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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES ROBERT PRATT,

APPELLANT

APPELLATE CASE NO. 2025-000518

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STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON
IN THE GENERAL SESSIONS COURT
DOCKET NO. 2020-GS-32-02711

STATE OF SOUTH CAROLINA,

PLAINTIFF,

vs.

JAMES ROBERT PRATT,

DEFENDANT.

H E A R I N G

BEFORE THE HONORABLE WILLIAM P. KEESLEY

DATE: March 5, 2025
TRANSCRIBED BY: Velvet Mills

APPEARANCES:

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(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 THE COURT: Are you James Robert Pratt, sir?

2 MR. PRATT: Yes, sir.

3 THE COURT: All right. Mr. Pratt, the lawyer
4 sent -- sent me a report from the Department of
5 Mental Health, and I need to go over that with you
6 first. From the examination you had back in June of
7 last year, I've read the report, and we'll get a copy
8 of it marked into the record. I need to ask you, do
9 you understand why you're here today?

10 MR. PRATT: Yes, sir.

11 THE COURT: Tell me why you're here today. No.
12 You can't talk to your lawyer. You talk to me.

13 MR. GOODWYN: He's asking you.

14 MR. PRATT: Some charges.

15 THE COURT: Okay. You know what you're charged
16 with?

17 MR. PRATT: Incest.

18 THE COURT: Anything else?

19 MR. PRATT: So -- touched the two kids. I ---

20 THE COURT: What two kids?

21 MR. PRATT: Two kids. And these are my -- my
22 kids.

23 MR. GOODWYN: He said -- he said he touched two
24 kids.

25 THE COURT: Touching two children. Okay. And

1 do you know who that is beside you?

2 MR. PRATT: My attorney.

3 THE COURT: What's his job?

4 MR. PRATT: He -- I guess -- he's trying to get
5 me out of it.

6 THE COURT: Okay. Do you know what
7 Ms. Patterson does?

8 MR. PRATT: No.

9 THE COURT: Do you know what a solicitor is in
10 South Carolina?

11 MR. PRATT: Yes, sir.

12 THE COURT: What is that?

13 MR. PRATT: Attorney.

14 THE COURT: Okay. And what -- what do they do?

15 MR. PRATT: Charge against -- charge me.

16 THE COURT: Okay. Do you know what a jury does?

17 MR. PRATT: No.

18 THE COURT: You got no idea what a jury does?

19 MR. PRATT: I -- I guess not -- not really. I
20 guess whatever we say in here.

21 THE COURT: I'm sorry. I'm having trouble
22 hearing you.

23 MR. GOODWYN: Yeah, here. Get the mic closer,
24 Your Honor?

25 THE COURT: He doesn't -- it doesn't amplify.

1 He goes into that [inaudible]. Say again what you
2 said, please, Mr. Pratt.

3 MR. PRATT: I guess the jury listens to
4 everybody. And they go with that.

5 THE COURT: They listen to the evidence and they
6 make a decision. Is that what you're telling me?

7 MR. PRATT: Yes, sir.

8 THE COURT: And if witnesses appear in a trial,
9 you know what a witness does?

10 MR. PRATT: Talk about you. Of what's going on.

11 THE COURT: Yeah. Mr. Goodwyn, you've had a
12 chance to review the report ---

13 MR. GOODWYN: The ---

14 THE COURT: --- on mental health?

15 MR. GOODWYN: --- the competency report,
16 Your Honor?

17 THE COURT: Yes.

18 MR. GOODWYN: Yes, Your Honor.

19 THE COURT: Is there any objection to making it
20 part of the record?

21 MR. GOODWYN: No, Your Honor.

22 THE COURT: Ms. Patterson, have you read --
23 reviewed the competency report?

24 MS. PATTERSON: Yes, sir, Your Honor. I have.

25 THE COURT: Any objection to making it part of

1 the record?

2 MS. PATTERSON: No, sir.

3 THE COURT: Y'all have a hard copy that can be
4 marked as a Court's Exhibit?

5 MS. PATTERSON: I do, Your Honor.

6 THE COURT: All right. Mr. Pratt, the report I
7 read indicates you do not take any type of medication
8 for mental health. Is that right?

9 MR. PRATT: Yes.

10 THE COURT: Okay. So, today, are you under the
11 influence of any type of medication, alcohol, drugs,
12 anything that affects your thinking?

13 MR. PRATT: No, sir.

14 THE COURT: And do you have any physical
15 problems or mental health issues that affect your
16 thinking today?

17 MR. PRATT: No, sir.

18 THE COURT: Okay. All right. I'm going to read
19 to you these charges that have been handed up to me.
20 And if I -- if I ask you anything you don't
21 understand through the whole course of this, let me
22 know, all right? And you have to say your answers
23 out loud because this gentleman has to take it down.
24 It comes strictly through a digital system, all
25 right? So, you need to say yes or no.

1 MR. PRATT: Yes, sir.

2 THE COURT: All right. Thank you. They've
3 given me one indictment that charges you with
4 criminal sexual conduct with a minor. And that
5 indictment reads that in Lexington County, South
6 Carolina, on or between May 31, 2011 and July 26th,
7 2011, that the defendant, James Robert Pratt, did
8 willfully and unlawfully commit criminal sexual
9 conduct with a minor in the first degree by engaging
10 in a sexual battery with a minor who was less than 11
11 years of age. Specifically, it's alleged that you
12 inserted your fingers into a child named, whose
13 initials were [1], who was born in [1] of 2002. And
14 upon your arraignment on that charge of criminal
15 sexual conduct with a minor in the first degree, it
16 appears that you wish to enter a plea of guilty to
17 the lesser offense of criminal sexual conduct with a
18 minor in the third degree. Is that right?

19 MR. PRATT: Yes, sir.

20 THE COURT: The other indictment charges you
21 with ince -- incest, and it reads that in Lexington
22 County, South Carolina, on or between January 1, 2020
23 and February 17th, 2020, that the defendant, James
24 Robert Pratt, did, as a man, have carnal intercourse
25 with your daughter, whose initials are [2], also known

1 by the initials [REDACTED]. Specifically, it's alleged that
2 you had vaginal intercourse with your biological
3 daughter in violation of the law, and upon your
4 arraignment, it indicates that you wish to enter a
5 plea of guilty to incest. Is that right?

6 MR. PRATT: Yes, sir.

7 THE COURT: Mr. Goodwyn, have you explained to
8 your client the nature and elements of each offense,
9 the possible punishment, and its constitutional
10 rights, including trial by jury?

11 MR. GOODWYN: Yes, Your Honor. There -- for the
12 criminal statutes, for sure there was an issue with
13 the sentencing or the range of sentences on the
14 incest, and we've had a little question about coming
15 in to -- today that we want to bring up when the time
16 is right. This might be the right time.

17 THE COURT: I think it carries up to 10 years.

18 MR. GOODWYN: Well, I think you're right, but
19 the way the statute reads, it says a penalty of \$500
20 and/or not less than a year. And -- do you see what
21 I'm talking about?

22 THE COURT: It says not -- not less than \$500
23 for imprisonment not less than one year in the
24 penitentiary or both, such fine and imprisonment.

25 MR. GOODWYN: Right. Which means that the court

1 could impose just a fine but no jail or jail, no
2 fine, or -- or both. Which means that it could be
3 zero years in prison pegging up to 10 if the court
4 decides to go with the fine and not -- not
5 imprisonment. That's my understanding. That's what
6 I'm -- I'm telling him.

7 THE COURT: I don't see it as a mandatory
8 minimum, so let's see what you want to tell me.

9 MS. PATTERSON: Yes, Your Honor. It's my
10 understanding that it is an unclassified felony, so
11 it carried up 10 years not less than one year, but
12 certainly I think the one year could be extended, so
13 I would take it about to zero to 10 years because it
14 is unclassified felony.

15 THE COURT: Yeah. There are a lot of laws that
16 say not less than, but they -- they don't make it a
17 mandatory minimum, so ---

18 MS. PATTERSON: Right.

19 THE COURT: --- zero to 10 is what you ---

20 MR. GOODWYN: Right. That's what I told him.

21 THE COURT: --- And fine -- and ---

22 MR. GOODWYN: And as ---

23 THE COURT: --- a fine of \$500 or more.

24 MR. GOODWYN: Right. And as long as we're on
25 board -- on the same page with that, yes, that's what

1 I told him he was facing today.

2 THE COURT: And you fully explained to him the
3 nature and elements of the offenses, the possible
4 punishment, and his constitutional rights, including
5 trial by jury?

6 MR. GOODWYN: Yes, Your Honor.

7 THE COURT: Are you satisfied there's a factual
8 basis for a plea?

9 MR. GOODWYN: Yes, Your Honor.

10 THE COURT: You agree with his decision to enter
11 the pleas?

12 MR. GOODWYN: Yes, Your Honor.

13 THE COURT: All right. Mr. Pratt, when you
14 plead guilty, you give up very important rights.
15 Included in that -- those rights are your right to
16 remain silent and your right to a jury trial. You
17 know that?

18 MR. PRATT: Yes, sir.

19 THE COURT: If you wanted a jury trial on either
20 or both of these cases, you're presumed to be
21 innocent. You don't have to prove anything. The
22 State has the entire burden of proof and would have
23 to prove to all 12 jurors that you're guilty beyond a
24 reasonable doubt before you could be convicted of
25 anything. You understand that?

1 MR. PRATT: Yes, sir.

2 THE COURT: If you had a jury trial, you would
3 get to see and hear and have your lawyer question or
4 cross-examine every witness who testified against
5 you. You understand that?

6 MR. PRATT: Yes, sir.

7 THE COURT: You would help select the jury, and
8 you would have a certain amount of strikes that you
9 could use to set aside jurors. You understand that?

10 MR. PRATT: Yes, sir.

11 THE COURT: And if you wanted to testify in a
12 trial, you -- you could. But if you choose not to
13 testify, then the trial judge would tell the jury,
14 they cannot hold you silence against you in any way
15 at all. You understand that?

16 MR. PRATT: Yes, sir.

17 THE COURT: If you plead guilty, you give up
18 those rights. You give up your right to remain
19 silent because you'll be admitting that you're
20 guilty. You give up the right to confront the
21 witnesses, that is, have your lawyer to see -- have
22 you see here and have your lawyer cross-examine the
23 witnesses. You give up all the rights we discussed,
24 including the jury trial, and you admit that the
25 charge is true. You understand?

1 MR. PRATT: Yes, sir.

2 THE COURT: Do you want a jury trial on either
3 of these cases?

4 MR. PRATT: No, sir.

5 THE COURT: All right. I'm going to get you to
6 listen to the solicitor. She's going to tell me what
7 she claims happened. And then, after that's over,
8 I'm going to ask you if you're guilty of that. So,
9 listen carefully to what they tell. Ms. Patterson.

10 MS. PATTERSON: Thank you, Your Honor. May it
11 please the court? On August 2nd of 2011, while the
12 victim, **MINOR 1**, was in foster care, she was the
13 biological daughter of Mr. Pratt. She was in foster
14 care due to Mr. Pratt's drug use. She disclosed that
15 Mr. Pratt had digitally penetrated her and her sister
16 while they were in the bathtub in their home, located
17 on -- at **██████████** in the Gaston area of Lexington
18 County, **██████████**. **MINOR 2** would have been 10
19 years old at the time of the offense and disclosure.
20 Her sister would have been eight years old at the
21 time of the incident and nine at the time of
22 disclosure.

23 Her sister, **MINOR 1**, was given a forensic
24 interview, and she also made a disclosure of digital
25 penetration on her body by the defendant as well and

1 stated, like her sister, this happened in the bathtub
2 at their home. Both of these victims were able to
3 give pertinent details of the assault which helped
4 establish a time frame which have -- would have been
5 between May 31st and July 26th of 2011. This assault
6 was reported to law enforcement back in 2011.
7 However, for some unknown reason, it wasn't
8 investigated until February of 2020.

9 And this is when **MINOR 2**, who had then turned
10 18, moved back into the home with her father after
11 living in foster care and after she and her brother
12 and her sister had been adopted by the Lyles
13 (phonetic) family. And that's why they have an
14 alias, Your Honor, within the indictment. This
15 reconnection prompted her -- her sister, **MINOR 1**,
16 and her adoptive mom to reinquire to law enforcement
17 about the status of the investigation. At this time,
18 Investigator Joe Hart was assigned to the case. This
19 would have been February of 2020. He contacted **MINOR 2**
20 **MINOR 2** as well as followed up with
21 **MINOR 1** and did a follow-up interview, and they
22 still maintain the same allegations that they had
23 reported in 2011.

24 Investigator Hart was also able to contact the
25 Dickerson Center and obtain the forensic interviews

1 from the victims in 2011. And again, he compared the
2 allegations, and they were -- they were spot on.
3 During this subsequent investigation, it was revealed
4 that MINOR 2, again, now she's 18, was actually not
5 only living with her father, but was having a
6 consensual sexual relationship with him. There were
7 text messages recovered that corroborated this
8 relationship between these two sisters as this
9 angered MINOR 1 because she did not believe or would
10 not -- it was hard for her to believe that her sister
11 would reconnect with someone who, in the text
12 messages, they referred to as their molester.

13 Not only did we have the disclosures in the text
14 messages, but there were also several jail calls from
15 the Defendant to numerous people admitting to the
16 sexual relationship he had with his daughter,
17 MINOR 2, and alleging there was nothing wrong with
18 this relationship because now she was 18. And she
19 too, wanted to engage in the relationship. There
20 were other victims who came forward with similar
21 allegations of the -- of the Defendant touching their
22 private parts. In exchange of that -- of this plea,
23 Your Honor, to these two charges against his
24 biological daughters, those cases are being Nolle
25 prosequi because they too, had delayed disclosures

1 and we just had no cooperation, unlike in these two
2 cases.

3 So, in exchange of this plea, Your Honor, we
4 are dismissing three criminal sexual conducts with
5 minor charges and allowing him to plead to the
6 reduced charge from first to a third. Both **MINOR 2**
7 and **MINOR 1** are here, Your Honor. **MINOR 1**
8 would like to address the Court at the appropriate
9 time. And **MINOR 2**, she is -- has submitted a
10 written statement. And I've provided Mr. Goodwyn
11 with a copy and I have a copy for Your Honor at the
12 appropriate time. I don't think Mr. Pratt -- I think
13 maybe he had a shoplifting and that was probably the
14 only conviction on his record and that was in 2003
15 and 2004.

16 THE COURT: All right. Mr. Pratt, do you admit
17 you're guilty of these two charges?

18 MR. PRATT: Yes, sir.

19 THE COURT: Has anybody forced you, threatened
20 you, coerced you in any way to get you to plead
21 guilty against your will?

22 MR. PRATT: No, sir.

23 THE COURT: Any plea agreement that the State
24 might have made with you? Any type of plea bargain,
25 that's like dropping a charge, reducing a charge,

1 recommending a sentence, anything like that? I'm not
2 involved in that. So, I don't know anything about it
3 unless you hear them say it out here in open court.
4 If they don't say something out in open court that
5 they promised you, you lose it under the law. Do you
6 understand that?

7 MR. PRATT: Yes, sir.

8 THE COURT: All right. So, they've indicated to
9 me that they have dismissed three other criminal
10 sexual conduct charges, that they are reducing one of
11 this criminal sexual conduct with a minor in the
12 first degree to third degree. Was that it?

13 MS. PATTERSON: Yes, sir.

14 THE COURT: Okay. So, other than that, has
15 anybody promised you anything or offered you any hope
16 or reward to get you to plead?

17 MR. PRATT: No, sir.

18 THE COURT: Are you fully satisfied with your
19 attorney?

20 MR. PRATT: Yes, sir.

21 THE COURT: Is there anything you want him to do
22 for you on your case that he has not done other than
23 speak for you?

24 MR. PRATT: No, sir.

25 THE COURT: Have you had enough time to meet

1 with him and talk things over so he can represent you
2 properly?

3 MR. PRATT: Yes, sir.

4 THE COURT: Have you had enough time to make up
5 your own mind about all this?

6 MR. PRATT: Yes, sir.

7 THE COURT: All right. Now, I'm going to go
8 over the penalties, and there's some things they call
9 collateral consequences, these things that go along
10 with the conviction. I'm not going to try to cover
11 every collateral consequence, but I want to make sure
12 you know some of the major points. With criminal
13 sexual conduct with a minor in the third degree, that
14 is a felony. Do you understand that?

15 MR. PRATT: Yes, sir.

16 THE COURT: Do you understand that it -- it
17 carries up to 15 years in prison?

18 MR. PRATT: Yes, sir.

19 THE COURT: Do you understand it's classified by
20 the legislature as a violent crime?

21 MR. PRATT: Yes, sir.

22 THE COURT: Do you understand that violent
23 offenders are treated differently by the Department
24 of Corrections than nonviolent offenders?

25 MR. PRATT: Yes, sir.

1 THE COURT: Okay. So, you might not be eligible
2 for programs and placements in the Department of
3 Corrections that a nonviolent offender might be
4 eligible for. Do you understand that?

5 MR. PRATT: Yes, sir.

6 THE COURT: Okay. Now, unless the law has
7 changed, and I'll ask the attorneys to help me out on
8 this, as I mainly have been doing civil court
9 recently, on a s -- on a violent crime, you cannot be
10 released from prison sooner than serving at least
11 one-third of the time. Do you understand that?

12 MR. PRATT: Yes, sir.

13 THE COURT: That's no guarantee you get out in a
14 third of the time. That's the least time you could
15 possibly do. Do you understand?

16 MR. PRATT: Yes, sir.

17 THE COURT: Also, if you get a second violent
18 crime, you have to max that out. You have to serve
19 all that time if you end up getting a second violent
20 crime. Do you understand that?

21 MR. PRATT: Yes, sir.

22 THE COURT: A violent felony prohibits you from
23 transporting, shipping, receiving, or possessing any
24 type of firearm or ammunition. Do you understand
25 that?

1 MR. PRATT: Yes, sir.

2 THE COURT: Do you understand?

3 MR. PRATT: Yes, sir.

4 THE COURT: And you'll have to be registered on
5 the sex offender registry. Do you understand that?

6 MR. PRATT: Yes, sir.

7 THE COURT: Now, I'm not going -- they -- they
8 recently passed a law about who can get off the sex
9 offender registry. I'm not going to ho -- hold --
10 hold that with you, but if you want to talk to your
11 lawyer about that, you certainly may. But it's a
12 long process, and that you have to be on the sex
13 offender registry for a long time.

14 MR. PRATT: Yes, sir.

15 THE COURT: Possibly your whole life. Do you
16 understand?

17 MR. PRATT: That's fine.

18 THE COURT: Now, the card I've got's -- got
19 lifetime GPS monitoring. Is that still in place?

20 MS. PATTERSON: Yes, sir, Your Honor.

21 THE COURT: So, you understand that they're
22 going to put electronic monitoring on you whenever
23 you get out of prison, and you'll have to have that
24 for the rest of your life unless it's -- at some
25 point removed. Do you understand?

1 MR. PRATT: Yes, sir.

2 THE COURT: Incest is a felony, and as we
3 discussed, it carries up to 10 years in prison and a
4 fine at my discretion. Do you understand that?

5 MR. PRATT: Yes, sir.

6 THE COURT: And you're required to register as a
7 sex offender on that as well.

8 MR. PRATT: Yes, sir.

9 THE COURT: Do you understand? Sir?

10 MR. PRATT: Yes, sir. I think we're talking over
11 each other a little bit. I want to make sure I get
12 your answers. Have you understood everything I've
13 been over with you now, Mr. Pratt?

14 MR. PRATT: Yes, sir.

15 THE COURT: And are you sure you want to give up
16 your rights and enter these pleas of guilty?

17 MR. PRATT: Yes, sir.

18 THE COURT: And you're doing this because you
19 are, in fact, guilty of these two charges?

20 MR. PRATT: Yes, sir.

21 THE COURT: Mr. Pratt's made a free, knowing,
22 voluntary, and intelligent deci -- first of all, with
23 regard to his mental status. I meant to say this
24 earlier. I find beyond a reasonable doubt, based on
25 the Blair hearing that was conducted, my review of

1 the report, and my observations and interaction with
2 Mr. Pratt, that he is competent, he's capable of
3 assisting counsel in his own defense, he's capable of
4 making rational choices concerning the charges --
5 charges against him, and he should be allowed to
6 proceed with a guilty plea if he so desires. With
7 regard to the offenses, I find beyond a reasonable
8 doubt that he's made a free, knowing, voluntary, and
9 intelligent decision to waive his rights and enter
10 his pleas of guilty. He has done so upon the advice
11 of counsel with whom he is fully satisfied. There is
12 a factual basis for both pleas. What's your date of
13 birth, Mr. Pratt? You -- you know?

14 MR. PRATT: [REDACTED].

15 THE COURT: What year?

16 MR. PRATT: [REDACTED], 1977.

17 THE COURT: Thank you. You said [REDACTED] wants to
18 speak?

19 MS. PATTERSON: Actually, both of them want to
20 speak now.

21 THE COURT: Okay.

22 [REDACTED] MINOR 1: Good afternoon, Your Honor. My
23 name is [REDACTED] MINOR 1 (phonetic). I wanted to ask
24 for the max of years, just because it's been 14 years
25 since this been -- since this has been going on.

1 Since this came back up, it's been five years. I've
2 been severely depressed since this has been going on.
3 I've been self-medicating myself along with drugs. I
4 just recently stopped. I just want this to be over
5 and maxed. Your Honor, please. Thank you.

6 THE COURT: Thank you, ma'am. Yes, ma'am.

7 [REDACTED] : Good morning, Your Honor.

8 THE COURT: Hello.

9 [REDACTED] : My name is [REDACTED]
10 (phonetic). I am the Defendant's daughter. I want
11 you to know that I am very angry at what he did to
12 me.

13 THE COURT: Take your time.

14 [REDACTED] : He took my childhood away from me
15 and everything.

16 THE COURT: He took what away?

17 [REDACTED] : My childhood. I hate what he did
18 and took away from me. I want him to be put behind
19 bars for 15 years for what he's done. He is a piece
20 of crap, and there is no way of what he did to me. I
21 think he should be arrested for a [inaudible] and the
22 rest of his life. Thank you.

23 THE COURT: You have a written statement there,
24 ma'am?

25 [REDACTED] : Yes, sir.

1 THE COURT: Is it basically what you just told
2 me?

3 [REDACTED] MINOR 2 : Yes, sir.

4 THE COURT: Do you mind if I have it?

5 [REDACTED] MINOR 2 : Sure.

6 THE COURT: It's okay?

7 [REDACTED] MINOR 2 : Yes, sir.

8 THE COURT: Mark it as a record -- Court's
9 Exhibit.

10 MR. GOODWYN: Of course, it's here.

11 THE COURT: I was having a little trouble
12 understanding what she said.

13 MS. PATTERSON: Your Honor, Investigator Hart
14 would like to address the court.

15 THE COURT: State your full name for me, please,
16 Investigator Hart.

17 MR. HART: Yes, Your Honor. My name is Sergeant
18 Joe Hart, H-a-r-t. Your Honor, obviously, as
19 Ms. Patterson has said, I got this case in 2020. I
20 had no idea that this had occurred, that the
21 Sheriff's Department had a report, until Ms. Lyles
22 came to me inquiring as to the status of the report.
23 This is one of the few, not to knock DSS, but this is
24 one of the few cases where DSS did their job. They
25 went in. They removed these kids from the household.

1 They went through the adoption process. They were
2 adopted and taken away from Mr. Pratt, and law
3 enforcement would drop the ball, Your Honor.

4 We don't know why it happened. We reached out
5 to the original investigator. We don't know what
6 happened, Your Honor. So, for nine years, the case
7 sat stagnant. Nothing happened with it. It was
8 never investigated, although DSS did have these girls
9 interviewed, and they did have them taken and removed
10 from the home, Your Honor. As you heard from
11 Ms. Patterson, there were two additional victims, and
12 they were not at the same time, Your Honor. They
13 were years after the fact and not at the same time.
14 Although they did occur at the same household, they
15 were not at the same -- those two assaults did not
16 occur simultaneously either. They were both at
17 different times.

18 So, Your Honor, when he was given the -- the
19 good fortune of the Sheriff's Department not
20 addressing the case, not investigating the case,
21 Mr. Pratt continued with his sexually deviant
22 behavior and sought other victims. And then, when
23 his daughter turned 18, she got to go her own way.
24 She reconnected with him, and instead of him
25 engaging, trying to reconnect in a fatherly manner,

1 trying to make up for his mistakes, Your Honor, he
2 took advantage of her and engaged in a sexually
3 relation -- sexually ancestral relationship with his
4 daughter, Your Honor.

5 And we did listen to the jail calls, and he was
6 to the point he wanted to marry her. Your Honor,
7 that's what he -- he told people on the jail calls.
8 That was his intent, if he could do it. Your Honor,
9 we're sorry to the family that -- that the Sheriff's
10 Department dropped the ball. We still don't know
11 what happened, Your Honor. But we want there to be
12 justice at this point, and on behalf of the Sheriff's
13 Department, we would ask for a maximum sentence.
14 Anything less than -- than 85 percent of 25 years
15 is -- is a tremendous amount of grace from the
16 Solicitor's Office and from the State. Obviously,
17 the Defendant is at your mercy, and so are the
18 victims, Your Honor. Thank you.

19 THE COURT: Thank you, sir. Anything else from
20 the State?

21 MS. PATTERSON: No, sir, Your Honor.

22 THE COURT: All right. Mr. Goodwyn, we're to
23 you now.

24 MR. GOODWYN: Thank you, your honor. I do have
25 a few family members -- so, not family, but friends

1 here to speak on his behalf.

2 THE COURT: Yes, sir. You want me to hear them
3 first?

4 MR. GOODWYN: I can. I think I'm going to hear
5 from them first and then ---

6 THE COURT: All right. Who do you wish to
7 speak?

8 MR. GOODWYN: We have -- so, Dale Ardis.

9 THE COURT: Say your name and then say whatever
10 you want, sir.

11 MR. ARDIS: My name is Dale (phonetic) Ardis.

12 THE COURT: Your last name, please.

13 MR. ARDIS: Your Honor, ---

14 THE COURT: Say your last name.

15 MR. ARDIS: --- I'm here today.

16 MR. GOODWYN: I'm -- I'm sorry, Your Honor. He
17 doesn't hear very well.

18 THE COURT: Tell him what I said.

19 MR. GOODWYN: State your -- state your name.

20 MR. ARDIS: Dale Ardis.

21 THE COURT: Spell your last name.

22 MR. ARDIS: A-r-d-i-s.

23 THE COURT: All right. Thank you. I had it
24 misspelled. All right.

25 MR. GOODWYN: Go ahead.

1 THE COURT: Go ahead.

2 MR. GOODWYN: Go ahead.

3 MR. ARDIS: Okay. Bear with me, Your Honor.
4 I'm operating on one hearing aid today.

5 THE COURT: I can hear you fine. Just ---

6 MR. ARDIS: Okay. I'm here to represent my
7 friend, James Pratt. I've known James for 26 years.
8 Out of those 26 years, I met him through my dad's
9 rental property and I became friends with him. And
10 at the time, he has -- was dating a young lady named
11 Kathy (phonetic). And she lived in the park as well.
12 As time went on, I came by to see Jimmy (phonetic)
13 from time to time when I was working in the park.
14 And we just got along very well with each other. He
15 moved on. And later on, fo -- four years later, I
16 seen him again. And he had three children, two
17 daughters and one son. I got to see those kids and
18 they were just small, but I didn't know him very
19 well.

20 And Jimmy would come back and forth to visit and
21 made good friends with him. And there were times
22 when things went bad for him. He would come by and
23 say, "I wonder if you could stay for a while." And I
24 said, "Sure. I'll take anyone in. Any of my friends
25 or family I would take in. And Jimmy was helpful to

1 me, even though he had disability orders, as well as
2 myself. I have dementia and vertigo and he's a
3 caretaker and a ca -- caretaker and a giver to me.
4 He looks after my home. He looks after me physically
5 for medication. He has to drive for me.

6 He's got cameras around the house where he
7 watches to make sure that I don't get hurt on the
8 property which I've had many times by myself. He's
9 got a good heart. He works real hard and Bob
10 (phonetic) likes him a lot. And I think of him as a
11 son to me. He has good friends, older generations
12 of people
13 the -- like myself and who I have over here next to
14 us. We look after him and he looks after us. He's
15 my ears on the phone when I can't talk with medical
16 people. And then, sometimes I can't hear as well and
17 catch what people are saying. He's my voice also to
18 let me know what they're saying to me.

19 I'm concerned due to the fact that my -- I won't
20 be here all this long, but I have dementia which pops
21 in and out on me. I have memory loss and Jimmy has
22 to help me know what days there are. He has to --
23 those days I get up sometimes I don't even know what
24 the first day is. It's Monday, Tuesday or Wednesday.
25 And the biggest thing this man has done for me that I

1 know that God has put him at my front door is that I
2 got a relative who has tried to take me out of my
3 home, my brother. This man financially has helped me
4 and I can't do it. But he says, "Dale, you need a
5 lawyer." So, I couldn't afford a lawyer.

6 My brother told him things to said that, "I got
7 your brother's" -- he said, "I got my brother's
8 house. You'll never get it again." My aunt who had
9 dementia, she signed it over without knowing what she
10 was doing. I went there and told her, "I didn't
11 really want him to sign it over to -- to him due to
12 the fact my brother was not trustworthy." She said,
13 "He'd been over many times trying to get me to give
14 it to him." She said, "I told him it was his home."
15 So, I said, "Well, let's try it this way. I'm going
16 to see if I can trust him." Apparently not. Five
17 years he's lived there. He's assaulted me. He's
18 pushed me around.

19 Jimmy has seen and he's been an eyewitness to
20 everything that has happened. This man has looked
21 after me more than you can imagine. I'm sorry that
22 we all make mistakes. I made my mistakes along the
23 way as well. But I look at him like a son and the --
24 the youngest brother of the family. He has no family
25 here that I know of except the kids that he had. And

1 he's got many friends, but he got good friends. And
2 I have to have him around most of the time. He even
3 calls from his job to see if I'm okay. And he'll
4 look at the cameras to see if I'm anywhere in the
5 yard doing things.

6 But the biggest thing I am right now is the
7 dementia that I get concerned about. And he sees me
8 flip-flopping from time to time. As for anyone else
9 to be a caretaker to me, I don't want that. I know
10 how this man is, how he operates. When I can't walk,
11 I have hip problems. Neuropathy in my feet,
12 arthritis, bursitis, high blood pressure, you name
13 it, I'm getting it. He's there. He even brought me
14 a wheelchair when I couldn't walk and drove myself
15 to -- to get to the doctor. He was there for me.
16 Grateful guy, grateful man, and I love him. And
17 that's it, Your Honor.

18 THE COURT: Thank you, sir.

19 MR. ARDIS: Thank you, sir.

20 THE COURT: Who else?

21 MR. GOODWYN: Iris (phonetic) Cooley.

22 MS. COOLEY: I'm Iris Cooley.

23 THE COURT: C-o-o-l-e-y?

24 MS. COOLEY: C-o-o-l-e-y.

25 THE COURT: What would you like to say,

1 Ms. Cooley?

2 MS. COOLEY: Jimmy, I've known him 18 to 20
3 years, him and his mother. And he's always -- I'm
4 always there to help him. He's always help -- there
5 to help me. If I need something done and I need
6 help, he helps me. But he's never done me wrong. He
7 sa -- he spent the night at my house several times.
8 He has -- I have a daughter. He has never touched my
9 daughter. And I just want to say that I think he's a
10 good man, and he moves well.

11 THE COURT: Thank you, ma'am.

12 MR. GOODWYN: Charles (phonetic) Hall.

13 THE COURT: Charles Hall.

14 MR. HALL: Charles Hall, yes, sir.

15 THE COURT: Nothing crazy about the spelling of
16 your name. Is it H-a-l-l?

17 MR. HALL: H-A-L-L, yes, sir.

18 THE COURT: We -- we take down record. I want
19 to make sure I got all your -- everybody's name
20 spelled correct.

21 MR. HALL: Okay.

22 THE COURT: Go ahead, Mr. Hall.

23 MR. HALL: All right. I've known Jimmy for 15
24 or 20 years. I met him through a subcontractor that
25 I used to use. And he was -- Jimmy was working for

1 him. And I finally got rid of that contractor and
2 just started using Jimmy. And he's a hard worker.
3 He's honest. I've become close to him over the
4 years, and I know he probably told me stuff about his
5 childhood growing up he's probably never told any
6 other people. And his childhood was not a good one.
7 And I won't go into any details about that, but --
8 and Jimmy's learning disability really holds him
9 back, that, and he's very timid. He would do
10 anything to avoid a confrontation and any threats
11 made against him, he just -- he just takes it to
12 heart. And -- and you can just about force him to do
13 anything just by merely threatening.

14 And the abuse he's taken in his lifetime and --
15 and the way people treat him, I see it all the time.
16 And it just -- it just sickens me sometimes. But he
17 doesn't deserve a lot of the stuff that he gets. You
18 know, he's a good hearted, hard worker, good person.
19 And he's honest as he can be, always has been with
20 me. I -- I know maybe twice he's told me a little
21 white lie and a little bit later he'll come back and
22 he'll say, "Mr. Charles," -- he said, "I lied to you
23 and I -- I got to make it right." You know, that's
24 just the way he is.

25 I think his granddaddy -- he talks about his

1 granddaddy a lot. He was in the military and he had
2 a big influence on Jimmy. And I -- I just -- I hope
3 that the court won't be leaning on Jimmy. You know,
4 I think a hard sentence on him would really be an
5 injustice. That's my personal opinion, but for what
6 it's worth.

7 THE COURT: Thank you, sir.

8 MR. GOODWYN: West (phonetic) Harper.

9 MR. HARPER: I am West Harper, H-a-r-p-e-r.

10 THE COURT: Yes, sir.

11 MR. HARPER: I know him as James and he's worked
12 for me a bunch of years. Always been dependable,
13 always been on time, willing to do anything I need
14 him to do. He's a big asset to the company and I
15 hope you'll show some leniency.

16 THE COURT: Thank you, sir. You have anything
17 to say? Do you want to speak on that?

18 MR. GOODWYN: Yes, Your Honor.

19 THE COURT: Go ahead.

20 MR. GOODWYN: Yes, sir. First, I would like --
21 like to echo what his friends have said about him.
22 That's -- that's -- that's
23 his -- from his character. I mean, the report you
24 have about his competency goes and shows his most
25 recent IQ test shows a full scale IQ of 75. He is

1 obviously low IQ and as, you know, as -- as they
2 described, he's the one being taken advantage of most
3 of his life because of that. He actually -- you
4 know, when he was originally charged with these
5 charges, he spent three months in jail before he
6 finally made bond. And it was a very difficult time.
7 People were taking advantage of him to the point
8 where they had -- they had to isolate him in the --
9 in the jail just to keep people from taking advantage
10 of him.

11 He has a clean record other than, I think,
12 the -- a shoplifting charge, a misdemeanor
13 shoplifting charge from 20 years ago. He's a -- you
14 know, given the difficulties he's had -- he's had in
15 his life, he's really been remarkably clean. I
16 wanted to speak a little bit about this -- the -- the
17 history of this case. As you know, it's a 13 --
18 14-year-old case now, very old. It was reported back
19 when -- around when it happened. The -- another
20 investigator was apologizing for the former
21 investigators for not following up. You know, there
22 are a lot of facts that you didn't hear about
23 everything that was going on at the time.

24 At one point, Mr. Pratt had actually called the
25 police on their grandfather, Bobby Burton (phonetic),

1 who was ultimately charged with a similar crime and
2 convicted. He's -- he's passed away now, but these
3 girls have had -- or at least alleged, and -- and had
4 multiple instances of abuse. And so, any effects
5 that they have today aren't necessarily from anything
6 that Mr. Pratt did alone. They have had multiple
7 issues in -- in their -- in their life that have led
8 to the point as to where they are now.

9 I would -- I do want to raise this issue.
10 During the negotiation, we -- we negotiated a --
11 basically a non-negotiated plea. No -- no jail
12 sentence and a promise was no recommendation from the
13 State. But the investigator got there and
14 recommended the max sentence. I'm -- I'm asking that
15 the State to reiterate our agreement that there would
16 be no recommendation from the State.

17 MS. PATTERSON: Yeah. This is a straight up
18 plea.

19 MR. GOODWYN: Well, I understand, but you can
20 recommend something. You promised no recommendation,
21 although your investigator got there and recommended
22 it.

23 MS. PATTERSON: That's not a recommendation from
24 my office. I think, Judge, if you [inaudible].

25 MR. GOODWYN: Okay. All right. Fair enough.

1 Your Honor, I would like to pass up the -- an
2 evaluation we have with Dr. Geoffrey McKee.

3 THE COURT: Yes, sir.

4 MR. GOODWYN: Dr. McKee goes into the -- the
5 likelihood of recidivism and this -- this likelihood
6 of success on probation. There's a lot -- a number
7 of different guidelines and -- and screen tools that
8 are used. He comes in at low to moderate on --
9 firstly all of them. He stands a 77 percent chance
10 of success on -- on probation based on his
11 assessment. So, I think he's a -- I think he's a
12 good candidate for -- for a probationary sentence.
13 Given the -- the time that he's been out, and he's
14 been on -- he's been out on bond for five years here.
15 He's been checking in every week with his -- with his
16 bondsman. His bondsman was even offered to act as a
17 probation agent for him if he get -- he gets out.
18 So, he's -- he's ready to go there.

19 I mean, this -- as I said, it's been a very,
20 very long time. I think there's been a reason it's
21 been a long time because there were some issues with
22 this case when it was first reported that they
23 didn't -- they didn't feel there was enough to let go
24 on. But other than that, Your Honor, that's what I
25 reiterate. He does have a -- he does have a clean

1 record, no felonies, it's a minor shoplifting charge.
2 And he's been a very good citizen for a -- a long
3 time. And he's asking for a probationary sentence,
4 whatever amount of time you want, because he's
5 absolutely confident nothing's going to happen.

6 THE COURT: Thank you.

7 MR. GOODWYN: Thank you.

8 THE COURT: Did you want to say anything,
9 Mr. Pratt?

10 MR. PRATT: I just want to know if I can get
11 probation for this. I mean, it's been a long time.
12 I've been through five judges. I think he's the
13 fifth judge for all this. And every judge I went to,
14 they really don't know what to do. And they keep
15 pinning you and stuff. I ain't been in no trouble.
16 I work all the time. I've got a little speech
17 problem, besides that. And I take care of Dale, and
18 I take care of 17 cats. I really don't have time to
19 go out and do anything or hang out with anybody. I
20 just choose not to do that.

21 THE COURT: Okay.

22 MR. PRATT: I don't go to bars. I don't go to
23 clubs. I don't go anywhere except to work and home.
24 I was -- I just ask nicely, be lenient toward me. I
25 appreciate it. Thank you.

1 THE COURT: Thank you, sir. Anything else in
2 the State?

3 MS. PATTERSON: No, sir, Your Honor.

4 THE COURT: All right. So, how much time is he
5 entitled to for credit?

6 MR. GOODWYN: I -- I have about three months. I
7 don't have the exact number of days. I think where
8 the ---

9 THE COURT: While she's looking at that,
10 Mr. Goodwyn, what -- when he was out on bond, did he
11 have electronic monitoring?

12 MR. GOODWYN: He was supposed to, but they
13 didn't -- they haven't -- you -- you don't have an
14 ankle monitor?

15 MR. PRATT: No.

16 MR. GOODWYN: He never has.

17 MR. PRATT: They -- when I -- may I speak?

18 MR. GOODWYN: I don't know why.

19 THE COURT: Sure.

20 MR. PRATT: When I was in jail, when I got out
21 on bond, they told me I would have to wear an ankle
22 monitor until I go to court and get this done over
23 with. Well, the lady who bond me out, she got fired.
24 She was doing something wrong. And then, I told to
25 the other guy, and he said, "Everything's fine. You

1 don't need no ankle monitor, you're doing good." And
2 basically, I was supposed to have an ankle monitor.

3 THE COURT: But it -- it just never happened?

4 MR. PRATT: Never happened for whatever reason.

5 I mean, if I was a bad -- bad person, I think they
6 would have done something a long time ago.

7 THE COURT: The reason I'm asking is to
8 determine under certain circumstances if a person
9 wearing electronic monitoring, they can get credit
10 for that time if they're in the house arrest. But
11 you're not going to get any credit for that.

12 MR. PATTERSON: And, Your Honor, our records
13 show Mr. Pratt did three months and one day. He
14 bonded out on May 29th of 2020 after being arrested
15 on February 28th of 2020.

16 THE COURT: The bonded out May '20.

17 MR. GOODWYN: Ninety-one days, is that what you
18 got?

19 MS. PATTERSON: I don't know, yeah, about 91
20 days.

21 MR. GOODWYN: Okay. It might be 92. So -- so,
22 there's a 31-day month. It could be 92.

23 THE COURT: All right. These -- these
24 indictment numbers. The incest indictment is
25 2020-GS-32-02711. It was true-billed in February of

1 2025. Is it supposed to be a 2020 indictment?

2 MS. PATTERSON: Your -- Your Honor, with our new
3 case management system, I'm not sure how these
4 numbers were generated to tell you the truth.

5 THE COURT: Okay. Well, on the sentencing
6 sheets on 20 -- 209, y'all got 2020, the indictment
7 is 2025. So, I'm going to change that.

8 MS. PATTERSON: Yes, sir.

9 MR. GOODWYN: Okay.

10 MS. PATTERSON: Thank you.

11 THE COURT: Now, the arrest warrant is from
12 2020.

13 MS. PATTERSON: Yes, sir.

14 THE COURT: Okay. All right. Mr. Pratt, if you
15 wish to appeal anything from this proceeding, it has
16 to be done in writing. There's a very short time
17 window. So, if -- if you have any idea at all that
18 you may want to appeal anything from this, you have
19 to tell your lawyer to file the written appeal right
20 away. You understand?

21 MR. PRATT: Yes, sir.

22 THE COURT: If you can't afford a lawyer for the
23 appeal, you -- you can apply for someone to assist
24 you through the South Carolina Office of Appellate
25 Defense. You understand that?

1 MR. PRATT: Yes, sir.

2 THE COURT: I'm going to make Dr. McKee's report
3 part of the record that your lawyer handed up. It's
4 the Court's Exhibit. I learned a long time ago not
5 to try to explain why a sentence and not to say too
6 much. You folks don't want to hear me pontificate.
7 I've taken into consideration the things your
8 lawyer's done. He appears to have done an excellent
9 job. He's brought some really fine people in here to
10 speak on your behalf. And you have a lot of
11 redeeming qualities, but what you did was horrendous.
12 The sentence of the court on
13 2025-GS-32-00209 is that you be committed to the
14 South Carolina Department of Corrections for a period
15 of 10 years plus cost of assessments.

16 The sentence is consecutive to indictment
17 2020-GS-32-02711. You're given credit on 209 to 91
18 days served. You're placed on the sex offender
19 registry. And this is a violent felony which
20 requires that you lose your ability to possess or
21 deal with guns and ammunition. On indictment
22 2020-GS-32-02711, the sentence is 10 years
23 consecutive. Sex offender registry is ordered. You
24 understand?

25 MR. PRATT: Yes, sir.

1 THE COURT: Thank you very much.

2 MR. GOODWYN: Thank you, Your Honor.

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22 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT

23 3:29:52PM)

24

25

CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Lexington

I, Velvet Mills, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in South Carolina Circuit Court 11 Lexington County, South Carolina, on the 5th day of March, 2025.

That I am not related to nor the employee of any of the parties hereto, nor related to or employed by any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action.

Velvet Mills

Velvet Mills, Transcriber

August 22, 2025

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICE

COMPETENCY TO STAND TRIAL EVALUATION

Name: James Robert Pratt
Date of Birth: [REDACTED] 1977
County: Lexington
Date of Evaluation: June 17, 2024
Date of Report: June 25, 2024
Examiners: Olivia N. Robinson, Psy.D.
 Beth Bluemle, LMSW

Opinion on Competency to Stand Trial: Currently has the capacity to understand the proceedings against him and assist in his own defense

Identifying and Referral Information

James Robert Pratt is a 46-year-old male charged with four counts of Criminal Sexual Conduct with a Minor, First Degree for acts alleged to have occurred between May 31, 2011, and May 31, 2015, in Lexington County, South Carolina. Related to these charges, the Lexington County Court of General Sessions ordered an evaluation of Mr. Pratt's competency to stand trial pursuant to South Carolina Code §44-23-410 and *State v. Blair*. The court order dated May 13, 2024, specifies the basis for the evaluation as, "see attached order." The attached order dated May 9, 2024, indicates:

THIS MATTER WAS BEFORE THE COURT during a plea hearing. The State was represented by Assistant Solicitor Ashley Wellman and the Defendant was present, and represented by counsel, Jeff Goodwyn. During a *Blair* hearing, the Court reviewed the report from the South Carolina Department of Mental Health and Dr. McKee, regarding Defendant's competency. The court has also been provided a copy of an evaluation performed by the SC Department of Disabilities and Special Needs. The reports made findings that the Defendant was competent to stand trial. However, the reports indicate that the Defendant has potential memory issues, and has a very low functioning intelligence quotient. The court is concerned about the potential of malingering regarding the memory issues and mental challenges including his reported suicidal ideations. The court believes that the final conclusion that the Defendant was competent appears to lack confidence and certainty in its findings. Based on the reports and Defendant's physical presentation in the courtroom, the Court had continued concerns regarding Defendant's competency to proceed.

Accordingly, the Court orders the South Carolina Department of Mental Health conduct another competency evaluation of Defendant, which shall be completed, and the report submitted to the Solicitor's Office and Mr. Goodwyn within ninety (90) days.

Pursuant to the Court's order, Mr. Pratt was evaluated at the South Carolina Department of Mental Health (SCDMH) Forensic Evaluation Service on June 17, 2024. At the time of the evaluation, he was on bond and residing in Lexington, South Carolina.



Notification

The nature and purpose of the evaluation were explained to Mr. Pratt at the beginning of the interview. More specifically, he was notified that he was being evaluated to assess his ability to understand his legal situation and to work with a lawyer on his defense, that the examiners are employed by the SCDMH and are not on either side of his case, that the information obtained during this evaluation would not remain confidential, and that anything he disclosed could be included in a report to the Court, solicitor, and defense counsel. Mr. Pratt demonstrated an adequate understanding of the purpose of the evaluation and the limits of confidentiality. For instance, when asked who ordered the evaluation, he stated, "I guess the judge... I can't remember what the judge said." While he initially indicated he was uncertain whether the information discussed during the interview would remain confidential, he was receptive to additional education. He also acknowledged that "[his] attorney, the solicitor, [and] the judge" would receive copies of the written report. He further acknowledged that the examiners are neutral. He voiced no concerns and agreed to proceed with the evaluation.

Sources of Information

1. Interview with Mr. Pratt on June 17, 2024, for approximately one hour and 25 minutes;
2. Updated Social Work Assessment Interview with Mr. Pratt's friend, Chuck Hall, completed by Beth Bluemle, LMSW via telephone on June 14, 2024;
3. State of South Carolina, County of Lexington, Court of General Sessions Order for Competency to Stand Trial Evaluation pursuant to *State v. Blair*, dated May 13, 2024;
4. Information from Lexington County, pertaining to Mr. Pratt's current charges, including:
 - a. National Crime Information Center Criminal Background, query dated March 13, 2020;
 - b. Lexington County Sheriff's Department, Case Supplemental Reports, dated July 28, 2011; July 8, 2015; July 9, 2015; July 17, 2015; December 9, 2015; May 2, 2016; May 18, 2016; January 25, 2018; April 4, 2018; April 5, 2018; July 30, 2018; February 22, 2020; February 26, 2020; and March 4, 2020;
 - c. 10 Year Driver Record, dated March 4, 2020;
 - d. Lexington County Sheriff's Department, Voluntary Statement, dated March 3, 2020;
 - e. Lexington County Sheriff's Department, Case File Summary, dated February 28, 2020;
 - f. Lexington County Sheriff's Department, Voluntary Statement, dated February 27, 2020;
 - g. State of South Carolina, County of Lexington, Arrest Warrant (2020A3210200394), dated February 27, 2020;
 - h. State of South Carolina, County of Lexington, Arrest Warrant (2020A3210200393), dated February 27, 2020;
 - i. State of South Carolina, County of Lexington, Search Warrant, dated February 25, 2020;
 - j. State of South Carolina, County of Lexington, Arrest Warrant (2020A3210200363), dated February 22, 2020;
 - k. State of South Carolina, County of Lexington, Arrest Warrant (2020A3210800052), dated February 21, 2020;
 - l. Lexington County Sheriff's Department, Case File Summary, dated February 21, 2020;
 - m. Lexington County Sheriff's Booking Report, dated February 21, 2020;

- n. Lexington County Sheriff's Department, Consent to Search, dated February 21, 2020;
 - o. Lexington County Sheriff's Department, Voluntary Statement, dated February 19, 2020;
 - p. 3 Year Driver Record, dated April 4, 2018;
 - q. South Carolina Children's Advocacy Center, Child Maltreatment Protocol, dated February 8, 2018;
 - r. Dickerson Children's Advocacy Center, Forensic Interview Summary, dated January 31, 2018;
 - s. Dickerson Children's Advocacy Center Client Intake Form, dated January 25, 2018;
 - t. Lexington County Sheriff's Department, Reporting Officer Narrative, dated January 6, 2018;
 - u. Lexington County Sheriff's Department, Incident/Investigation Report, dated January 6, 2018;
 - v. Dickerson Children's Advocacy Center, Forensic Interview Summary, dated July 17, 2015;
 - w. South Carolina Department of Social Services, Law Enforcement, dated July 10, 2015;
 - x. Dickerson Children's Advocacy Center Client Intake Form, dated July 9, 2015;
 - y. Lexington County Sheriff's Office, Voluntary Statements, dated July 7, 2015;
 - z. Lexington County Sheriff's Department, Reporting Officer Narrative, dated July 7, 2015;
 - aa. Lexington County Sheriff's Department, Incident/Investigation Report, dated July 7, 2015;
 - bb. Dickerson Center for Children, Follow Up Forensic Interview, dated August 24, 2011;
 - cc. Dickerson Center for Children, Forensic Interviews, dated August 2, 2011;
 - dd. Dickerson Center for Children, Intake Forms, dated August 1, 2011;
 - ee. Lexington County Sheriff's Department, Reporting Officer Narrative, dated July 28, 2011;
 - ff. Lexington County Sheriff's Department, Incident/Investigation Report, dated July 28, 2011;
 - gg. Dickerson Center for Children, Forensic Interview, dated July 27, 2011;
 - hh. Dickerson Center for Children, Intake Form, dated July 27, 2011;
 - ii. South Carolina Department of Social Services records, various dates;
 - jj. Images of text messages, not dated;
5. Medical and Mental Health Records, including:
- a. South Carolina Department of Disabilities and Special Needs, Evaluation of Competency to Stand Trial report, by Alicia V. Hall, Ph.D., dated January 30, 2023;
 - b. South Carolina Department of Disabilities and Special Needs, Forensic Social History, Unable to Contact Form, December 2, 2022;
 - c. Lexington County Detention Center records, regarding services rendered from February 21, 2020, to May 10, 2020;
 - d. Lexington Medical Center records, regarding services rendered on September 24, 2013;
 - e. Social Security Administration records, various dates;
 - f. Information from the South Carolina Department of Mental Health "Episodes of Care" Database;

6. Records related to Mr. Pratt's Prior Forensic Evaluation, including:
 - a. South Carolina Department of Mental Health Forensic Evaluation Service, Competency to Stand Trial Evaluation Report by Jacqueline Dye, Psy.D., dated June 15, 2023;
 - b. Social Work Assessment Interview with Mr. Pratt's friend, Chuck Hall, completed by Beth Bluemle, LMSW via telephone on May 30, 2023;
7. Additional Records, including:
 - a. Leavenworth High School transcript for academic years 1992 to 1995.

Should additional information be received subsequent to the submission of this report that alters the findings or opinions herein, an addendum will be submitted.

Background Information

The following information was obtained from Mr. Pratt's prior SCDMH forensic evaluation report, an interview with Mr. Pratt, a Social Work Assessment interview with Mr. Pratt's friend, and a review of the available records. Of note, Mr. Pratt has previously provided information inconsistent with available records. Therefore, his self-reported history may be limited in its veracity.

Family and Social History

During the 2023 SCDMH competency evaluation, Mr. Pratt reported he was born in Kansas and was primarily raised by his biological mother and grandmother, along with his brother, half-brother, and stepsister. He stated he "moved around a lot" during his childhood and reported he also lived in Missouri and South Carolina. Mr. Pratt endorsed a history of physical and sexual abuse during his upbringing; however, he reported the Department of Social Services was never involved and he was not removed from his home. He stated he also witnessed domestic violence between adults in the home. Mr. Pratt reported he is divorced and has three children.

According to the 2023 Social Work Assessment, Mr. Pratt's friend, Mr. Hall, generally provided a similar account of Mr. Pratt's family and social history. However, he reported Mr. Pratt was born and raised in Missouri. He was unable to provide any information regarding Mr. Pratt's early development.

Educational History

Per the 2023 SCDMH competency evaluation report, Mr. Pratt reported he was placed in Head Start when he was four years old and began receiving special education services when he entered school. He denied ever having to repeat a grade. He stated he needed help with "everything" in school and indicated he would routinely sleep during classes. Mr. Pratt reported he left school during the 11th grade and did not earn a diploma or GED.

A transcript from Leavenworth High School revealed Mr. Pratt was enrolled there from 1992 until he withdrew in 1995. His grades across subjects and quarters were highly variable, ranging from A's to F's. He attended courses marked "SE" (presumably indicating special education) for most major subjects. Special education records were no longer available due to record retention policies.

Employment History

During the 2023 SCDMH competency evaluation, Mr. Pratt reported he held various positions in food service, hospitality, and landscaping. He stated he typically worked in positions which involved physical labor. He reported he currently works in landscaping. He denied ever serving in the

military. Inconsistent with records, Mr. Pratt reported he received disability income because he "can't read or spell" and reportedly has "problems" with his leg and shoulder.

Records from the Social Security Administration indicated Mr. Pratt applied for Social Security Income (SSI) and Social Security Disability Income (SSDI), in 2012 and 2015. It was opined both times that he did not meet criteria for a disability and was deemed ineligible for benefits. According to a Disability Report, prior intelligence testing did not fall within the typical range for a diagnosis of intellectual disability. At age 23, his Full-Scale Intelligence Quotient (FSIQ), as measured by the Wechsler Adult Intelligence Scale (WAIS), fell within the low average range (Standard Score = 88). His achievement scores were not valid for interpretation at that time. Mr. Pratt was diagnosed with "malingering" and "APD" (auditory processing disorder). At age 26, he was administered the WAIS again, at which time his FSIQ fell within the borderline range (Standard Score = 75). He was diagnosed with a learning disability in reading and math. Further, it was determined his functioning was not significantly impaired, as he evidenced the ability to care for himself, drive a car, maintain employment, manage his finances, and socialize with others.

During the updated Social Work Assessment, Mr. Hall reported that Mr. Pratt currently works full-time for a landscaping company. He indicated he has worked for the same company "off/on for the last ten years." He noted Mr. Pratt would leave at times, as his co-workers "would pick on him and become abusive." Mr. Hall stated that Mr. Pratt is able to care for himself independently, including cooking, cleaning, and paying his bills; though, he noted he "doesn't read very well."

Medical History

According to the 2023 SCDMH competency evaluation report, Mr. Pratt denied any history of head injuries or seizures. He endorsed chronic flank and leg pain. He stated he was prescribed prescription "pain pills;" however, he did not know the name of the medication. During the current evaluation, Mr. Pratt reported that approximately two months ago, he struck his head on a car door. He described feeling dizzy as a result, though he denied seeking medical attention following this incident. He otherwise denied a notable medical history (e.g., chronic medical conditions, major illnesses, major surgeries, or seizures).

Records from the Lexington Medical Center, dated September 24, 2013, indicated Mr. Pratt was diagnosed with a neck sprain and lumbago following a motor vehicle collision. Per records, the airbag was not deployed during the collision. X-rays indicated "no evidence of orthopedic or neurosurgical emergency," and he was discharged the same day. Available records also indicated a history of kidney stones.

Mental Health History

During the 2023 SCDMH competency evaluation, Mr. Pratt reported a longstanding history of depressive symptoms with suicidal ideation. He reported he attempted suicide at age 17 or 18 by crashing his friend's car. He also endorsed hypervigilance and social withdrawal, which he attributed to his experience of sexual abuse around age five or six. He reported difficulty with sleep onset due to his hypervigilance. Additionally, he endorsed daily experiences of panic attacks; however, he was unable to describe his symptoms when he was asked to elaborate. When asked about auditory hallucinations, he initially stated he talks to himself, although he appeared to be describing normative internal dialogue. Mr. Pratt then endorsed seeing and talking to a "ghost" that he said would tell him, "You need to do this, pick this up and smack them over the head." He denied symptoms consistent with grandiose delusions or ideas of reference. When asked about problems

with his thinking, he endorsed difficulties understanding verbal information and recalling "names, phone numbers, [and] addresses." He could not recall ever receiving a mental health diagnosis or receiving mental health treatment. He stated he had never been prescribed psychiatric medication.

Regarding his experience of mental health symptoms between the 2023 SCDMH competency evaluation and the current evaluation, Mr. Pratt reported experiencing symptoms of depression, including sleep disturbances and poor appetite. He further noted, "I'm always depressed." He endorsed passive suicidal ideation on a daily basis, though he denied any active plans or intentions to act upon such thoughts. He further noted, "I think about it, but I'm too scared to do it." He reported recent difficulties with concentration and focus as well as irritability. He further described experiencing homicidal ideation towards others who "tease [him] and bully [him]." However, he denied any active plans or intentions to act upon such thoughts. When asked about visual hallucinations, Mr. Pratt described seeing "ghosts" as well as "someone sitting on [his] shoulder, telling [him] to [harm himself]." When asked about auditory hallucinations, he described hearing others "calling [him] names." Mr. Pratt denied a history of outpatient or inpatient mental health treatment. He further denied a history of being prescribed psychiatric medications.

According to the updated Social Work Assessment, Mr. Hall described that Mr. Pratt has recently experienced anxiety related to his current legal circumstances as well as legal issues related to the property he resides on. He otherwise denied that Mr. Pratt has experienced any mental health concerns. He further denied that Mr. Pratt has recently received outpatient or inpatient mental health treatment. He noted he is not currently prescribed psychiatric medication.

Mental Health Treatment While Detained

Records from the Lexington County Detention Center (LCDC) indicated Mr. Pratt was detained in February 2020. At the time of his intake assessment, he endorsed a history of a suicide attempt (e.g., "driving his car over a bridge" at age 18), history of "developmental disability," and depressive symptoms (e.g., hopelessness, suicidal thoughts, tearfulness). He was placed on suicide watch and referred for a follow-up by mental health staff. On February 25, 2020, he was removed from suicide watch at his request and no longer voiced suicidal ideation. He later denied any history of suicidal ideation or suicide attempts during a follow-up medical assessment conducted on February 26, 2020. He also did not endorse or present with delusions or hallucinations. Mr. Pratt requested to be removed from mental health observation on March 20, 2020. Per a behavioral health note from May 2020, he endorsed frustration with being unable to contact his attorney by mail. He reported no problems with his housing or other detainees at that time.

Prior Forensic Evaluations

Mr. Pratt was referred to the South Carolina Department of Disabilities and Special Needs (SCDDSN) Office of Clinical Services for an evaluation of his trial competency. According to the competency evaluation report, dated January 26, 2023, Mr. Pratt endorsed depressive symptoms, including sadness, appetite and sleep disturbances, and loneliness. He was able to state the date, day of the week, and location. He denied experiencing auditory or visual hallucinations, and he did not present with overt signs of psychosis (e.g., delusional ideation, responding to internal stimuli). The examiners determined Mr. Pratt did not meet criteria for a diagnosis of Intellectual Disability. Therefore, in accordance with statutory regulations, no opinion was provided regarding his trial competency at that time.

Mr. Pratt was subsequently evaluated by the SCDMH on June 12, 2023, related to his competency to stand trial. During this evaluation, it was noted that Mr. Pratt became defensive when discussing his current charges. His affect was observed to be expansive, and at times, disproportionate with the content discussed. His style of responding was notable for a tendency to emphasize and elaborate upon his difficulties (e.g., chronic pain, learning difficulties) repeatedly, in a manner that was often irrelevant to the question, and, at times, he was difficult to redirect. Mr. Pratt also made several references to the examiners' literacy and contrasted the examiners' abilities with his own. It was noted that despite his assertion of memory problems, he correctly used legal terminology (e.g., "emancipated," "misdemeanor") during times he was not specifically asked for this information, indicating his ability to learn and retain complex vocabulary. During the 2023 SCDMH competency evaluation, Mr. Pratt also endorsed hearing the voice of "a ghost" which he said commanded him to retaliate against others; however, his behavioral presentation was inconsistent with his report, as he did not appear to respond to internal stimuli during the evaluation interview. Additionally, when asked a list of questions designed to assess his mental status, his responses were unusual in that he seemed to have difficulty answering basic questions. It was noted that his presentation during the mental status examination was inconsistent with his presentation throughout other parts of the evaluation interview.

Due to Mr. Pratt's self-reported problems with memory and learning, as well as his atypical presentation during the 2023 SCDMH competency evaluation, examiners administered the Test of Memory Malingering (TOMM). The TOMM is an instrument designed to detect suboptimal effort and/or feigned or exaggerated memory impairment. Mr. Pratt took an unusual amount of time to complete the assessment (almost twice as long as a typical administration). Due to the unanticipated length of time required to complete the first part of the test, examiners determined it was necessary to administer the last part of the test in a non-standardized manner to comply with time constraints. During the test administration, he made several comments about "guessing" and stated he could not recall the correct answer. Mr. Pratt's total scores on each trial fell at or below chance levels. Further, his performance was well below the average scores among samples of examinees with cognitive impairment, aphasia, traumatic brain injury, and dementia. Overall, his score profile on the TOMM suggested the likelihood of exaggerated memory deficits.

Substance Use History

Per the 2023 SCDMH competency evaluation report, Mr. Pratt reported he was exposed to alcohol and cannabis by his father at age five. As an adult, he reported occasional use of alcohol (i.e., "I might have a beer now and then"); however, he also reported his last drink was approximately five or six months ago. He denied alcohol ever led to functional problems. He reported daily use of cannabis, starting in his early 20s. He stated his last use of cannabis was approximately "five days" before the evaluation interview. He reported regular use of crack cocaine for several months approximately 10 years ago. He denied problems resulting from use and stated he did not experience cravings or withdrawal symptoms associated with his crack cocaine use. Additionally, Mr. Pratt endorsed experimentation with methamphetamine and synthetic cannabis (e.g., "Spice") on isolated occasions. He reported he currently smokes cigarettes.

Regarding his substance use between the 2023 SCDMH competency evaluation and the current evaluation, Mr. Pratt reported drinking "a beer now and then." He indicated he last consumed alcohol approximately one week prior to the current evaluation. He endorsed smoking cannabis "usually every day," typically smoking "two to three blunts" per day. He stated he last smoked cannabis four days prior to the current evaluation. He described currently experiencing withdrawal

symptoms as a result, including sweatiness and hives. When asked about other difficulties related to his cannabis use, he denied such, noting, "I pay all my bills... I pay my lawyer..." Mr. Pratt also endorsed a prior history of substance abuse treatment related to his cannabis use.

Current Mental Status

Mr. Pratt was dressed in casual attire and his hygiene and grooming appeared adequate. He maintained appropriate eye contact with the examiners. His gait and general motor behaviors were without abnormality, and there were no signs of physical distress. The volume, rate, rhythm, and tone of his speech were generally within normal limits, though, at times, he evidenced an exasperated tone of voice. He demonstrated no difficulties with attention or concentration during the interview. Mr. Pratt repeatedly endorsed difficulties with memory throughout the evaluation. For instance, he suggested he "[could not] remember what the judge said." However, he was able to describe detailed information presented by both the judge and his attorney at the time of his last court appearance. As another example, he indicated he "can't remember nothing [*sic*] about childhood." However, information from the 2023 SCDMH competency evaluation report reflected that he was able to provide detailed information pertaining to his childhood. As such, his remote memory generally appeared intact. Similar to Mr. Pratt's performance on the TOMM as part of the 2023 SCDMH competency evaluation, it appeared as though he attempted to exaggerate and/or feign memory deficits during the current evaluation.

Additionally, of note, Mr. Pratt appeared to put forth poor effort when asked questions designed to assess his mental status. For instance, he appeared to struggle in answering basic questions, such as his current age, the current month, explaining common sayings (e.g., don't judge a book by its cover), and categorizing like objects (e.g., how are happy and sad alike, how are a table and a chair alike). He also declined to perform simple subtraction and addition tasks. For instance, despite indicating he "pay[s] all [his] bills," when asked to add \$5.00 plus \$3.00, he noted, "I couldn't tell you... but I know what money is." Overall, Mr. Pratt's presentation during the mental status examination was inconsistent with his presentation throughout other parts of the interview. As such, it appeared as though he attempted to exaggerate cognitive deficits.

Mr. Pratt reported both his current and usual mood as "pissy." He described his mood as related to "people always making fun of [him] and taking advantage of [him] and calling [him] names." His affect (i.e., observed expression of emotion) was generally euthymic (i.e., reflecting a neutral, nondepressed emotional state), though, at times, he appeared irritable. He endorsed current symptoms of depression as well as current difficulties with concentration. He otherwise denied experiencing current symptoms of mania or current symptoms of anxiety and/or a trauma-related disorder. Mr. Pratt endorsed current suicidal and homicidal ideation, though he denied any plans or intentions to act upon such thoughts.

Throughout the evaluation, Mr. Pratt was generally alert and oriented to person, place, time, and circumstance, although he was unable to correctly identify the date or the city. When asked about his cognition, he described his thinking as "hard," noting his "brain can't keep up with that people say." Of note, he did not appear to demonstrate any difficulties attending to or understanding examiners during the current evaluation. His thought processes throughout the evaluation were often tangential. Additionally, he tended to perseverate on his perceived memory and cognitive deficits, and, at times, was difficult to redirect. However, as previously noted, he appeared to exaggerate and/or feign memory and cognitive deficits throughout the current evaluation, as his own self-reported difficulties often contradicted other information he provided and/or were

inconsistent with his presentation throughout the evaluation. While Mr. Pratt endorsed seeing "ghosts" and "someone sitting on [his] shoulder telling [him] to [harm himself]" as well as hearing others "calling [him] names," he did not appear to be distracted by internal stimuli during the current evaluation. Additionally, no apparent delusional ideation was evidenced.

Diagnostic Impressions

Based on available information, Mr. Pratt's clinical presentation is best characterized by the following diagnoses from the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)*:

Persistent Depressive Disorder
Cannabis Use Disorder

Given Mr. Pratt's tendency to embellish his difficulties during the 2023 SCDMH competency evaluation and his tendency to exaggerate deficits during the current interview, the genuineness and severity of his reported symptoms is unclear. However, during the prior competency evaluation, he did endorse multiple depressive symptoms, including sleep disturbances, low self-esteem, feelings of hopelessness, suicidal ideation, and poor appetite. He previously reported these symptoms began during childhood and have persisted throughout his life. Similarly, he endorsed symptoms of depression during the current evaluation, including sleep disturbances, poor appetite, and suicidal ideation. Additionally, available records from the LCDC reflected Mr. Pratt also endorsed these symptoms during his encounters with mental health staff while detained in February 2020. His symptoms are therefore consistent with a diagnosis of Persistent Depressive Disorder. According to the *DSM-5-TR*, the criteria for this disorder are met when two or more depressive symptoms are continually present for at least two years. As such, a diagnosis of Persistent Depressive Disorder is provided at this time.

Additionally, available information indicates Mr. Pratt meets criteria for a substance use disorder. During the 2023 SCDMH competency evaluation, Mr. Pratt reported a history of daily cannabis use beginning in his early 20s. Similarly, during the current evaluation, he endorsed a history of daily cannabis use, typically consisting of smoking "two to three blunts" per day. He also described experiencing symptoms of withdrawal when abstaining from cannabis, including sweatiness and hives. His self-reported pattern of cannabis use suggests he has developed a tolerance and used this substance compulsively. Overall, Mr. Pratt's self-reported pattern of cannabis use is consistent with a diagnosis of Cannabis Use Disorder.

Given Mr. Pratt's report of cognitive deficits during his prior competency evaluation as well as during the current interview, the presence of an Intellectual Developmental Disorder (i.e., an Intellectual Disability) was also considered. According to the *DSM-5-TR*, in order to render a diagnosis of an Intellectual Developmental Disorder, an individual must display concurrent deficits in both intellectual and adaptive functioning. Available records from the Social Security Administration reflected that Mr. Pratt's performance on prior intelligence testing did not fall within the typical range required for a diagnosis of an intellectual disability. Specifically, his performance on measures of intellectual functioning between the age of 23 and 26 suggested his cognitive abilities were within the low average to borderline range. He was also noted to be diagnosed with "malingering" at the time of intelligence testing around the age of 23. Additionally, of note, it was determined that he did not evidence significant deficits in adaptive functioning, as he

was able to care for himself, drive a car, maintain employment, manage his finances, and socialize with others.

Mr. Pratt was also referred to the SCDDSN in January 2023 for an evaluation of his competency to stand trial, at which time it was determined that he did not meet criteria for a diagnosis of an Intellectual Developmental Disorder. When subsequently evaluated by the SCDMH in June 2023, it was noted that he tended to repeatedly emphasize and elaborate upon his difficulties (e.g., learning difficulties), and he seemed to struggle in answering basic questions designed to assess his mental status. However, this presentation was inconsistent with his presentation throughout other portions of the evaluation, as, for example, he was able to correctly use complex legal terminology (e.g., "emancipated," "misdemeanor"). Similarly, during the current evaluation, Mr. Pratt appeared to put forth poor effort when asked basic questions designed to assess his mental status. For instance, he was unable to correctly identify his current age or the current month. As another example, despite indicating he is able to independently manage his own finances, he suggested he was unable to perform a simple mathematical task (i.e., \$5.00 plus \$3.00). Again, his presentation during this portion of the evaluation was inconsistent with his presentation throughout other parts of the interview, during which he did not present with significant deficits in intellectual functioning suggestive of an intellectual disability. Overall, it appears as though Mr. Pratt attempted to exaggerate cognitive deficits during both his prior competency evaluation and the current evaluation. Additionally, Mr. Hall presently denied that Mr. Pratt evidences any deficits in adaptive functioning, as he is able to independently care for himself. Collectively, the available information suggests that his overall level of cognitive and adaptive functioning is inconsistent with an Intellectual Developmental Disorder, and, as such, this diagnosis is not warranted.

Lastly, given Mr. Pratt's report of seeing "ghosts" and "someone sitting on [his] shoulder telling [him] to [harm himself]" as well as hearing others "calling [him] names," the presence of a psychotic disorder (e.g., Schizophrenia, Schizoaffective Disorder) was also considered. However, there was no indication of a history of psychotic symptoms within available records. Indeed, he denied experiencing hallucinations or delusions during his encounters with LCDC mental health staff, and he was not observed to present with psychotic symptoms. Additionally, Mr. Pratt reported he has never taken psychiatric medications and there is no evidence of a history of mental health treatment or psychiatric hospitalizations. Moreover, he did not present with symptoms of a psychotic disorder (e.g., responding to internal stimuli, espousing delusional ideation) during the 2023 SCDMH competency evaluation or the current interview. As such, a psychotic disorder diagnosis is not warranted at this time.

Evaluation of Competency to Stand Trial

South Carolina Code §44-23-410 states an individual *"is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity."*

During the current interview, when informed that examiners were going to begin the competency portion of the evaluation, Mr. Pratt replied, "The stuff I don't know." However, despite his statement, he demonstrated a good understanding of several aspects of the legal system and required very minimal education from examiners. More specifically, he was able to identify major participants and their roles in basic legal proceedings. When asked about who the major participants in the courtroom are, he stated, "The judge, [his] attorney, [and the] solicitor." He indicated "the judge" is in charge of the courtroom. When asked what side the judge is on, he replied, "Supposed to be in

the middle" (i.e., neutral). Mr. Pratt described the defense attorney as the person who is on his side ("supposed to be there for you") and who is trying to "prove [his] innocence." When asked whether his attorney would want him to receive a small or large sentence if found guilty, he replied, "Small." Mr. Pratt described the solicitor as the person who is "against [him]" and who is trying to prove "[him] being guilty." He indicated the solicitor would want him to receive a "big" sentence if found guilty. He acknowledged he should not speak with the solicitor in the absence of his attorney, because they are "against you" and could "twist [his] words." Mr. Pratt stated the role of the jury is "to see who's telling the truth or who's not telling the truth" and to "find you guilty or not guilty." When asked what side the jury is on, he replied, "In the middle" (i.e., neutral). He indicated the jury is comprised of 12 individuals and "all of them" are required to agree on the verdict. When asked what occurs if the jury is unable to come to an agreement, he replied, "Have to do it again."

Mr. Pratt was able to identify and explain his available plea options of guilty ("did the crime") and not guilty ("didn't do it"). When asked about the consequences of a defendant pleading guilty, he replied, "You get sentenced." Mr. Pratt was provided with education related to the consequences of pleading not guilty, and upon later review, he acknowledged that a "trial" follows a not guilty plea. In addition, he demonstrated an understanding of possible sentences following a guilty verdict, including incarceration, probation, and house arrest. Following prompting by the examiners, he appropriately described the conditions of probation, including reporting to a probation officer, abstaining from alcohol or other illicit substances, completing urine drug screens, and not traveling out of the state without permission. When asked about the potential consequences of violating the conditions of probation, he replied, "Go back to jail." He accurately described house arrest as "stay[ing] home" and wearing an "ankle bracelet." Mr. Pratt was provided with education related to plea bargains, and upon later review, he acknowledged a defendant must plead "guilty" in order to accept a plea bargain and a defendant receives a "less[er] charge" as a result. He expressed understanding that a defendant does not have to take a plea bargain if it is offered, and a defendant cannot change their mind once they have accepted a plea bargain. Furthermore, Mr. Pratt demonstrated the ability to rationally consider a plea bargain, as evidenced by his discussion of hypothetical cases presented by the examiners as well as his discussion of hypothetical plea bargains related to his own case. He acknowledged the need to discuss potential plea agreements with his defense attorney.

Mr. Pratt identified his current legal charges as "four counts" of "child molestation" in the "first degree." He demonstrated familiarity with the allegations against him, including when and where the alleged offenses occurred and what he is alleged to have done. He appeared to appreciate the seriousness of his legal situation, as he accurately identified these charges as felonies and acknowledged that a felony offense is more serious than a misdemeanor. He expressed an understanding of witnesses (defense witnesses serve "to prove [his] innocence") and evidence ("anything, your blood, semen, hair, skin"). He acknowledged that both the solicitor and the defense attorney can call witnesses and present evidence in court. He indicated that a witness is expected to tell the truth in court and could "get in trouble" for lying under oath. Mr. Pratt was able to rationally apply the concepts of witnesses and evidence to his own case as well as hypothetical cases presented by the examiners. Additionally, he demonstrated the ability to rationally reason about his legal situation, as he discussed his legal options.

In terms of his ability to assist his attorney, following education and a delay, Mr. Pratt identified "Jeff G" (i.e., Jeff Goodwyn) as his attorney. He reported having spoken to his attorney on two occasions, indicated he trusts his attorney, and endorsed the belief that his attorney is working in

his best interests. He acknowledged the importance of honesty in discussing his case with his attorney. He also acknowledged the concept of privilege between himself and his attorney. Following education and a delay, he indicated he could not be forced to testify in criminal proceedings, and he indicated he would consult with his attorney regarding any potential testimony if his case proceeded to trial. He further engaged in a rational discussion of the information he would like for his attorney to present to the Court on his behalf. Throughout the evaluation, Mr. Pratt evidenced no mental health symptoms that would significantly impair his ability to consult with his attorney or testify on his own behalf should he choose to do so. Moreover, he identified consulting with his attorney as the best course of action if uncertainty arises relevant to legal circumstances or decisions (e.g., a disagreement, plea options, testifying in his own case).

When asked about appropriate courtroom conduct, Mr. Pratt stated a defendant should be "quiet." He acknowledged he could receive a criminal charge if he disrupted legal proceedings. He also acknowledged his attorney speaks for him in court, and he described appropriate plans to manage undesirable events that might arise in court (e.g., whisper to his attorney if a witness is lying). During the current evaluation, Mr. Pratt did not display any disruptive behaviors, such as verbal outbursts or agitation, that would be problematic in court. Additionally, during the competency interview, he generally responded in a clear and coherent manner, was receptive to clarifying information provided by examiners, and he was able to retain presented information after a delay.

Opinion

During the current evaluation, Mr. Pratt did not exhibit mental health symptoms that would negatively impact his competency-related abilities. Rather, he demonstrated a good understanding of courtroom personnel and legal proceedings, a rational appreciation of his legal situation, and the ability to evaluate his options in a logical manner. He also appeared willing and able to participate in his legal defense. He may need additional education and/or review regarding aspects of the legal process as his case proceeds; however, he has the capacity to understand, acquire, and recall relevant information if it is provided to him, as evidenced by his ability to do so during the current evaluation. It is therefore opined that Mr. Pratt presently has the capacity to understand the legal proceedings against him and to assist in his own defense.

Olivia N. Robinson, PsyD

Olivia N. Robinson, Psy.D.
Psychologist I

06/25/2024
Date

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
v.)
JAMES PRATT)

IN THE COURT OF GENERAL SESSIONS
ELEVENTH CIRCUIT

Indictment No.: 2020GSJ201355

FILED
CLERK OF COURT
ELEVENTH CIRCUIT
LEXINGTON, SOUTH CAROLINA
MAY 9 11:11 AM 2024


ORDER

THIS MATTER WAS BEFORE THE COURT during a plea hearing. The State was represented by Assistant Solicitor Ashley Wellman and the Defendant was present, and represented by counsel, Jeff Goodwyn. During a *Blair* hearing, the Court reviewed the report from the South Carolina Department of Mental Health and Dr. McKee, regarding Defendant's competency. The court has also been provided a copy of an evaluation performed by the SC Department of Disabilities and Special Needs. The reports made findings that the Defendant was competent to stand trial. However, the reports indicate that the Defendant has potential memory issues, and has a very low functioning intelligence quotient. The court is concerned about the potential of malingering regarding the memory issues and mental challenges including his reported suicidal ideations. The court believes that the final conclusion that the Defendant was competent appears to lack confidence and certainty in its findings. Based on the reports and Defendant's physical presentation in the courtroom, the Court had continued concerns regarding Defendant's competency to proceed.

Accordingly, the Court orders the South Carolina Department of Mental Health conduct another competency evaluation of Defendant, which shall be completed, and the report submitted to the Solicitor's Office and Mr. Goodwyn within ninety (90) days.

IT IS SO ORDERED.

Entered this the 9th day of May, 2024.


Eugene C. Griffith, Jr.
Residing Circuit Court Judge

WITNESSES

Lexington County Sheriff's Department

Michael J Hart

Michael J. Hart

Law Enforcement Case #: 11026276

RP

ARREST WARRANT NUMBER

2020A3210800052

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 2-10-25

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2025GS3200209

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

February Term 2025

THE STATE

vs.

James Robert Pratt

Indictment For

Criminal Sexual Conduct With Minor

SC Code: §16-3-655(A)(1)

CDR Code: 0385

Exempt

S.R. Hubbard III, Solicitor

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness
C.C.C. PLS. and G.S

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

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INDICTMENT FOR

Criminal Sexual Conduct With Minor

§16-3-655(A)(1)

At a Court of General Sessions, convened on February 10, 2025, the Grand Jurors of Lexington County present upon their oath:

Criminal Sexual Conduct With Minor

That in Lexington County, South Carolina, on or between **May 31, 2011 and July 26, 2011**, the Defendant, **James Robert Pratt**, did willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in a sexual battery with a minor who was less than eleven years of age, to wit: digital penetration upon ^{MINOR} [REDACTED] date of birth [REDACTED] 2002, all in violation of Section 16-3-655(A)(1), *et al.*, of the Code of Laws of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Rhonda W. Patterson

Deputy Solicitor

WITNESSES

Lexington County Sheriff's Department

Michael J Hart

Michael J. Hart

Law Enforcement Case #: 11026276

RP

ARREST WARRANT NUMBER

20-STR-00047

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: 2-10-25

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2020GS3202711

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

February Term 2025

THE STATE

vs.

James Robert Pratt

Indictment For

Incest

SC Code: §16-15-20

CDR Code: 0090

Exempt

S.R. Hubbard III, Solicitor

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness
C.C.C. PLS. and G.S

STATE OF SOUTH CAROLINA

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)
)
)
)
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)

COUNTY OF LEXINGTON

INDICTMENT FOR

Incest

§16-15-20

At a Court of General Sessions, convened on February 10, 2025, the Grand Jurors of Lexington County present upon their oath:

Incest

That in Lexington County, South Carolina, on or between **January 1, 2020 and February 17, 2020**, the Defendant, **James Robert Pratt**, did, as a man, have carnal intercourse with his daughter, **MINOR 2** to wit: the defendant had vaginal intercourse with his biological daughter, all in violation of Section 16-15-20, *et al.*, of the Code of Laws of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Rhonda W. Patterson

Deputy Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



W. Chandler Norville
Appellate Defender

RECEIVED

Feb 20 2026

SC Court of Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 20th day of February, 2026.

RECEIVED

Feb 20 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES ROBERT PRATT,

APPELLANT

APPELLATE CASE NO. 2025-000518

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on James Pratt, #396695, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 20th day of February, 2026.



W. Chandler Norville
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT