Ms. Woo be released?

MR. FISHER: No objection.

MS. JOHNSON: I think she'd like to sit in the courtroom for the testimony, if that's okay, Your Honor.

THE WITNESS: Can I say what the --

MS. JOHNSON: I'm sorry, Ms. Woo. I didn't hear you. Do you need your --

THE WITNESS: No, I was going to ask if I could go on and say the recid- --

MR. FISHER: Judge, there is no question before this witness, and she's been released.

THE COURT: I'll let her say something if she wants to say it. Go ahead.

MS. JOHNSON: The judge said if you want to --

THE WITNESS: If I can say something?

THE COURT: Say it.

THE WITNESS: I have paperwork here. I've gone on and looked. And I can't say that word, recid- --

MS. JOHNSON: Recidivism?

THE WITNESS: Yes. It says for those that have earned a bachelor's degree ---

MR. FISHER: Judge, objection, again.

[Crosstalk]

THE WITNESS: --- .6 percent --

MR. FISHER: That piece of paper is now testifying. She's reading from the stand.

THE WITNESS: --- and these are ---

COURT STENOGRAPHER: Wait a minute. I can't take two people.

THE COURT: I can't either. Everybody is talking at the same time. Doesn't make any sense to me.

All right. Go ahead. Say what you have got to say. Just say something.

THE WITNESS: Okay. I was just saying that, if you get a

bachelor's degree, it's 5.6 percent rate of him re-offending. But he has a doctorate, and they didn't go as far as a doctorate. So his -- if it's 5 percent for a bachelor's -- associate's degree, it's 13 percent. If anybody wants to see it, I'd be willing to let them take it.

MS. JOHNSON: Thank you, Ms. Woo.

Can I help you with your stuff?

Your Honor, may I have just a second to see if my other witness is in the hallway?

THE COURT: Go ahead and get your next witness.

(Pause in the proceedings.)

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

THE COURT: Yes, ma'am.

MS. JOHNSON: At this time, we'd call William Tracy McGuire to the stand.

WILLIAM McGUIRE,

after having been duly sworn, was examined and testified to as follows:

THE CLERK: State your name for the Court, please.

THE WITNESS: William Tracy McGuire.

DIRECT EXAMINATION

BY MS. JOHNSON:

Q Mr. McGuire, I know you have got your phone with you, but you need it to help you with your hearing; correct?

A Yes.

Q Okay. Can you just give me a little detail about that so the Court will be aware?
A Well, my hearing aids are connected to my phone. My phone will ring, but you won't hear it. I will.
Q Okay. So, you need it to be able to help you hear?
A Hear clearly.
Q Okay.
A I hear, but words -- sometimes I think you say one thing and you said something else.
Q I understand.
So, tell me about yourself, Mr. McGuire. Where do you live?
A I live here in Myrtle Beach.
Q And what do you do?
A I'm a pastor.
Q And how long have you been doing that?
A I have been a pastor for 20, 25 years.
Q And tell me what are some of the things that go into your work as a pastor.
A Well, what I do here, since I moved here from Ohio, I have gone into the prisons. I do prison ministry. And I start off by going once a week. But once I started going in once a week, I felt that was my sweet spot, if you understand what I mean. I felt a pull on me, and I begin going every day. I would go in at 8:00 and go to three different pods

before noon and then come back after noon and stay until about 3:00, time to go pick up my kids from school.

Q And what were some of the things that you did? So, did you interact with some of the inmates there?

A Yes, I would hold some Bible studies. I would do personal visits. Sometimes -- and this is what I do is, when I walk through the doors and I walk down the hallway, I ask them, "Well, let me see what you see."

I'm a little different. I don't want nobody to receive something from Tracy. They need something from the Lord. So, I want to see what He sees. So, I ask them, "Well, let me see what you see." And when I go through the doors, I just -- I'm being led by the spirit of God.

And every time I begin to share things with them, they would look at me like you-all are looking at me and ask me, "Were you here last night?" And I said, "No." They say, "Well, how do you know what we were talking about last night?" And I said, "I don't know, but He knows."

So, I've learned to walk in to where these men could receive something from the Lord, not somebody that's -- and I'm just a volunteer. I go in there every day because I actually love it. I actually love it.

Q And let me ask you this: When you work with these inmates, is part of your goal to help make sure that they don't go out and commit more crimes?

A Yes. I do what you would call something holistic. I want to work with the needs that they have. Some people aren't saved, and I talk with them differently. There are some people that need help when they're getting ready to get out, and part of what I do is outreach. It's called Restoring Hope.

Not only do I help the men inside, but when they get out, I help them get reconnected to their families, to the communities. I help them get jobs. I help the men learn how to prepare for job interviews.

The reason why I do this is because -- you probably wouldn't believe this by looking at me or knowing what I do here, but I was once called. And I'm not ashamed of it because the testimony of Jesus is the spirit of prophecy. That's why I go in there.

These young men need to see somebody that looks at them at one time and can see hope on the other end when they get out. So, when I share these things, I walk through every step with them. I become like a father or mentor.

Whatever the need is, I go in there to meet the need.

Q And tell me how you know Paul Shuler. Do you know him?

A Yes.

Q How long have you known him?

A I met Paul, I think it was in 2015. Paul would come to all the Bible studies. He would always be the first one in.

It got to the point to where he would gather up the men. Because I would go in in the morning, and most men, they don't have a job to go to; they would sleep in.

And he would wake up the guys that normally would come, and they would all come in. And then I would have about 15 to maybe sometimes 20 guys in a small room.

And Paul was very eager for the word. When I first walked in, just as I explained, I always ask, "Well, let me see what you see." And I could see something different about Paul. He was just hungry and thirsty. But yet, the Lord began to show me something different.

And I only do this as God leads me to. Sometimes, you know, you have natural senses and you have spiritual senses. You can see spiritually, smell spiritually, and hear. It's just you have spiritual senses. Sometimes I can smell a foul spirit, but it's not like I can walk around sniffing, trying to find something like a dog does. But it's only as the spirit leads.

And one day, God was showing me something about Paul, and when Paul embraced me before I left, I could smell something. But I know, when I smelled this, that the first thing I'm going to do is ask the Lord, "Why are you showing me this?" So, I began to pray for Paul while we sat there.

And after the group left, I asked Paul, I said, "Can I speak to you?" And as I spoke to Paul, God began to show me

that Paul was violated as a kid. And Paul never told this to nobody. He knew I heard from the Lord when I told him that. He broke. When I say broke, he broke crying, snotting, uncontrollable. I don't know if you-all could even understand this. I know a lot of times men don't hear this, but women a lot of times get molested but men do too.

Imagine -- I don't know how old Paul is exactly but, as a kid -- as a kid, as a child, he got molested. He carried that shame until he met me. When I say "he met me," he met a vessel me for the master's use. God just spoke a word to him. It wasn't me. God wanted to heal his shame. Because that's shameful. My old lifestyle was a shame, so I know something about God healing you of that shame. That's why I can speak boldly about it, because I'm not that person anymore.

So, I knew what God did for me, He wanted to do for Paul.

Q And let me ask you because you -- where were you when you started -- when you were having these interactions with Paul?

A We were in the room, but when I spoke to him personally, we went into a separate -- we went into the -- the -- what's it called?

Q Were you at the Department of Corrections?

A Pardon?

Q Was this at a jail? at the church? at the Department of Corrections?

A No, every -- all my -- my communication with Paul has

been at J. Reuben Long.

Q Okay. So, he was in the jail at the time.

So, had he -- to the best of your knowledge -- and if you don't know the answer to this, that's totally fine, but he had already been arrested for committing some sex -- some sex offenses by then?

A He was already arrested, but I -- I don't get into their personal business unless they bring it to me.

Q I understand. And so, at this point -- and I apologize for interrupting you, but at this point, you had a conversation with Paul. And did Paul ever confirm whether he had been molested? Did he confirm that with you?

A (Witness nods head in the affirmative.)

Q And you just have to answer audibly. I'm sorry.

A Yes. I'm sorry. Yes, he did.

Q Okay. And then what happened?

A He just cried. And I told him God wanted to heal him of his shame.

See, a lot of times, people believe that just Christ going to the cross for us, He redeemed us from the curse, but this is the joy that was set before Him. He went to the cross and says He despised the shame. See, He took the shame. Some people don't understand, He takes the shame of who we used to be, what you used to do.

I don't think Paul understood that. And from my

understanding, Paul had already been an ordained minister. I didn't know -- I didn't know anything about Paul until that encounter, and that's when he began to share with me things.

Q Have you had -- did you have any interactions with Paul after that?

A Yes. It was probably about a year later he got -- he got sent off to federal prison and he wrote me. After a while, he put me on his phone list, and he would call me.

But I knew Paul had to grow. I could not just take him by the hand. I couldn't call him. He couldn't call me all the time because I'm not available like that; there's other things I do with the other men.

But I told Paul, "You're going to have to trust to know Him personally, intimately, on your own self." And he would take heed to what I was saying. He wouldn't call me as much as he did when he first started, but when he called, when I saw the phone call -- well, I wouldn't say I saw it, but when they would say, "This is a recorded call from the prison," I was happy to hear from him.

But what I was most happy to hear was I could hear the change. I could hear the change where the things that I shared with him about my encounters in prison, he took those things and ran with them. I told him how I went and worked for the chaplain; how everything the chaplain needed, he depended upon me. I told him, when I was incarcerated, that

the COs, when there were issues, they would come to me.

And that is not about me. That is about who I host, if you understand what I mean. Being hosted, the Lord of host, the presence of God. And this is what every believer is supposed to do.

And Paul grabbed it. I mean, he took it like he just grabbed what came out of my mouth and took ownership of it. He would tell me, "Pastor, I'm doing everything that you did." He said, "I'm teaching Bible studies, I'm doing this, I'm working for the chaplain. They let me in places nobody else can go in." And these are the steps that I did.

So, it always encouraged me. And then, all of a sudden, I got a call saying that he was back here again.

And we went through a process of COVID where I couldn't go out there anymore, but he returned after COVID and I was able to go out back and see him again.

Q And you're not saying he got in more trouble. He got transported.

A Trans- -- well, he was being released, I thought. But then he called me and said, "I'm at J. Reuben." Well, he didn't call me; his mother told me.

Q For these proceedings.

A Yes.

Q And tell me about what differences you have noticed about Paul since your earlier interactions versus now.

A The difference now is he's really taken leadership when he walks in there. He's -- I think the officers there know who he is.

When I come in, he does the same thing he was doing before. He riles up the guys and says, "Hey, Pastor Tracy is here." He wakes them up.

They don't let them study like they used to since COVID, but yet he still -- when they're able to walk the common area, they spend time together. And these are things that I just know is someone who wants to take leadership, someone who wants to help others.

And he spoke to me before he even left to go to federal prison. He said, "I want to be a part of Restoring Hope. I want to help you help men like me." These were words that came out of his mouth.

Q Do you -- to the best of your knowledge, you understand that Paul actually went to prison for sex offenses?

A Yes, but I didn't know about even the point of being here now until the Lord revealed that to me. We were talking again, and I could see something on him. He was still -- I don't know. The only way I can explain it is it's just a gift. I could see what God wants me to see.

And I told Paul, I said, "Paul, there's something else going on." I said, "You're here for a reason." And I said, "God does everything perfect in its time. You were supposed

to get released, but for some reason, you're still here."

I said, "Paul, there's something that you're -- you're not willing to let go of and there's still -- I know there's some shame." And he began to share -- well, I won't say he began -- the Lord began to share with me that it was something how you can play with words, where you would ask a question and you'd say, "No, I didn't do that." "No, I didn't do that but it was something else, but you didn't ask me what that was."

And I knew it was something in just talking with Paul. Paul just began to just share with me that he was willing to release everything because he was holding still just a little shame of something else.

Q And are you speaking -- when you talk about maybe answering a question but sort of hiding a different answer, are you talking about manipulative behavior? Is that kind of what you're referring to? I just want to clarify.

A Can you say that one more time?

Q Are you talking about -- when you reference him or, maybe answering questions but there's hiding the answers to another question, are you talking about manipulative behavior? Are you talking about purposely manipulative? Tell me what you mean.

A No, what I mean is there was still something he was just hiding, not trying to manipulate anything. It was where, if

you asked him a question -- and to be brutally honest, his mother shared with me that he was being accused --

MR. FISHER: Objection. Hearsay.

THE COURT: Don't say what somebody else said.

MS. JOHNSON: I'm sorry; I couldn't hear you, Your Honor.

THE COURT: Don't say what somebody else said.

MS. JOHNSON: Right.

BY MS. JOHNSON:

Q So, just only speak from what you know. Don't say what other people --

A Okay.

Q Okay. But, at some point, you counseled with him about that?

A Yes.

Q Yes. Okay.

And if Paul were to -- do you still help Paul? Are you still involved in his life?

A Yes, ma'am.

Q If Paul is released to go home, are you still going to be part of his life?

A As long as he wants me to. I mean, I'm a father, and I believe that that's something that Paul looks at me as, is a father figure. And I'll be -- just like I'm here, I'm here representing him as a father.

Q And so -- and do you consider that to be part of his

support system when he's released?
A Yes. The ministry will -- I mean, there's things I have talked to Paul about, about when I got out. Everywhere my pastor went, I went. I believe in, like, Elijah; what's on me will fall fresh on him, just like Elijah. When you stick with a man of God or woman of God, that anointing will just -- it's just like if I stuck with Your Honor every day, went to eat with him, went to -- everything, that, pretty soon, I would be just like him.
Q And in what ways do you think that your support for Paul will help him to make sure that he doesn't go out and commit crimes? Like, do you think that you can support him in that manner too?
A It's up to him. It's up to Paul. To be honest, it's just totally -- like it was up to me, it's totally up to him.
Q So, you'll be there, but he's the one who's got the keys.
A He has to put forth the effort.
Q Is there anything else that you want to let me know before I sit about Paul?
A No. No, ma'am.
Q And you've actually been here -- you were waiting here all day yesterday?
A Yes, ma'am.
Q And now you came this morning?
A Yes, ma'am.

Q Okay. I appreciate that.

MS. JOHNSON: Your Honor, I have no further questions at this time for this witness.

THE COURT: All right. Yes, sir.

CROSS-EXAMINATION

BY MR. FISHER:

Q I have just got a few questions, and probably the most important at this point: I missed your name. Your name.

A My full name is William Tracy McGuire.

Q Okay. And are you a pastor?

A Yes, sir.

Q Can I refer to you as Pastor?

A Yes, sir.

Q You understand that there are lots of different ministries; correct?

A Yes, sir.

Q You understand that, if Mr. Shuler is detained for treatment, that he could continue that ministry in the treatment facility; correct?

A Yes, sir.

Q There's a lot of other people in the treatment facility that need help; right?

A Yes, sir.

Q And he could do that?

A Yes, sir.

Q So, there's nothing that's going to stop him ministering to others.

A No, not unless he doesn't want to.

Q And you understand that, if he successfully completes treatment, he'll be released at some point in the future?

MS. JOHNSON: Your Honor, I object to that. May we approach?

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MS. JOHNSON: Your Honor, I admit my memory might be not great about this, but I thought we discussed that there were going to be limitations to his release, you know, when he can be released and at that point -- because I know I wasn't allowed to bring up, like, the terms "indeterminant," "amount of time" or "indefinite amount of time." It seems like we're getting into that.

MR. FISHER: We're dealing with apples and oranges. We went down this treatment path. I'm talking about treatment.

THE COURT: Shh, the jury can hear you.

MR. FISHER: I'm sorry. We're talking about treatment in the facility.

THE COURT: Ask that question and let him answer it, and then just go ahead and move on.

MR. FISHER: Okay. Thanks.

(Open court resumes as follows:)

BY MR. FISHER:

Q And you understand that if Mr. Shuler -- am I yelling?

A I can hear you.

Q Okay. My voice is elevated because I want to make sure I can -- you can hear me.

You understand that, if Mr. Shuler successfully completes treatment, he'll be released and can go on and minister at that point?

A Sure. I don't know what the treatment is, but...

MR. FISHER: If I may have just one moment, Your Honor.

I think that's all I have. Thank you.

THE COURT: Anything further?

MS. JOHNSON: Nothing, Your Honor. May my witness be released?

THE COURT: Any objections?

MR. FISHER: No. No objection.

THE COURT: You may be released.

Call your next witness.

MS. JOHNSON: Your Honor, may I have a break just because I think I might be on my last witness. May I have a break?

THE COURT: Why don't we take a 15-minute break and we'll come back.

(The jury exited the courtroom at 10:41 a.m.)

(A brief recess was taken from 10:41 a.m. to 11:03 a.m.)

THE COURT: Let's go ahead and bring in the jury.

MS. JOHNSON: Thank you, Your Honor.

May I go ahead and just assume the position, Your Honor?

THE COURT: Is this your last witness?

MS. JOHNSON: Yes, sir, it is my last witness.

THE COURT: Do y'all want to take a break right before closings?

MS. JOHNSON: Sorry?

THE COURT: Do y'all want to take a break and then begin closings?

MS. JOHNSON: If you don't mind, Your Honor, that would be great. Are we going to take a long break or a short break?

THE COURT: Short break. Okay.

MS. JOHNSON: I have got a PowerPoint presentation so I'll have to get all that together.

(The jury entered the courtroom at 11:05 a.m.)

THE COURT: Respondent can call your next witness.

MS. JOHNSON: Your Honor, at this time -- beg the Court's indulgence, but I'm going to call Paul Shuler to the stand.

Your Honor, if it's all right with you, I'm just going to keep a little water of up here.

THE CLERK: Raise your right hand and place your left hand on the Bible.

PAUL SHULER II,

after having been duly sworn, was examined and testified

to as follows:

THE CLERK: Please state your name for the Court, please.

THE WITNESS: Paul Joseph Shuler, II.

MS. JOHNSON: Your Honor, may I approach the witness? I just want to make sure that you're talking into this.

Will you say your name again.

THE WITNESS: Paul Joseph Shuler, II.

DIRECT EXAMINATION

BY MS. JOHNSON:

Q Okay, Paul. Are you from South Carolina, Paul?

A No, ma'am.

Q Tell me where you're from.

A Columbus, Ohio.

Q Okay. How old are you?

A 42.

Q And are you married? divorced?

A Divorced.

Q Do you have any children?

A Yes, ma'am.

Q Tell me how many children you have.

A I have one son -- he's 22 -- and then I have a daughter that's 13 that I'm going to be trying to establish DNA on as soon as I get out.

Q And so -- I'm sorry; did you say you're from Ohio?

A Yes, ma'am.

Q And is that where you grew up?
A Yes, ma'am.
Q Tell me about your childhood. Tell me about how you grew up.
A I grew up as a -- I would say in a normal, happy home. Mother and father until I was around 7 when my father had left. My mother, she did all that she could to support and be there for me.

Father, he was in and out but, for the most part, I mean, I was a pretty happy child. You know, constantly in the church. Grandmother always there. Active role.
Q You got in some trouble kind of as you were in your teens or was it older? Tell me about that.
A It was in my teens -- early teens.
Q Was it mostly like shoplifting and that sort of thing?
A Yes, ma'am. It started out, as you heard with Dr. Gillen, with the caps -- little caps. It was actually at a Bob Evans store. I had taken some cap guns, little circle things. And we have a little house called The Huckleberry House in Columbus, Ohio, where, instead of going to jail or anything like that or a detention center, your parents can take you there themselves, and you can go there for a couple of nights. It's almost like a timeout place, and she had taken me there.
Q "She," your mother?

A Yes, ma'am.
Q Why were you starting to get in trouble?
A I really believed because I missed my father and I kind of wanted to be with my father, so I was just trying to act out to get away from -- trying to be with my father.
Q And as you grew up -- at some point, you came to South Carolina; right?
A Yes, ma'am.
Q Around what age was that?
A I was -- it was in 2009.
Q Why did you come to South Carolina?
A I had moved to Florida and -- to try to start a construction business and didn't do really well, and I heard that South Carolina was kind of a good economic -- in good economical status. So, I had come here. And my Godparents had tried -- you know, funded me to come here to try and do the same.
Q So, actually, as you were growing up -- and it seems like you had a lot of people kind of on your side supporting you; is that right?
A Yes, ma'am.
Q Mm-hmm. And yet, you still -- it seemed like there was just, you know, a shoplifting charge, a charge with you being deceptive about cars or something like that. It was just quite a few that happened. Can you tell me why that is?

A As Dr. Gillen had stated, a lot of times I would act on impulse, and I would act without thinking and I would rebel. You know, I had an issue with authority in my early ages and all the way up to my adolescent to early adulthood.
Q So, I'm going to ask you about something quite sensitive, and I'm not doing it to embarrass you. And you can answer the question very briefly if you're not comfortable with it. But you heard Pastor McGuire's testimony; correct?
A Yes, ma'am.
Q And he referenced that there was some indication you may have been molested as a child.
A Yes, ma'am.
Q And can you confirm that today?
A Yes, ma'am.
Q And are you confirming that you were molested as a child?
A Yes, ma'am.
Q Tell me how -- are you comfortable getting into those details?
A Thanks to Pastor McGuire, I really -- really am.
Q Had you not told anybody before Pastor McGuire?
A No, ma'am.
Q And tell us what -- tell us about it now.
A When my father had left, my mother was going through a lot as a single mother to support me, to support her, and then to try to get into relationships and so forth. When she would

get into relationships, me and the other guy wouldn't get along because, you know, you're not going to replace my father.

So, she would have me go to or send me to my cousin's house. And when I would go to my cousin's house for the weekend, that's when my cousin would mess with me. It started out with -- actually, I'm sorry. We had went to a family reunion, and my cousin had taken me to the bathroom.

Q And is this a male cousin?

A Yes, ma'am, it's a male cousin.

Q Was the cousin older than you?

A Yes, ma'am.

Q Do you remember about how much older?

A He was old enough to run for State representative.

Q And how old were you at the time; do you remember?

A I'm going to say probably around nine years old. Eight.

Q Okay. Continue. And so you said it was a family reunion?

A Yeah, it was a family reunion when that first started happening because he had taken me to the restroom and had -- when he had taken me to the restroom and started playing with me down there. And that's when that -- I believe it was that weekend, my mother had sent me to his house, and -- because I think her and my stepfather had started dating, and they had plans or something. And when I went over there, he had put in

a porn tape and had started hunching on my leg.
Q And I'm going to just stop you for just a second, and I'm sorry to interrupt you, but I'm going to take you back one second. You said he was kind of messing with you down there. Are you saying he was fondling your genitals?
A Yes, ma'am.
Q And I know it's quite sensitive information, and I'm not -- I don't want to embarrass you about it or put any pressure on you, but I just want to make sure that the jury understands we're not talking about him kind of rough-housing you; we're talking about he was sexually molesting you.
A Yes, ma'am.
Q Yes. Okay.
And then your mom went away for the weekend. And were you at his house?
A Yes, ma'am.
Q Had you said anything to anybody at that time?
A No, ma'am.
Q And then what happened at his house? You said he had started hunching on you.
A Yes, ma'am. He had put in the porn tape. And I had never seen anything like that. I don't even recall actually watching it, but I recall him hunching on my leg.
Q What does that mean?
A He had pulled down his pants and started, like, grinding

on my leg. And from that point, he had me get on top of him, and he was -- you know, and he just started pulling me to him and started kind of like humping-type thing.

Q And what did you do? Did you say anything to him?

A No, ma'am.

Q How did you feel?

A Honestly, I can't remember.

Q You can't remember.

Do you remember how long it lasted?

A That became a normal thing.

Q What does that mean, "normal"?

A For years -- well, no, I would say at least almost a year, not years. About a year almost, I would say.

Q Did it happen daily? monthly? weekly?

A It would be on at least a weekend or two out of a month, because my mother would be more involved with my stepfather. Me and my stepfather did not get along. Like I said, I mean, I just didn't care for him. I mean, and me and my stepfather now have a phenomenal relationship, but you would never think that. Me and him never got along.

Q It was a difficult transition?

A Yeah, because, I mean, my dad -- you know, I loved my dad.

Q So, how did this -- did it ever escalate to penetrative sex ---

A No.
Q -- or was it all just fondling?
A Yes, ma'am.
Q And it was sexual in nature fondling. It wasn't just wresting on the floor?
A Yes, ma'am.
Q How did it stop?
A Basically, I stopped going over there.
Q And you never said anything to your mother?
A Mm-mmm.
Q And did you start acting out after that -- shortly after that, or was it still some time?
A It was -- it was a little bit after that. A couple of years after that.
Q And during that time, I mean, did you -- what did you do with these thoughts and feelings, this thing that happened to you for over a year? What did you do with that? Did you just stick it in the back of your mind? Did you forget about it? Like, what happened?
A Kind of bottled it up. Took my kind of like martial arts training and bottled it up, you know. Better to run away from an issue than to face it head on.
Q Can you recognize today that what happened to you really messed you up?
A Yes, ma'am. And thanks to The Shadow Self -- and I

actually showed that book to you yesterday -- some of them exercises that -- that The Shadow journal actually has you go through, it took me to the root of them issues that I found out that that's where a lot of stuff came from.

Q And now you know?

A Yes, ma'am.

Q And I'm not asking you these questions to be overly hard on you, but I think the jury deserves to know. Because you had been a victim of sexual molestation, but we all know here in this courtroom that you committed sex offenses; right?

A Yes, ma'am. Yes, ma'am.

Q Yeah. And not only did you commit them, but you were convicted of them; right?

A Yes, ma'am.

Q Well, talk to me about this first victim. She was 11 years old; right?

A Yes, ma'am.

Q And I don't want to say her name, but let's just call her K.A. Okay? How did that happen?

A In the beginning, she had come in and the mother had come up to my office and had told me their issues. They had come from Florida. And the mother had already stated that the son --

MR. FISHER: Objection: Relevance and hearsay.

THE COURT: Hearsay. Sustained.

BY MS. JOHNSON:

Q So, don't tell me what other people tell you. Just tell me what you know and the things that -- and the sequence of events and why you did things.

A Okay. The daughter had one time --

Q Was she in a class of yours?

A Yes. Yes, ma'am.

Q A martial arts class?

A Yes, ma'am. Both the son -- I mean, the brother and the sister.

Q Okay.

A And the daughter -- I'm sorry. The sister, K.A., had one time what they called de-pantsed me in front of the whole class.

Q And I want to stop you for a second. Around what time is this? What year is this?

A This is roughly 2014.

Q Okay.

A And both me and my secretary, which her name was Stephanie at the time, we both had said, "Hey, that was very inappropriate." And so, it kind of embarrassed her or whatever. And so, we sat her down and pulled her to the side and talked to her.

And then there was a second incident where we have a session, which was sparring with sensei. If the kids were --

if they got -- I forget -- I think it was like A's and B's and they had a good week, then instead of sparring against each other, then the kids get to instruct the class. Whoever got the best reports in school, they got to be the sensei for the last ten minutes, and they got to spar with me.

So, she -- K.A. was one of the ones that I got to spar with, and instead of me sparring, I would tickle them. And when I tickled K.A. one time, she pushed my hand down between her legs, and then it kind of led from that point on others. But that was the only real incident that happened in the school.

Q And so, there's a point where you guys are sparring, and you ended up with your hand on her vagina; is that right? Like over her clothes?

A Yes, ma'am.

Q Over her genitals?

A Yes, ma'am.

Q And somehow that led to you going further and actually molesting her; is that right?

A Yes, ma'am. But that wasn't at the school. That was actually at her house.

Q Okay. And was it -- does the time period, about February 25th, 2014, to about the end of March 2014, does that sound about the right time period that this happened?

A Yes, ma'am.

Q And tell me what you did.
A Well, we was at her house because we was -- like, my mother had testified, we had gotten really close, all the families, and we were like family. And the mother had invited me over for dinner after class. And we were sitting there waiting. And I had given the kids a hamster. And she had me -- they lived in a split upstairs/downstairs, and the hamster was downstairs. And she had showed me -- K.A. had showed me the hamster and was showing me -- because they had a little ball that you put the hamster in.

And then she was poking at me and then kind of de-pantsed me and then she was running. So, I pulled my pants up, and I went chasing her and just started tickling her. And then, again, she put my hand down there in her genitals area, and one thing led to another where I was -- I was actually inside her clothes at that time.
Q I mean, there's a lot of her putting your hand down there. I mean, you're not -- are you suggesting that it was her fault that you molested her?
A No, definitely not. Definitely not.
Q And you understand that that would have been inappropriate anyway?
A Yeah, that definitely is inappropriate. Yes, ma'am.
Q There would have been any manner -- any means by which to correct that behavior that didn't call for you harming her;

right?
A Yes, ma'am.
Q But you did?
A Yes, ma'am.
Q That's just being honest; right?
A Yes, ma'am.
Q And it's not just you led from there. You molested her?
A Yes, ma'am.
Q That's true; right?
A Yes, ma'am.
Q What they have accused you of as far as K.A., that's true, isn't it?
A As far as the molestation, yes, ma'am.
Q Do you understand what that would have done to an 11-year-old?
A Yes, ma'am.
Q What do you think it would have done to an 11-year-old?
A Devastated her and possibly ruined her for the rest of her life, maybe never even trust another man ever. And quite frankly, I mean, she was a good martial artist, and to know that -- because I love martial arts. As an instructor and, quite frankly, as a master of the arts -- and I'm saying that very loosely because I don't consider myself an instructor anymore -- but to know that I stole that from someone, I have to live with that for the rest of my life. Regardless on if I

ever commit a crime ever again, I have to live with that for the rest of my life, to know that I destroyed her passion. Because she loved it just the way I did. That's -- I mean, that's what I did to her.

Q And then I know that there was some testimony, you know, about a 13-year-old girl. And I think -- correct me if I'm wrong -- around May 23rd of 2014. That's a day that you were accused of molesting a 13-year-old on May 23rd, 2014. Does that sound about right to you?

A Yes, ma'am.

Q You were never convicted for that, were you?

A No, ma'am.

Q Those charges were dropped; right?

A Yes, ma'am.

Q Okay. And, yet, they happened in close proximity to this first incident; right?

A Yes, ma'am.

Q And so, nothing happened with the 13-year-old?

A I'm not going to say that.

Q What does that mean?

A I did offer her $20 to be able to touch --

Q And hold on one second. You understand you have a right against self-incrimination?

A Yes, ma'am.

Q And you understand those charges have been dealt with and

you have never been convicted?
A Yes, ma'am.
Q And yet, there's still something you want to say about that?
A Yes, ma'am.
Q What do you want to say about that?
A That, even though I did -- I mean, that I was never convicted, I mean, that -- I owe it to the courts, I owe it to the community and to the victim to be straight up and honest, and to myself, that -- and definitely to my mom -- I did offer the girl $20 to touch her breasts. She declined.
Q Okay. So, this is now in 2014. This is your second conviction?
A Yes, ma'am.
Q Yeah. And then about a year passes, and we have July 9th, 2015. Again, something happened; right?
A Yes, ma'am.
Q And I don't want you to say that victim's name, but what would her initials be? M.L.?
A Yes, ma'am.
Q M.L. Let's call her M.L.
What happened with M.L.?
A I had posted a -- as Dr. Gillen said -- a Craigslist ad for modeling for the casting couch ad, and she had replied. And we met up. And long story short, we had agreed on the

casting couch audition, and she was going to get paid $100 for the completion of it. And every single thing that Dr. Gillen said happened in the audition actually happened.

Q So you, again, sexually assaulted. But this time how old was she?

A 20.

Q And how old were you?

A 31, I think. 32. Somewhere around there.

Q So, this is your third victim that you sexually assaulted?

A Yes, ma'am.

Q And even though you're saying nothing became of what happened to the 13-year-old, do you have any thoughts about a harm that she might have suffered just by that interaction?

A Yes, ma'am.

Q And what are your thoughts about that?

A Same as with K.A. --

Q I just want to make sure you talk into the microphone.

A Same as with K.A. I mean, any time that you're dealing with someone of that age, I believe that you impact them for the rest of their lives because their minds are typically fully developed -- I mean, not fully developed, so they're still in the development age -- I mean, stages.

Pastor Parsley -- Rod Parsley -- teaches that we have until the age of 13 to reach the children to bring them to

Christ, and it's very -- it's an 80 percent chance of them not coming to Christ after the age of 13. So, from birth to 13, that they're sus- -- spectacle [sic] of grabbing ahold of whatever we introduce them to.

So -- and I say that to say that what I introduced to this second victim can -- she may hold onto for the rest of her life. And, quite frankly, let's be realistic; I kind of treated her like a little prostitute. And if I'm introducing that to her, what is she going to do when she's 25 years old?

Q And yet, we have a 20-year-old. Do you think that, because she was an adult, that maybe that your interaction with her wasn't very traumatic?

A No. It was even more.

Q And tell me about -- what your thoughts are about the harm that you caused her.

A We have a foreign exchange student, a K-1 -- a J-1 student, that this should have been the time of her life. She come over here to experience our culture, the way we live, and I totally destroyed it. She may never want to even leave her house ever again.

Q And you understand that you put the Court and the jury in a difficult position because you -- correct me if I'm wrong -- but you're asking to be released. You're asking that the jury not put you in this institution for sexually violent offenders; is that right?

A Yes, ma'am.
Q Did you go to prison?
A Yes, ma'am.
Q For which victims? Because you didn't go to prison for the second victim; right?
A No, ma'am.
Q The 13-year-old.
Did you go to prison for the 11-year-old and the 20-year-old?
A Yes, ma'am. For ten years.
Q You went to prison for ten years?
A Yes, ma'am.
Q And you thought you'd be released but you were not?
A No, ma'am.
Q And you understand that you have now admitted to causing some real serious harm to people, and even though you have served ten years, you're asking the jury to let you go; is that right?
A Yes, ma'am.
Q Mm-hmm. And you can understand that people would be reluctant to think that you were not going to harm other people --
MR. FISHER: Objection to leading.
THE COURT: Sustained.
MS. JOHNSON: Thank you, Your Honor. I'll rephrase that

question.
BY MS. JOHNSON:
Q Do you think that people would be reluctant, and if so, why?
A Most definitely. And I respect this whole proceeding. I agree with it 100 percent because of the safety of this -- of the community. As once an instructor teaching women's self-defense and children's self-defense courses against such crimes, I did the statistics, especially in this area; at one time, this was the third-ranked area in the nation as far as sexual abuse areas in the nation. So, if anywhere, this is the place that something like this needs to be held. So, I really do respect this kind of proceedings.
Q Are you going to harm people? Are you going to commit more sex offenses when you get out?
A I'm going to do all in my power not to. And that's one thing that I committed, as soon as I entered SCDC, I have committed my whole life to and that I'm going to continue to commit my life to is to do all I can to not ever commit another crime of any nature ever.
Q And, you know, you were at the Department of Corrections. So, I mean, you didn't get any -- you didn't get any sexual crimes there, did you?
A No, ma'am.
Q Did you get in any sexual trouble?

A No, ma'am.
Q But, of course, you were at the Department of Corrections. Were there even women around when you were at the Department of Corrections?
A A lot of them.
Q And yet, you didn't have any demerits or any accusations of sexual impropriety?
A Oh, no, ma'am. None.
Q Before February of 2014, had you ever committed sexual assaults of anybody?
A No, ma'am.
Q Had you ever even been accused?
A No, ma'am.
Q And I say "sexual assault." Had you ever done anything improper or wrong sexually to somebody before February of 2014?
A No, ma'am.
Q And since M.L., in 2015, have you done anything sexually improper or wrong?
A No, ma'am.
Q So, why -- what was happening with you in this year period that you were doing this?
A Honestly, I don't have an answer.
Q Then how does the jury believe that you're not going to do something like that again?

A All I can say is...

I have to stand on the word, which Paul teaches 2 Corinthians 5:17, that we have become a new creation in Christ. The old things have passed away, and you hold all things that become new. And, therefore, that old man is gone. I believe in the finished works that have been dealt with on the calvary.

Now, I can't say what exactly was going on in them 18 months; however, in the shadow work -- and I'm referring to the shadow work which is a term that Carl Young, which is a Swiss psychiatrist and psychoanalyst, had come up with. And what shadow work is, is, like, for example, when I was young, my dad says, "Oh, well, boys don't hug or boys don't cry," so that's a negative aspect that is hidden. So, that's your shadow self.

And then at a later stage in life -- so that's hidden. In a later stage in life, it introverts with your current life. So, I'm thinking possibly that, in them 18 months, possibly, that it intercepted with my current life. And that's something that, like I said, that I actually reached out to Sandhills. Because once I found out that I had a house waiting for me in North Carolina, we found a treatment center that was recommended by the courts in North Carolina for my type of charges.

Q Before we get into that --

A Okay. I'm sorry.
Q Before we get into that -- and you have done a lot, and I'm going to get into a little bit about some of the things you have done to correct your behavior and improve your life. But before we get into that, it sounds like you have taken quite a leadership role at the Department of Corrections; right?
A Yes, ma'am.
Q A lot of it has to do with biblical things and psychological things; right? Yes?
A Yes, ma'am.
Q Yes. Okay.
And so -- but you grew up, you know, in a presumably Christian household; right?
A Yes, ma'am.
Q Yeah. Okay. And you still committed those crimes; right?
A Yes, ma'am.
Q And I'm not trying to attack you ---
A Mm-hmm.
Q --- but, like, what I want to ask you about, it seems to me you have been in a lot of leadership positions. Teacher. Okay? I don't want to know about what you're teaching. I want you to be the student for a second ---
A Mm-hmm.

Q --- and I want you to tell me what you have learned, how you have learned to be different, and what you have learned that would make you never do those things again. Talk to me about that. How have you improved your life?
A The commitment. It's one thing to hear about things, and it's another thing to do them.
Q Have you taken classes? Have you gone to counseling? What have you done?
A I have done life skills. I have taken life skills, cognitive behaviors, anger management.
Q I mean, are those just, like, a couple-hour classes?
A Oh, no, no.
Q Tell me more about them. What is a life skills class? What did you do?
A Life skills class consists of -- they are -- Allendale is a character yard. The whole yard consists of character -- it's a character-based yard, and you have to do five core classes, which those are all character core classes per week. And life skills was one of them. And it's anywhere from 30 to 45 minutes per week that you have to do in the class for nine weeks.

And I did Life Skills, Character 101, 102, and 103.

Q And that teaches you about what? Integrity and being honest?
A Yes, ma'am.

Q Did you think you needed that class?
A Most definitely. Most definitely.
Q What have you learned?
A Well, it breaks down different characteristics within yourself, different character aspects and how to -- what they actually are and how to achieve them, excuse me, along with the negative aspect -- I mean, negative characteristics within yourselves as well.

Like I say, cognitive behavior, which goes over how we think, why we think the way we think. The -- how we can override -- because a lot of people -- a lot of us say that our economical circumstances have a lot to do with the way that we turn out. So, how to override them.

Q And do you mean like if you grew up poor, how being poor is not -- how to get past that so you're not committing crimes?
A Yes, ma'am.
Q Is that what you mean?
A Yeah. So, how to turn -- you know, basically how to turn the bad into good.
Q I understand.

Would you say you have done -- I mean, how many classes, improvement at the Department of Corrections in the jail do you think you have done?
A At least 20 to 25. I have a total of -- if I'm not

mistaken, it was over 1,260 hours of completed core classes.
Q And in that time, did you also -- and I don't want to say "in that time," but you know, while you have been serving time at a detention center -- while you have been in prison or at the detention center, have you earned life skills or business skills like carpentry or agricultural? Tell me about those.
A I actually took a course through Clemson Extension. It's an agri business course that they offered that Clemson themselves came out, and I actually have a certificate I believe that you have of the certificate of completion from the Clemson Extension.

I also taken up dog grooming, which they -- East Coast Dog Grooming came out to the institution, and we would groom -- personally groom 25 to 35 dogs in -- no -- yeah, and then 20 to 30 cats per week with two to four female volunteers aging from the ages of 17 all the way up to -- I think our instructor was about 40. And we would work with leads, shears, scissors. And this is all unsupervised with no officer or anything around us, just regular volunteers.
Q I mean, was it part of a -- was there, like, an animal outreach with the prisoners, or did they just let everybody be around the dogs and the cats?
A No, ma'am. You have to earn that trust within the department to get a part of the program like this.

MS. JOHNSON: Beg the Court's indulgence, Your Honor.

May we approach?

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MS. JOHNSON: I was going to get him to identify these so that I can move them into evidence. So, I showed Mr. Fisher. I don't think he has any objection. These are just, so Your Honor knows, certificates of completion.

THE COURT: Those are his certificates?

MS. JOHNSON: Yes.

THE COURT: Okay.

MR. FISHER: Judge, this goes back to my initial objection yesterday.

THE COURT: I'm going to overrule it. If he can identify them and lay a foundation for it, I'm going to allow it.

MR. FISHER: Yesterday --

THE COURT: No, I understand your objection.

MR. FISHER: What is it?

THE COURT: If he can identify --

MR. FISHER: No. My objection is not just authentication. My objection is, yesterday, I was given a witness list. I didn't have any -- any information about any of these people. I couldn't pick them out of a lineup. Your Honor let them testify, and I respect that. Now we're going to move items into evidence that I have not been shown before

today.

THE COURT: Did y'all exchange these?

MS. JOHNSON: No, I did not, Your Honor. No. I actually just got them a couple of days ago.

THE COURT: Did he ask for those? I mean, did y'all exchange discovery?

MS. JOHNSON: We did not exchange discovery, but they did provide me with discovery. If I can just comment on that, Your Honor --

THE COURT: In other words, is this like a regular civil trial where he sent you interrogatories and requests to produce?

MS. JOHNSON: He did not send me interrogatories or requests to produce. My issue is that they came up yesterday on direct examination with Dr. Gillen.

THE COURT: I'm fine with it if he did not send you the interrogatories and requests to produce.

MS. JOHNSON: I didn't get them, Your Honor. I didn't send him any and he didn't send it to me.

THE COURT: Okay.

MR. FISHER: This is just like the witness is testifying. This is ambush. And to be given --

THE COURT: Well, y'all didn't exchange discovery. How is it an ambush?

MR. FISHER: And to be provided with these at trial for

the first time I think is inappropriate and I'm objecting.

THE COURT: You didn't send her any interrogatories or requests to produce.

MR. FISHER: I understand, Your Honor.

THE COURT: Then she has no duty to give you anything.

MS. JOHNSON: And I didn't intend to ambush Mr. Fisher.

THE COURT: I mean, it's no big deal. I mean, it's his trial. His life is on the line.

MR. FISHER: Thank you.

THE COURT: Give him a chance.

MS. JOHNSON: Thank you, Your Honor.

(Open court resumes:)

MS. JOHNSON: All right. So -- actually, Your Honor, can I have this premarked as just one exhibit? Is that okay?

THE COURT: Fine with me.

(Defendant's Exhibit No. 1, Certificates of Completion, was marked for identification.)

BY MS. JOHNSON:

Q All right. So, I am going to show you what has been premarked as Defense Exhibit 1. Tell me what I'm looking at.

A This is my doctorate degree in ministerial studies from King's Cross.

Q And is this -- when did you earn this?

A April of -- April 18th, 2024.

Q Okay. And so, this is since you have been incarcerated

or detained?
A Yes, ma'am.
Q And is this a fair and accurate representation of your Doctor of Ministerial Studies?
A Yes, ma'am.
Q Is this a doctorate, essentially?
A Yes, ma'am.
Q And what about this? What is this?
A This is my associate's degree in biblical theology from More Than Conquers Bible College.
Q And when did you get that?
A That was in March 15th, 2021.
Q Is that a fair and accurate copy of what you got?
A Yes, ma'am.
Q And I didn't ask you about this one. Can you tell me what that is? You don't need to read it, but can you tell me what this is?
A Honestly, I have not read it, so I -- because my mom got it through the mail.
Q Then I'm glad I asked; I'm going to remove this.
Tell me about this. What is that?
A That is the diploma of biblical studies. This is my -- oh, this is my associates for biblical studies from Phrear School of Theology.
Q And sorry, is this the letter that went with your

congratulations -- your certificate of completion?
A Yes, ma'am.
Q And this is from the Bible Institute?
A Yes, ma'am.
Q And March 3rd, 2021?
A Yes, ma'am.
Q Fair and accurate copy of what you received?
A Yes, ma'am. Yes, ma'am.
Q Tell me -- there's two sides of this. There's a letter and then there's a certificate. What am I looking at?
A Oh, this is the Global University diploma for completing their -- it was like a four-year program that they have for the Global University Prison Ministry. And if I decide to continue with their -- with their college, then I can actually go to be an ordained minister with them -- with the Assemblies of God.
Q And when was that?
A That was in November 16th, 2021.
Q And is this a letter that went along with getting the certificate?
A Yes, ma'am.
Q Fair and accurate copy of what you got?
A Yes, ma'am.
Q Okay.
A And they actually reached out to me as well to become a

pastor with them once I get out, if I do become an ordained minister.

Q What about this? What am I looking at?

A That is my completion from East Coast Dog Grooming School. This was done at Allendale. This is where I was telling y'all -- telling the courts about my -- about where they would come out and we would groom the dogs.

Q From when?

A September of 2018.

Q 21st?

A 21st. Yes, ma'am. I'm sorry.

Q Fair and accurate copy?

A Yes, ma'am.

Q All right. Tell me what I'm looking at.

A This is from More Than Conquerers. Two-year associate's degree. This is for me receiving honor roll to complete for the whole two years. Basically, an academic achievement. That was rewarded to me on the 15th of March 2021 from the president himself.

Q Fair and accurate copy?

A Yes, ma'am.

Q What is that?

A This is my report card from Phrear School of Theology, or my academic record. I'm sorry. My academic record.

Q Okay. And when is that from?

A 2017, 7/25, with the GPA of 3.1.
Q And is this a fair and accurate copy of you and your grades at that time?
A Yes, ma'am.
Q The grades that you earned?
A Yes, ma'am.
Q I'm almost done with these. Tell me what I'm looking at.
A This is my completion of life skills with Chaplain Lance Neil at McDougall Correctional Institution.
Q And when is that from?
A April 9th, 2019.
Q Fair and accurate copy?
A Yes, ma'am.
Q Tell me what is this.
A This is Jump Start completion. What Jump Start is is a program that you have to complete, and it's a year-long program. And it's a re-entry program for those who are getting out into -- from prison to re-enter into society. They give you halfway housing and they give you a job and so forth.
Q What's this?
A This is my graduation from the Allendale Correctional Institutional Character Housing Unit with my hours of completion. And what I find very interesting about Allendale is that those completing Allendale, within three to five

years, have a 2 percent recidivism rate within ---

Q I'm sorry; go ahead.

A --- within two -- I mean, three to five years. And then those who, within the lifetime, is 7 percent recidivism rate.

Q And is there a date on there?

A November 1st of 2018.

Q And is it from 2016 through 2018?

A Yes, ma'am.

Q And how many hours does this one say that you have completed?

A 1262.5 hours.

Q And is that a fair and accurate copy?

A Yes, ma'am.

Q Is this accurate?

A Yes, ma'am.

Q So, at the expense of this -- of separating the State by Gamecocks v. Clemson, what is this?

A This is the Clemson -- I mean, the extension agri business certificate of completion on the agri business certificate.

Q And when was that earned?

A 11/16/2018.

Q And what is this about? What's agri business?

A It's a -- the way Professor Ron Stanley explains it is agri business is the source or the beginning of all business.

So, it's a condensed version of business management. So, we go to the root of business management and condense everything down into a year process.

Q And are these all what you have learned?

A Yes, ma'am.

Q Okay.

A Well, plus more.

Q I'm sorry. And I said "learned." I meant earned.

A Yes, ma'am.

Q Are these all that you earned?

A Yes, ma'am.

MS. JOHNSON: Your Honor, at this time, I would ask what's marked as Defense Exhibit 1 be entered into evidence.

MR. FISHER: I understand the Court's ruling over objection of the State.

THE COURT: Entered.

MS. JOHNSON: Thank you, Your Honor.

(Defendant's Exhibit 1 was received into evidence.)

BY MS. JOHNSON:

Q Okay. So are you -- tell me what sort of support system you have for yourself if you're released.

A Definitely, my mom. And I actually insist on her, especially with her health, to move with me to North Carolina.

Q Because you can't be in her place; right?

A No, ma'am. So, first things first is to get her place

ready to be sold, sell it, and move her down there with me.
Q Are you going to have to register as a sex offender?
A Yes, ma'am.
Q Even if you move to North Carolina?
A Yes, ma'am. For life.
Q And have you arranged to have sex offender treatment?
A Yes, ma'am.
Q And is that going to be in North Carolina?
A Yes, ma'am.
Q And you're willing to do that?
A Oh, most definitely.
Q You understand that --
A That's going to be for life as well.
Q You understand that that the -- this process, this sexually violent predator process that the State has filed against you, it's to make you do sexual offender treatment -- I won't get into the details of it, but one of the things is to make sure that you don't go out and re-offend. Do you understand that?
A Yes, ma'am.
Q And so, if you're getting sex offender treatment, what's your big issue with this then, with doing the sexually violent predator program?
A Well, being in the facility further -- I mean, even more away from my family even more longer, it can be from a year to

life. You know, I have already served my time. I have paid my debt to society. I have done all I could to make sure that I am leaving SCDC, the Department of Corrections, a different man than I entered.

I believe that the evidence -- the papers, the certificates shows that I have done all that I possibly can as a human being to show the effort at least. You know, and I believe that God spoke himself through the man of God that sat here moments before me. You know, so, if God is not a good enough witness, then I don't know who else is.

Q And one of the questions that -- one of the things that the State has to prove is that you are a danger to society, a menace, so to speak. Are you? Are you going to be a danger to society once you're released?

A No. Well, I'll be -- I'm a danger to any demon that comes up against me, because I'm going to slay him out. That's the only danger I'm going to be.

Q Are you going to commit sexually violent offenses, though?

A No, ma'am.

Q And is there anything else you want this jury to know before I turn it over to Attorney Fisher?

A I'm willing to do any and everything that I can to prove it to you, to this Court that I'm not that same man that they arrested on July 9th, 2015; that what God has done inside of

me is not something that is just a ten-year process or 9-1/2 years; that this is life-changing. That change -- that when God does something, it's permanent. And this is something that is permanent.

It's destroyed my marriage. I have lost two grandparents. I have lost my Godfather. I've lost my uncle, my cousins. I have lost a lot of stuff.

Life is too short to continue to keep returning back to the old self. The Bible says in Psalms 114:11, he said that the dog keeps returning to the vomit, you know, just like a fool returns back to its ways. I'm done being that fool. Why continue being a fool?

Q And, Mr. Shuler, you know, a lot of people go to jail and go to prison and they find God. What makes you any different?

A They find God, but do they experience Him? That's the big question. Do they experience Him? Do they have a relationship with Him?

Q And have you?

A Oh, most definitely.

MS. JOHNSON: Your Honor, I have no further questions for this witness, but I ask to publish this to the jury.

THE COURT: All right.

MS. JOHNSON: And if you will answer any questions Mr. Fisher has for you.

THE WITNESS: Yes, ma'am.

MR. FISHER: Judge, can we approach briefly?

BENCH CONFERENCE

(The following bench conference was held outside the hearing of the jury and others.)

MR. FISHER: Based on that, I don't think I have any questions, but I really need to make a potty stop.

MS. JOHNSON: And I need time to prep.

THE COURT: How long do you need?

MR. FISHER: Can we take a break now and then come back?

THE COURT: Yeah. We don't we take --

MS. JOHNSON: Maybe about 20, 25 minutes?

THE COURT: We'll take motions real quick and then when y'all get ready and we'll close it.

MR. FISHER: Well, let me -- let me run to the bathroom now.

THE COURT: I gotcha.

(Open court resumes as follows:)

THE COURT: All right. Members of the jury, if you would step into the jury room, and we'll be back with you in just a moment.

MS. JOHNSON: Your Honor, may my witness be excused?

THE COURT: Yeah. You can step down.

(The jury exited the courtroom at 12:03 p.m.)

THE COURT: All right. Let's take a short break, and we'll come back and take up any motions, and you can rest in

front of the jury.

MS. JOHNSON: Got it. Thank you, Your Honor.

(A brief recess was taken from 12:04 p.m. to 12:25 p.m.)

DIRECTED VERDICT MOTION

THE COURT: Any motions?

MS. JOHNSON: Your Honor, we are going to rest, but I am renewing my motion for directed verdict at this time.

THE COURT: I think we have a question of fact.

MS. JOHNSON: Thank you, Your Honor.

MR. FISHER: And, Judge, I'm going to -- I'm not going to cross. Based on what I have heard, I'm not going to cross.

THE COURT: Okay. So, we're done?

MR. FISHER: I don't think we're going to get done with closing argument by 1:00. I think lunch is coming at 1:00. So, how does the Court --

THE COURT: Let's go ahead and do it. I'll say, "Call your next witness." You just say, "I rest." You'll have already done the motions. You do your closing, and we'll just wrap it up, and then we'll eat and we can relax, if you need to use the restroom or take a break.

MR. FISHER: Thank you very much.

THE COURT: But hopefully we'll be reasonably quick.

MS. JOHNSON: Because I'm like, Judge, this is the case that we thought was going to be one day, and it just keeps going.

(The jury entered the courtroom at 12:28 p.m.)

THE COURT: All right. Does the respondent rest?

MS. JOHNSON: Sorry, Your Honor?

THE COURT: Does the respondent rest?

MS. JOHNSON: Yes, Your Honor. At this time, we do rest.

THE COURT: All right. I'll call on the State for your closing statements.

MS. JOHNSON: And, Your Honor, I didn't need to make my previous motions; right?

THE COURT: They're on.

MS. JOHNSON: Thank you, Your Honor.

CLOSING ARGUMENT ON BEHALF OF THE STATE

MR. FISHER: This is closing argument. And a closing argument is designed for me to tell you where I think the evidence took us -- the evidence -- and make the argument that I think the State believes that Mr. Shuler is a sexually violent predator.

This case was not about serving time. I think in opening statement I said that Mr. Shuler already served his time. This is about whether or not he's a danger, this is about whether there's a risk to him being released without treatment.

So, how much risk are we willing to accept? How much risk? Because that's really what it's all about.

When Dr. Gillen talked about the risk assessment scales

and the MMPI and his evaluation and the evidence that he looked at and so on, he said, to a reasonable degree of psychiatric, scientific certainty, Mr. Shuler is a sexually violent predator, and he's going to re-offend.

But "trust me, trust me, I found God, trust me." I really hope and I pray that Mr. Shuler never re-offends. I hope that's true that there are no more K.A.s, there are no more 13-year-old girls, and certainly no more 20-year-old ladies on a casting couch. I hope it's true.

But where do we believe -- it's a question: Where do we believe that Mr. Shuler is most likely not to re-offend? And I submit to you that that's at the treatment facility. And it's called Wellpath. Wellpath Recovery Solutions.

For those of us who that had the privilege in serving in the military, we would call this a foxhole conversion. There are no atheists in a foxhole. And that's where I see this at right now.

Dr. Gillen said there's no brakes. See, in opening statement, the issue was: Is it compulsive or impulsive? Dr. Gillen said it was compulsive. He couldn't stop himself. There's no brakes. There's no brakes on the bus.

Mr. Shuler characterized it, "Trust me, trust me." Mr. Shuler wants you to trust him. But if the best indicator of future conduct is past conduct -- I asked Dr. Gillen that question: "Is it true that the best indicator of future

conduct is past conduct?" And the answer was yes.

So, we know this is true. We know that Mr. Shuler was convicted. We know today, for the first time, that, at the very minimum, Mr. Shuler propositioned a 13-year-old girl to expose -- so he could touch her breasts. We know that for the first time.

But what's interesting, I believe in my heart that Mr. Shuler's mother loves him. I believe that. Just like we love -- I have got four children and I love them all. We love them. But what's interesting was, even his mother said he never did this. He never did that against a 13-year-old girl, because she wants to believe so bad.

Now, why would she believe it never happened? Why would Mr. Shuler's mother, why would she believe this never happened? This 13-year-old violation of this -- and I submit to you, it's reasonable -- remember, anything's possible; not everything's reasonable. It's reasonable to believe that she was told by Mr. Shuler that this never happened. It's called a lie.

So, did Mr. Shuler lie to his mother? And did she want to believe it? I think it's reasonable to believe and reasonable to conclude that it's true. And she wants to believe.

There's no brakes on the bus. "Trust me. Trust me. I'm never going to do this again."

But then Mr. Shuler said just today, "I'm going to try." Well, I hope he never re-offends. I really do. But trying isn't enough. I'm going to try someday to play in the NBA, but it's just not reasonable.

Dr. Gillen said that Mr. Shuler's personality disorder -- and that's what the State's got to prove, a personality disorder -- that he had antisocial personality disorder traits, that he had narcissistic personality disorder traits, but it's coupled with this rigid, inflexible, ongoing inability to control himself or his compulsivity.

Dr. Gillen testified yesterday that it was -- that one of his victims was -- "shrieked" was the word he used. Shrieked. Did that stop Mr. Shuler? The answer is no, it didn't. That goes to his compulsivity.

How about we go with zero risk to re-offend? But it's not just zero risk to re-offend. What it is is it's about treatment. There's a mental disorder here. It is unrebutted. The judge is going to tell you to draw the reasonable conclusions -- use your common sense, draw your reasonable conclusions. But was anything that Dr. Gillen rebutted in any way? Dr. Gillen was qualified as an expert in forensic science, forensic psychology. He testified that it's his opinion that Mr. Shuler will re-offend and that he fits the diagnosis of "other specified personality disorder with traits."

You know, I asked the question of Mr. Shuler's mother, "Well, how many women are in prison?" Prison is a secure facility. South Carolina Department of Corrections has cameras, people all around.

When Mr. Shuler badly violated K.A., was that a secured facility, in his dojo? His mother said, "Well, his brother was there." First time I heard about a brother. But that there was a brother there. But Mr. Shuler just told you that he did it, and he did it in an isolated space and it was not a secured facility.

The 13-year-old at the apartment complex, not a secure facility. M.L., that was a con job of epic proportion.

Think about this: What's another word for a con job? How does he get a 20-year-old exchange student into a hotel room with the promise of money in exchange for photographs? And then rapes her. He handcuffs her. Dr. Gillen told you it's true. Even Mr. Shuler today said it's true, he handcuffed this woman and raped her.

Again, it's about treatment. It's about treatment and it's about risk. How much risk are we willing to accept?

Did you hear any testimony from Mr. Shuler about testing -- objective testing? No. It's "believe me, trust me. I'm better now." There are no atheists in a foxhole.

But then there's this antisocial personality disorder traits. But look at this list. I know people in this world

who have gone their entire lives without being arrested let alone convicted for forgery, bad checks, theft by deception. And that deception I think is really important because that is part of the diagnosis. Deceit. Con job. Embezzlement, crimes of dishonesty. Probation violations.

What's really interesting is Mr. Shuler was allowed to post a bond and get out, pending the outcome of his case against K.A., but he couldn't help himself. He ended up violating a 13-year-old girl two months after going to jail and then getting out on a pretrial release.

And then what's really disturbing is, when he makes bond the second time, he violates M.L. There's no brakes on the bus. Compulsivity. That's what it's about.

Mr. Shuler has learned to talk the talk very well. Think about this: He was able to get a 20-year-old exchange student to meet him in a motel room. He's pretty good at it. He's pretty good at deceit. And that doesn't make him a bad person. Dr. Gillen was very clear that people can go through their entire lives with some traits. But what is the outcome? Who did he violate?

And when we talk about violation of people, one would think that, if Mr. Shuler was violated as a young child by a cousin, then one would think that he would be hypersensitive to doing this to an 11-year-old girl and subsequently a 13-year-old. No brakes on the bus though. That's why we're

here. This is compulsivity. This is how much risk.

Mr. Shuler and his mother both talked about life skills and programs within the Department of Corrections. Ag business, dog grooming. As a matter of fact, one of his certificates said 1,250 hours. That's a lot of hours to learn how to grow plants or life skills or dog grooming. That's a lot of hours. That's a lot of free time. Not one hour, while in SCDC, on sex offender treatment. He refused it.

Then he signed up for it but then walked out. Why? Why?

If Mr. Shuler was so changed that he's no longer a danger to society, the best evidence of that may be that he successfully completed sex offender treatment while he was in prison. He was there for ten years, and he refused it.

Is that part of the antisocial personality disorder, the grandiose "I don't need this. I'm better than this"? Is that what that's about?

All Mr. -- I'm sorry, strike that.

All that Mr. Shuler's mother knows is what he told her. And he minimized it. And he told her things that were not true.

Now, as a mother, as a father, you want to believe your children. You don't want to believe your children did something like we have been here discussing. But he did it.

And while in SCDC, did he so change that he's no longer a danger to society? And Dr. Gillen said, no. Our objective,

scientific conclusion from Dr. Gillen is that Mr. Shuler is a sexually violent predator; in short, an SVP.

I asked Mr. Shuler's mother, "Were you in his life in 2013?" because that's when this one started, the first one against K.A. And she said, "Oh, yeah." She couldn't control him.

"Were you in his life in 2014 when he was violating the 13-year-old?" She couldn't control him.

"Were you in his life with M.L.?" She couldn't control him.

I ask you: Is the con job, the deceit, is it still going on up to today? And I suggest that it is.

You know, his pastor, who I like a great deal -- I like Mr. McGuire -- Pastor McGuire. I like him. But he said something I found fascinating. He said that Mr. Shuler was ordained as a minister as a youth. So, he's an ordained minister, he violates these women, and now he wants to be a pastor again.

Now, forgiveness is within my heart. I get that. But Revelations 1-2, all of us will be held accountable by God at the time of our death; however, it is up to us, the community, the people, the society to hold each other accountable.

An ordained minister who really believed in God and who understood the gravity of being molested as a child would not have violated K.A., the 13-year-old, or M.L., and he did it

anyway.

The best indicator of future conduct is past conduct.

You know, I have got a question. Mr. Shuler talked about losing his father, but he loves his father, and that they -- where is his father at today? Where is he? He's not here.

And Dr. Gillen told you that he -- that the father believed that Mr. Shuler lacked empathy. He lacked empathy. That's part of "other specified personality disorder." It's part of the narcissistic traits. It's part of the narcissistic traits and antisocial personality disorder.

Mr. Shuler violated the terms of pretrial release twice. He violated probation. He didn't want to be held accountable. So, he ran away to another state and was charged with escape and then he became a refugee, an escapee. Strike "refugee." He became an escapee.

He was on the run because he didn't want to submit to the authority of others. "But trust me. I'm better now. I went to DOC. I got it together now." He doesn't. That leopard did not change his spots.

A lot of this is shiny objects. A lot of what I heard today was shiny objects, "Look at all this stuff I did in prison." No, let's hone in to the relevant what did you do. And what I heard was a lot of stuff, certificates for things that don't really make Mr. Shuler any better. Treatment will. Go to treatment, and you'll be there as long as you need the

treatment.

But then my question to you is: Who holds the key to the hospital?

We did not hear any empirical scientific data today that would allow us to believe that Mr. Shuler is better, that he's not going to re-offend. We heard from his mother, we heard from the pastor, and we heard from Mr. Shuler. That's a foxhole conversion, and there are no atheists in foxholes.

There is no objective testing. There's no results.

This case should not be decided on emotion or bias. It should be decided on the facts and the evidence in the form of exhibits. This is one of the exhibits. It's been marked and received as State's Exhibit 1. You can take this in the back and you can look at it. But we know that Mr. Shuler was convicted of criminal sexual conduct of a minor.

And do you remember his mother? "Well, it's an Alford plea." I don't know if anyone knows what an Alford plea is. But, "It was an Alford plea, it was an Alford plea." She, his mother, didn't want to believe that he did these things, that he pled because he was looking at all this time in prison. But in Mr. Shuler's heart, he knew he did it, and we know he knows he did it because of what he said today.

Just a question. Just a question: Who is the only witness who sat here and heard the testimony of all the other witnesses? Who is the only person who sat in this courtroom

and heard what everyone else had to say and could tailor their testimony to what others have said? And that would be Mr. Shuler.

Dr. Gillen said he's conniving. Used that word. Dr. Gillen said he's compulsive. Mr. Shuler would have you believe he's impulsive, but the layer in detail of the con jobs, of the cars, trying to get money, would lead you to believe that this is a scheme.

I have got a question for you: When Mr. Shuler was on the stand -- and I don't know if anyone noticed it; maybe it was just me -- but he started to say, "I wanted to be with my father and I wanted to get away from" -- and he looked at his mother. But he didn't say "Mother." He said, "I wanted to get away from" while looking at his mother. That's interesting. But they're going to be together? If he's allowed to get out, they're going to be together again.

Minimizing -- here's a question for you: When's the last time we heard anybody say, "You know what? It's all true. I did it. I'm sorry. And I have to be held accountable." That's not what we heard today.

What we heard today was, "Well, she put her hand" -- I'm sorry, "She put my hand on her groin." I don't know. I suppose it can happen. Is it possible that an 11-year-old is sexually active? I suppose it's true.

But it is reasonable under these circumstances, knowing

Mr. Shuler's compulsivity to sexual offend? Do we believe that? Do we believe that the victim had responsibility for him molesting her? No. Never. It's not reasonable. Anything's possible -- almost everything's possible, not everything's reasonable.

You know, Dr. Gillen said Mr. Shuler is a work in progress. He said it, he's a work in progress. Is he making some improvements? I suppose between the ages of 30 and 42 we all make changes and we grow up and look at things differently. Is he making changes? Maybe. But then you have to believe Mr. Shuler. And I just submit that it's just not believable.

Lack of empathy. Lack of empathy. Both from Dr. Gillen and from Mr. Shuler's father [sic].

Mr. Shuler just told today that it ruined -- we're talking about the 13-year-old, we're talking about K.A., we're talking about the minors, ruined her for the rest of her life. Ruined her for the rest of her life.

If it's true that Mr. Shuler was molested as a young man, he needs help for that, because he's been ruined for the rest of his life. And the only way we're going to guarantee that there is no risk to the community is if he goes into Wellpath.

Now, Wellpath is a treatment facility for sexually violent predators. That's what it is. Is Mr. Shuler going to take it seriously? If you believe at least that he's found

Jesus and that he's found God and he's religious, if you believe that, then he should be out of there in no time.

But, you know, what Dr. Gillen talked about with K.A. and the 13-year-old, Dr. Gillen wasn't -- because Dr. Gillen acknowledged that Mr. Shuler was not convicted of this. But what he did say was he exposed himself to high-risk situations. He was in the presence alone with a 13-year-old while being in custody and then bonding out for violating an 11-year-old. See, there's no brakes on the bus. There's no brakes.

But it's not about the victims anymore. It's not about -- it's really just about Mr. Shuler's risk. Again, how much risk are we willing to accept?

You know, Dr. Gillen also brought up an interesting point. He committed these crimes -- these sex crimes while he was married and had a willing participate at home. Now, I suppose philandering is something that's going to go on. Can't stop it. I'm not the morality police. But it's another factor to consider. When you have got a willing, consensual adult partner at home and you choose to violate an 11-, a 13-year-old, and then a 20-year-old, that's compulsivity.

There's women in prison. There's women in prison in a secure facility behind closed doors with plenty of guards all around.

When Mr. -- when Dr. Gillen testified as to Mr. Shuler,

"Why did you do this?" even Mr. Shuler said, "I don't have the answer, I don't know." Of course you don't know. The last person -- the last person to believe they're an alcoholic is the alcoholic. The last person to understand why and how and when and where they violate the rights of others, the last person to say -- for it to dawn on is Mr. Shuler. And that's why he doesn't believe in treatment.

I'm not going to say lock him up. I'm saying give him treatment. And let's not -- in opening statement, I said, "Let's not send him back to prison again." I'm not only looking out for the community here, I'm looking out for Mr. Shuler.

So, he took life skills, ag business, dog grooming, biblical studies, theological studies. No sex offender treatment. He refused it.

In the jury instructions, there's going to be a definition of reasonable doubt, and when I think of reasonable doubt, I think of what it's not. A reasonable doubt is not a speculative, imaginary, or forced doubt. Such doubt must not influence your decision if you have a firm feeling, grasp, conviction that Mr. Shuler is a sexually violent predator. Almost anything is possible but not everything is reasonable.

The judge is going to instruct you on what reasonable doubt is. It's not an imaginary, speculative, or forced doubt. It is a firm grasp that Mr. Shuler is a sexually

violent predator.

I'm going to ask that you return a verdict that he is a sexually violent predator and Mr. Shuler does need treatment. We are here to protect the community. And when Mr. Shuler is ready and has successfully completed the program, however long that takes Mr. Shuler, he holds the keys to the jail -- not the jail. The hospital. It is not a jail. It is a hospital. Thank you.

THE COURT: Response?

MS. JOHNSON: Beg the Court's indulgence. Get a sip of water.

May it please the Court, Your Honor?

CLOSING ARGUMENT ON BEHALF OF THE RESPONDENT

MS. JOHNSON: So, I would like the record to reflect that I had a gorgeous presentation ready for you-all and I was going to use a really nice projecting screen that came down, and I have none of the tools to connect. So, instead of you guys having visual, I'm just going to talk to you about the evidence today. And I apologize that I didn't have that for you.

So, the first thing that I'd like to talk about when we deal with cases going before a jury is this quote that I had from Nelson Mandela, and he said that, "A nation should not be judged by how it treats its highest citizens but by how it treats its lowest citizens." And I don't want to say lowest

citizen, Mr. Shuler is not a decent person or not a human being, but what I'm saying is that the truth is that society is against people who commit crimes and even more so against people who commit sexual crimes. We just don't like it.

And because of that, I want you guys to -- when you're back deliberating, I want you to remember a few things. Number one is that my client, Paul -- his name is Paul. Paul doesn't have to prove that he was innocent. He doesn't have to prove that he should not go into a facility. He does not have to prove anything. The State -- just like if it were a criminal case, the State has to prove their case beyond a reasonable doubt.

And I want you to remember that this case is not about the fact that he committed sexually violent offenses and should be punished for them because he has been. He did ten years, is what the testimony said.

So, we are not here to punish Mr. Shuler. And when you-all took an oath, you promised that you would render a verdict that was fair. And I believe Mr. Fisher even said it's not about punishing him. It's about whether he is going to have his freedom taken away by putting him into an institution that could last for -- we don't know. That's what this is about. Should he be institutionalized and forced to undergo treatment? That's really the question here.

I also want to say to you, you know, that Mr. Fisher and

I have worked -- we have been opposing counsel many times. This is -- and this judge -- I just want to say, if I have done anything in this courtroom to offend you or anything, I hope not; please don't hold it against my client. And I want you to know, I have tremendous respect for everybody in this courtroom because I just -- I believe in justice and I believe that justice should always be served. And so, if I have the respect for anybody more than anyone, it's the jury. And I want to thank you guys for serving, for giving up your time. I know a lot of you have work. I know Thanksgiving is coming up. But you came in and you gave your time, and I'm very, very thankful for that.

So, we have to make sure that the State proves its case beyond a reasonable doubt. And so, the question is, have they proven their case beyond a reasonable doubt? And, you know, do you have pause -- if there's some things that make you think, "No, Mr. Shuler, he can go home. You know, I don't necessarily like what he did, but I don't see the need to hold him for more than the ten years he's already served."

So, let me just talk to you about the elements that the State has to prove. So, they have to prove that he suffers from a mental abnormality or a personality disorder. That's one. And you heard Dr. Gillen testify that he had some other specified personality disorder and traits or antisocial and narcissism. And I'll get into that in a second.

But that mental disorder or that personality disorder, according to the law, has to make the person likely to engage in acts of sexual violence if not confined into a facility for long-term control, care, and treatment.

So, they have to have a personality disorder. They have to be likely to commit more acts of sexual violence -- not just any acts. They could be the type to go out and rob a bank or steal a car. That's not enough. They have to be likely to commit acts of sexual violence again if not confined to a secure facility. That's what the statute says. And you'll hear the judge read the law, but that's the deal.

And when we get a little deeper into that statute, you'll hear the judge say that "likely to engage in acts of sexual violence" means that the person is, and I quote, "predisposed to engage in acts of sexual violence and more probably than not willing to engage in acts of sexual violence to such a degree as to pose a menace to the health and safety of others."

So, when the legislators of this state wrote that statute, they said, "Well, no, it can't just be a little bit troublesome to society. This person has to be a menace." That's what we have to think that Paul is to be able to put him in that institution. That's what's required.

And so, I would submit to you today that that's not what the evidence that was presented to you in this case showed.

First, let's talk about Dr. Gillen. And you heard from Dr. Gillen's own words that when he did that -- he did these diagnostic tools. Dr. Gillen is, obviously, very adept at doing these things, and sometimes when he's talking about these, I don't even know what he's saying, but what I do know I heard was he said it's about 15.2 percent recidivism risk, five-year risk, one of those diagnostic tools. 15 percent.

So, that means if there was 100 people in here, 15 of them would go back and commit a crime. 85 of them would not be sexually violent predators under this law because they wouldn't be going back to commit a crime. 85 of them would be fine to be released, and they would never commit a crime again, at least a sexually violent crime again. That was his testimony.

And yet, here we are. And we want to put Mr. Shuler into an institution even though, by the doctor's own standards, only 15 percent chance in five years that he would even go back and do anything again. And that's -- the doctor didn't even say those are people who had worked on themselves, had done training, had done classes. No.

And I want to talk to you very quickly about this issue of this disorder, this personality disorder, because the State has to prove that Paul has a personality disorder. And Dr. Gillen -- and you may remember, I went through all of these disorders with him all of these personality disorders.

Antisocial personality disorder; he said no, he doesn't have that. Avoidant personality disorder; no, he doesn't have that either. Borderline personality disorder; nope. Dependent personality disorder; didn't have that either. He didn't have histrionic personality disorder, narcissistic personality disorder, obsessive-compulsive personality disorder, paranoid personality disorder. I mean, it goes on and on. Paraphilic disorder, he didn't have. Pedophilic disorder, he didn't have.

And there's a lot of discussion about the age of these girls, and yet, my client didn't even have pedophilic disorder.

What Dr. Gillen did say is that he has this other specified disorder. So, out of all those disorders, he didn't have those, but he just had these traits, which makes me think he's still got something, even though Dr. Gillen admitted he didn't have any of those other personality disorders.

So -- one second. Beg the Court's indulgence. One second. Okay.

So, when we talk about what the State is using to say that my client should be put in an institution, what Dr. Gillen testified about, what Attorney Fisher discussed, all of these details that I think to myself: Is that enough? I mean, is that the kind of thing they want this jury to use to put my client away?

They talked about him using [sic] a cap gun when he was 13 years old. They talked about -- there was testimony about traffic tickets. There were non-convictions that they used. There was testimony about him being tardy and absent from employment when he was a teenager. There was testimony about him being unfaithful to his wife. There was testimony about him not using condoms and having risky sexual behavior. There was testimony about him passing bad checks.

They want you to institutionalize him using things like he had forgeries to sell cars; that he -- and I think this was the testimony from Dr. Gillen -- he embezzled from his own business to pay himself. That was part of what Dr. Gillen used against Paul.

Dr. Gillen said, "Well, I go where the evidence goes." And then he said, "Well, the fact that he likes to buy high-status items," he used that to say that my client should ultimately be institutionalized. And he also used the fact that my client has trust issues, I believe is what he said. And that's the reason why he should be institutionalized.

And, ultimately, what they were trying to say was that Paul has impulse control problems, and that's why he's so dangerous.

But, interestingly enough, if we follow this logic that Paul has a personality disorder and, because of that, he can't control himself and he's a danger and he's a menace, and if

that is the case, then why is it that no allegation of sexual offenses ever came up until he was about 31 years old? And even then, it was only about an 18-month span of time. One day, one day, and about two months, maybe one. Ever since then, no allegation of anything sexually improper even. Before then, no allegations of anything sexual -- not even just abuse but improper. Nothing.

And I'm asking today that, is that the behavior of somebody who really has impulse control problems and is a menace? Is that the kind of person who is a menace, that all of these years, there was no even an allegation that he did something sexually to somebody?

So, an 18-month period, more or less, and he got these sexual offenses, and yet, in his past, he had some offenses. None of them sexual offenses. Most of them just property offenses.

And also, the State says that he's got to go into this institution so he can receive treatment. And, yet, you have heard two witnesses testify that treatment's already lined up outside of institutionalizing him.

Maybe he turned down sex offense treatment while he was at the Department of Corrections, but he's certainly lined up now, and it doesn't require him to be institutionalized. It doesn't require him losing his freedom.

So, I just wonder, when it all boils down to it, if that

is not enough reasonable doubt in and of itself.

Now, you heard Dr. Gillen testify something like, you know, the best predictor of future behavior is past behavior. Well, we do have past behavior. We have 31 years where he did not commit one sexual offense, and then we have ten-plus years since he got convicted for those 18 months of offenses that he hasn't received one since.

And while Dr. Gillen said, "Yeah, when he was at the Department of Corrections," I'm sorry, I didn't know that inmates don't get in trouble at the Department of Corrections because they do, even sexual trouble, and yet, Paul didn't have that.

So, what I'm suggesting today is Paul has served his time. A long time. Ten years. Paul has done the work. I'm not telling you that what Paul did was right. You heard yourself. You saw me hold his feet to the fire. You watched Paul tell you the truth even when he didn't have to.

He didn't have to admit at doing anything with a 13-year-old girl; he was never even convicted of that. And yet, he looked right at me and you, and he told you the truth.

So, I would suggest that the State has not, in fact, proven its case beyond a reasonable doubt.

And I would like to say something for Paul's mother, Kim Woo, because I find quite often that the person who stays gets the most blame. So, Mother and Father divorce. Mom stays.

Son gets in trouble. Mom stays. Son needs emotional support. Mom stays and Mom's here. And now we're pointing the finger saying that she's the one who's the trouble. She's the one. No.

She loves her son. She's here to support him. And, as you heard her testify, she's going to make sure that he's supported when he leaves. As a matter of fact, there was ample testimony that he's going to have an excellent support system when he leaves.

So, to wrap it up, I do not believe that the State has given you enough evidence to institutionalize my client for however long, to force him to undergo treatment. I do not believe the State has proven to you beyond a reasonable doubt that my client is a menace to society and that he's going to get out there and commit more sexually violent offenses.

So, I am asking you today, Paul is asking you today to send him home and let him work on himself and acquaint himself with his family and get used to being back in the community and give what he can now that he's served his time.

And, finally, the jury system -- and I usually have this in really big letters because, for me, it's one of the most important things I say when I'm talking to you, and it says that the jury system has been called the handmaid of freedom. And Thomas Jefferson once said that jury duty is the only anchor by which a government can be held to uphold the

Constitution.

So, many experts even believe that great civilizations like Rome and Sparta, they fell because people would just -- the government would send people to prison. The government would kill people, hang them, without having the benefit of a jury, a group of peers to say what should happen. And so, because of that, I want to thank for your service, and I'm asking you today that you send Paul home.

Thank you.

REBUTTAL CLOSING ARGUMENT BY THE STATE

MR. FISHER: I just got bullets. This is what's called rebuttal, and it will hopefully be quick. This is not a criminal case. This is a civil commitment case. This is not a criminal case.

There is no force. This is voluntary in the sense that, if Mr. Shuler wants to get out and be released quickly, it's up to him. But there's no force. And this is not an institution. You know, in my mind, I worked in an institution back in the day when we put people who were low functioning into institutions. I have an image in my mind of what an institution is. This is not an institution. This is a treatment facility. This is a hospital. This is where people, professionals are there to help Mr. Shuler.

I have to prove -- the State has to prove that (1) Mr. Shuler has a qualifying offense. And he does. He's got

two of them. I don't know what I did with the certified copies. But I've got to prove that he's got a qualifying conviction and that he is likely to re-offend if not detained in a secure facility.

But, you know, this idea that, "Well, he's going to be there forever and indeterminant," that's not true. It's all up to Mr. Shuler.

I have got a question. I keep hearing this word "menace." I don't know what "menace" is. I would have to look up the meaning. But I wonder if K.A. would use that word, "menace"; if the 13-year-old would use that word, "menace"; if M.L. would use the word "menace." I don't know.

But is it reasonable to believe that somebody who commits acts of sexual violence is a menace? I don't know of any non-consensual sexual acts -- non-consensual -- with an adult -- and we know that Mr. Shuler had a consenting adult at home -- that is not a sexually violator.

The issue with the forgery and the embezzlement and all kinds of dishonesty, that was all about dishonesty. He's committed multiple acts of dishonesty. "Trust me. I'm better now. Trust me."

It's all about high-risk situations. And that's part of the treatment, to recognize. You know, is it wise -- is it wise for an alcoholic to go into a bar? Is it wise? Well, it's entirely possible he or she won't drink, but it's also

highly possible that you just put yourself in a really high-risk situation. Learning to manage that is part of the treatment process.

There can be no greater incentive to color testimony than to have an interest in the outcome of the case.

Five year, ten year, lifetime, all these risk assessments, percentages, Dr. Gillen told you, in his scientific, psychological opinion, Mr. Shuler is an SVP.

Mr. Shuler was not diagnosed with arachnophobia, was he? Of course not. He doesn't have a fear of spiders. And pedophilia is a paraphilia. Paraphilia is the umbrella of which pedophilia and all these other -- but at the end of it is "other specific personality disorder."

Does he have a paraphilia? I submit he does. It's called "other specified personality disorder." Is he a pedophile? Well, Dr. Gillen told you that it would have to be prepubescent. So, the 11-year-old? Probably. Maybe. The 13-year-old, yeah, if it's pubescent. The 20-year-old? Pubescent. No, he's not a pedophile; he just can't control himself because there's no brakes.

He wasn't diagnosed with arachnophobia because it's not an issue here. What's an issue here is does he suffer from one? And the answer is yes, "other specified personality disorder."

We are not going to -- I just heard the word "put away."

We don't do that with human beings. We don't put away anybody. In this case -- in this case, we treat them in a secured facility.

And then the last point I have is impulsivity. Dr. Gillen told you that impulsivity came from Mr. Shuler. But he didn't view it as impulsive; he viewed him as compulsive. Impulsive is, "Well, you know, I saw the cap gun. I needed caps for my cap gun, so I stole some caps." But it's not planned.

The casting couch was planned. That was a big deal. The badge, the lubricant, the handcuffs, the subterfuge of the entire operation to lure this 20-year-old exchange student and then threatened her with deportation if she didn't comply and then rape her. That's not -- that's not impulsive. Dr. Gillen told you the impulsive language came from Mr. Shuler.

I ask that you return a verdict, that, yes, Mr. Shuler is a sexually violent predator.

Thank you.

JURY CHARGE

THE COURT: Members of the jury, the State has brought this case under the sexually violent predator law of South Carolina. The State seeks the civil commitment of Paul Shuler, II, the respondent, for long-term care, control, and treatment in a secure facility. This is not a criminal

proceeding seeking incarceration but, rather, a proceeding seeking civil commitment.

The State of South Carolina alleges that the respondent is a sexually violent predator under the law. The respondent denies that he is a sexually violent predator, and the burden of proof is, therefore, on the State of South Carolina to prove by evidence sufficient to satisfy each of you beyond a reasonable doubt that the respondent is a sexually violent predator.

If the State is unable to meet his burden of proof as to one or more of the elements of his claim, the respondent is entitled to a finding that he is not a sexually violent predator.

Ladies and gentlemen, I want to make sure that you understand that the respondent is not accused of committing a crime in this proceeding.

As you heard from the testimony, he did not -- he did have a previous charge from which he was sentenced by the Court. The respondent has now completed his sentence for that charge; thus, the State is now alleging that the respondent is a sexually violent predator.

If you find that the State has not met its burden, the respondent will be released. If you find that the State has met its burden of proof and find that the respondent is a sexually violent predator, he will not be released but will be

committed to a secure treatment facility operated by the South Carolina Department of Mental Health.

During this trial, you and I have separate duties to perform. As the trial judge, it is my responsibility to preside over this trial and to rule upon the admissibility of the evidence offered during the trial. In that regard, you are to consider only the evidence before you; thus, you are to consider only the testimony which has been presented from this witness stand, together with any exhibits admitted into the record of this case as evidence.

Furthermore, I have the additional duty to charge you on the law applicable to this case, and in that regard, it is your duty to accept and apply the law as I now state it to you.

If you have any preconceived idea as what the law is or what you think the law ought to be and it does not agree with what I tell you the law is, you are obligated under your oath to abandon those preconceptions and accept the law as I now state it to you.

In this trial, you are the sole and exclusive judge of the facts. Do not infer that I have any opinion about the facts in this case from anything I have said or done during the course of this trial. In this regard, the law simply does not permit me to have an opinion about the facts.

As jurors, it is your duty alone to determine the effect,

value, and weight of the evidence presented during the course of this trial.

Furthermore, it is your job as jurors to determine the credibility and believability of the witnesses who have testified in this case. In determining the believability of witnesses who have testified in this case, you may believe one witness over many or many over one. You may believe a part of a testimony of a witness and reject the remaining part. You may believe the testimony of a witness in its entirety or reject it in full. You may consider whether the witness has an interest in the result of the trial, whether the witness is prejudiced towards either party, the opportunity for the witness to have seen the matters and things about which the witness may testify and the way the witness acts on the witness stand.

Furthermore, evidence may be direct or circumstantial evidence. Direct evidence is testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is indirect evidence; in other words, it is proof of one or more facts from which you can find another fact. You may consider both direct and circumstantial evidence equally.

Ladies and gentlemen, in most civil cases tried in the Court of Common Pleas, the burden of proving a claim is by the preponderance or greater weight of the evidence. In this type

of case, however, under the particular statute, the State's burden is beyond a reasonable doubt. The State must prove its case beyond a reasonable doubt. If the State fails to meet this high burden, then you must find that the respondent is not a sexually violent predator.

On the other hand, if you conclude that the State has met its burden of proof, you must find that Mr. Shuler is a sexually violent predator.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced that the respondent is a sexually violent predator.

Ladies and gentlemen, there are very few things in this world that we know with absolute certainty, and in this type of case, the law does not require proof that overcomes every possible doubt. If, however, based on your consideration of the evidence, you are firmly convinced that the respondent is a sexually violent predator, then you must return a verdict for the State.

If, on the other hand, you think there's a real possibility that the respondent is not a sexually violent predator, you must give him the benefit of the doubt and return a verdict for the respondent.

Reasonable doubt may arise from the evidence that is in the case or from the lack of evidence in the case.

The elements that the State must prove beyond a

reasonable doubt are also follows: One, that the respondent has been convicted of a sexually violent offense. I charge you that criminal sexual conduct in the third degree is a sexually violent offense;

and two, the State must prove that the respondent suffers from a mental abnormality or personality disorder;

and three, the mental abnormality or personality disorder makes the person likely to engage in acts of sexual violence if not confined in a secure facility for the long-term control, care, and treatment.

Inherent in these elements is that the State must prove the requirement that the respondent's mental abnormality or personality disorder causes him serious difficulty in controlling his behavior. In other words, the State must prove beyond a reasonable doubt that the individual it seeks to commit suffers from a mental illness which he cannot sufficiently control without the structure and care provided by a mental health facility rendering him otherwise likely to commit a dangerous act.

For you to better understand the elements of the State's cause of action, I'm going to define for you some of the terms that I have just read.

One, "mental abnormality" means a mental condition affecting a person's emotion -- emotional capacity that predisposes a person to commit sexually violent offenses.

This mental abnormality or personality disorder must cause the respondent serious difficulty in controlling his behavior.

"Likely to engage in acts of sexual violence" means that a person is predisposed to engage in acts of sexual violence and more probably than not will engage in acts of sexual violence to such a degree as to pose a menace to the health and safety of others.

This burden of proof is on the State to prove to your satisfaction beyond a reasonable doubt that the respondent has been convicted of a sexually violent offense, as I have instructed you, and also suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for the long-term care, control, and treatment.

Again, I remind you that the respondent has already been found guilty for a sexually violent offense for which he has received a criminal sentence. The respondent has already served that sentence.

Please understand that the State of South Carolina's sexually violent predator law was not enacted to add to the criminal punishment imposed upon individuals not to commit sexually violent offenses. In this regard, your decision whether to commit the respondent in this case may not be influenced by your personal opinions regarding whether the respondent received an appropriate criminal sentence.

Ladies and gentlemen, I'm now drawing near the end of my charge, and I want you to clearly understand that you are not partisans or advocates for the State or the respondent. You do not serve as jurors to reward your friends or punish your enemies. In this regard, you have been selected by all the parties to be fair and impartial jurors. It is your duty by your joint deliberations to determine the facts in this case and then to the facts which you determine you should take and apply the law which has been given to you by this Court and thus, arrive at a verdict.

When you have accomplished these responsibilities, you will have satisfied your oath as jurors, and you will have discharged your duty to this Court.

Now, Ms. Clerk, if you'd give this to the forelady, please.

Now, Ms. Forelady, we have handed you the verdict form. When you arrive at a verdict in this case, you'll write your verdict on the form and sign it. The verdict that you render in this case must be the verdict of each and every juror. It must be unanimous. All 12 jurors must agree on the verdict which you authorize the forelady to write for the jury.

Ms. Forelady and members of the jury, I want you to further understand that the orders in which the choices of verdict appear on the verdict form are not suggestive of any verdict on the part of this Court. The verdict in this case

must be determined by you, the jury, and not the Court.

Furthermore, ladies and gentlemen, please understand that, even though I have given the verdict form to the forelady, it is not her verdict alone. It is the verdict of all 12 of you, and I emphasize again it must be unanimous.

In a moment, you will retire to the jury room; however, I would ask that you do not begin your deliberations until you are told to do so. The law requires that I now consult with the attorneys to make sure that I have not left anything out of these instructions.

After I have checked with the attorneys, the bailiff will bring in the items of evidence and instruct you to begin your deliberations at that time. Also, should you have any questions during your deliberations, you must put them in writing and send them to me by way of the court bailiff. The court bailiff will be placed immediately outside of the jury room door to provide security and assistance for you during your deliberations.

Once you have reached your verdict, please knock on the jury room door and ask the bailiff to advise the Court that you have reached a verdict, and we will return you to the courtroom as promptly as possible thereafter.

Thank you. You may retire to the jury room but do not begin your deliberations until told to do so.

(The jury exited the courtroom at 1:35 p.m.)

THE COURT: All right. Any objections to the charge from the State?

MR. FISHER: No objection, Your Honor.

THE COURT: On behalf of the respondent?

MS. JOHNSON: No, sir.

THE COURT: All right. Take a look at the items that are in evidence and make sure they're in order, and we'll send them back and we'll bring out the alternates.

(The exhibits were sent to the jury room at 1:38 p.m.).

(The alternates entered the courtroom at 1:41 p.m.)

THE COURT: I just want to let you know, your job is done. The jury is like a football team. It takes 12 people to play. If somebody gets hurt, you had to step in. But everybody is healthy, so you're good.

JUROR: Okay. Thank you.

THE COURT: You can eat your lunch here or you can take it with you, whatever you want to do. Thank you for being here.

All right. Let's all take a lunch break.

(A lunch recess was taken from 1:41 p.m. to 2:40 p.m.)

JURY QUESTION

THE COURT: They want the definition of "menace."

"What are the two charges that the State needed to prove? We know that (1) convicted, (2) personality disorder, (3) question mark, and (4) question mark."

MS. JOHNSON: They want the law.

THE COURT: That's what I'm thinking too.

How about I just read the whole sexually violent predator section?

MR. FISHER: Sure. Sounds good.

MS. JOHNSON: And you're going to read the section about the menace, Your Honor?

THE COURT: Where is that?

MS. JOHNSON: It's under more like the definition of, I believe, of likely.

THE COURT: Well, there's no definition. It says, "Pose a menace to the health and safety of others."

MS. JOHNSON: That's what I mean.

THE COURT: I'll just read that to them. All right. We'll go ahead and get the jury in here.

MS. JOHNSON: As soon as my client...

THE COURT: Have they gone to get him?

MS. JOHNSON: I believe they just took off to get him.

(Pause in the proceedings.)

(The jury entered the courtroom at 2:45 p.m.)

THE COURT: All right. In order to answer your question, I'm going to read to you the statute regarding sexually violent predator.

The elements which the State must prove beyond a reasonable doubt are that the respondent has been convicted of

a sexually violent offense -- I charge you that criminal sexual conduct in the third degree is a sexually violent offense -- and that the respondent suffers from a mental abnormality or personality disorder; and the mental abnormality or personality disorder makes the person likely to engage in acts of sexual violence if not confined in a secure facility for the long-term control, care, and treatment.

Inherent in these elements is that the State must prove the requirement that the respondent's mental abnormality or personality disorder causes him serious difficulty in controlling his behavior.

In other words, the State must prove beyond a reasonable doubt that the individual it seeks to commit suffers from a mental illness which he cannot sufficiently control without the structure and care provided by a mental health facility rendering him otherwise likely to commit a dangerous act.

For you to better understand the elements of the State's cause of action, I'm going to define for you some of the terms that I have just used.

"Mental abnormality" means a mental condition affecting a person's emotional capacity that predisposes the person to commit sexually violent offenses. This mental abnormality or personality disorder must cause the respondent serious difficulties in controlling his behavior.

"Likely to engage in acts of sexual violence" means that

a person is predisposed to engage in acts of sexual violence and more probably than not when engaged in acts of sexual violence to such a degree as to pose a menace to the health and safety of others.

The burden of proof is on the State to prove to your satisfaction beyond a reasonable doubt that the respondent has been convicted of a sexually violent offense as I have instructed you and also suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for the long-term control, care, and treatment.

All right. With that being said, you can go back into the jury room.

(The jury exited the courtroom at 2:48 p.m.).

(Court's Exhibit No. 1, Jury Note/Question, was marked for identification and received into the record.)

THE COURT: All right. Any objections from the State?

MR. FISHER: No objection, Your Honor.

THE COURT: Respondent?

MS. JOHNSON: No, sir.

THE COURT: We'll be at ease until we hear something.

(A recess was taken from 2:57 p.m. to 3:15 p.m.)

THE COURT: Everybody have a seat. We have got a verdict.

(The jury entered the courtroom at 3:16 p.m.)

THE COURT: All right. Ms. Clerk, if you'll get the verdict form.

(Verdict form handed to the judge and reviewed.)

THE COURT: I find the verdict form is in order. If you can publish it.

VERDICT

THE CLERK: State of South Carolina, County of Horry, in the Court of Common Pleas, 15th Judicial Circuit, Case No. 2023-CP-26-04874, In the Matter in the Care and Treatment of Paul Shuler, II, has the Petitioner, the State of South Carolina, proven beyond a reasonable doubt that Paul Shuler, II, is a sexually violent predator under the South Carolina Sexually Violent Predator Act?

We, the jury, unanimously answer the question as follows: Yes, Paul Schuler, II, is a sexually violent predator.

Signed, Foreperson Laura Lieck, November 19th, 2024, Horry County, South Carolina.

THE COURT: All right. Need for further polling from the respondent?

MS. JOHNSON: No further polling at this time.

THE COURT: I want to thank you all for being this here this week. You have completed your duty. You have earned a three-year exemption by being here. And you'll be paid a little bit of money. If it's not enough, don't blame it on me.

All right. I hope y'all have a good day, and we'll talk to you soon.

MS. JOHNSON: Your Honor, may I ask if there's anyone who is unwilling to receive a call to ask about, you know, the verdict and how they came to it? Or will they let the clerk know, because maybe my office might send out some letters or make some calls.

THE BAILIFF: Judge, they want to make sure they don't have to --

THE COURT: If you want to call them, you can.

THE BAILIFF: She wants to make sure they don't have to come back the rest of the week.

THE COURT: You don't have to come back the rest of the week. You're done.

(The jury exited the courtroom at 3:18 p.m.)

THE COURT: All right. Would the parties like ten days for motions?

DIRECTED VERDICT MOTION

MS. JOHNSON: Your Honor, I would, at this time, like to make a motion for a directed verdict, especially considering some of the details that I believe inflamed the jurors so that they could not reach a fair verdict for my client. We are asking for a directed verdict in this case. And we are, of course, renewing the previous objections we had.

THE COURT: Anything you want to put on the record?

MR. FISHER: No.

THE COURT: I'm going to respectfully deny your motion. I think the jury -- it's within their province to make a decision and they did.

You-all did a good job.

MS. JOHNSON: Thank you, Your Honor. We'll be back here in a few weeks.

THE COURT: Bring a heavier coat.

MS. JOHNSON: Yes.

MR. FISHER: Judge, I do have a proposed order of commitment, and I'm giving a copy to Ms. Johnson. Sorry; I forgot her name.

I do have a copy for the Court. There are two copies.

THE COURT: Do you need both copies?

MR. FISHER: Just one.

THE COURT: All right.

MR. FISHER: Madam Clerk, if I can get a copy of it once it's clocked in, I'd appreciate it.

(The trial concluded at 3:20 p.m.)

CERTIFICATE OF COURT REPORTER

****

CASE NAME/NUMBER: In the Care and Treatment of Paul Shuler II

2023-CP-26-04874

DATE OF HEARING: November 19-20, 2024

****

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings to the best of my ability, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.



_/s/ Bobbi Fisher_____

Bobbi Fisher, RPR, Court Reporter III

Date Prepared: 1/23/2025

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF $1.00 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT." ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO THIS REPORTER AT BFISHER@SCCOURTS.ORG.

STATE'S NO. 1
DATE NOV 18 2024
Bobbi Fisher, RPR

STATE OF SOUTH CAROLINA ✓) IN THE COURT OF GENERAL SESSIONS 0-20 yr. SOR; SV

COUNTY OF Horry)
STATE VS.)
Paul Joseph Shuler II)
AKA:)
Race: WHITE Sex: M Age: 33)
DOB: P.S. DOB SS#: P.S. SSN)
Address: P.S. ADDRESS)
City,State,Zip: Victim P.S.)
DL#: P.S. DL# SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

INDICTMENT/CASE#: 2014GS2602256
A/W#: 2014A2610200729
Date of Offense: 3/5/2014
S.C. Code § : 16-03-0655(B)
CDR Code #: 0396

SENTENCE SHEET

Alford v. NC

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Criminal Sexual Conduct w/ Minor 2nd Degree, 11-14

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials) 8+0
The plea is: ☐ Without Negotiations or Recommendation, ☐ X Negotiated Sentence, ☒ Recommendation by the State. 10 yrs

Spratlin, Martin D. — SCB77061 — Defendant — Attorney for Defendant — 2921 CFTS — SC Bar# Since 7/10/15

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**

for a determinate term of 10 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: w/ 2015 GS 2004952
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 425 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 61.6 (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75 +40 = 168.75

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive ~~weekly/monthly~~ pmts. of $ 25.00 beginning 10/16/2016
$ _____ paid to Public Defender Fund
Other: _____

FILED HORRY COUNTY 2016 SEP -6 PM 5:

☐ Appointed PD or appointed other counsel. Proviso 61.6 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Melanie Huggins-Ward
Court Reporter: Dixie Eubank
Presiding Judge _____
Judge Code: 2152
Sentence Date: 9/6/16

SCCA/217 (07/2016)

ARREST WARRANT

2014A2610200729

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 14018118

against

Paul Joseph Shuler, II

Address: P.S. ADDRESS

P.S. Address

Phone: SSN: P.S. SSN

Sex: M Race: W Height: 6 Weight: 180

DL State: SC DL #: P.S. DL#

DOB: P.S. DOB Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive -

Offense Code: 0396

Code/Ordinance Sec: 16-03-0655(B)(1)

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of Paul Shuler II. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Joseph Shuler

on 3/25/2014

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

AFFIDAVIT

ORIGINAL

Form Approved By S.C. Attorney General April 21 2003 SCCA 5*0

Personally appeared before me the affiant Troy Large who being duly sworn deposes and says that defendant Paul Joseph Shuler, II did within this county and state on or about 3/5/2014 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The victim a minor child age 11 on March 5th, 2014 disclosed that her instructor Shuler had been touching her in her private areas. An investigation was done in reference to a police report and the victim had a forensic interview done at the Children's Recovery Center. There she indentified Paul Joseph Shuler II as the person who over a period of time at the 404 George Bishop Parkway had touched her breast and vagina areas. The victim stated in detail how he first started touching her breast under her clothes and that in February 2014 at the business he had her in his office and had sexual intercourse with her there. Therefore the defendant an adult age thirty one did engage in sexual assaults and battery several times with a minor victim that is eleven years old in the County of Horry, South Carolina. The offense is criminal sexual conduct with a minor 2nd degree

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

Affiant's Address 2560 N. Main Street
Conway, SC 29526-

Affiant's Telephone (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 3/5/2014 defendant Paul Joseph Shuler, II did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 3/24/2014

2014 APR -2 AM 8:21

CLERK OF COURT

Signature of Issuing Judge

Aaron C. Butler

Judge Code 5022

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Ricarter Ruggerio Horry County Police Department

ARREST WARRANT NUMBER

2014A2610200729
CDR: 0396 16-03-0655(B)
DOA: 3/25/2014

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: JUN 19 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-26-02256

The State of South Carolina

County of Horry

Martin D. Spratlin 14H01338

COURT OF GENERAL SESSIONS

JUNE, 2014 TERM

THE STATE

vs.

Paul Joseph Shuler II
W/ M
P.S. ADDRESS [redacted]
P.S. Address
DOB: P.S. DOB
SSN: P.S. SSN

ATTORNEY: von Herrmann, Heather Smith

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR, SECOND DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on June 19, 2014, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0396 16-03-0655(B)

That Paul Joseph Shuler II did in Horry County, State of South Carolina, on or about or between the dates of August 4, 2013 and March 5, 2014, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was fourteen (14) years or less but who was at least eleven (11) years of age, to wit: K.A., whose date of birth Victim K.A. DOB in violation of Section 16-3-655(B) [formerly Section 16-3-655(2)], S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
HORRY COUNTY
2016 SEP -6 PM 5:06
CLERK OF COURT

COURT DATE
PLED GUILTY/TRIAL

STATE OF SOUTH CAROLINA ✓)
COUNTY OF Horry)
STATE VS.)
Paul Joseph Shuler II)
AKA:)
Race: WHITE Sex: M Age: 33)
DOB: P.S. DOB SS#: P.S. SSN)
Address: [redacted] P.S. Address [redacted])
City,State,Zip: P.S. Address [redacted])
DL#: P.S. DL# SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS 0-30 SOR; SV

INDICTMENT/CASE#: 2015GS2604952
A/W#: 2015A2610900198
Date of Offense: 7/9/2015
S.C. Code § : 16-03-0652
CDR Code #: 0160

SENTENCE SHEET

Alford v. NC

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Criminal Sexual Conduct - 1st Degree

in violation of § 16-03-0652 of the S.C. Code of Laws, bearing CDR Code # 0160
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials) SM
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☒ Recommendation by the State. 10 yrs CLFTS since 7/10/15

ATTEST: Spratlin, Martin D. SCB77061 SC Bar# Defendant Attorney for Defendant 6176 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 10 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: w/ 2014HS2602256
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 425 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 61.6 (Public Def/Probation)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)		$ 3.75
TOTAL		$ 128.75

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ 25.00 beginning 10/06/2026
$ _____ paid to Public Defender Fund
Other: _____

FILED HORRY COUNTY CLERK OF COURT 2016 SEP -6 PM 5:08

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires $500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge
Judge Code: 2152
Sentence Date: 9/6/16

Clerk of Court/ Deputy Clerk Melanie Huggins-Ward
Court Reporter: Dixie Eubank

284

SCCA/217 (07/2016)

ARREST WARRANT

2015A2610900198

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE

against

Paul Joseph Shuler, II

Address: P.S. Address

Phone: SSN: P.S. SSN

Sex: M Race: W Height: 6 Weight: 175

DL State: SC DL #: P.S. DL#

DOB: P.S. DOB Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Ryan Seipt - 4475

Offense: Sex / Criminal sexual conduct - First degree

Offense Code: 0160

Code/Ordinance Sec: 16-03-0652

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Shuler on 7-10-15 1535

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

9-18 @ 1pm
10-2 @ 8:30AM

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Personally appeared before me the affiant Ryan Seipt who being duly sworn deposes and says that defendant Paul Joseph Shuler, II did within this county and state on or about 7/9/2015 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts.

On 7/9/2015 in the Myrtle Beach section of Horry County, the defendant did coerce the victim into driving with him to 9550 Shore Drive after meeting with her at Hard Rock Café. He began photographing her for a modeling portfolio in unit 321. When she declined to wear a bathing suit he forced handcuffs on her. She yelled for help and he told her that he worked for immigration and showed a badge. He then forced her to commit oral sex on him, penetrated her vaginally and then turned her over and penetrated her anally. She was in handcuffs during this whole process. Bruising on her wrist corroborated her story. I was able to identify him through the Vacation Rental company and compared it to the video surveillance. He cleans for them on Saturdays and had a code to get in the door. By doing so, the defendant did commit kidnapping and CSC 1st.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Affiant's Address 2560 N. Main Street Conway, SC 29526-

Affiant's Telephone

FILED
2015 JUL 27 PM 1:50
MYRTLE BEACH CLERK OF COURT

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/9/2015 defendant Paul Joseph Shuler, II did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 7/10/2015 (L.S.)

Signature of Issuing Judge

Christoper John Arakas (Magistrate)

Judge Code: 5080

Judge's Address 1201 21st Avenue North Myrtle Beach, SC 29577-

Judge's Telephone ((84)3) -915- x 5145

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Ryan Seipt Horry County Police Department

ARREST WARRANT NUMBER

2015A2610900198
CDR: 0160 16-03-0652
DOA: 7/10/2015

ACTION OF GRAND JURY

TRUE BILL

Bob Harris Jr.
Foreperson of Grand Jury
Date: NOV 12 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26-04952

The State of South Carolina

County of Horry

Martin D. Spratlin 15H03423

COURT OF GENERAL SESSIONS

NOVEMBER, 2015 TERM

THE STATE

vs.

Paul Joseph Shuler II
W/ M
P.S. Address [redacted]
DOB: P.S. DOB
SSN: P.S. SSN

ATTORNEY: Ralph J. Wilson, Sr.

Indictment for

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
... COUNTY
2015 NOV 17 PM 3:04
... CLERK OF COURT
DATE RECEIVED FI...
GRAND JURY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on November 12, 2015, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT, FIRST DEGREE

CDR: 0160 16-03-0652

That Paul Joseph Shuler II did in Horry on or about July 9, 2015, engage in sexual battery with Victim M.L. while the victim was also the victim of forcible confinement, kidnapping, robbery, extortion, burglary, housebreaking, or any other similar offense or act, in violation of Section 16-03-0652, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

FILED
HORRY COUNTY
2016 SEP -6 PM 5:06
CLERK OF COURT

COURT DATE
PLED GUILTY/TRIAL

State of South Carolina
Office of the Solicitor
Fifteenth Judicial Circuit

Scott R. Hixson
Chief Deputy Solicitor

1301 2nd Avenue
P.O. Drawer 1276
Conway, SC 29528
Phone: (843) 915-5460
Fax:(843) 915-6461

Alicia A. Richardson
Deputy Solicitor

401 Cleland Street
P.O. Box 1688
Georgetown, SC 29442
Phone: (843) 545-3169
Fax: (843) 545-3268

JIMMY A. RICHARDSON, II
Solicitor

FILED
HORRY COUNTY
2016 SEP -8 AM 8:00
MELANIE HUGGINS-WARD
CLERK OF COURT

DISMISSAL/NOLLE PROSSE FORM

TO: HORRY COUNTY CLERK OF COURT

FROM: MARTIN D. SPRATLIN, ASSISTANT SOLICITOR

DATE: SEPTEMBER 6, 2016

RE: STATE OF SC VS. PAUL JOSEPH SHULER II
CASE NO: 14H02446

PLEASE BE ADVISED THAT THE CHARGE(S) LISTED BELOW HAVE BEEN DISMISSED OR NOLLE PROSSED (PLEASE PLACE X IN APPROPRIATE COLUMN).

Warrant #	Charge	Indict #	T/B Date	D/M	N/P	DOA
2014A2610201442	Sex / Criminal sexual con	2014GS2603564	9/11/2014		X	6/3/2014
2014A2610201535	Contributing to Del. Of Minor	~~2014GS2602236~~	~~9/11/2014~~	X	~~X~~	6/13/2014
2015A2610900199	Kidnapping	2015GS2604953	11/12/2015		X	7/10/2015
2015A2610202126	Impersonating Law Enforcement Officer	2015GS2604954	11/12/2015		X	9/3/2015

Assistant Solicitor

ORIGINAL

ARREST WARRANT

2014A2610201442

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 14046583

against

Paul Joseph Shuler

Address: P.S. Address [redacted]

Phone: SSN: P.S. SSN

Sex: M Race: W Height: Weight:

DL State: OH DL #: P.S. DL#

P.S. DOB [SIC] DOB: P.S. DOB Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under

Offense Code: 3661

Code/Ordinance Sec: 16-03-0655(C)

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Joseph Shuler on 6/3/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

AFFIDAVIT

ORIGINAL

Forms Approved by S.C. Attorney General April 21, 2003 SCCA 516

Personally appeared before me the affiant Troy Large who being duly sworn deposes and says that defendant Paul Joseph Shuler did within this county and state on or about 5/23/2014 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On May 23rd, 2014 at P.S. Address [redacted] P.S. Address [redacted] one Paul Joseph Shuler did provide alcohol to a minor child age 13 and gave her a white pill. The victim told a counselor and the police that she was over at his residence that evening when this happened. She identified the defendant Paul Joseph Shuler an adult age 31 and his minor son as the persons she was with. The defendant Paul J. Shuler did place his hands on the victim and touched her breast feeling them and asking her if she was comfortable. His actions where inappropriate and an attempt to arousing her and himself in lust to commit a sexual battery on the minor age 13. It was an act of coercion to provide her alcohol and to touch her breast and ask her if she was comfortable. Therefore the defendant has committed the offense of criminal sexual conduct with a minor age 13 in the third degree.
C#14046583: Det. T.A. Large

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Affiant's Address 2560 N. Main Street
Conway, SC 29526-

Affiant's Telephone (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/23/2014 defendant Paul Joseph Shuler did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 6/2/2014 2014 JUN 11 AM 9:30

(L.S.)

Signature of Presiding Judge

Aaron C. Butler

Judge Code: 5022

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Kimberly Davis Horry County Police Department

ARREST WARRANT NUMBER

2014A2610201442
CDR: 3661 16-03-0655(C)
DOA: 6/3/2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: SEP 11 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-26- 03564

The State of South Carolina

County of Horry

Martin D. Spratlin 14H02446

COURT OF GENERAL SESSIONS

SEPTEMBER, 2014 TERM

THE STATE

vs.

Paul Joseph Shuler II
W/ M
P.S. Address
DOB: P.S. DOB
SSN: P.S. SSN

ATTORNEY:

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR, THIRD DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY
2014 SEP 15 PM 1:49
CLERK OF COURT
DATE RECEIVED FROM
GRAND JURY

NP
9/8/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on September 11, 2014, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR – 3RD DEGREE
CDR: 3661 16-03-0655(C)

That Paul Joseph Shuler II being thirty-one years of age, did in Horry County on or about May 23, 2014, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of a child, less than sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, in violation of Section 16-03-0655(C), S. S. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT

2014A2610201535

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 14046583

against

Paul Joseph Shuler

Address: [redacted] P.S. Address [redacted]

[redacted]

Phone: SSN: P.S. SSN

Sex: M Race: W Height: Weight:

DL State: OH DL #: P.S. DL#

DOB: P.S. DOB Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Minor / Contributing to the delinquency of a minor

Offense Code: 0048

Code/Ordinance Sec: 16-17-0490

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Joseph Shuler on 6/13/14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL

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STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
Horry

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Troy Large who being duly sworn deposes and says that defendant Paul Joseph Shuler did within this county and state on or about 5/23/2014 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Minor / Contributing to the delinquency of a minor

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On May 23rd, 2014 at P.S. Address [redacted] one Paul Joseph Shuler did provide alcohol to a minor child age 13 and gave her a white pill. The victim told a counselor and the police that she was over at his residence that evening when this happened. She identified the defendant Paul Joseph Shuler an adult age 31 and his minor son as the persons she was with. The pill was identified as Codeine a CIII CSA Scheduled drug only available by prescription. An exam was done on the pill by Courtney Sellers a Chemist. It was an act of coercion to provide her alcohol and codeine to touch her breast and ask her if she was comfortable. Mixing alcohol and codeine increases sedation. Therefore the defendant has committed the offense of contributing to delinquency of a minor

Signature of Affiant

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
Horry

Affiant's Address: 2560 N. Main Street, Conway, SC 29526-

Affiant's Telephone: (843)915-5350

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/23/2014 defendant Paul Joseph Shuler did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Minor / Contributing to the delinquency of a minor

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 6/10/2014

(L.S.)

Signature of Issuing Judge

Aaron C. Butler

Judge Code: 5022

Judge's Address: J. Ruben Long Detention Center, Conway, SC 29526-1071

Judge's Telephone: (843)365-9222

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT

2015A2610900199

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE

against

Paul Joseph Shuler, II

Address: P.S. Address

Phone: SSN: P.S. SSN

Sex: M Race: W Height: 6 Weight: 175

DL State: SC DL #: P.S. DL#

DOB: P.S. DOB Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Ryan Seipt - 4475

Offense: Kidnapping / Kidnapping

Offense Code: 0095

Code/Ordinance Sec: 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Shuler on 7-10-15 1535

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions 9-18 @ 1pm
PO Box 677
1301 2nd Avenue 10-2 @ 830AM
Conway, SC 29528

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AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Personally appeared before me the affiant Ryan Seipt who being duly sworn deposes and says that defendant Paul Joseph Shuler, II did within this county and state on or about 7/9/2015 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 7/9/2015 in the Myrtle Beach section of Horry County, the defendant did coerce the victim into driving with him to 9550 Shore Drive after meeting with her at Hard Rock Café. He began photographing her for a modeling portfolio in unit 321. When she declined to wear a bathing suit he forced handcuffs on her. She yelled for help and he told her that he worked for immigration and showed a badge. He then forced her to commit oral sex on him, penetrated her vaginally and then turned her over and penetrated her anally. She was in handcuffs during this whole process. Bruising on her wrist corroborated her story. I was able to identify him through the Vacation Rental company and compared it to the video surveillance. He cleans for them on Saturdays and had a code to get in the door. By doing so, the defendant did commit kidnapping and CSC/1st.

Signature of Affiant

FILED 2015 JUL 27 PM 1:50

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

Affiant's Address 2560 N. Main Street Conway, SC 29526-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/9/2015 defendant Paul Joseph Shuler, II did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Kidnapping / Kidnapping

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 7/10/2015 (L.S.)

Signature of Issuing Judge

Christoper John Arakas (Magistrate)

Judge Code: 5080

Judge's Address 1201 21st Avenue North Myrtle Beach, SC 29577-

Judge's Telephone ((84)3) -915- x 5145

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

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WITNESSES

Ryan Seipt Horry County Police Department

C

ARREST WARRANT NUMBER

2015A2610900199
CDR: 0095 16-03-0910
DOA: 7/10/2015

ACTION OF GRAND JURY TRUE BILL

Bob Harris Jr.
Foreperson of Grand Jury
Date: NOV 12 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26-04953

The State of South Carolina

County of Horry

Martin D. Spratlin 15H03423

COURT OF GENERAL SESSIONS

NOVEMBER, 2015 TERM

THE STATE

vs.

Paul Joseph Shuler II
W/ M
P.S. Address [redacted]
DOB: P.S. DOB
SSN: P.S. SSN

ATTORNEY: Ralph J. Wilson, Sr.

Indictment for

KIDNAPPING

Jimmy A. Richardson, II, Solicitor

ORIGINAL

2015 NOV 17 PM 3:04

MELANIE H. CHESTNUT
CLERK OF COURT
DATE RECEIVED FROM
GRAND JURY

NP
9/8/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on November 12, 2015, the Grand Jurors of Horry County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Paul Joseph Shuler II did in Horry County on or about July 9, 2015, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Victim M.L. , without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT

2015A2610202126

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 15063112

against

Paul Joseph Shuler, II

Address: P.S. Address

Phone: SSN: P.S. SSN

Sex: M Race: W Height: 6 Weight: 180

DL State: SC DL #: P.S. DL#

DOB: P.S. DOB Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Ryan Seipt - 4475

Offense: Impersonating / Impersonating law enforcement officer

Offense Code: 0088

Code/Ordinance Sec: 16-17-0720

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of . The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Shuler on 9-3-2015 1005 AM

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO Box 677
1301 2nd Avenue
Conway, SC 29528

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2000 SCCA 516

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

Personally appeared before me the affiant Ryan Seipt who being duly sworn deposes and says that defendant Paul Joseph Shuler, II did within this county and state on or about 7/9/2015 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE: Impersonating / Impersonating law enforcement officer

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 7/9/2015 in the Myrtle Beach section of Horry County, the defendant did coerce the victim into driving with him to 9550 Shore Drive after meeting with her at Hard Rock Café. He began photographing her for a modeling portfolio in unit 321. When she declined to wear a bathing suit he forced handcuffs on her. She yelled for help and he told her that he worked for immigration and showed a badge. He then forced her to commit oral sex on him, penetrated her vaginally and then turned her over and penetrated her anally. I later found video surveillance from Dick's Pawn shop of him purchasing a fake badge and badge holder and a search warrant of the defendant's vehicle had the receipts from where he purchased the items as well. By doing so, the defendant did commit the crime of Impersonating a Police Officer 16-17-720.

Signature of Affiant

482

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

Affiant's Address 2560 N. Main Street
Conway, SC 29526-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 7/9/2015 defendant Paul Joseph Shuler, II did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Impersonating / Impersonating law enforcement officer

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me)
on 9/3/2015 (L.S.))

Signature of Issuing Judge

Aaron C. Butler

Judge Code: 5022

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

WITNESSES

Ryan Seipt Horry County Police Department

ARREST WARRANT NUMBER

2015A2610202126
CDR: 0088 16-17-0720
DOA: 9/3/2015

ACTION OF GRAND JURY

TRUE BILL

Bob Harris
Foreperson of Grand Jury
Date: NOV 12 2015

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2015-GS-26-04954

The State of South Carolina

County of Horry

Martin D. Spratlin 15H03423

COURT OF GENERAL SESSIONS

NOVEMBER, 2015 TERM

THE STATE

vs.

Paul Joseph Shuler II
W/ M
[redacted] P.S. Address

DOB: [redacted] P.S. DOB
SSN: [redacted] P.S. SSN

ATTORNEY:

Indictment for

IMPERSONATING A LAW ENFORCEMENT OFFICER

Jimmy A. Richardson, II, Solicitor

ORIGINAL

2015 NOV 17 PM 3:04

CLERK OF COURT

DATE RECEIVED FROM GRAND JURY

NP
9/8/16

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

At a Court of General Sessions, convened on November 12, 2015, the Grand Jurors of Horry County present upon their oath:

IMPERSONATING A LAW ENFORCEMENT OFFICER

CDR: 0088 16-17-0720

That Paul Joseph Shuler II did in Horry County on or about July 9, 2015, represent himself or herself to be a Law Enforcement Officer and, acting upon such representation, did arrest or detain a person, search a building or automobile, and/or did in some way impersonate a Law Enforcement Officer and/or act in accordance with authority commonly given to such Officers, in violation of Section 16-17-0720, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

ARREST WARRANT

2013A2610200904

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Horry

THE STATE 13040030

Paul Joseph Shuler, II

Address: P.S. ADDRESS P.S. Address

Phone: SSN: P.S.SSN

Sex: M Race: B Height: 6 Weight: 160

DL State: SC DL #: P.S. SC-DL

DOB: P.S. DOB Agency ORI #: SC0240400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Ricarter Ruggerio - 5738

Offense: Assault / Assault & Battery 3rd degree

Offense Code: 3414

Code/Ordinance Sec: 16-03-0600(E)(1)

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Paul Joseph Shuler II on 5/12/13

E Orlando

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Myrtle Beach Magistrate Court
1201 21st Avenue North
Myrtle Beach, SC 29577

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant Ricarter Ruggerio who being duly sworn deposes and says that defendant Paul Joseph Shuler, II did within this county and state on or about 5/11/2013 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 3rd degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 5/11/2013 in the Myrtle Beach section of Horry County, the defendant Paul Joseph Shuler II did walk into the Sun Mart gas station located on George Bishop PWKY, to send money Western Union. Being dissatisfied with the service, defendant did lean over the counter and did strike the clerk about her hand area while she was holding a pen. Defendant then walked out of the store and proceeded to get into silver in color Jaguar before leaving the area. Video footage did record the incident.

Case # 13040030
R/O Ruggerio

Signature of Affiant 637 C/Gor

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Horry)

Affiant's Address 2560 N. Main Street
Conway, SC 29526-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 5/11/2013 defendant Paul Joseph Shuler, II did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault & Battery 3rd degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 5/12/2013

(L.S.)

Signature of Issuing Judge

Christoper John Arakas

Judge Code: 5080

Judge's Address J. Ruben Long Detention Center
Conway, SC 29526-1071

Judge's Telephone (843)365-9222

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL

AGENCY I.D.
SC0260400

INCIDENT REPORT

CASE NUMBER: 13040030

NCIC: INQ. | ENTD.

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
	☐YES ☐NO	☐YES ☐NO		
	☐YES ☐NO	☐YES ☐NO		
	☐YES ☐NO	☐YES ☐NO		

TYPE VICTIM: ☐ Individual ☐ Business ☐ Financial ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) | ZIP CODE | WEAPON TYPE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT (J S O U)	RACE	SEX	AGE	ETH.	DAYTIME PHONE (H / B)	EVENING PHONE (H / B)

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.

VICTIM NO. 1

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT (X S O U)	RACE	SEX	AGE	ETH.	DAYTIME PHONE (H / B)	EVENING PHONE (H / B)
[redacted] Victim S.L.		X	B	F	44	N		

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
64	170	BLK	BRO	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted] Victim S.L. Address	[redacted] Victim S.L. Address	SC	[redacted]	

VISIBLE INJURY (VICT. 1) ☐ YES NO ☐ EXPLAIN — COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES NO ☐

VICTIM (NO. 1) USING: ALCOHOL ☐ YES NO ■ UNK ☐ DRUGS: ☐ YES NO ■ UNK ☐ TYPE:

TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ J - This Jurisdiction S - State O - Out of State U - Unknown

SUBJECT NO. 1

■ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
SHULER, PAUL JOSEPH	W	M	30	N	[redacted] P.S. DOB	72	175	BRO	BRO

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	ZIP CODE	LOCATION NO.
[redacted] P.S. ADDRESS	[redacted] P.S. ADDRESS	[redacted] P.S. ADDRESS	

SUBJECT (NO. 1) USING: ALCOHOL ☐ YES NO ■ UNK ☐ DRUGS: ☐ YES NO ■ UNK ☐ TYPE:

ARRESTED NEAR OFFENSE SCENE ☐ YES NO ☐ TOTAL # ARRESTED 0

DATE/TIME OF OFFENSE: 5/11/2013 9:22:00 AM

DATE/TIME OF ARREST: 5/11/2013 10:57:00 AM

NARRATIVE

ON ABOVE DATE AND TIME RO RESPONDED TO AN ASSAULT COMPLAINT AT ABOVE ADDRESS, THE SUN MART GAS STATION. UPON ARRIVAL RO WAS FLAGGED DOWN BY A BYSTANDER WHO STATED TO RO THAT THE SUBJECT LEFT THE SCENE PRIOR TO RO ARRIVAL. PATRON FURTHER STATED THAT SUBJECT HAD AN AGGRESSIVE DOG IN THE CAR THAT WAS BARKING AT HIM. PATRON FURTHER STATED THAT HE SAID SOMETHING TO SUBJECT ABOUT THE DOG AND SUBJECT ADVISED HIM THAT THE DOG DOESNT LIKE BLACK PEOPLE THATS WHY HE WAS BARKING AT HIM.

UPON WALKING IN THE STORE RO DID MAKE CONTACT WITH VICTIM WHO WAS THE CLERK THAT WAS WORKING. VICTIM STATED TO RO THAT SUBJECT WALKED IN THE STORE ATTEMPTING TO SEND MONEY WESTERN UNION. VIC FURTHER STATED THAT SHE HAD CUSTOMERS THAT SHE WAS ALSO TENDING TO. VIC STATED THAT SUBJECT WAS WAITING IN LINE AND BEGAN COMPLAINING ABOUT HOW SLOW THE SERVICE IS. AFTER HELPING THE CUSTOMER IN FRONT OF SUBJECT, SUBJECT THEN WALKED UP TO THE COUNTER AND BEGAN MAKING RACIAL COMMENTS

	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

PROPERTY EST.

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐YES NO ☐ | SUBJECT LOCATED ☐YES NO ☐ | ■ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
	05/11/2013		300	05/13/2013	

INVESTIGATION ☐YES ■ NO — OFFICER

ABOUT INDIANS OWNING ALL THE GAS STATIONS. SUBJ THEN STATED TO VIC THAT HE DID NOT LIKE BLACK PEOPLE. VIC STATED THAT SUBJECT STARTED BECOMING AGGRESSIVE TOWARD HER WITH HIS RACIAL SLURS AND HIS LOUD VOICE. SHE THEN ADVISED SUB THAT SHE WAS GOING TO CALL THE POLICE AND WHILE SHE WAS HOLDING A PEN AND WRITING INFORMATION, SUBJECT LEANED OVER THE COUNTER SLAPPED HER HAND CAUSING THE PEN TO FALL OUT OF HER HAND. VICTIM THEN CONTACTED POLICE.

AS SHE WAS CALLING DISPATCH, SUBJECT STATED TO HER THAT HE WOULD NOT GET CAUGHT BECAUSE HE HAS PEOPLE THAT WOULD COVER UP FOR HIM. VICTIM FURTHER STATED THAT SUBJECT THEN GOT INTO A CAR AT PUMP#4 WHERE HE WAS PARKED AND LEFT THE BUSINESS.

AT THE STORE, RO DID WATCH THE SURVEILLANCE VIDEO THAT WAS AVAILABLE. UPON REVIEWING THE INCIDENT, RO OBSERVED A TALL SLENDER WHITE MALE WEARING A WHIT IN COLOR TEE SHIRT WITH A DESIGN IN THE FRONT. SUBJECT WAS ALSO WEARING A PAIR OF DARK IN COLOR SHORTS AND WHAT APPEARED TO BE SOME KIND OF SLIP ON SHOE. RO ALSO TOOK NOTE TO A RING THAT SUBJECT WAS WEARING ON HIS LEFT RING FINGER AS IF HE WAS MARRIED. SUBJECT WAS ALSO WEARING GLASSES ON HIS FACE. IN THE VIDEO, RO OBSERVED SUBJECT WALK IN THE STORE AND WAIT IN LINE. A SHORT TIME LATER, SUBJECT AND VICTIM APPEAR TO HAVE SOME SORT OF DISAGREEMENT WHERE A VERBAL ALTERCATION ENSUED. THEN, SUBJECT IS OBSERVED LEANING TOWARD THE VICTIM ON THE OTHER SIDE OF THE COUNTER. AT THIS POINT VICTIM IS HOLDING A PEN AND APPEARS TO BE WRITING SOMETHING ON THE COUNTER AREA. SUBJECT THEN SLAPS OR SMACKS VICTIMS HAND AREA BEFORE WALKING OUT OF THE BUSINESS. UPON REVIEWING THE VIDEO FOOTAGE FROM THE OUTSIDE THE STORE, SUBJECT IS OBSERVED WALKING TOWARD THE GAS PUMPS INTO THE DRIVERS SIDE DOOR OF A SILVER IN COLOR NEWER MODEL JAGUAR VEHICLE. SUBJECT THEN PULLED OUT OF THE PARKING LOT AREA USING THE REAR EXIT OF THE PARKING LOT. STORE STATED THAT A COPY OF THE VIDEO WOULD BE MADE AND RO WOULD BE NOTIFIED WHEN IT IS READY FOR PICKUP.

RO THEN ATTEMPTED TO LOCATE SUBJECT VEHICLE AND UPON DRIVING AROUND THE GENERAL AREA, RO WAS ADVISED BY DISPATCH THAT SUBJECT WAS NOW CALLING DISPATCH REQUESTING TO SPEAK WITH AN OFFICER. DISPATCH ADVISED THAT SUBJECT WOULD BE IN A SILVER IN COLOR JAGUAR IN THE FOOD LION PARKING LOT LOCATED ON BELLE TERRE BLVD.

RO ARRIVED TO SPEAK WITH SUBJECT. UPON ARRIVING, RO OBSERVED SUBJECT AS MATCHING THE EXACT DESCRIPTION OF THE PERSON RO SAW IN THE VIDEO FOOTAGE ASSAULT VICTIM. RO THEN ADVISED SUBJECT OF MIRANDA WARNING BOTH WRITTEN AND VERBAL. POST MIRANDA, SUBJECT ADMITTED TO SLAPPING THE PEN FROM THE CLERKS (VICTIM) HAND BECAUSE HE WAS GETTING IRATE. HE FURTHER STATED THAT VICTIM WAS POINTING IN HIS FACE AND HE WOULD NOT LET HER DO THAT. SUBJECT THEN CONFIRMED THAT VICTIM WAS BEHIND THE COUNTER AND HE WAS ON THE OPPOSITE SIDE OF THE COUNTER. RO ADVISED HIM THAT HE SHOULD OF CALLED POLICE IF HE WAS HAVING A PROBLEM WITH THE CLERK. RO THEN ADVISED HIM OF THE VIDEO. HE STATED THAT HE KNEW AND THATS WHY HE CALLED TO SPEAK WITH POLICE. SUBJECT FURTHER STATED THAT HE WAS A MARTIAL ARTS INSTRUCTOR AT SPORTS MEDICINE AND THAT HE DID NOT NEED TO BE CHARGED.

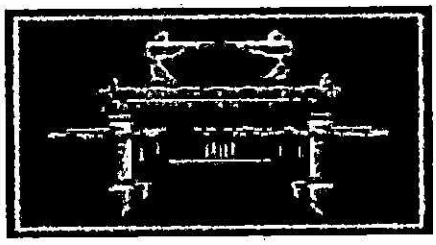
RO THEN ADVISED HIM THAT HE WAS UNDER ARREST. RO PLACED SUBJECT IN RESTRAINTS AND SUBJECT WAS THEN TRANSPORTED TO MYRTLE BEACH JAIL. A HOLD FORM FOR ASSAULT AND BATTERY 3RD WAS COMPLETED. UPON LOOKING THROUGH LOCAL WARRANTS, MYRTLE BEACH POLICE LOCATED A WARRANT FOR SUBJECT FROM 2009 FOR CRUELTY TO CHILDREN.

RO THEN MADE CONTACT WITH VICTIM AND ADVISED HER OF THE ARREST. CASE WILL BE PRESENTED FOR A WARRANT AND SUBJECT WILL BE SERVED. RO HAS NO FURTHER INFORMATION AT THIS TIME. -END-

DEFENDANT'S EXHIBIT
NO. NOV 19 2024
DATE:
Bobbi Fisher, RPR

"As my Father hath sent me even so I send you."

The Kings Cross Victory Bible College



Doctor Of Ministerial Studies

Conferred By

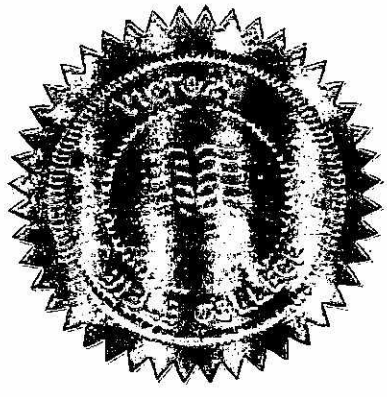
The Missions Board Of The Church

In The Name And By The Authority Of The First Church Of The Gospel Ministry

Be It Known That

Paul J. Shuler II

Having demonstrated knowledge and proficiency satisfactory to the Missions Board and by the authority of the Dean Of The Victory Bible College is herein awarded a Doctorate Of Ministerial Studies educational degree in good standing with all the honors, rights, privileges and obligations pertaining to that degree. In testimony thereto this certificate is conferred on this 18th day of April, 2024. In witness hereof we prayerfully send him forth into the world for the spreading of the Gospel having found him both worthy and faithful to the cause of Christ.



#5041

In Testimony whereof, I hereunto set my hand and affix the seal of the church at Bucyrus, Ohio, USA this 18th day of April, 2024.

Dr. Davy Ray Kendrick

Dr. Davy Ray Kendrick
Bishop Of The Church

"Go into the highways and hedges and compel them to come in."

CLEMSON UNIVERSITY
1889

CLEMSON
EXTENSION AGRIBUSINESS

This certificate is awarded for the successful completion of:

Starting and Managing an Agribusiness in South Carolina.

Paul J Shuler

Clemson Agribusiness Instructor — Date: 11/16/18

Stanley W. Green

Clemson Agribusiness Instructor — Date: 11/16/18

ALLENDALE CORRECTIONAL INSTITUTION
CHARACTER HOUSING UNIT

Certificate of Accomplishment

Presented to

Paul Shuler II

for his devotion to the Character program at Allendale Correctional Institution. Mr. Shuler has voluntarily enrolled himself into a regimen of programs in a respect-based, pro-social environment. He has been a contributing member of this Character-Based program at A.C.I. from December 9, 2016 through November 1, 2018 with 1262.5 hours of attendance. His devotion to this program is evidence that he is determined to improve his life.

McKendley Newton, Warden

Yvonne Wilkins-Smith, Associate Warden of Programs

Certificate of Appreciation

this is to certify that

Paul Schuler II

is recognized for his outstanding leadership in the JUMPSTART Program at MacDougall Correctional Institution

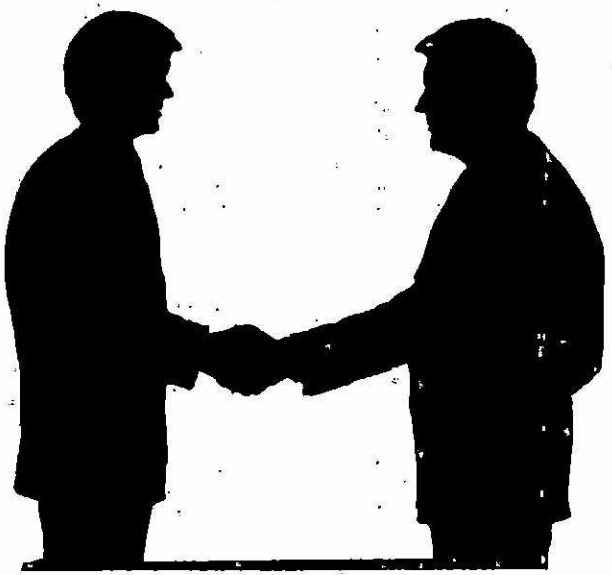
JUMPSTART®

Transforming the lives of prisoners from the inside out

November 21, 2019

John Matthews, Inside Coordinator

Gary Sanders, Inside Director



MacDougall Correctional Institution
Pastoral Services Life Skills Training

Certificate of Completion

This is to certify that

Paul Shuler II

is awarded the certificate for completing (12) hours of the

Life Skills:
Building Relationships

Awarded on this 9th day of April, 2019.

Lance Neal
Lance Neal, Chaplain

Phyllis D. Hopkins
Phyllis G. Hopkins, Associate Warden

Phrear School of Theology

International Maranatha Institute
P.O. Box 337, Parkesburg, Pa. U.S.A. 19320

ACADEMIC RECORD
UNOFFICIAL COPY

DATE: 03-11-2019
STUDENT: Paul Shuler
ADDRESS: MacDougall Correctional Institute
369640 - HI
1516 Old Gillian Road
Ridgeville, SC 29472

PROGRAM: Diploma of Biblical Studies
FGBI STUDENT ID: 11119
BIRTH DATE: [redacted]
SEX: M
PHONE:

DEPT	DESCRIPTION OF STUDY	MINISTERIAL SERVICE CREDIT	CREDIT PTS ATTEMP	CREDIT PTS EARNED	GRADE
	2017-2018				
BS-101	HOLY SPIRIT	2	2	2	A
BS-102	NEW TESTAMENT BOOKS	3	3	3	B
BS-105	UNDERSTANDING PRAYER & FASTING	2	2	2	A
BS-106	SPIRITUAL GIFTS	2	2	2	B
BS-107	THE GOD HEAD	2	2	2	A
BS-112	SCRIPTURAL PRINCIPALS OF GIVING	2	2	2	A
BS-113	DISPENSATIONAL TRUTH	2	2	2	A
BS-114	PERSONAL WITNESSING	2	2	2	A
BS-143	THE SUPREMACY OF JESUS CHRIST	2	2	2	A
BS-136	POSITIVE FAITH	2	2	2	A
TH-115	TREATISE	2	2	2	A

END

STATUS	YEAR	SUMMARY	TRANSFER/MINISTERIAL SERVICE CREDIT	CREDIT PTS ATTEMPT	CREDIT PTS PASSED	TOTAL CREDITS RCD	GPA
GRADUATE	2018	CUMULATIVE	23	23	23		3.1

IN ACCORDANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974, THIS INFORMATION MAY NOT BE RELEASED TO ANOTHER PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION OF THE STUDENT, WHO HAS AUTHORIZED THE RELEASE OF THIS TRANSCRIPT.

CREDIT ACCUMULATION: Quarter Hour.
One credit hour represents an average
10-12 student work study hours.

07-25-2017 Sheena Young
DATE REGISTRAR
Not an official transcript without Institute Seal

CERTIFICATE OF ACHIEVEMENT

Paul Shuler

Received this award for attaining an

"A" Honor Roll

while completing the requirements for the Two-year Associate Degree from More Than Conquerors Bible Institute

This 15th day of March 2021

Scott Krystowiak

Dr. Scott Krystowiak, President

EAST COAST GROOMING SCHOOL

THIS CERTIFIES THAT

PAUL SHULER

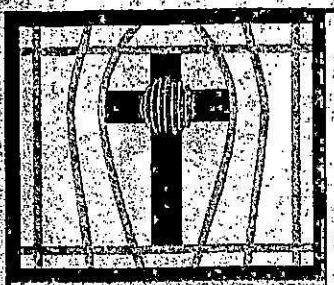
HAS SUCCESSFULLY COMPLETED THE REQUIRED **200** COURSE OF GROOMING APPROVED BY THE COMMISSION ON HIGHER EDUCATION FOR THE STATE OF SOUTH CAROLINA, AND IS THEREFORE AWARDED THIS

CERTIFICATE OF GROOMING

GIVEN THIS 21st DAY OF Sept, 2018

INSTRUCTOR

COORDINATOR



Then you will know the truth and the truth will set you free.

John 8:32 (NIV)

PRISON MINISTRIES PROGRAM

THIS DIPLOMA IS PRESENTED TO

Paul J. Shuler II

in recognition of meeting the requirements of the
Global University Prison Ministries Program
and granting all the rights and privileges thereof.

Presented this *16th* day of *November*, *2021*

(National Director, Prison Ministries)

GLOBAL UNIVERSITY

GLOBAL UNIVERSITY

November 16, 2021

Paul J. Shuler II
610 Highway 9 West
Bennettsville, South Carolina 29512

Dear Paul,

It is our pleasure to award you this Diploma signifying your completion of the Global University Prison Ministries Study program. We also very pleased to send you The ***Fire Bible,*** a comprehensive study Bible. Be sure to inscribe it with your name, presented by Light for The Lost and Global University.

The Psalmist David said so illustratively, "Your Word is a lamp to my feet and a light to my path" Psalm 119:105. In these days more than ever we need our pathway to be illuminated by His Word. I am sure as you have searched His Word over theses last many months you have indeed seen that light reflected in your walk.

It is our heartfelt desire that through the thirty-seven courses that you have completed in our ***School of Evangelism and Discipleship*** program you have seen real development in your life for Christian service. In the future you will be able to go back into each of the courses and receive progressively more every time you do. A real bonus is that these courses are a wonderful reference library for future study.

As the Lord provides the finances we trust that you will be able to enroll in either the institute level, **Berean School of the Bible** or the degree level, **Undergraduate School of Bible and Theology**. If you are interested in exploring how the studies you have completed in the Prison Ministries program can be applied to an advanced program, write this same address for more information.

In HIS Service **from the Inside Out,**

Chaplain Robert Durham
National Director Prison Ministries

More Than Conquerors Bible Institute

In recognition of the completion of the prescribed program, More Than Conquerors Bible Institute is proud to award the

ASSOCIATE DEGREE
IN
BIBLICAL THEOLOGY

This certificate is hereby awarded to

Paul Shuler

This 15th day of March 2021

Dr. Scott Krystowiak, President

© 2017 Great Papers

More Than Conquerors Bible Institute

Changing Lives Through the Word of God

MTC Bible Institute
P.O. Box 212
Greer, SC 29652
(864) 479-0199

March 3, 2021

Paul Shuler 369640 -3B124
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, SC 29512

Dear Paul,

Congratulations on completing your Associate Degree in Theology Degree! I know that there was a lot of hard work involved with completing these courses. We feel joy with you in completing your degree, but we will miss you being a part of our institute. We hope that we have helped you deepen your relationship with the Lord. Even though you have completed your work with MTC Bible Institute, we hope that you will continue to study God's Word on your own.

Thank you for all of your hard work and for being a part of MTC Bible Institute. We pray that you will continue use what you have learned by evangelizing the lost and to disciple others. We hope that your life has been changed by the Word of God.

Sincerely,

Dr. Scott Krystowiak
President, MTC Bible Institute

Phrear School of Theology

International Maranatha Institute

The Faculty and Board of Trustees
of the Institute hereby present

Paul Shuler

this certificate in recognition of successful completion
of the academic requirements for

Diploma
of
Biblical Study

and by authorization of the Board of Trustees
upon the recommendation of the Faculty,
in witness whereof
our signatures are hereunto affixed
this Fifth day of November
in the year of our Lord, Two Thousand Eighteen

Clerk of Records

Phrear School of Theology
Established 1995

Chancellor

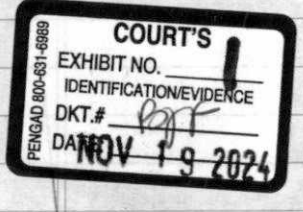
L. Dian Lieck #194

11.19.2

Definition of

Menace.

What are the last 2 charges that the State needed to prove?



We Know that

1. Convicted
2. Personality disorder
3. ?
4. ?