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**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
Honorable Debra R. McCaslin, Circuit Court Judge  
Appellate Case No. 2025-000368

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THE STATE,

Appellant,

vs.

CHAD EUGENE GIBBS,

Respondent.

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**RECORD ON APPEAL**

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1 STATE OF SOUTH CAROLINA \* GENERAL SESSIONS  
2 COUNTY OF LEXINGTON \* TRANSCRIPT OF RECORD  
3 -----X  
4 STATE OF SOUTH CAROLINA \*  
5 vs. \* Case No. 2020-GS-32-06025  
6 CHAD EUGENE GIBBS, \*  
7 Defendant. \*  
-----X

8 February 24, 2025

9 B E F O R E:

10 The Honorable Debra R. McCaslin, Presiding Judge

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

12 Heather Weiss, Esq.

13 Assistant Attorney General for the State

14 Todd Rutherford, Esq.

15 Attorney for the Defendant

16  
17  
18  
19  
20  
21 Recorded by: DCRP Court Monitor

22 Court Transcriber: Bobbi Fisher, RPR  
23 SC Official Court Reporter III  
24  
25

## P R O C E E D I N G S

(The following proceedings started at 12:48 p.m.):

THE COURT: All right. Let's call the case, please.

MS. WEISS: Your Honor, we have 2020-GS-32-06005, the State versus Chad Eugene Gibbs indicted for sexual exploitation of a minor, first degree, pleading to sexual exploitation in the second degree. That indictment has been true billed. And 2020-GS-32-06026, the State versus Chad Eugene Gibbs indicted for sexual exploitation of a minor, first degree, pleading to sexual exploitation in the second degree.

(Indiscernible) true-billed, and being represented by Mr. Rutherford.

Please raise your right hand.

CHAD EUGENE GIBBS

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

MR. RUTHERFORD: Your Honor, do you want us to stand here or -- I'm not sure where the camera is best to pick us up, so I didn't want to...

THE COURT: Well, there is no --

UNIDENTIFIED FEMALE: They can hear.

THE COURT: There is no camera.

MR. RUTHERFORD: Okay. I'm sorry.

THE COURT: The victim said that --

1 MR. RUTHERFORD: They didn't want to see the -- yes,  
2 ma'am.

3 THE COURT: --- (indiscernible) see y'all, but can you  
4 hear, I guess is my question.

5 FATHER [REDACTED] ?

6 FATHER [REDACTED] : Yes, ma'am, we can hear.

7 THE COURT: Okay. Thank you.

8 All right. They can hear.

9 MR. RUTHERFORD: Thank you, Your Honor.

10 THE COURT: Okay. All right. Mr. Gibbs, are you under  
11 the influence of any drugs or alcohol today?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Have you ever been treated for any type of  
14 mental illness?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: And you know you have a right to this jury --  
17 a jury trial on this charge? In fact, I've scheduled this  
18 trial on the week of March 24th, so you are on the jury trial  
19 docket because it is an old case and it needs to be moved.

20 But let me explain to you, I know Mr. Rutherford has told  
21 you, but you're entitled to a jury trial on this charge. You  
22 could present a defense, you could call witnesses, you could  
23 have your lawyer cross-examine any of the State's witnesses,  
24 but when you plead guilty, you give up all your jury trial  
25 rights, including your right to remain silent.

1           Let me ask you, Mr. Gibbs, have you talked to  
2 Mr. Rutherford about all your jury trial rights?

3           THE DEFENDANT: Yes, Your Honor.

4           THE COURT: And, at this time, are you going to waive  
5 those rights and go forward with a plea of guilty?

6           THE DEFENDANT: Yes, Your Honor.

7           THE COURT: That's sexual exploitation, second degree.  
8 It carries not less than two years, meaning that I've got to  
9 give you two years, but no more than ten. Oh, I'm sorry,  
10 there's two counts. I was looking for the other indictment.

11           And you have another one, same charge, and it still  
12 carries the same thing: Two years and no more than ten.

13           Is that your understanding of what you're pleading guilty  
14 to today?

15           THE DEFENDANT: Yes, Your Honor.

16           THE COURT: All right. Both these indictments have been  
17 true-billed. The one ending in 026 states that, on or about  
18 October the 11th of 2019, it states that you did have, it  
19 looks like, a picture -- a nude picture of a minor.

20           Are you pleading guilty or not guilty?

21           THE DEFENDANT: Guilty, Your Honor.

22           THE COURT: And then same date but this indictment ends  
23 in 025, same thing, that you had a photograph of a minor that  
24 was nude.

25           You're pleading guilty or not guilty?

1 THE DEFENDANT: Guilty, Your Honor.

2 THE COURT: It appears that you made this photo.

3 THE DEFENDANT: Yes, Your Honor.

4 MR. RUTHERFORD: Video, Your Honor. Video. You've got  
5 still shots, but it's two videos.

6 THE COURT: Videos.

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: And what I've got is two still shots that  
9 they've already shared with me.

10 All right. Let me ask you, Mr. Gibbs: Has anyone  
11 promised you anything to get you to plead guilty today?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Did anybody force you, threaten you to get  
14 you to plead guilty today?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: And are you pleading guilty freely and  
17 voluntarily?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Are you satisfied with your lawyer?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. Now, let me turn to the State.  
22 I'm going to ask them to give me the facts to this case, and  
23 then I'll come back to you. And then I also want to go over  
24 this permanent restraining order and forfeiture order  
25 afterwards.

1 MS. WEISS: Do you want me to go over the basic facts or  
2 do you want me to give you the whole recitation at this time?

3 THE COURT: You can give me the whole presentation at  
4 this time. I'll call on the victims to speak after I've  
5 accepted the plea.

6 MS. WEISS: Thank you, Your Honor. May it please the  
7 Court.

8 This incident began, for law enforcement purposes, on or  
9 about February 15th of 2020 when the victim in this case, who  
10 is present on the screen, was 15 years old.

11 On that day, she disclosed to her mother that her  
12 stepfather, the defendant, who is now ex-stepfather, had been  
13 sexually abusing her for the past several months, and it  
14 actually had gone on for a time before that.

15 They call law enforcement, and law enforcement came out  
16 to the house to take a report. While law enforcement was at  
17 the house -- and just so the Court knows, Detective -- he's  
18 not a detective anymore; he's gotten promoted -- Daniel Smith  
19 with the Lexington Police Department is here today for the  
20 plea, Your Honor.

21 And law enforcement came out to the house and spoke to  
22 her about her statement and had an idea at that point of the  
23 proposed charges, what they were looking at. And the  
24 defendant came driving by the victim's house. So they pointed  
25 out that was his car.

1           They stopped his car. They started to talk to him. They  
2 asked him to come back to the station, and they took his phone  
3 from him at that point.

4           In talking to him, he gave a statement. I think it's  
5 important to know that, in his statement, he immediately said  
6 that the victim had been -- that the victim had, that he had  
7 had to be a disciplinarian that week and that he had had to  
8 reprimand the victim for her choices at school and her  
9 internet activity and -- because he had told her she could no  
10 longer go to Singapore to stay with her dad during the summer.  
11 Her dad does civil contract work in Singapore. She could not  
12 go, that she had been crying and threatening suicide, and  
13 suddenly was very depressed. And so they were mean parents.

14           So, since she was happy that he had left to go DJ an  
15 event -- that's why he wasn't supposed to be there, that's why  
16 she felt safe to tell her mother at that time what was going  
17 on -- he said he's either been at a job or with his friends or  
18 with his wife every second of the last ten days.

19           So that was his immediate reaction when he was spoken to  
20 by law enforcement.

21           Your Honor, the phone that was taken, based on the  
22 statements that the victim had given, to include photographs  
23 that she knew had been taken, law enforcement got a search  
24 warrant and downloaded the phone. On that phone were not the  
25 photographs that she had described being taken, but on that

1 phone were two videos of her taken without her knowledge at  
2 all at 15 years old, October 11th of 2019, months before he  
3 was ever stopped.

4 The first video was taken on October 11th, 2019, at  
5 1:47 in the afternoon, and these pictures show the victim in a  
6 state of nudity at 15 years old. You can see that the phone  
7 is slid under the bathroom door because you can see the  
8 doorknob.

9 He then pulled it back out and held it up to make sure it  
10 was recording, so there is a picture of him that you can see  
11 very clearly. He then slid the camera back under the door,  
12 where you can see the bottom of the door and her feet. He was  
13 looking and then slid the camera under the door, pulled it  
14 back out, with another picture of him, and then went back  
15 under the door to continue getting pictures of her as she was  
16 -- and we spoke about this because, originally, my memory was  
17 there was a towel -- obviously, I pulled these more recently  
18 to get ready for this and realized there was a mitt -- there  
19 was some tanning lotion that she used, and so it's believed  
20 she may have been applying tanning lotion at this time. Any  
21 which way, it was her, completely nude, 15 years old.

22 The second video was taken on October 11th, 2019, at  
23 5:53 p.m. So that is going to be another four hours after the  
24 first video. That video shows the bottom of her feet, so he's  
25 going under her door again, same door. And then -- and

1 there's music playing. She's dancing in there, and obviously,  
2 there's a video. I know Your Honor probably does not want to  
3 watch the entire video, but this is just significant  
4 screenshots which is the basis for the plea, Your Honor.

5 There's no doubt that it was Mr. Gibbs that was taking  
6 it. There is no doubt that it was VICTIM [REDACTED], who was  
7 the victim in the case and is present, and she's able to  
8 identify herself in her bathroom in that video that he was  
9 taking.

10 Even more disturbing to the State is that not only did he  
11 take the video and when he was confronted about the video,  
12 claimed that she was acting out and he was trying to make sure  
13 she wasn't smoking pot in the bathroom, I believe is what one  
14 person had said that the defendant had said. But he took two  
15 videos without her knowledge and still had them on his phone  
16 in February of 2020 when he was -- when the phone was taken.  
17 So he didn't just slide it under the door to see something.  
18 He slid it under the door to get the video, keep it, and hold  
19 onto it.

20 On his phone were apps for sharing child-related videos.  
21 We can't say whether or not anything was shared. What we do  
22 know is that the video -- that the pictures that the victim  
23 had reported were not found on his phone.

24 So there are several other charges that the State --  
25 obviously, due to the fact that each one of these charges

1 would be a separate trial, the defendant was charged with two  
2 more counts of sexual exploitation of a minor, first degree;  
3 two counts of sexual exploitation of a minor, third degree;  
4 one count of attempted sexual exploitation of a minor, first  
5 degree; criminal solicitation of a minor; three counts of  
6 criminal sexual conduct with a minor, third degree; and two  
7 counts of disseminating obscene material to a person under 18  
8 for videos that he showed to her.

9 Each of those would require a different trial at a  
10 different time. And the victim is trying to move on with her  
11 life. She is 20 years old at this time. So this was the  
12 offer that was made.

13 This case was originally scheduled for trial back in  
14 2021. The defendant agreed to this guilty plea in 2021 and  
15 obtained a second attorney. He had James Snell, who was also  
16 his attorney on this case.

17 And so I left the offer on the table until Mr. Rutherford  
18 had a chance to talk to him about it, which, to my  
19 understanding, occurred within the last couple of weeks, and  
20 it became confirmed that he was going to plead to it.  
21 Obviously, if he did not plead today, these offers would be  
22 revoked, and we'd be going to trial in one month from today.

23 Your Honor, his exposure was reduced significantly from  
24 40 years -- from six to 40 years, three to 20 on each charge,  
25 down to two to 10 years or four to 20 consecutively. And this

1 occurred in Lexington, South Carolina, Your Honor.

2 THE COURT: All right. Let me ask you, Mr. Gibbs: You  
3 heard the Attorney General's Office. Do you agree with those  
4 facts?

5 MR. RUTHERFORD: Materially, Your Honor, not -- not to  
6 anything of any apps being on it to share any child stuff.  
7 None of that was on the phone. Don't know what that's about.  
8 And, clearly, the videos were not shared with anyone, but  
9 materially, we agree as to why we are here.

10 THE COURT: And it meets all the elements of sexual  
11 exploitation, second degree?

12 MR. RUTHERFORD: Correct, Your Honor.

13 THE COURT: Is that true, Mr. Gibbs?

14 MR. RUTHERFORD: Sorry.

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. All right. Let me go over a couple of  
17 things before I accept this plea. First, I've got a Consent  
18 Order for forfeiture of equipment that was seized. I'm  
19 assuming this was back in 2022.

20 MR. RUTHERFORD: 2020, I believe, Your Honor.

21 THE COURT: 2020. And I've got several things: an Apple  
22 laptop and then I've got the iPhone. I would imagine those  
23 are the two -- I am seeing stuff listed below it, but I think  
24 that was just the results from it.

25 MS. WEISS: Yes, Your Honor. This stuff listed below it

1 is the reason. There were multiple items that were actually  
2 seized from the house. To be clear, there were 21 items that  
3 were seized. Of those 21 items that were reviewed, those were  
4 the two that had material on them that is illegal, and that's  
5 why the State is asking for forfeiture of those two  
6 specifically.

7 THE COURT: That's where these videos were found?

8 MS. WEISS: The videos, the file-sharing apps, and other  
9 SCM charges that we're dismissing that would have met those  
10 charges as well.

11 MR. RUTHERFORD: Your Honor, we've signed the Forfeiture  
12 Order, so we're good with the forfeiting but not the  
13 commentary but certainly with the items.

14 THE COURT: For the laptop and the iPhone.

15 Let me ask you, Mr. Gibbs: Is this your signature?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: All right. I've signed this Order. Those  
18 items will be forfeited.

19 Also, I have a Permanent Restraining Order. So let me go  
20 through this with you. This is for an VICTIM .

21 You are to have absolutely no contact with her whatsoever.

22 That is at her residence, driving by her residence, by  
23 telephone, by any app whatsoever, Google, Facebook. There's a  
24 million and one of them that I could name for you. But  
25 anything that has any communication capability, you are not to

1 use to try to get in touch with VICTIM . Do you  
2 understand?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Also, this includes her family. Leave her  
5 family alone. Any work or place of education that she may  
6 attend, you're not allowed to go there again. It's prohibited  
7 from any communication or attempting to communicate with her.

8 You're also prohibited from having a firearm because this  
9 box is checked. You can't have a firearm. Do you understand?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: This charge would prohibit you from having a  
12 firearm anyway.

13 Now, let me tell you, if you violate this Order, I can  
14 put you in jail up to five years. And I'm the judge that  
15 would do that. Do you understand me?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Any violation whatsoever. All right. I've  
18 signed that.

19 Now, let me ask Ms. Weiss: I want to make sure that I  
20 get all of it. This is a violent crime. It's classified as  
21 violent, but is it a strike?

22 MS. WEISS: It is not, it's my understanding.

23 THE COURT: Does that mean it's not 85%?

24 MS. WEISS: It's not 85%. It's a 65% crime, Your Honor.

25 THE COURT: It's a 65% crime. Do you understand that,

1 even though it's violent, it's not 85% and it is not a strike,  
2 is what they're telling me. Also, this is a straight-up plea.

3 Now, I will let you know, it does carry the Sex Offender  
4 Registry. You're going to have a lot of hoops to jump through  
5 on the Sex Offender Registry. In fact, I'm just going to tell  
6 you right now that you're going to be monitored for life  
7 regardless of what I sentence you to. You are going to be  
8 monitored for life. I don't know that this is the GPS, is it?  
9 The mandatory?

10 MS. GRANT: Yes, but they can -- after 30 to 35 years,  
11 depending on the crime, they can, I guess, write a petition to  
12 have it removed.

13 MR. RUTHERFORD: I'm sorry, Your Honor? I didn't --

14 THE COURT: She's telling me that it's the GPS  
15 requirement.

16 MR. RUTHERFORD: Not on this one. On this charge?

17 THE COURT: Let's double-check because I don't want to  
18 tell him anything that's wrong. I know that they'll monitor  
19 it.

20 MS. WEISS: I know CSC first and third. I don't know...

21 THE COURT: If I had a law clerk, they would know. And I  
22 apologize for not knowing.

23 MS. GRANT: Yeah. All right. I'm searching our Power  
24 DMS to see if it lists the charges that are eligible.

25 It's not listed in here.

1 THE COURT: Okay. She says it's not listed in there. So  
2 it's not GPS monitoring, but they still will monitor him for  
3 the rest of his life.

4 What is this? A Tier 2?

5 MS. WEISS: I think it's (indiscernible).

6 THE COURT: I think it might be a --

7 MR. RUTHERFORD: We believe it's Tier 1, but again, this  
8 stuff is so --

9 THE COURT: Regardless, it's still 25 years as a Tier 1.  
10 He can petition to get off the Sex Offender Registry.

11 MR. RUTHERFORD: When he's 70 -- almost 75 years old.

12 THE COURT: So -- but I'm just telling you, the Sex  
13 Offender Registry, you've got to jump through a bunch of  
14 hoops.

15 Also, I will tell you, I think he might be subject to the  
16 Sexual Predator Act. So if I send him to jail, he's going to  
17 be evaluated before he gets out.

18 Do you understand that, Mr. Gibbs?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And they can keep you for as long as they  
21 want to, regardless if you've served your time or not.

22 All right. I'm going to accept the plea. I find it to  
23 be freely, voluntarily, and intelligently made. You've had  
24 the advice of excellent counsel. There's no need -- I see the  
25 sentencing sheet says "waives presentment to the grand jury,"

1 but is the second offense not --

2 MS. WEISS: The wording is just not technically a lesser  
3 included.

4 THE COURT: Lesser included?

5 MS. WEISS: That is not in the statute and the wording  
6 isn't exactly the same, so it's cleaner to say "waives  
7 presentment."

8 THE COURT: All right. Well, you know, to make sure that  
9 I've covered all the bases on this plea, Mr. Gibbs, we have  
10 lesser-included offenses. You were originally indicted for  
11 sexual exploitation of a minor in the first degree; however,  
12 they're letting you plead to a second. They're telling me the  
13 language might be that you need to waive presentment of the  
14 second degree -- waive presentment of your indictment to the  
15 grand jury.

16 So let me ask you: Are you willing to do that on both of  
17 these charges in order to go forward today?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. Thank you.

20 All right. I'd like to hear from the victims if I could.

21 MS. WEISS: We can start with the parents, Your Honor.

22 THE COURT: Is this the mom?

23 MS. WEISS: Yes.

24 MOTHER : Your Honor, my name is MOTHER ,  
25 and I am the mother of VICTIM , the former spouse of

1 the defendant, Chad Gibbs. I write this statement to share  
2 with you why we're here today in the sentencing of Chad Gibbs  
3 for the charges of sexual exploitation of a minor in hopes  
4 that our experience will assist in the Court's decision in  
5 sentencing.

6 I wish to share the impact that Mr. Gibbs has had on my  
7 daughter, myself, and my family, and why we're asking for the  
8 maximum sentence possible in this hearing.

9 On February 15th, 2020, over five years ago now, my  
10 daughter, VICTIM [REDACTED], found the courage to share with me  
11 what had been happening to her at the hand of Chad Gibbs.

12 VICTIM [REDACTED] was 15 years old in 2020; however, the abuse she  
13 experienced by my then-husband, her stepfather, Chad Gibbs,  
14 had been happening since she was a little girl, starting when  
15 she was only nine years old.

16 Chad Gibbs came into my life after a traumatic divorce.  
17 He painted us a picture that he was a caring man who loved  
18 Jesus and was active in the church, a hero, and someone who  
19 would be a good father to my two children. I started my life  
20 over with Chad Gibbs and my two young children, foolishly  
21 believing that he was a good person who loved me and my kids.  
22 The truth is, while I was at work or fast asleep after working  
23 two jobs to pay the bills, he was a sexual predator, and  
24 VICTIM [REDACTED] was the prey.

25 VICTIM [REDACTED] kept silent about what was happening to her

1 because he had her convinced the touching and grooming and  
2 sexual exploitation was normal. He had her afraid to say  
3 anything to anyone, so she lied for him and kept her secrets  
4 and her shame so I wouldn't have to hurt again. My own  
5 husband had me and so many others completely fooled about the  
6 person he really is.

7 When VICTIM finally gathered enough courage to tell me  
8 about the abuse she had been enduring over the previous six  
9 years on that fateful day in 2020, she told me that she waited  
10 until the day after Valentine's Day because she knew the truth  
11 would destroy our family and my happiness. This child was  
12 willing to keep the pain and the fear she was experiencing out  
13 of sacrifice for herself. VICTIM was a child just starting to  
14 learn about the world and how it all worked when Chad Gibbs  
15 stole her innocence by inflicting physical and psychological  
16 abuse and his insatiable need for sex and power.

17 In order to tell me what was happening to her, VICTIM had  
18 to find a safe way to get me away from the house and her  
19 abuser without his knowledge because he had conditioned her to  
20 believe that he would kill me or her younger brother, BROTHER,  
21 if she said anything.

22 Chad threatened VICTIM that he knew where to hide our  
23 bodies if she said anything about what he was doing to her.  
24 He had her believing that, she wouldn't be believed because  
25 she was a troubled child and he was so well-liked and admired.

1 It wasn't until after VICTIM told me what been happening to  
2 her that I learned just how capable of psychological fear and  
3 manipulation Chad Gibbs is.

4 As soon as VICTIM told me what was happening, the  
5 Lexington County Police were immediately called and came to us  
6 within minutes. After the police detained Chad Gibbs for  
7 questioning, we hurried to pack up our essentials and flee --  
8 and our pets -- to flee the home for safety as quickly as  
9 possible.

10 Chad's behavior turned desperate and sinister after we  
11 left. He tracked us down where we were staying. He stole any  
12 valuables he could find of ours. He left ominous messages and  
13 notes for VICTIM and I to find in unexpected places in the  
14 home to continue his psychological abuse and control through  
15 fear.

16 I had to go to great lengths to ensure my children's  
17 safety. And despite my efforts, Chad knew all of our  
18 movements, tracking us and finding ways to contact us through  
19 various friends on social media, even with an Order of  
20 Protection in place.

21 VICTIM moved out of the country to get away from her  
22 abuser, leaving her life in South Carolina behind. I had to  
23 say goodbye to my daughter, and the 16 years I had to raise  
24 her was cut short. I missed out on an opportunity to be there  
25 for her as she reached a critical time in her life and missed

1 out on the opportunity to see her for her first car, her first  
2 prom, and missed being there for her graduation from high  
3 school because she had to leave.

4 The emotional toll that VICTIM has had to recover from  
5 what has happened to her has been debilitating at times. She  
6 struggled for years to find healing and peace and is forever  
7 changed by what Chad Gibbs did to her. The entire family has  
8 sought therapy to try and find healing, but the scars will  
9 never fully heal from what he has done. The aftermath of what  
10 Chad Gibbs has done to our family is still evolving even five  
11 years later. Our world was turned upside-down because of him  
12 and his need for sexual satisfaction through power and  
13 control, and my children are forever changed because of the  
14 abuse that he inflicted upon them.

15 I've had to move to seek an extra level of safety but  
16 with limitations on how far I will venture knowing the  
17 Protection Orders are my only relief from any retribution that  
18 Chad Gibbs seeks.

19 Since learning the truth about Chad Gibbs, I've lived in  
20 constant fear that the nightmare of who he is will come true  
21 and he will find me and take his revenge. My daughter  
22 struggles daily with the trauma from her experiences from Chad  
23 Gibbs. My son struggles with trauma from the abuse, and I  
24 still have nightmares about what he has done to my daughter  
25 and what he could have done to me if VICTIM hadn't spoken up.

1           Our family has been ripped apart by his actions. I lost  
2 my daughter, my idea of a good husband, and my life as I  
3 thought I knew it. He has ruined our relationship with the  
4 church, shaking all of our faith in God due to his false  
5 pretenses for the purpose of manipulation. Our family has  
6 suffered such tragedy by his actions, his need for power and  
7 control and sexual exploitation. He must be removed from  
8 society where his evil cannot be continued.

9           I anticipate the defense will argue that this is Chad  
10 Gibbs' first offense and he is not a serious risk; however,  
11 that is simply because he has never gotten caught. Chad Gibbs  
12 is incredibly intelligent and very skilled at evading the law.  
13 He has found a way to manipulate the South Carolina court  
14 system to evade sentencing, living as if he was free for the  
15 past four years.

16           Allowing him any leniency in sentencing puts the rest of  
17 the community at risk for his tactics of manipulation,  
18 exploitation, and abuse. He has a pattern of finding  
19 vulnerable women who can take full advantage of him [sic]  
20 sexually and monetarily. He's a talented actor, making people  
21 believe that he is the victim of untruths and bad  
22 circumstances.

23           I myself, a successful, well-educated individual was not  
24 immune to his charms, having no doubt in my mind that other  
25 victims would come forward if they knew they had a voice to

1 stand up to him. Chad Gibbs is a complete wolf in sheep's  
2 clothing and a complete danger to society.

3 VICTIM spoke up about her abuser and it is because of her  
4 bravery and courage that we're here in front of you today.  
5 Knowing how smart and capable Chad Gibbs is, he is a threat to  
6 be removed from society for the maximum amount of time. While  
7 we understand that not all of the charges Chad Gibbs is facing  
8 are in front of the courts to determine sentencing, we ask  
9 that you please understand the person who is pleading guilty  
10 today in determining how long he should be kept away from  
11 society.

12 We understand the circumstances that bring us in front of  
13 the courts today with a lesser plea than what we feel he  
14 deserves. We agree with why the State has made the offer they  
15 have to Chad Gibbs. It means we can finally end the fear we  
16 face daily knowing he is walking free amongst society. We can  
17 no longer be afraid that he will hurt our family or previous  
18 victims or hurt others.

19 I would ask the Court to apply the maximum sentence to  
20 the charges that Chad Gibbs is pleading to. Without keeping  
21 him away for a very long time, it won't just be VICTIM that he  
22 hurts, but it will be someone else's little girl or some other  
23 unsuspecting woman charmed by his ways who falls victim to his  
24 tactics.

25 Based on what I know about the man that I married, the

1 man is a monster who deserves a life sentence to keep him away  
2 from ever hurting anyone again. 20 years does not seem long  
3 enough for a sexual predator to be kept away from society. He  
4 is already receiving a benefit of not facing much more time.  
5 VICTIM will have to live with what he has done to her for the  
6 rest of her life, forever changed by his actions.

7 Because of this, I plead with the Court to sentence him  
8 accordingly to the full 20 years so justice may be served for  
9 what he has done. Only then will we find some sense of  
10 justice and know that her courage in speaking up against her  
11 abuser will not have been in vain. Thank you.

12 THE COURT: Thank you, Ms. West. I appreciate it.

13 Y'all give me just one second.

14 MS. GRANT: With his offense, the statute says he may be  
15 ordered by the Court. So that's why it wasn't showing up on  
16 the Power DMS because it was showing the "must be." So his  
17 falls under the "may be."

18 THE COURT: Can I see the lawyers for just a second?

19 (Pause in the proceedings while the Court confers with  
20 the attorneys off the record.)

21 THE COURT: Okay. Can I hear from the next victim?

22 MS. WEISS: The victim's father, FATHER, would  
23 like to address the Court.

24 THE COURT: All right, FATHER. I'll be happy to  
25 hear from you.

1       FATHER : Okay. Thank you, Your Honor. Yes, I  
2 have a short statement. It's in three sections. The first, I  
3 believe, is Mr. Gibbs is a serious danger to all women and  
4 children, especially VICTIM . He's caused grave damage to  
5 VICTIM and to my son, BROTHER , VICTIM 's younger brother.

6       Over the last six years, we've seen VICTIM become  
7 socially withdrawn. She has difficulty with relationships.  
8 She's distracted by her surroundings. She always feels on  
9 edge. We feel that -- we've noticed that she feels she's  
10 being watched in the daytime. At night, she feels she's being  
11 watched. It makes it difficult -- difficult to sleep, even  
12 six years later.

13       From 2018 forward, VICTIM displayed (indiscernible) often  
14 suicidal ideations, beginning with written communications with  
15 Mr. Gibbs while she was in my care in Japan. I was with her  
16 when this happened, and I took her to the hospital. I found  
17 Gibbs' messages to her very suspect and weird. When I brought  
18 her to therapy on the Marine Corps base in 2019, I didn't know  
19 this behavior was actually the beginning of VICTIM 's trauma  
20 caused by Gibbs. This was documented by medical reports and  
21 numerous counselors in Japan; in Singapore; Washington, D.C.;  
22 in California; and Washington state.

23       I believe Mr. Gibbs' destructive behaviors are patterns  
24 which have occurred for years prior to the evidence you see  
25 before you from 2019.

1       VICTIM's youthful innocence and happy nature began to  
2 deteriorate as soon as she was moved to South Carolina when  
3 she was 14. We saw it. Her grandfather saw it. Her brother  
4 saw it.

5       Mr. Gibbs' actions reveal a general disregard for legal  
6 orders. Despite being ordered not to communicate with her, on  
7 July 4th, 2020, I saw the text message exchanges and the  
8 mailing of gifts to the house, which continued after the Order  
9 not to do so. Gibbs used social media accounts on Instagram,  
10 VICTIM's social media accounts to manipulate her, coerce her,  
11 trick her, and denigrate her but entering her accounts,  
12 deleting information, and locking her out.

13       Mr. Gibbs possesses personal, private, and confidential  
14 data about VICTIM, her mother, and members of both families,  
15 including me. Through electronic communications using this  
16 data, I believe Gibbs has proven to manipulate VICTIM and  
17 others.

18       I believe strongly that Mr. Gibbs has caused financial  
19 and emotional harm to VICTIM, her brother, her father, both  
20 grandfathers, and both grandmothers, aunts, uncles, and  
21 friends. The effects of Gibbs on VICTIM are clear and obvious  
22 of severe complex trauma, mental health issues, substance  
23 abuse, and difficulty with relationships, including the  
24 relationship with me. This has caused us time and hard-earned  
25 money to talk, travel, coordinate, guide, and assist her with

1 her development, and to be a functioning member of our  
2 American society, more than her brother, [BROTHER], receives from  
3 us.

4 [VICTIM]'s future opportunities have been reduced by the  
5 actions of Gibbs. There is substantial effort every day by  
6 [VICTIM]'s extended family to keep her on track and keep  
7 progressing in life.

8 I believe Mr. Gibbs is a flight risk and a risk in his  
9 future should he be discharged from the court system and  
10 entered back into society. Although his financial resources  
11 are diminished due to an inability to keep employment and he  
12 does not enjoy former business relationships with [MOTHER],  
13 he has used tax evasion schemes via creative business expense  
14 accounting in the past, so he knows how to sort of get along.

15 Advertised as just a stepfather, Mr. Gibbs created court  
16 filings which complicated our family court case, and I believe  
17 strongly that the interest to move to South Carolina in 2018  
18 was to isolate the children away from supervision by me and  
19 the extended family in California. Of course this was  
20 successful.

21 Finally, through communications and through the use of  
22 social media, I believe Mr. Gibbs is aware of where the  
23 children are and where they moved to, and this knowledge about  
24 our family, equipped with technical ability, is a serious risk  
25 to us in the future should he exit the prison system.

1 Again, thank you for hearing our case today.

2 THE COURT: All right. Thank you, FATHER [REDACTED].

3 MS. WEISS: Your Honor, the victim wants to make a  
4 statement, but the State and the victim want to make sure that  
5 the defendant can hear the statement.

6 MR. RUTHERFORD: We can stand up here, I guess, Your  
7 Honor.

8 THE COURT: Okay.

9 MS. WEISS: Do you want to stand up there, or I was going  
10 to say we can bring the --

11 THE COURT: Does the speaker work?

12 (Pause in the proceedings.)

13 THE COURT: Okay. We can turn ours down and turn your  
14 speaker up. We're going to adjust the volume for the  
15 courtroom. Thank you, Melinda.

16 All right. Let me make sure everybody can hear.

17 VICTIM [REDACTED], can you hear?

18 VICTIM [REDACTED]: Yes, Your Honor.

19 THE COURT: We can hear you perfect all over the  
20 courtroom. All right. I'll be happy to hear from you.

21 VICTIM [REDACTED]: Your Honor, my name is VICTIM [REDACTED],  
22 and I would like Chad Gibbs to receive the maximum sentence  
23 possible. Throughout my life, I have been diagnosed with  
24 various mental health disorders such as PTSD,  
25 trichotillomania, excoriation, anxiety, bipolar type 2,

1 borderline personality disorder, ADHD, panic disorder, social  
2 anxiety disorder, severe depression, and an eating disorder.

3 Since I got diagnosed with PTSD at a young age, I have  
4 been dealing with nightmares, waking up in cold sweats,  
5 flashing images, and memories of him and experiencing physical  
6 symptoms throughout the day.

7 I'd get flashing images of him along with a rush of  
8 anxiety from my head to my chest, throughout my body, causing  
9 me to have to -- causing me to shake or have chills. It has  
10 become noticeable over the years with people often asking me  
11 what's wrong or if I'm cold. Sometimes these feelings are  
12 recurring, happening over and over again at once, as well as  
13 the shivers. I sometimes physically feel what was happening  
14 to me again in my pelvic region.

15 There are many things that trigger it such as seeing  
16 Steelers logos, breweries, certain clothing items, his old  
17 truck logo, certain arm tattoos, or anything that resembles  
18 him. I even have difficulty seeing or hearing his name, and I  
19 ask people to refer to him as something else.

20 There are many occasions PTSD occurs randomly where I  
21 don't know what causes it. Occasionally, when I'm very  
22 stressed out, I hear him yelling and calling my name when no  
23 one is around or everyone is asleep.

24 It has also affected my work performance. There has been  
25 countless times that I call out of work due to emotional

1 stress as well as having to hide away in the bathroom to calm  
2 myself down or asking if I can leave early. I have had  
3 anxiety attacks at work and uncontrollable crying spells to  
4 the point where I cannot be physically present.

5 It has also affected my education. Especially while  
6 living with him, I received F's in school. I could not  
7 concentrate on my homework or even fully participate in class  
8 without living in fear and a constant reminder of what I went  
9 through. There have been times that I've had to leave in the  
10 middle of a presentation during class so I could cry in the  
11 bathroom.

12 I was diagnosed with skin-picking and hair-pulling  
13 disorder. For years now, I've had to deal with compulsively  
14 pulling my eyelashes out and picking at my skin when I'm  
15 anxious and stressed to the point where it bleeds. I have  
16 scars all over my body, and it makes me so frustrated as to  
17 why I can't stop. I don't realize what I'm doing until  
18 someone points it out or I see blood or hair on my fingers.  
19 This started freshman year of high school.

20 What I went through has caused chaos in my social and  
21 romantic life. I would get panic attacks before any social  
22 gathering, specifically if there were going to be men present.  
23 The panic attacks got so severe, I vomited and I used to  
24 compulsively harm myself to try and calm down. It made me  
25 feel like I was going insane.

1           When I go out in public and I see men, I feel anxiety and  
2           paranoia come back up, and I have to convince myself they're  
3           not going to hurt me.

4           I've also had significant trouble in my romantic  
5           relationships. Whenever I'm in a relationship with a man, I'm  
6           constantly worried they're manipulating me or waiting for the  
7           right time to abuse me. I lash out and I stop talking, when,  
8           in most cases, they did nothing wrong. It became a constant  
9           cycle.

10          Since I was punished or isolated, anytime I got to see  
11          other people, I didn't have the ability to properly socialize.  
12          I'm still trying to figure out how to have healthy  
13          relationships with people. I have lost many friendships due  
14          to my mental issues with my previous friends telling me "I am  
15          not your therapist."

16          I can't express my childhood without bringing up trauma  
17          because that's all it was since the age of nine. I constantly  
18          think people are out to get me, lying, or manipulating me, and  
19          my trust issues have gotten the best of me. The stress and  
20          anxiety made so much of an impact on me, it shows through my  
21          physical health.

22          I have difficulty eating and keeping food down. At a few  
23          points in my life, I was 30 to 40 pounds underweight with  
24          doctors saying, if I lost anymore, I would need to be  
25          hospitalized.

1           In my first two years of Lexington High School, the  
2           mental agony I felt showed through my physical appearance the  
3           most. I was underweight and had severe cystic acne and  
4           bruises all over my body as well as noticeable dark circles  
5           and eye bags from stress. Because I looked physically ill on  
6           a daily basis coming to school, people started calling me  
7           names, saying I look like a crackhead or a heroin addict or a  
8           toothpick or just flat out ugly. I put pounds and pounds of  
9           makeup on and wore baggy clothes to hide my body every  
10          day.

11          Suicidal ideations and self-harm has always been a  
12          problem for me ever since the age of 12. I attempted suicide  
13          a few times and have been hospitalized twice. I did  
14          neurofeedback outpatient treatment, group therapy, DVT  
15          therapy, etc. I'm currently on 400 milligrams of lamotrigine,  
16          which I use as a mood stabilizer for borderline personality  
17          disorder and bipolar disorder since antidepressants have never  
18          worked on me.

19          I have been in and out of treatment due to financial  
20          hardships, and I know I will need to stay in therapy for the  
21          rest of my life. I do not wish this on anyone. I do not want  
22          to live in a constant state of fear that I will get attacked  
23          or murdered, and I don't want other women or children to go  
24          through the same thing I did, which is why it's extremely  
25          important he stay in prison for the maximum amount of time

1 possible.

2 THE COURT: Thank you, VICTIM .

3 Anyone else?

4 MS. WEISS: That's all.

5 THE COURT: All right, Mr. Rutherford. I'll be happy to  
6 hear from you.

7 MR. RUTHERFORD: Thank you, Your Honor. May it please  
8 the Court.

9 These are always difficult cases and especially given the  
10 fact that we allow victims wide latitude in speaking before  
11 the Court, but the reality is this: The alleged victim in  
12 this case made allegations against my client because he had  
13 taken pictures of her. That's what led law enforcement to go  
14 and get his phone, and when they did, they found no such  
15 thing. Period.

16 And so had my client chosen to go to trial, obviously,  
17 the first attack would have been on the victim's credibility  
18 because that, which she told law enforcement, was proven by  
19 his own phone not to be true. And how do we know this?  
20 Because the two videos that we are pleading guilty to today  
21 were taken four months before he was stopped and his phone  
22 taken by law enforcement. No attempt to delete those videos,  
23 which is why we are here.

24 Had he taken pictures, they would have been with those  
25 videos. They would have been on other places on his phone.

1 The solicitor said he had child-sharing apps. That's not  
2 true. What he had were torrent files. We already told Your  
3 Honor and he said that day that he was a DJ. DJ's download  
4 music, as Your Honor probably did, and what happens when you  
5 do that are torrent files.

6 Your Honor has signed enough search warrants to know and  
7 done enough ICAC cases to know that, when they find this stuff  
8 on the phone, it's everywhere. It's on the phone. It's on  
9 the laptop. It's everywhere.

10 It was nowhere. It was nowhere.

11 There were two videos on his phone that, again, were  
12 recorded by the genius way of sliding a phone under a door. A  
13 telephone, not a hidden camera like we've seen in other cases.  
14 He didn't hide it under the rafters. He didn't put it in the  
15 toilet paper holder. It was a telephone under a door.

16 As he indicated to law enforcement that day -- and this  
17 is what is important because it corroborates what happened  
18 later -- she wanted to leave to go to Singapore, and he told  
19 her no. He was investigating whether she was smoking  
20 marijuana, and so he stuck his phone under the door because  
21 she was in there, and as you can tell by this, twice that day  
22 with the door closed.

23 Now, in fact, he had no business doing that. We agree  
24 with that. That's why he's pleading guilty. He's not an  
25 internet sleuth. He's not seeking to take videos of her every

1 time she went into the bathroom. This was a phone under the  
2 door, which, no matter how you do it, it's still a phone going  
3 under the door.

4 According to the video and according to what we know to  
5 be fact, she did not know it. So we are pleading guilty  
6 because he did something he was not supposed to do, but she  
7 didn't know that he did it. And that was the only thing on  
8 his phone, on his laptop, on all the things that we have since  
9 forfeited, were the two videos that she didn't even know that  
10 he took.

11 And so the impact that we have heard today about the  
12 testimony could have only come because they shared with her  
13 what happened. It was certainly not because of his actions,  
14 even though it ended up that way.

15 I say all this because, again, he is, for the rest of his  
16 life, as Your Honor stated, unless he lives past the age of  
17 73, impacted by this. He has a Permanent Restraining Order,  
18 and he understands what that means. He cannot go around  
19 anybody on that side of the table. He has no desire to and  
20 has moved to Pennsylvania to get away from all this, but he  
21 cannot get away from the Sex Offender Registry. It will  
22 follow him wherever he goes.

23 As Your Honor stated, it is, for the rest of his life, he  
24 has to go through the sheriff's department, or however often  
25 they make it, he's got to sign his name, got to wait on them

1 to come back to him. It is an incredible imposition for  
2 someone that had no prior record leading up to this.

3 As Your Honor knows, because Your Honor has seen these  
4 cases, when we get these cases, there are thousands of images  
5 that people download. They have all kind of sharing stuff.

6 Not here. Not here. He was 43 years old when this  
7 happened. There was nothing to indicate he did anything prior  
8 to that point. And, in fact, the evidence refutes -- it  
9 refutes the fact that he did because they had phone, the  
10 computer, and everything on that list. He didn't know they  
11 were coming. And those two videos were four months old and  
12 that was it.

13 He was such a predator that, in four months, he had done  
14 nothing else. But you can't stick a phone under a young  
15 lady's door, and he knows that, and that's why he's willing to  
16 be on the Sex Offender Registry.

17 He wishes to apologize to this Court, to the victim, to  
18 the victim's family, to everybody involved. It was wrong. It  
19 was wrong. But it is not what they're alleging it to be.

20 The reason why we plead these cases typically is to not  
21 put the victim through a trial. It feels like we kind of had  
22 a mini trial today, and it continues -- and I'm not trying to  
23 say that she's a liar; I'm trying to say that my client can  
24 rely on the evidence to prove that what she said leading up to  
25 this simply is not corroborated by fact and that where we are

1 now is a case that is five years removed when it happened.

2 She now lives in a different place. She now lives where  
3 she said she wanted to go that day, what he told law  
4 enforcement that day. If that's where she lives, they will  
5 have no contact.

6 He will have no contact with the stepmother of the  
7 victim. They are not together anymore. He has moved on. He  
8 has continued to be -- he was a DJ and now he's a  
9 videographer. He's been on a GPS monitor. And the reason why  
10 that's so significant, even when probation said that that may  
11 be required afterwards, is because of the imposition that that  
12 has on anyone's life.

13 And it kind of gets me every time I hear people say, "Oh,  
14 it's just GPS." Well, then you do it. You walk around with a  
15 monitor on your leg and show up to places and try to wear  
16 shorts, have people see that ankle monitor and wonder what  
17 everyone thinks about you. You walk around knowing that the  
18 Government, at any point they get ready, can tell where you  
19 are and see where you've been. You do it, if it's not that  
20 bad.

21 The reality is this: In the last five years, he has not  
22 committed a single other crime. Had he been on probation, he  
23 would have completed it by now. In fact, because Your Honor  
24 knows, if you get on probation and you do well, you can get in  
25 three. It's now been five.

1           He does not wish any harm on the victim. He wishes her  
2 well.

3           But, Your Honor, we have reached the point now where we  
4 are pleading guilty because of what the trial would put the  
5 victims through, but we are recognizing that saying things  
6 don't make them so. Where we are is a young man that is now  
7 48 years old that, at best, would be on the Sex Offender  
8 Registry for the next 25 years, having every six months at  
9 worst sometimes to go check in with law enforcement, to go sit  
10 in that lobby, to tell everybody and register online that he's  
11 a sex offender, where he can live, where he can work, what he  
12 can do. The impositions are enormous. Enormous.

13           And rather than put the victim through a trial, he is  
14 willing to do all of that for these two videos. We aren't  
15 minimizing. We're just giving the facts.

16           Your Honor, what we are asking Your Honor to do is to  
17 give him a sentence that recognizes that a plea does save the  
18 victims from having to go through a trial, save the victim's  
19 family from having to go through a trial. And although,  
20 hopefully, they have never had to do it, they can certainly  
21 know what to expect that anytime you have a juvenile  
22 testifying to something where there's evidence that disproves  
23 exactly what she's saying.

24           We would ask that Your Honor give him a term of six  
25 years, give him credit for the time that he has served

1 because, again, Your Honor, he continues and will forever be  
2 punished by this. He will have no contact. He stipulated to  
3 the Permanent Restraining Order. He will have no contact with  
4 South Carolina. He has moved on and will continue to, and we  
5 only hope that the victim and the victim's family are able to  
6 do the same.

7 THE COURT: Does the ex-wife still live in --

8 MOTHER, do you still live in South Carolina? I don't  
9 want to know where you live --

10 MOTHER: Yes, Your Honor.

11 THE COURT: --- but still in South Carolina. Okay.

12 And I assume your daughter comes home to visit?

13 MOTHER: She lives in California now, Your Honor, and  
14 it's tough getting her to come out here so I usually have to  
15 go to California.

16 THE COURT: Okay. Well, she looks just like you.

17 You look just like your mom.

18 MS. WEISS: Your Honor, may I just respond?

19 THE COURT: Sure.

20 MS. WEISS: I appreciate what Mr. Rutherford was saying  
21 about the statement that Mr. Gibbs gave when he was first  
22 arrested. I just want to point out, that's what Mr. Gibbs  
23 said. That's what his statement was, that the victim was a  
24 liar, from the beginning, that she was a troubled child and  
25 she was a liar. Her wanting to go to Singapore and leave

1 South Carolina was what he said, not what she said. That's  
2 the whole point.

3 Whether he is a computer genius, I would -- based on the  
4 information I've gotten from the family, he is very, very  
5 well-versed in computers, and the only thing we know is that  
6 he has not been caught and arrested him for a crime since he  
7 left South Carolina, not that he hasn't committed one. We  
8 don't know what's on his phone right now. We're not  
9 investigating that.

10 So I appreciate what the defense said, but what we are  
11 here for is -- because when the victim said she was a victim  
12 and they took his phone, yeah, he didn't have the stuff on  
13 there that she knew he had. He had the stuff on there that  
14 she had no idea he had taken. And he had torrent files with  
15 bits and pieces that were not -- they were not music on his  
16 phone. They were the bits that they could find.

17 There are a lot of places to hide -- there are a lot of  
18 places to hide things from your phone and your computer.  
19 You're aware of it. You've done the ICAC cases and others.  
20 The defense is aware of it, and I think Chad Gibbs is most  
21 aware of it.

22 And I know Mr. Rutherford said he was not calling the  
23 victim a liar, but I want to point out that it's the victim's  
24 truth that got the phone that got the videos that we are here  
25 about today. And the victim was here in 2021 from Singapore

1 ready to testify, ready to go to trial against Chad Gibbs, and  
2 the victim was ready to go to trial again.

3 We're not saving the victim. We're saving the victim  
4 from spending the next 40 years coming and trying every single  
5 one of these cases. But the victim was ready to testify.  
6 This victim is strong. This victim told the truth. And  
7 that's why we have these videos, which is why we started with  
8 these, because there is no question that this defendant slid  
9 it under the door and took videos and then pulled it out and  
10 put it at his face so we know exactly who took those videos  
11 and he can't call anybody else out for doing that because it's  
12 his face on the video. That's why we started with that.

13 I just want to be clear. You know, Mr. Rutherford said  
14 he wasn't calling her a liar, that it was her truth that got  
15 us to where we are today.

16 THE COURT: All right. Anything else, Mr. Rutherford?  
17 Would Mr. Gibbs like to address the Court?

18 MR. RUTHERFORD: Your Honor, I don't want that back and  
19 forth again.

20 THE COURT: No, I don't want that back and forth either.

21 MR. RUTHERFORD: And if, in five years, you haven't found  
22 something, you can't sit here and allege that it may be there  
23 because you haven't found it. You had five years of the phone  
24 and five years of the computer. If it was there, you would  
25 have found it.

1           Mr. Gibbs would like to apologize, as I stated, and I  
2 just wanted to be clear to the Court, for being here and just  
3 the recognition of what he's going to have to endure  
4 regardless of this sentence Your Honor gives him.

5           THE COURT: Okay. Anything, Mr. Gibbs?

6           THE DEFENDANT: No, Your Honor.

7           THE COURT: I'm going to tell you, these are hard cases.  
8 There's no doubt about it. And I'm going to tell you, they  
9 get twice as hard when they get this kind of age on them.

10          I hate that it's taken this long, and I'm just going to  
11 tell you, **VICTIM**, I'm sorry that it's taken this long to have  
12 this case heard. We're trying to move the old ones, but I  
13 hate that it's lingered on for you.

14          I have done a ton of these cases, more than I care to  
15 tell you that I've done. I will tell you this, though: He  
16 will be monitored for the rest of his life. He will not be  
17 allowed to be around young children. They're going to tell  
18 him where he's got to live. They've got rules that he must  
19 follow. He must register in any county that he lives in or if  
20 he ever moves.

21          If not -- and let's just say he doesn't, the penalty is  
22 stiff. It is mandatory jail time. And you can rest assured  
23 we have a whole division that works just on these kind of  
24 cases for people who are on the Sex Offender Registry. So let  
25 me kind of put your mind at ease on that. I'm just telling

1 you, it would follow him for the rest of his life.

2 Now, as to sentencing, I'm going to decline to do a  
3 consecutive sentence. You know, they give judges sentencing  
4 ranges. Not every case is a max case. There's a low end for  
5 a reason. And I'm not telling you that this is a low-end  
6 case, but there's an in between. What he did was wrong,  
7 there's no doubt about it, and I don't like it, but I don't  
8 see that it's one of those cases that I feel that I need to  
9 run it consecutive.

10 I also don't see -- and I'll tell you, Mr. Rutherford and  
11 Ms. Weiss, I don't see any need to do any kind of split  
12 sentence because he's going to be monitored one way or the  
13 other through Probation, through the Sex Offender Registry.  
14 It's got a lot of power. They will monitor him. So I'm going  
15 to decline to do that. They're going to do it anyway.

16 All right. Now, let's talk about the time that he  
17 served. So, Mr. Rutherford, let me hear from you on what you  
18 think it is, and then I'll hear from you, Ms. Weiss.

19 MR. RUTHERFORD: Your Honor, I can tell you, I have  
20 computed it. It is 1,831 days, and this time, it is accurate.  
21 That would be from February 21st of 2020 to Monday,  
22 February 24th of 2025. We would ask that he get credit for  
23 that time being that that was the time that he spent monitored  
24 on GPS.

25 We know that Your Honor is able to give that credit based

1 on State vs. Arthur Fields. It was a case that, in fact, the  
2 Attorney General's Office argued, and the Court of Appeals  
3 indicated that it is up to the sentencing judge to determine  
4 how much credit someone -- how much time someone gets on GPS  
5 monitoring prior to incarceration or prior to the sentence  
6 being given.

7 What is clear is that he could not get a -- because this  
8 is a violent offense, he could not get house arrest  
9 post-conviction, but he can get credit for pre-conviction. We  
10 would ask for the credit for 1,831 days.

11 THE COURT: And let me hear from you, Ms. Weiss.

12 MS. WEISS: Thank you, Your Honor.

13 Under Section 24-13-40, computation of time served, it  
14 says that, "In every case, in computing the time served by a  
15 prisoner, full credit against the sentence must be given for  
16 time served prior to trial and sentencing and may be given for  
17 any time spent under monitored house arrest."

18 That is not this situation here, Your Honor. This  
19 defendant was not under house arrest. And, in fact, this  
20 defendant was under a Consent Order to pay for his own  
21 monitoring -- not that -- he obviously would have to pay for  
22 it, but to be under monitoring in lieu of a revocation.  
23 Because we were before this Court, in front of a different  
24 judge, for a bond revocation, and he agreed to stay on  
25 electronic monitoring, and he was supposed to give any change

1 of address to his attorney and to the State. We know he has  
2 been living in multiple addresses, and we have not gotten  
3 change of addresses. We know there have been issues with the  
4 monitoring.

5 The reality is, he was not on house arrest and that is  
6 what the statute says. And, therefore, he should not get any  
7 credit for his monitoring that he went on to avoid a bond  
8 revocation, because he was driving by the victim's house,  
9 because he was doing other things to violate bond prior to  
10 getting out of here and going to Pennsylvania. And the only  
11 thing we can say is that we know he's been in Pennsylvania  
12 since he was ordered by the judge that he could go to  
13 Pennsylvania.

14 There was an issue -- he said he was going to go to  
15 Atlanta. The judge said he could go there if there wasn't a  
16 child living there. It came to the State's attention there  
17 was a child living there. He never did go and live in that  
18 house in Atlanta after that bond revocation hearing, but  
19 that's what he had said.

20 That is the issue, Your Honor. This is not about -- this  
21 is not about somebody who's just been -- who's been sitting at  
22 home just waiting for their opportunity to come to court. He  
23 has been out working. He has been out traveling. He has he  
24 has been out doing what he wants to do on a monitor to avoid a  
25 revocation of his sentence, and he was not on house arrest.

1 MR. RUTHERFORD: Your Honor, we disagree that it was done  
2 to avoid the revocation; however, we also would assert that it  
3 doesn't matter. And, in fact, in the Arthur Fields' case, he  
4 was given credit by Judge Maddox for time where he was not  
5 even being monitored but he was simply meeting with the  
6 Attorney General's Office, and the Court said that that was  
7 fine. The Attorney General's Office did not appeal that to  
8 the Supreme Court, and so that is still valid law.

9 We would ask that you give him the credit for those 1,831  
10 days, believing that, again, the Attorney General's Office  
11 still knows all that about him. They know all that about him  
12 because of this GPS monitor. They know all that about him  
13 because he was being monitored during that entire time.

14 Other defendants that show up out of court, they don't  
15 have any information about them because they're not on  
16 anything. They have it on him. We would ask that he get  
17 credit for that time and that the law allows that.

18 MS. WEISS: Your Honor, this was amended in 2023.

19 THE COURT: Was there ever a revocation hearing?

20 MS. WEISS: There was, back when the electronic  
21 monitoring Order was put into place.

22 THE COURT: And the judge declined to revoke his bond?

23 MR. RUTHERFORD: She's talking about before the  
24 electronic monitoring was put on. But, afterwards, no.

25 MS. WEISS: He had the electronic monitoring, but he

1 wanted off of it, and we showed how many times he had violated  
2 it, so the judge allowed him to go to Pennsylvania.

3 THE COURT: Well, you know, the judge didn't find the  
4 violation and kept him out.

5 MS. WEISS: The statute was amended in 2023, which is  
6 after the Arthur Field case. And, you know, I know that other  
7 circuit court judges, just like Judge Maddox, don't have any  
8 bearing on you, but I know that Judge Addy and Judge Cothran,  
9 both in the last month, have said that, if the person was not  
10 on house arrest, there could not be any argument for GPS  
11 credit. So that is under the 2023 amendments.

12 MR. RUTHERFORD: Just so you know, I wrote that law. I  
13 didn't amend it in 2023. And so I don't know what the  
14 amendment is, but it -- exactly as you stated. It is left up  
15 to the sentencing judge, and in this case, it is not Judge  
16 Addy. It is Judge McCaslin. It is her authority to do so.  
17 And the knowledge of the prosecutor as to his movements is  
18 exactly why we're asking for it.

19 THE COURT: Okay. I've heard enough.

20 All right. As far as giving him credit, I generally give  
21 anybody credit for any time that is served as long as there's  
22 not a violation. In this case, there's a violation hearing.  
23 That judge did not find a violation. So I'm going to go  
24 forward with it. The State can always revoke a bond, but you  
25 know, it's always left up to the judge. If the judge felt

1 like it wasn't revocable, then I'm going to give him the  
2 credit that I think he's due.

3 With all of that said, the sentence of the Court is going  
4 to be eight years on both counts to run concurrent. I'll give  
5 him credit for the 1,831 days. Okay?

6 MR. RUTHERFORD: Thank you, Your Honor.

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: I have signed this Permanent Restraining  
9 Order that I am making part of the record. I have also signed  
10 this Consent Order that I'm making part of the record.

11 Good luck to you, Mr. Gibbs.

12 Good luck to you, VICTIM .

13 And thank you, FATHER .

14 VICTIM , you're an awfully pretty girl. You are just  
15 absolutely beautiful. Don't be a victim in your life. You be  
16 a survivor. You hear me? Good luck to you.

17 (The hearing concluded at 1:58 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

R. 48

Todd Rothman

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

2020A3220500118

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-

6025

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August

2020 TERM

**THE STATE**

vs.

**CHAD EUGENE GIBBS**

D.O.B. [REDACTED]

**Indictment for**

**SEXUAL EXPLOITATION OF A MINOR**

**FIRST DEGREE**

Sexual Exploitation  
2nd

**S.C. CODE §16-15-395(A)**

**CDR Code: 0379**

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 )

## INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,  
FIRST DEGREE

At a Court of General Sessions, convened on August, 2020,  
the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, on or about October 11, 2019, commit the crime of Sexual Exploitation of a Minor, First Degree. To wit: Chad Eugene Gibbs, knowing the character or content of the material or performance, did use, employ, induce, coerce, encourage or facilitate a minor, ( [REDACTED] DOB [REDACTED] ), to appear in a state of sexually explicit nudity for the purpose of producing material in a file titled "IMG\_0628.mov" that contains a visual representation depicting this state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 50

Todd Rutherford

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

*Chad E. Gibbs*  
Foreperson of Grand Jury  
Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2020-GS-32- 6026

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

*August* 2020 TERM

**THE STATE**

vs.

**CHAD EUGENE GIBBS**  
D.O.B. [REDACTED]

**Indictment for**

**SEXUAL EXPLOITATION OF A MINOR**  
**FIRST DEGREE**

*Sexual Exploitation  
2nd*

**S.C. CODE §16-15-395(A)**  
**CDR Code: 0379**

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 )

## INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,  
FIRST DEGREE

At a Court of General Sessions, convened on August, 2020,  
the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, on or about October 11, 2019, commit the crime of Sexual Exploitation of a Minor, First Degree. To wit: Chad Eugene Gibbs, knowing the character or content of the material or performance, did use, employ, induce, coerce, encourage or facilitate a minor, ( [REDACTED] DOB [REDACTED] ), to appear in a state of sexually explicit nudity for the purpose of producing material in a file titled "IMG\_0633.mov" that contains a visual representation depicting this state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 52

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32- 6027

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

vs.

**CHAD EUGENE GIBBS**

D.O.B. [REDACTED]

**Indictment for**

**SEXUAL EXPLOITATION OF A MINOR  
FIRST DEGREE**

**S.C. CODE §16-15-395(A)  
CDR Code: 0379**

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.

**NOLLE PROSSED: P.O.C.**

DATE: 2-24-25

**SOLICITOR'S OFFICE**

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| STATE OF SOUTH CAROLINA | ) | INDICTMENT                      |
|                         | ) |                                 |
| COUNTY OF LEXINGTON     | ) | SEXUAL EXPLOITATION OF A MINOR, |
|                         | ) | FIRST DEGREE                    |

At a Court of General Sessions, convened on August, 2020,  
the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, between the dates of June 1 2018 and February 15, 2020, commit the crime of Sexual Exploitation of a Minor, First Degree. To wit: Chad Eugene Gibbs, knowing the character or content of the material or performance, did use, employ, induce, coerce, encourage or facilitate a minor, [REDACTED] DOB [REDACTED]), to appear in a state of sexually explicit nudity for the purpose of producing material in a file that contains a visual representation depicting this state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL

  
ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 54

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6028

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

vs.

**CHAD EUGENE GIBBS**

D.O.B. [REDACTED]

**Indictment for**

**SEXUAL EXPLOITATION OF A MINOR  
FIRST DEGREE**

**S.C. CODE §16-15-395(A)**

**CDR Code: 0379**

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.

**NOLLE PROSSED: P.O.C.**

**DATE: 2-24-25**

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF LEXINGTON )

## INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,  
FIRST DEGREE

At a Court of General Sessions, convened on August, 2020,  
the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, between the dates of June 1 2018 and February 21, 2020, commit the crime of Sexual Exploitation of a Minor, First Degree. To wit: Chad Eugene Gibbs, knowing the character or content of the material or performance, did use, employ, induce, coerce, encourage or facilitate a minor, ( [REDACTED], DOB [REDACTED]), to appear in a state of sexually explicit nudity for the purpose of producing material in a file that contains a visual representation depicting this state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 56

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6029

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**

**D.O.B.** [REDACTED]

**Indictment for**

**SEXUAL EXPLOITATION OF A MINOR,  
THIRD DEGREE**

**SC Code: 16-15-410(A)**

**CDR Code: 0381**

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.

**NOLLE PROSSED: P.O.C.**

**DATE: 2-24-25**

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF LEXINGTON )

## INDICTMENT

SEXUAL EXPLOITATION OF A MINOR,  
THIRD DEGREE

At a Court of General Sessions, convened on August, 2020, the  
Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, on or before February 15, 2020, willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree. To wit: Chad Eugene Gibbs, while knowing the character or content of the material, did possess on his mobile phone, a file "IMG\_0628.mov" that contains a visual representation of a minor ( [REDACTED] DOB [REDACTED] ) depicted in a state of sexually explicit nudity, in Lexington County, as defined by South Carolina Code Section 16-15-375(5) and 16-15-375(6), in direct violation of Section 16-15-410(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 58

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6030

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**

**D.O.B. [REDACTED]**

**Indictment for**

**SEXUAL EXPLOITATION OF A MINOR,  
THIRD DEGREE**

**SC Code: 16-15-410(A)**

**CDR Code: 0381**

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.

**NOLLE PROSSED: P.O.C.**

**DATE: 2-24-25**

**SOLICITOR'S OFFICE**

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| STATE OF SOUTH CAROLINA | ) | INDICTMENT                      |
|                         | ) |                                 |
| COUNTY OF LEXINGTON     | ) | SEXUAL EXPLOITATION OF A MINOR, |
|                         | ) | THIRD DEGREE                    |

At a Court of General Sessions, convened on August, 2020, the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, on or before February 15, 2020, willfully and knowingly commit the crime of Sexual Exploitation of a Minor, Third Degree. To wit: Chad Eugene Gibbs, while knowing the character or content of the material, did possess on his mobile phone, a file "IMG\_0633.mov" that contains a visual representation of a minor ( [REDACTED] DOB [REDACTED] ) depicted in a state of sexually explicit nudity, in Lexington County, as defined by South Carolina Code Section 16-15-375(5) and 16-15-375(6), in direct violation of Section 16-15-410(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 60

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32- 6031

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

vs.

**CHAD EUGENE GIBBS**

D.O.B. [REDACTED]

**Indictment for**

**ATTEMPTED SEXUAL EXPLOITATION  
OF A MINOR FIRST DEGREE**

**S.C. CODE §16-15-395(A)**

**CDR Code: 0379**

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.

**NOLLE PROSSED: P.O.C.**

**DATE: 2-24-25**

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF LEXINGTON )

## INDICTMENT

ATTEMPTED SEXUAL EXPLOITATION  
OF A MINOR, FIRST DEGREE

At a Court of General Sessions, convened on August, 2020,  
the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, did in Lexington County, between the dates of June 1 2018 and February 15, 2020, commit the crime of Attempted Sexual Exploitation of a Minor, First Degree. To wit: Chad Eugene Gibbs, did knowingly use, employ, induce, coerce, encourage or facilitate a minor, [REDACTED], DOB [REDACTED], to appear in a state of sexually explicit nudity for the purpose of producing material in a file that contains a visual representation depicting this state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 62

**WITNESSES**

D. Smith — Lexington Police Dept

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6032

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August, 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**

**D.O.B.** [REDACTED]

**Indictment for**

**CRIMINAL SOLICITATION  
OF A MINOR**

**SC Code: 16-15-0342**

**CDR Code: 2999**

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.

**NOLLE PROSSED: P.O.C.**

**DATE:** 2-24-25

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF LEXINGTON )

## INDICTMENT

## CRIMINAL SOLICITATION OF A MINOR

At a Court of General Sessions, convened on August, 2020,  
the Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, between the dates of June 1 2018 and February 15, 2020, did willfully and knowingly commit the crime of Criminal Solicitation of a Minor. To wit: Chad Eugene Gibbs, a person eighteen years of age or older, did knowingly contact and communicate with a person [REDACTED] DOB [REDACTED] he reasonably believed to be under the age of eighteen, in Lexington County, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5), or a violent crime as defined in Section 16-1-60, or with the intent to perform a sexual activity in the presence of the person reasonably believed to be under the age of eighteen. This is in direct violation of Section 16-15-0342, of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 64

**WITNESSES**

D. Smith — Lexington Police Dept

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6033

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

*August* 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**  
D.O.B. [REDACTED]

**Indictment for**

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR, THIRD DEGREE**

**S.C. CODE §16-03-0655(C)  
CDR Code: 3661**

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.

**NOLLE PROSSED: P.O.C.**

DATE: 2-24-25

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 ) CRIMINAL SEXUAL CONDUCT WITH A MINOR,  
COUNTY OF LEXINGTON ) THIRD DEGREE

At a Court of General Sessions, convened on August, 2020, the  
Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs; on or about February 13, 2020, did willfully and knowingly commit the crime of Criminal Sexual Conduct with a Minor in the Third Degree in Lexington County, South Carolina. To wit: Chad Eugene Gibbs, a person over the age of fourteen, did willfully and lewdly commit or attempt to commit, a lewd or lascivious act upon or with the body, or any part or member thereof, a child (■■■■■, DOB ■■■■■) under the age of sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of §16-3-655(c), Code of Laws of South Carolina, (1976, as amended).

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

OFFICE OF THE ATTORNEY GENERAL

  
ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 66

**WITNESSES**

D. Smith — Lexington Police Dept

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury  
Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32- *6034*

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

*August* 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**  
D.O.B. [REDACTED]

**Indictment for**

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR, THIRD DEGREE**

**S.C. CODE §16-03-0655(C)  
CDR Code: 3661**

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.

**NOLLE PROSSED: P.O.C.**

**DATE:** *2-24-25*

**SOLICITOR'S OFFICE**

At a Court of General Sessions, convened on August, 2020, the  
Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs; between the dates of March 1, 2019 and April 30, 2019, did willfully and knowingly commit the crime of Criminal Sexual Conduct with a Minor in the Third Degree in Lexington County, South Carolina. To wit: Chad Eugene Gibbs, a person over the age of fourteen, did willfully and lewdly commit or attempt to commit, a lewd or lascivious act upon or with the body, or any part or member thereof, a child [REDACTED] DOB [REDACTED]) under the age of sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of §16-3-655(c), Code of Laws of South Carolina, (1976, as amended).

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

OFFICE OF THE ATTORNEY GENERAL

Alan Wilson  
ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 68

**WITNESSES**

D. Smith — Lexington Police Dept

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

*[Signature]*  
Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6035

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

*August* 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**

**D.O.B.** [REDACTED]

**Indictment for**

**CRIMINAL SEXUAL CONDUCT WITH A  
MINOR, THIRD DEGREE**

**S.C. CODE §16-03-0655(C)**

**CDR Code: 3661**

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.

**NOLLE PROSSED: P.O.C.**

**DATE: 2-24-25**

**SOLICITOR'S OFFICE**

|                           |                                       |
|---------------------------|---------------------------------------|
| STATE OF SOUTH CAROLINA ) | INDICTMENT                            |
| )                         |                                       |
| COUNTY OF LEXINGTON )     | CRIMINAL SEXUAL CONDUCT WITH A MINOR, |
|                           | THIRD DEGREE                          |

At a Court of General Sessions, convened on August, 2020, the  
Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs; between the dates of June 1, 2018 and February 15, 2020, did willfully and knowingly commit the crime of Criminal Sexual Conduct with a Minor in the Third Degree in Lexington County, South Carolina. To wit: Chad Eugene Gibbs, a person over the age of fourteen, did willfully and lewdly commit or attempt to commit, a lewd or lascivious act upon or with the body, or any part or member thereof, a child [REDACTED] DOB [REDACTED] under the age of sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child. This incident occurred within the County of Lexington, State of South Carolina, and is in direct violation of §16-3-655(c), Code of Laws of South Carolina, (1976, as amended).

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

OFFICE OF THE ATTORNEY GENERAL

  
ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 70

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/12/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6036

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**

**D.O.B.** [REDACTED]

**Indictment for**

**DISSEMINATING OBSCENE MATERIAL  
TO PERSON UNDER AGE EIGHTEEN**

South Carolina Common Law and

SC Code: 16-15-345

CDR Code: 0375

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.

**NOLLE PROSSED: P.O.C.**

**DATE:** 2-24-25

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF LEXINGTON )

## INDICTMENT

DISSEMINATING OBSCENE MATERIAL  
TO PERSON UNDER AGE EIGHTEEN

At a Court of General Sessions, convened on August, 2020, the  
Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, on or about the dates of between the dates of September 1 2019 and December 31, 2019, did willfully and knowingly commit the crime of Disseminating Obscene Material to Person under the age of Eighteen. To wit: Chad Eugene Gibbs, a person eighteen years of age or older, did knowingly disseminate to a person under the age of eighteen, ( [REDACTED] DOB [REDACTED] ), material which he knew or reasonably should have known to be obscene within the meaning of Section 16-15-305, of the South Carolina Code of Laws (1976), as amended. This occurred in Lexington County and is in direct violation of Section 16-15-345 of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

R. 72

**WITNESSES**

D. Smith — Lexington Police Dept.

**ARREST WARRANT NUMBER**

Direct Presentment

**ACTION OF GRAND JURY**

**TRUE BILL**

Foreperson of Grand Jury

Date: 8/10/20

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2020-GS-32-6037

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

August 2020 TERM

**THE STATE**

**vs.**

**CHAD EUGENE GIBBS**

**D.O.B.** [REDACTED]

**Indictment for**

**DISSEMINATING OBSCENE MATERIAL  
TO PERSON UNDER AGE EIGHTEEN**

South Carolina Common Law and

SC Code: 16-15-345

CDR Code: 0375

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.

**NOLLE PROSSED: P.O.C.**

**DATE:** 2-24-25

**SOLICITOR'S OFFICE**

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF LEXINGTON )

## INDICTMENT

DISSEMINATING OBSCENE MATERIAL  
TO PERSON UNDER AGE EIGHTEEN

At a Court of General Sessions, convened on August, 2020, the  
Grand Jurors of Lexington County present upon their oath:

That Chad Eugene Gibbs, on or about the dates of between the dates of January 1, 2020 and February 15, 2020, did willfully and knowingly commit the crime of Disseminating Obscene Material to Person under the age of Eighteen. To wit: Chad Eugene Gibbs, a person eighteen years of age or older, did knowingly disseminate to a person under the age of eighteen, [REDACTED] DOB [REDACTED], material which he knew or reasonably should have known to be obscene within the meaning of Section 16-15-305, of the South Carolina Code of Laws (1976), as amended. This occurred in Lexington County and is in direct violation of Section 16-15-345 of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL



ALAN WILSON (DTC)  
ATTORNEY GENERAL

## ARREST WARRANT

2020A3220500118

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LEXINGTON

THE STATE

against



CHAD EUGENE GIBBS

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: W Height: 6-1 Weight: 180

DL State: SC DL#: [REDACTED]

DOB: [REDACTED] Agency ORI#: SC0320400

Prosecuting Agency: TOWN OF LEXINGTON POLICE

Prosecuting Officer: DET. D SMITH

Offense: SEXUAL EXPLOITATION OF A MINOR,

FIRST DEGREE Offense Code: 0379

Code/Ordinance Sec. 16-15-0395 (A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

Date:

Date

Time

## RETURN

A copy of this arrest warrant was delivered to defendant CHAD EUGENE GIBBS

on FEB. 22 2020

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

BRIAN JEFFCOAT, MUNICIPAL JUDGE

111 MAIDEN LANE

LEXINGTON, SC 29072

(803) 951-4634

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LEXINGTON

## AFFIDAVIT

Personally appeared before me the affiant DETECTIVE D. SMITH who

being duly sworn deposes and says that defendant CHAD EUGENE GIBBS

did within this county and state on 10/11/2019 to 10/11/2019 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LEXINGTON )

in the following particulars:

DESCRIPTION OF OFFENSE: 16-15-0395 (A) / SEXUAL EXPLOITATION OF A MINOR, FIRST DEGREE

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON OCTOBER 11TH, 2019 THE DEFENDANT CHAD EUGENE GIBBS DID COMMIT THE OFFENSE OF FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR WHILE AT [REDACTED] WHICH IS LOCATED WITHIN THE TOWN LIMITS OF LEXINGTON SC. THE DEFENDANT DID TAKE A VIDEO OF THE VICTIM, WHO IS HIS 15 YEAR OLD STEPDAUGHTER WITHOUT HER KNOWLEDGE OR CONSENT BY PLACING HIS PHONE UNDER HER BATHROOM DOOR WHILE SHE WAS IN A STATE OF SEXUALLY EXPLICIT NUDITY FOR THE PURPOSE OF SEXUAL STIMULATION.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

LEXINGTON

Affiant's Address 111 MAIDEN LANE  
LEXINGTON SC 29072

Affiant's Telephone 803-358-7262

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 10/11/2019 defendant CHAD EUGENE GIBBS

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LEXINGTON ) as set forth below:

DESCRIPTION OF OFFENSE: SEX / SEXUAL EXPLOITATION OF A MINOR, FIRST DEGREE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me )

on 02/21/2020 2:37pm  
Date Time (L.S.)

BRIAN JEFFCOAT

Judge Code: 6903

Judge's Address 111 MAIDEN LANE  
LEXINGTON SC 29072

Judge's Telephone 803-951-4634

Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

ORIGINAL

Case: 20000705

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 618

BAIL set by  
Judge 75  
on 2/22/2020  
Type and Amount: \$0,000.00  
Name of Surety: SD

**PRELIMINARY HEARING held by**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
Defense Attorney: \_\_\_\_\_  
Decision: \_\_\_\_\_

**DISPOSITION before**

Judge \_\_\_\_\_  
on \_\_\_\_\_  
by \_\_\_\_\_  
(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_  
Sentence: \_\_\_\_\_

**JURORS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSES**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**CODEFENDANTS**

\_\_\_\_\_  
\_\_\_\_\_

FILED  
2020 FEB 25 PM 1:17  
LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

## ARREST WARRANT

2020A3220500120

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of  
LEXINGTONTHE STATE  
against

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of  
LEXINGTON

ORIGINAL AFFIDAVIT

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SDCA 618

Personally appeared before me the affiant DETECTIVE D. SMITH who  
being duly sworn deposes and says that defendant CHAD EUGENE GIBBS  
did within this county and state on 10/11/2019 to 10/11/2019 violate the criminal laws of the  
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of LEXINGTON)  
in the following particulars:

DESCRIPTION OF OFFENSE: 16-17-0470 (B) / VOYEURISM

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

THAT ON OCTOBER 11TH, 2019 THE DEFENDANT CHAD EUGENE GIBBS DID COMMIT THE OFFENSE OF VOYEURISM WHILE AT  
[REDACTED] WHICH IS LOCATED WITHIN THE TOWN LIMITS OF LEXINGTON SC. THE DEFENDANT DID TAKE A VIDEO OF THE VICTIM, WHO IS HIS 15  
YEAR OLD STEPDAUGHTER WITHOUT HER KNOWLEDGE OR CONSENT BY PLACING HIS PHONE UNDER HER BATHROOM DOOR WHILE SHE  
WAS IN A STATE OF SEXUALLY EXPLICIT NUDITY FOR THE PURPOSE OF SEXUAL STIMULATION.

CHAD EUGENE GIBBS

Address: [REDACTED]  
Phone: [REDACTED] SSN: [REDACTED]  
Sex: M Race: W Height: 6-1 Weight: 180  
DL State: SC DL#: [REDACTED]  
DOB: [REDACTED] Agency ORI#: SC0320400  
Prosecuting Agency: TOWN OF LEXINGTON POLICE  
Prosecuting Officer: DET. D SMITH  
Offense: VOYEURISM  
Offense Code: 2865  
Code/Ordinance Sec. 16-17-0470 (B)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused  
is to be arrested and brought before me to be  
dealt with according to law.

Signature of Judge

(L.S.)

Date: \_\_\_\_\_  
Date Time

## RETURN

A copy of this arrest warrant was delivered to  
defendant CHAD EUGENE GIBBS  
on FEB. 22 2020

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRIAN JEFFCOAT, MUNICIPAL JUDGE  
111 MAIDEN LANE  
LEXINGTON, SC 29072  
(803) 951-4634

Signature of Affiant

STATE OF SOUTH CAROLINA  
☐ County/ ☒ Municipality of  
LEXINGTON

Affiant's Address 111 MAIDEN LANE  
LEXINGTON SC 29072  
Affiant's Telephone 803-358-7262

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that  
on 10/11/2019 defendant CHAD EUGENE GIBBS

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of LEXINGTON as set forth below:DESCRIPTION OF OFFENSE: SEX / VOYEURISM, VIOLATING PLACE OF PRIVACY, VIEWS,  
PHOTOGRAPHS, RECORDS OR FILMS, 1ST OFFENSE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said  
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered  
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 02/21/2020  
Date Time (L.S.)

BRIAN JEFFCOAT

Judge Code: 6999

Judge's Address 111 MAIDEN LANE  
LEXINGTON SC 29072

Judge's Telephone 803-951-4634Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

Case: 20000705

ORIGINAL

BAIL set by 68  
 Judge 2/22/2020  
 on 50,000.00  
 Type and Amount: 50  
 Name of Surety: SA

PRELIMINARY HEARING held by

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 Defense Attorney: \_\_\_\_\_  
 Decision: \_\_\_\_\_

DISPOSITION before

Judge \_\_\_\_\_  
 on \_\_\_\_\_  
 by \_\_\_\_\_  
 (indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: \_\_\_\_\_  
 Sentence: \_\_\_\_\_

JURORS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WITNESSES

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
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 Name: \_\_\_\_\_  
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 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

CODEFENDANTS

\_\_\_\_\_  
 \_\_\_\_\_

FILED  
 2020 FEB 25 PM 1:17  
 LISA M. COMER  
 CLERK OF COURT  
 LEXINGTON SC

COUNTY OF LEXINGTON

STATE vs.  
CHAD EUGENE GIBBS

AKA: \_\_\_\_\_ SSN: \_\_\_\_\_

RACE: W SEX: M DOB: \_\_\_\_\_

INDICTMENT/CASE#: 2020 -GS- 32 - 6025

AW#: 2020A3220500118

Date of Offense: 10/11/2019

S.C. Code §: 16-15-395(A)

CDR Code #: 0379

Range of Offense: not less than 3 years and no more than 20 years imprisonment

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☒ PLEADS

TO: Sexual Exploitation 2nd Degree Range of Offense Pled not less than 2 years and no more than 10 years imprisonment

In violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45  
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

Heather S. Weiss

16700

Asst. Att. Gen.

SC Bar #

Todd Rutherford

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 8 days/months/years/Time Served ☐ YOA NTE \_\_\_\_\_ years and/or shall pay a

fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment

of \$ \_\_\_\_\_ plus costs and assessments as applicable\*; balance is suspended with probation for \_\_\_\_\_ months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.1831 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

## SPECIAL CONDITIONS:

☐ PTUP☒ No Contact with Victim ☐ Domestic Violence Intervention Program☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: \_\_\_\_\_☐ Hold for Inpatient Treatment☐ SAC/MHC if necessary☐ RESTITUTION See Separate Order

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees.☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

\$

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

\$

TOTAL

125.00

Clerk of Court/Deputy Clerk

Court Reporter

Judge Code

Sentence Date

Presiding Judge

SCCA217B  
2025-01-27

## STATE OF SOUTH CAROLINA

## Sentence Order

## IN THE COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTONINDICTMENT/CASE#: 2020 -GS- 32 R. 79AW#: DIRECT PRESENTMENTDate of Offense: 10/11/2019S.C. Code §: 16-15-395(A)CDR Code #: 0379Range of Offense: not less than 3 years and no more than 20 years imprisonmentSTATE vs.  
CHAD EUGENE GIBBS

AKA: \_\_\_\_\_ SSN: \_\_\_\_\_

RACE: W SEX: M DOB: \_\_\_\_\_In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☒ PLEADSTO: Sexual Exploitation 2nd Degree Range of Offense Pled not less than 2 years and no more than 10 years imprisonmentIn violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45  
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☒ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation \_\_\_\_\_

Heather S. Weiss 16700

Asst. Att. Gen. SC Bar # \_\_\_\_\_

Todd Rutherford

Attorney for Defendant SC Bar # 12097The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 8 days/months/years/Time Served ☐ YOA NTE \_\_\_\_\_ years and/or shall pay a

fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years/Time Served and or payment

of \$ \_\_\_\_\_ plus costs and assessments as applicable\*; balance is suspended with **probation** for \_\_\_\_\_ months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.1831 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

## SPECIAL CONDITIONS:

- ☐ PTUP \_\_\_\_\_
- ☒ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
- ☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ SAC/MHC if necessary
- ☒ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: \_\_\_\_\_

☐ RESTITUTION See Separate Order

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

\$

\$100 \$ 100

\$100 \$

\$12 \$

\$25 \$

\$25 \$ 25

\$150 \$

\$41 \$

\$50 \$

\$40/ea \$

TBD \$

\$500 \$

\$40 \$

TOTAL 125.00

Clerk of Court/Deputy Clerk

Michael Jones

Court Reporter

Judge Code 2769Sentence Date 2/24/25Presiding Judge Debra McCalliSCCA217B  
2025-01-27

W3

BAIL PROCEEDING  
FORM II

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF Lexington

IN THE General Sessions

2020 FEB 26 AM 10:54

LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

D.C. Gibbs, Chad Eugene  
NAME OF DEFENDANT

Offense Charged: Sex / Sexual exploitation of a minor, First degree-[2020A3220500118]; Sex / Voyeurism, violating place of privacy, views, photographs, records or films, 1st offense-[2020A3220500120]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- ☒ The release of the defendant on recognizance will not reasonably assure his appearance as required.  
☒ The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: \_\_\_\_\_

Nature of Circumstances of Offense \_\_\_\_\_

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

**THEREFORE, IT IS HEREBY ORDERED:**

- That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
- That the above named defendant be released from custody provided as follows (check all that apply):

**CASH IN LIEU OF BOND**

☐ The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

**CASH PERCENTAGE IN LIEU OF BOND**

☐ The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ % (not to exceed 10%) of the full amount of the bond, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

**APPEARANCE RECOGNIZANCE WITH SURETY**

☐ The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ \_\_\_\_\_.

3. That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on April 02, 2020 at 9:00 o'clock, A.M., at General Sessions - Mark H. Westbrook Judicial Center/205 East Main Street/Lexington, SC 29072 / (803) 785-8212 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of ☐ MAGISTRATE COURT ☐ MUNICIPAL COURT beginning on \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ at \_\_\_\_\_  
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$100,000.00 (CS) or \$100,000.00 (SB)

INITIALS OF DEFENDANT CG

\*\*Must have GPS Monitoring prior to release\*\*

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

G  
SIGNATURE OF JUDGE

02/22/2020

DATE

## ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS

SIGNATURE OF DEFENDANT

CITY/STATE/ZIP

TELEPHONE

DATE

SOCIAL SECURITY NUMBER

DRIVER'S LICENSE OR ID NUMBER

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

## SPECIAL CONDITIONS OF RELEASE

a. ☐ Placement in custody. The defendant is placed in the custody of:

NAME OF PERSON OR ORGANIZATION

ADDRESS

CITY/STATE

ZIP

TELEPHONE

who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED)

DATE

b. ☐ Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. ☐ Part-time Release. The defendant will be released from custody from \_\_\_\_\_ o' clock, \_\_\_\_\_ to \_\_\_\_\_ o' clock, \_\_\_\_\_

TIME

AM/PM

TIME

AM/PM

on \_\_\_\_\_ on condition that he return to the custody of \_\_\_\_\_

DATE(S)

NAME OF PERSON OR ORGANIZATION

at \_\_\_\_\_ as designated.

LOCATION

d. ☐ Other conditions. The defendant will comply with the following other conditions of release:

Must Notify Court Immediately of Change of Address; The Defendant must have no contact directly or indirectly with the victim; Do Not Return to Incident Location / Victim's Residence. GPS Monitoring

## APPEARANCE RECOGNIZANCE WITH SURETY

On the 22nd day of Feb., 2020, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of \$ \$100,000.00, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY

TELEPHONE

SIGNATURE OF SURETY BONDSMAN

ADDRESS OF SURETY BONDSMAN

CITY/STATE/ZIP

SIGNATURE OF JUDGE

NAME OF INSURANCE COMPANY

DATE

ADDRESS OF INSURANCE COMPANY

CITY/STATE/ZIP

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF GENERAL SESSIONS  
Warrant Nos. 2020A3220500118, 120

STATE of SOUTH  
CAROLINA,

-v-

CHAD GIBBS,  
*Defendant.*

ORDER CONCERNING BOND

FILED  
2020 JUL 23 PM 2:26  
LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

Addy, J.

THIS MATTER CAME BEFORE THE COURT on July 21, 2020 on Mr. Gibbs' motion to modify his bond. Due to the current COVID-19 health concerns and the suspension of court terms, the bond hearing was held via remote video conferencing with the consent of all concerned. Mr. Gibbs is charged with two offenses outlined in the above warrants. He was represented by Vicki Koutsogiannis, Esq., and the State was represented by Assistant Attorney General David Collier. The Court finds as follows.

The Court was given a brief factual overview of the allegations which are very concerning and informed that Mr. Gibbs has no criminal history of any kind. Mr. Gibbs is currently out on a \$100,000 bond set by the lower court, and a condition of his bond is GPS monitoring. He is currently living in Pennsylvania, his estranged wife is residing in Lexington, and his minor step-children, the alleged victims, are presently residing in California. Mr. Gibbs is requesting that the Court remove the GPS monitoring requirement due to the fact that he is only earning minimum wage and the cost of monitoring is roughly \$240 per month. The State requests that certain restrictions be placed on Mr. Gibbs' use of the internet and that he be restrained from any contact with his estranged wife.

The Court received statements from Mr. Gibbs' estranged wife, the minors involved, and

214  
① 1 3

law enforcement. Clearly, these allegations have affected everyone deeply. At this point, however, the Court may legally consider only two factors as it relates to any bond conditions: risk of flight and danger to the community. The following facts inform the Court's ruling: First, Mr. Gibbs is currently residing out of state with no apparent objection to this arrangement from the State. Second, he has no criminal history. Third, those involved are physically separated by thousands of miles.

Turning to Mr. Gibbs' motion, the Court declines to remove the GPS monitor. The Court wishes to emphasize that this is not because of the concerns expressed by the children and Mrs. Gibbs. Rather, with Mr. Gibbs residing out of state, GPS monitoring helps ensure the primary purpose of bond – that he will appear for trial when his case is called. To permit a defendant to reside out of state while his charges are pending is rare enough, but to permit him to do so without some level of supervision is unheard of in this jurist's experience. Accordingly, Mr. Gibbs' motion to modify bond to eliminate the GPS requirement is denied.

Turning to the State's motion, the Court declines to modify bond in the manner requested by the State. As it relates to the State's motion to include Mrs. Gibbs within the purview of the no-contact provision, the Court was informed that Mr. and Mrs. Gibbs are engaged in family court litigation, and that venue is the proper court to address Mrs. Gibbs' request.<sup>1</sup> As it relates to the State's motion to prohibit Mr. Gibbs from any internet usage aside from that necessary for work, shopping, news, or food delivery, the Court does not see how such a provision would be enforceable with Mr. Gibbs residing out of state, and this jurist has always been extremely hesitant to order something which cannot be enforced on a practical level.<sup>2</sup>

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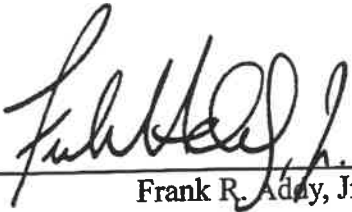
<sup>1</sup> The Court did admonish Mr. Gibbs that he's not making anything better or easier for himself or his case by communicating inappropriate or incendiary comments to Mrs. Gibbs, and he appeared to understand and appreciate what the Court was attempting to relate.

<sup>2</sup> That said, Mr. Gibbs is now fully aware of the extent the State can obtain information from the internet and the

211 213

Accordingly, the Court declines to modify bond in the manner sought by the parties. The Court fully appreciates the financial strain involved with GPS monitoring. Therefore, should this case remain unresolved in January, 2021, Mr. Gibbs may repetition the Court *de novo* to permit removal of the GPS, and the Court will likely be more friendly to such a motion if the Court is informed that there have been no further instances of inappropriate or uncivil conduct.

**IT IS SO ORDERED.**

  
Frank R. Adley, Jr.  
Chief Administrative Judge

July 23, 2020  
Greenwood, South Carolina

**FILED**  
2020 JUL 23 PM 2:26  
LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC

---

trouble he finds himself in due to alleged internet searches which he purportedly conducted. To quote Twain, "There's nothing to be learned from the second kick of a mule."

STATE OF SOUTH CAROLINA

}

IN THE COURT OF GENERAL SESSIONS  
FOR THE ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON

}

State of South Carolina,

}

Case No.: 2020-GS-32-6025-6037

vs.

}

**ORDER SETTING DEFENDANT'S BOND**

Chad Eugene Gibbs,

}

}

Defendant.

}

}

}

A hearing was held on August 26, 2020, for the purpose of setting bond on the above-referenced indictments. Appearing at the call of the case was the defendant accompanied by his attorney James R. Snell, Jr. David Collier, Esq., appeared on behalf of the South Carolina Attorney General's Office.

The defendant was previously charged with Sexual Exploitation of a Minor 1<sup>st</sup> Degree and Voyeurism on February 15, 2020. At that time he was released from the Lexington County Detention Center on a total of \$100,000 surety bond, required to submit to electrotonic monitoring, ordered to have no contact with the alleged victim, and authorized to reside out of state during the pendency of this matter.

Mr. Collier shared the State's position in that a high-surety bond was appropriate based on the seriousness of the charges. He also requested that Mr. Gibbs have no contact with his wife, alleged victim's father, or her minor-brother. The court adds these additional no-contact provisions as a condition of the defendant's bond, and the defendant should communicate with his wife through her family court attorney. In the event that it is determined that she does not have an attorney for their pending family court case then he must raise the issue of the methods of communication with her to the family court and comply with that court's instructions. Otherwise he is to have no direct contact with his wife (MOTHER [REDACTED]), alleged victim's father (FATHER [REDACTED]), and alleged-victim's minor-brother.

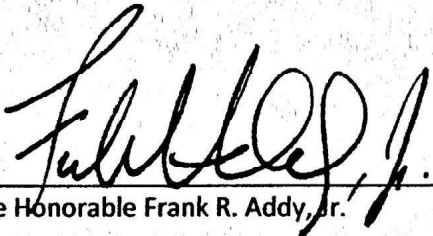
The defendant requested permission from the court to relocate to Atlanta during the pendency of this matter. The court will grant that request on the condition that the defendant not reside with

anyone under 16 years of age. In the event that the defendant does intend on relocating he must notify the Clerk of Court and the Attorney General's office of his new address (and it is expected that this notification will be made through his counsel).

The defendant also confirmed, on the record, that he submits to the jurisdiction of this court and agrees to report for all required court appearances.

THEREFORE, the court hereby confirms that the bond previously posted by the defendant is sufficient, and nothing further is required. The defendant is eligible to be released immediately after completing the required booking procedure on these indictments. All other terms and conditions remain in-place, including GPS monitoring.

IT IS ORDERED!

  
The Honorable Frank R. Addy, Jr.

August 26, 2020  
Lexington, South Carolina

FILED

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF LEXINGTON ) ELEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA ) **ORDER CLARIFYING BOND**  
LEXINGTON SC )

VS. ) WARRANTS AND INDICTMENTS:  
) 2020-GS-32-6025-6037 and 2020A3220500118, 120  
Chad Gibbs )  
DEFENDANT )

This matter comes before the court upon a motion held virtually with the consent and appearance of all parties on January 26, 2020 before the Honorable Walton J. McLeod with a consent order by Heather S. Weiss, Senior Assistant Deputy Attorney General and James Snell, Attorney for the Defendant to clarify the bond orders issued by Judge Frank R. Addy on July 21 and August 26, 2020 and February 22, 2020 in bond court regarding the above mentioned indictments and warrants. The court ordered a **\$100,000 surety bond on all charges**. Furthermore, the court ordered the following conditions: 1) GPS monitoring; 2) No contact directly or indirectly with victim, victim's family including her mother, father or brother 3) do not return to Incident Location/Victim's Residence 4) Must notify court immediately of change of address; 5) authorized to reside out of state; 6) family court related contact only through attorneys or as directed by family court; 7) may relocate to Atlanta once the clerk of court and Attorney General's Office are made aware through his counsel of his new address and he does not reside with anyone under the age of 16; 8) defendant must appear in court when called.

The defendant, Chad Gibbs, resides in Pennsylvania and wishes to reside there while on bond as previously ordered in the Defendants initial bond hearing. The defendant agrees and understands that he is required to remain in Pennsylvania (unless permitted to then reside in Atlanta) except to attend court related proceedings or to visit his attorney of record or experts pertaining to the defense of his case. The defendant is allowed to travel to the states adjoining Pennsylvania for work purposes with advance notice to his bondsman. The defendant also understands that he is required to attend all court hearings set by the court whether they be in person or virtually as set by the court due to COVID and that his bond will be violated should he not appear. The defendant also previously agreed to extradition on the record upon receiving his

indictments.

The defendant is voluntarily agreeing to keep the GPS monitor on at his own expense rather than push for the monitor to be removed as previously requested in his motion to the court. The Defendant agrees to an exclusionary zone with the GPS monitoring company to include the alleged victim/alleged victim's family's home to also include the neighborhood in which the alleged victim and alleged victim's family reside, or as directed otherwise by family court. Should the defendant be directed by family court to return to the alleged victim's neighborhood or alleged victims' home, the defendant understands that he must inform his attorney and provide a copy of the order for them to inform the prosecutor to avoid a bond violation. It is also ordered that the GPS monitoring company report any violation of this order to the attorney for the defense and the prosecutor at the Attorney General's Office.

The Defendant understands that a violation of bond would be considered leaving Pennsylvania without notice to the bonding company and attorneys and only permit travel directly to the court or his attorney's office and back to Pennsylvania (unless the travel was permitted by the court to exceed attorney visits), entering the neighborhood of the incident location without court permission, tampering with equipment, etc. The Defendant understands that he must notify his attorney and the court of any intended trips and locations and that they must be approved by the court, as a standard condition of bond, if outside the required court and attorney meetings and his attorney must provide the court approved changes to the monitoring company or they will be treated as a violation.

The Defendant is voluntarily consenting to the listed bond restrictions without prejudice. The Defendant can petition the court at any time should he wish to seek modification to these bond restrictions or restrictions already in place prior to this order after May 1<sup>st</sup>, 2021.

**THEREFORE, IT IS ORDERED that bond remains in the amount of \$100,000.00 surety to be run concurrent.**

IT IS FURTHER ORDERED that the Defendant abide by the following conditions:

- 1) GPS monitoring to monitor the conditions set forth in this order;**
- 2) No contact directly or indirectly with the alleged victim, alleged victim's family and/or potential witnesses for the prosecution, provided advance written notice**

has been provided to defendant's counsel by the prosecution specifically naming potential witnesses;

- 3) An exclusionary zone with the GPS monitoring company will be created to ensure that the defendant may not go to incident location;
- 4) Notification of any intended trips and locations to be approved by the court if outside the required court and attorney meetings and provided to the GPS monitoring company and the Attorney General's Office by defense counsel;
- 5) Defendant may remain in Pennsylvania at the updated address provided to the court and the Attorney General's office by his counsel as long as he is not residing with anyone 16 years of age or younger and if his minor nephew comes to visit his mother with whom he resides, that he is not left alone with him or any minor under the age of 16;
- 6) Defendant must remain in Pennsylvania unless travelling directly to a court related matter or to his attorney's office and returning directly to Pennsylvania, unless already permitted to travel by the court outside of attorney's visits.

Monitoring company will be notified in advance of any travel outside Pennsylvania by defense counsel.;

- 7) Any other conditions not listed or amended by these conditions remain in effect;
- 8) Any violation of this order shall be reported immediately to the Attorney General's Office and the defense counsel of record at the contact information provided below.

AND IT IS SO ORDERED

This 10 day of FEB, 20 21 in Lexington County.

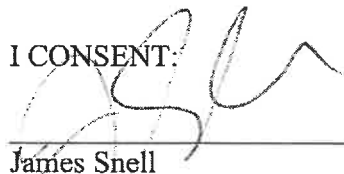
  
Honorable Walton J. McLeod, III  
Judge, Eleventh Judicial Circuit

I CONSENT:



Heather S. Weiss  
Senior Assistant Deputy Attorney General  
803-734-3196

I CONSENT:



James Snell  
Attorney for the Defense  
803-359-3301

FILED

STATE OF SOUTH CAROLINA ) IN THE COURT OF GENERAL SESSIONS  
COUNTY OF LEXINGTON ) ELEVENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA )  
LISA M. COMER  
CLERK OF COURT  
LEXINGTON SC ) **CONSENT ORDER TO TRAVEL**

VS. ) WARRANTS AND INDICTMENTS:  
) 2020-GS-32-6025-6037 and 2020A3220500118, 120  
Chad Gibbs )  
DEFENDANT )

The Defendant was arrested and charged with Sexual Exploitation of a Minor 1st & Voyeurism on or about February 15, 2020. As conditions of his bond, the Defendant is to ask for the courts permission to travel out of Pennsylvania, where he resides. The Defendant is to also inform his bondsman and monitoring company of his travel. The Defendant is requesting permission to travel to Maine. The Defendant will be departing Pennsylvania at 8AM, Friday, February 12, and arriving in Boston Massachusetts around 3PM where he will be staying at the hotel Indigo. The Defendant will then be departing Boston on Saturday, February 13 and then arriving in Portland Maine around 12PM Saturday, where he will be staying at the Westin Portland. The Defendant will then be departing Portland Maine on Monday, February 15 at approximately 9AM and arriving in Pennsylvania between 4 and 6PM.

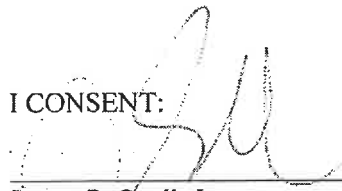
With the consent of the Prosecutor, Heather Weiss, with the South Carolina Attorney General's Office, the Defendant is permitted to leave the state of Pennsylvania from February 12<sup>th</sup> until February 15<sup>th</sup>, 2021. The Defendant remains responsible for notifying his attorney when he has returned back to Pennsylvania and his bondsman so that the prosecutor can then be made aware of his return. All other conditions of bond will remain in place

AND IT IS SO ORDERED

This 12 day of FEB, 2021 in Lexington County.

  
Honorable Walton J. McLeod, III  
Judge, Eleventh Judicial Circuit

I CONSENT:

  
James R. Snell, Jr.  
Attorney for Defendant  
803-359-3301

I CONSENT:

  
Heather Weiss  
SC Attorney General's Office  
803-734-3196

FILED

2025 FEB 28 PM 1:59

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALSLISA M. COMER  
CLERK OF COURT  
LEXINGTON, SCAppeal from Lexington County  
Honorable Debra R. McCaslin, Circuit Court Judge  
Indictment Nos. 2020-GS-32-6025 & 2020-GS-32-6026

THE STATE,

Appellant,

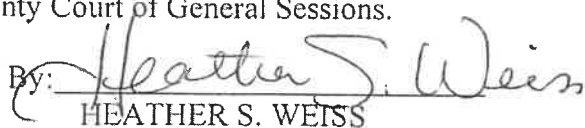
vs.

CHAD EUGENE GIBBS,

Respondent.

## NOTICE OF APPEAL

The State appeals the grant of credit for time served pursuant to Section 24-13-40 to Chad Eugene Gibbs as part of his sentence in this case. The Honorable Debra R. McCaslin, circuit court judge, sentenced Gibbs and granted the credit for time served being appealed over the State's objection on February 24, 2025, after Gibbs was convicted of two counts of second-degree sexual exploitation of a minor in the Lexington County Court of General Sessions.

By: HEATHER S. WEISS  
S.C. Bar Number 16700  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727  
ATTORNEY FOR APPELLANT

February 26, 2025

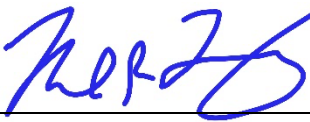
Other Counsel of Record:James Todd Rutherford, Esq.  
The Rutherford Law Firm, LLC  
Post Office Box 1452  
Columbia, SC 29202  
(803) 256-3003  
ATTORNEY FOR RESPONDENT

## **CERTIFICATE OF COUNSEL**

Counsel for Appellant certifies this Record on Appeal contains all material proposed to be included by the parties and not any other material and 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.”

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Deputy Attorney General

BY:   
Mark R. Farthing  
S.C. Bar Number 76901

ATTORNEYS FOR APPELLANT

September 15, 2025

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY  
Honorable Debra R. McCaslin, Circuit Court Judge  
Appellate Case No. 2025-000368

**RECEIVED**

DEC 17 2025

SC Court of Appeals

The State,

Appellant,

v.

Chad Eugene Gibbs,

Respondent.

AMENDED FINAL BRIEF OF RESPONDENT

J. Todd Rutherford, Esq. (12097)  
Austin D. Nichols, Esq. (105026)  
**RUTHERFORD LAW FIRM**  
1315 Blanding Street (29201)  
P.O. Box 1452  
Columbia, South Carolina 29202  
Phone No.: (803) 256-3003  
Fax No.: (803) 256-9698  
todd@rutherford.law  
austin@rutherford.law  
Attorneys for Respondent

## **TABLE OF AUTHORITIES**

### **CASES**

|                                                                                               |      |
|-----------------------------------------------------------------------------------------------|------|
| <i>Allen v. State</i> , 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) .....                   | 8    |
| <i>Hodges v. Rainey</i> , 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000).....                    | 6    |
| <i>In re Hosp. Pricing Litig., King v. AnMed Health</i> , 377 S.C. 48, 54 (2008).....         | 5    |
| <i>Reese v. Talbert</i> , 237 S.C. 356, 358 (1960) .....                                      | 5    |
| <i>State v. Ferguson</i> , 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952).....                  | 9    |
| <i>State v. Franklin</i> , 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976).....                 | 8    |
| <i>State v. Johnson</i> , 376 S.C. 8, 13, 654 S.E.2d 835, 837 (2007).....                     | 8    |
| <i>State v. Plumer</i> , 439 S.C. 347, 350 n.3, 887 S.E.2d 134, 137 n.3 (Ct. App. 2023) ..... | 9    |
| <i>State v. Sweat</i> , 386 S.C. 339, 345, 688 S.E.2d 569, 572 (2010).....                    | 4    |
| <i>State v. Varner</i> , 310 S.C. 264, 266, 423 S.E.2d 133, 134 (1992).....                   | 4, 5 |
| <i>State v. Williams</i> , 301 S.C. 369, 392 S.E.2d 181 (1990).....                           | 4, 5 |

### **STATUTES**

|                                 |         |
|---------------------------------|---------|
| S.C. Code Ann. § 24-13-40 ..... | 3, 5, 8 |
|---------------------------------|---------|

### **STATEMENT OF THE CASE**

On February 15, 2020, Respondent Gibbs was arrested following allegations of sexual exploitation of a minor. He was later indicted on multiple counts of first-degree sexual exploitation of a minor and related offenses. Gibbs was released on bond with conditions, including continuous GPS monitoring. (Bond Order, Feb. 2020). At no point was Gibbs's bond revoked, and he remained under electronic monitoring and strenuous restrictions until the resolution of his case. (Bond Orders, July 2020; Aug. 2020; Feb. 2021).

On February 24, 2025, Respondent entered guilty pleas to two counts of second-degree sexual exploitation of a minor. The court sentenced Gibbs to an aggregate term of eight years' imprisonment. Exercising her discretion, the plea judge, Hon. Debra R. McCaslin ("Judge McCaslin") awarded Respondent 1,831 days of credit for time served. In doing so, the judge acknowledged the State's argument but determined that Respondent's bond conditions warranted credit.

The State now argues that because Respondent's bond conditions did not expressly state that he was placed on "monitored house arrest," the plea judge exceeded her authority under S.C. Code Ann. § 24-13-40. Respondent submits Judge McCaslin's sentence was well within statutory limits, the credit determination was a matter of judicial discretion upon a totality review of the facts and mitigation, and under settled South Carolina law, such a sentence is not subject to appellate disturbance absent illegality or abuse of discretion.

#### STANDARD OF REVIEW

Questions of statutory interpretation are reviewed de novo. *State v. Sweat*, 386 S.C. 339, 345, 688 S.E.2d 569, 572 (2010). However, where a statute vests discretion in the trial court — such as whether to award credit for time served — appellate review is for abuse of discretion. *State v. Varner*, 310 S.C. 264, 266, 423 S.E.2d 133, 134 (1992). An abuse of discretion occurs only when the ruling is based on an error of law or is without evidentiary support. *State v. Williams*, 301 S.C. 369, 392 S.E.2d 181 (1990).

Thus, even if this Court reviews the meaning of “monitored house arrest” de novo, it must defer to the plea judge’s discretionary application of the statute unless the ruling clearly exceeded statutory authority.

### **ARGUMENT IN REPLY**

#### **I. THE STATE’S “PLAIN MEANING” ARGUMENT OVERLOOKS THE BREADTH OF TRIAL COURT DISCRETION.**

The State maintains that S.C. Code Ann. § 24-13-40 only permits credit for the literal phrasing “monitored house arrest.” That interpretation reads the statute too narrowly and ignores this Court’s consistent recognition that trial judges retain broad sentencing discretion. *See State v. Varner*, 310 S.C. 264, 266, 423 S.E.2d 133, 134 (1992) (“A sentencing judge is given *wide discretion* within statutory limits.”) (emphasis added); *State v. Williams*, 301 S.C. 369, 392 S.E.2d 181 (1990) (credit for time served requires a fact-specific inquiry into restrictions on liberty).

S.C. Code Ann. § 24-13-40 specifically states, “In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served before trial and sentencing, and may be given for any time spent under monitored house arrest. Provided, however, that credit for time served before trial and sentencing shall not be given: (1) when the prisoner at the time he was imprisoned before trial was an escapee from another penal institution; (2) when the prisoner is serving a sentence for one offense and is awaiting trial and sentence for a second offense in which case he shall not receive credit for time served prior to trial in a reduction of his sentence for the second offense; (3) when the prisoner commits a subsequent crime while out on bond; or (4) has bond revoked on any charge prior to trial or plea.”

When interpreting the statute in question, this Court will look to the original meaning and intent of the legislature that drafted and passed the law. *See Reese v. Talbert*, 237 S.C. 356, 358 (1960); *In re Hosp. Pricing Litig.*, *King v. AnMed Health*, 377 S.C. 48, 54 (2008) (“The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the

intended purpose of the statute. The history of the period in which the statute was passed may be considered in interpreting the statute.”) (citations omitted).

*A. Appellant’s argument concerning statutory construction favors Respondent.*

While Appellant cites cases requiring adherence to “plain meaning,” courts do not interpret statutes in ways that defeat legislative purpose. *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). The legislative aim of § 24-13-40 is fairness in the sentencing of a defendant. The statute clearly provides for full credit of “monitored house arrest”, subject to the listed exceptions, which do not apply to Respondent.

It is important to note, upon a review of state statute and case law, there does not appear to be any legal authority expressly defining the term “house arrest”. Appellant concedes Respondent remained on GPS monitor. Appellant seems to be seeking specifically the phrase “house arrest” as it pertains to Respondent’s bond restrictions, while ignoring the reality and effect of his bond restrictions. For example, on or about February 10, 2021, Respondent was ordered to comply with the following restrictions:

- 1) GPS monitoring to monitor the conditions set forth in this order; 2) No contact directly or indirectly with the alleged victim, alleged victim's family and/or potential witnesses for the prosecution, provided advance written notice has been provided to defendant's counsel by the prosecution specifically naming potential witnesses; 3) An exclusionary zone with the GPS monitoring company will be created to ensure that the defendant may not go to incident location; 4) Notification of any intended trips and locations to be approved by the court if outside the required court and attorney meetings and provided to the GPS monitoring company and the Attorney General's Office by defense counsel; 5) Defendant may remain in Pennsylvania at the updated address provided to the court and the Attorney General's office by his counsel as long

as he is not residing with anyone 16 years of age or younger and if his minor nephew comes to visit his mother with whom he resides, that he is not left alone with him or any minor under the age of 16; 6) Defendant must remain in Pennsylvania unless travelling directly to a court related matter or to his attorney's office and returning directly to Pennsylvania, unless already permitted to travel by the court outside of attorney's visits. Monitoring company will be notified in advance of any travel outside Pennsylvania by defense counsel; 7) Any other conditions not listed or amended by these conditions remain in effect; 8) Any violation of this order shall be reported immediately to the Attorney General's Office and the defense counsel of record at the contact information provided below.

See Feb. 2021 Bond Order, pp. 2-3. Further, this bond order stated, "The Defendant understands that he must notify his attorney and the court of any intended trips and locations and that they must be approved by the court, as a standard condition of bond, if outside the required court and attorney meetings and his attorney must provide the court approved changes to the monitoring company or they will be treated as a violation." *Id.*

It is abundantly clear, Judge McCaslin listened to the facts presented by Appellants, heard arguments by both parties, considered mitigating circumstances, and reasonably concluded Respondent's restrictions were the functional equivalent of monitored house arrest and exercised her discretion accordingly. Respondent was not at liberty to freely move and was effectively on house arrest while residing in the state of Pennsylvania, while on bond. He was continuously tracked through GPS monitoring for nearly five years, subject to immediate State oversight, subject to restrictions upon his movement, required to seek approval for leaving the state for work-related purposes, and was otherwise confined to his residence aside from meeting with legal counsel. Declining to accept the substance and practical effect of bond conditions as amounting to house

arrest simply because a bond form lacks the exact words “house arrest” is to elevate form over substance. Respondent’s bond restrictions substantially curtailed liberty, imposed State control, oversight, and monitoring, and ensured accountability. Upon Judge McCaslin’s review, she clearly determined that the bond restrictions imposed satisfied the conditions of house arrest. To hold otherwise would render S.C. Code Ann. § 24-13-40 arbitrary and undermine its remedial intent. Appellant has failed to present a detailed showing of what specifically constitutes “house arrest”, while claiming Respondent’s bond restrictions do not amount to such. Just as on February 24, 2025, Appellant has failed to demonstrate how Judge McCaslin’s determination that Respondent was on monitored house arrest is an abuse of her discretion.

## **II. JUDGE MCCASLIN ACTED WITHIN, NOT BEYOND, HER SENTENCING AUTHORITY.**

“A trial judge generally has wide discretion in determining what sentence to impose. It is also true that before making that determination, a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he may consider or the source from which it may come.” *State v. Franklin*, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976). In *Franklin*, the Supreme Court stated, “this Court has no jurisdiction to review a sentence, provided it is within the limits provided by statute for the discretion of the trial court, and is not the result of prejudice, oppression or corrupt motive.” *Franklin*, 267 S.C. 240, 246; *see also State v. Johnson*, 376 S.C. 8, 13, 654 S.E.2d 835, 837 (2007) (Appellate courts will not review a sentence within statutory limits absent a showing of an abuse of discretion).

South Carolina courts repeatedly affirm that “a criminal defendant must be given credit for time served unless one of two exceptions applies.” *Allen v. State*, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000). Nothing in § 24-13-40 stripped a judge of discretion to award such credit in circumstances amounting to substantial deprivation of liberty.

The State argues Judge McCaslin “exceeded her authority,” amounting to an illegal sentence. However, sentences are illegal when they exceed statutory limits. *State v. Plumer*, 439 S.C. 347, 350 n.3, 887 S.E.2d 134, 137 n.3 (Ct. App. 2023). As Appellant cites, “Only under rare and unusual circumstances will this Court interfere with the discretion of the trial judge in the imposition of a sentence.” *State v. Ferguson*, 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952). Appellants fail to demonstrate in any way how Respondent’s sentence by Judge McCaslin is a ‘rare and unusual’ circumstance.

Here, Respondent’s eight-year sentence was well within the statutory range for second-degree sexual exploitation of a minor. The credit awarded did not enlarge or reduce the statutory maximum or otherwise violate any sentencing statute for such conviction; it reflected the judge’s discretionary assessment of custody-related restrictions. Additionally, nothing in the record or presented by Appellant makes a showing that Judge McCaslin acted in a manner that abused her discretion, or that her sentence imposed was the result of prejudice, oppression, or corrupt motive.

#### **CONCLUSION**

Appellant’s argument reduces § 24-13-40 to a mechanical formula, contrary to this Court’s precedent and the statute’s purpose. Judge McCaslin acted squarely within her authority in awarding Respondent 1,831 days of credit for time served under his bond conditions.

For these reasons, Respondent respectfully requests that this Court affirm the sentence in full, including the award of time served credit.

**[SIGNATURE PAGE TO FOLLOW]**

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
Honorable Debra R. McCaslin, Circuit Court Judge  
Appellate Case No. 2025-000368

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THE STATE,

Appellant,

vs.

CHAD EUGENE GIBBS,

Respondent.

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**FINAL BRIEF OF APPELLANT**

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## **STATEMENT OF ISSUE ON APPEAL**

Did the plea judge impermissibly exceed her sentencing authority and reversibly err by discretionarily awarding Gibbs 1,831 days of time served credit for time he spent free on bond while subject to a monitoring requirement when Gibbs was not on house arrest during that time period and, thus, was not eligible for and could not properly be awarded any discretionary time served credit pursuant to plain and unambiguous South Carolina law, which only permits such discretionary credit for time spent “under monitored house arrest”?

## STATEMENT OF THE CASE

In February of 2020, Respondent Chad Eugene Gibbs was arrested following an investigation into allegations of sexual misconduct involving his fifteen-year-old stepdaughter. In August of 2020, the Lexington County Grand Jury indicted Gibbs for four counts of first-degree sexual exploitation of a minor, two counts of third-degree sexual exploitation of a minor, one count of attempted first-degree sexual exploitation of a minor, one count of criminal solicitation of a minor, three counts of third-degree criminal sexual conduct with a minor, and two counts of disseminating obscene material to a person under the age of eighteen. On February 24, 2025, Gibbs appeared in the Lexington County Court of General Sessions and—based on negotiations with the State—entered guilty pleas to two counts of second-degree sexual exploitation of a minor before the Honorable Debra R. McCaslin, circuit court judge.<sup>1</sup> The plea judge accepted Appellant’s guilty pleas and sentenced him to an eight-year term of imprisonment. In addition to that, the plea judge—at the request of Gibbs’s defense counsel and over opposition from the State—awarded Gibbs credit for time served in the amount of 1,831 days for time Gibbs spent while free on bond and subject to a monitoring requirement but *not* a house arrest requirement.<sup>2</sup> The State then timely filed a notice of appeal.

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<sup>1</sup> Out of an abundance of caution, Gibbs waived presentment to the grand jury in connection to both the charges to which he pled guilty. (R. p. 16).

<sup>2</sup> In requesting the 1,831 days of credit for time served, defense counsel expressly described it as “the time that [Gibbs] spent monitored on GPS.” (R. p. 42).

## STATEMENT OF FACTS

On February 15, 2020, the then-fifteen-year-old minor victim (“Victim”) disclosed to her mother that Gibbs, her stepfather at the time, had been sexually abusing her for a period of months. (R. p. 6; p. 16). Following that shocking disclosure, Victim’s mother swiftly alerted the Lexington Police Department of the sexual abuse, and officers promptly responded to Victim’s residence. (R. p. 6; pp. 10-11). While there, they obtained a statement from Victim about what had been occurring. (R. p. 6). And, as they were doing so, Gibbs drove by the residence. (R. p. 6). Victim and her mother saw Gibbs drive by and pointed out his vehicle to the officers. (R. pp. 6-7). In response, the officers pursued Gibbs’s vehicle, initiated a traffic stop, and arranged for him to come in for an interview. (R. p. 7). Furthermore, based on what Victim had revealed, the officers took Gibbs’s cell phone into custody. (R. p. 7).

Although Gibbs refuted the allegations and suggested Victim was merely retaliating against him for disciplining her, the officers obtained a search warrant for Gibbs’s phone based on the information Victim had provided. (R. p. 7). During the ensuing search, two videos were found on the phone that were obviously recorded without Victim’s knowledge, and they contained footage of the minor victim while she was nude in the bathroom. (R. pp. 7-9). Disturbingly, those videos had both been recorded months earlier on October 11, 2019, and were captured after Gibbs covertly slid his phone under the bathroom door while Victim was alone inside.<sup>3</sup> (R. pp. 7-9). And, on one of the videos, Gibbs captured his own face after he pulled the

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<sup>3</sup> Later on, Gibbs—along with his defense counsel—claimed he had only been covertly recording Victim to find out whether she was smoking marijuana in the bathroom. (R. p. 9; pp. 32-33). No explanation appears to have been provided, though, for why he kept the recordings of the nude minor for months and months after he discovered she was not actually smoking marijuana in the bathroom that day. (R. p. 9; pp. 32-33).

phone back from underneath the door to verify it was recording. (R. p. 8). Beyond that, officers also found “apps for sharing child-related videos” on the phone. (R. p. 9).

Ultimately, based on what was uncovered in the investigation, Gibbs was arrested on or about February 22, 2020. (R. pp. 74-77). Shortly after that, Gibbs was released on bond.<sup>4</sup> (R. pp. 74-77; pp. 80-81). Amongst the conditions of his release, Gibbs was required to submit to electronic monitoring. (R. pp. 80-81). Notably though, Gibbs was *not* ordered to remain on house arrest while free on bond. (R. pp. 80-81).

In the months that followed, several orders were issued related to Gibbs’s bond, including after Gibbs was formally indicted for multiple counts of first-degree sexual exploitation of a minor along with numerous other criminal offenses. (R. pp. 9-10; pp. 48-73; pp. 82-89). Critically though, the conditions of Gibbs’s bond were *never* altered by any of those orders in a manner that subjected him to house arrest.<sup>5</sup> (R. pp. 82-89).

Subsequently, in February of 2025, Gibbs—following negotiations with the State—appeared before the plea judge and entered guilty pleas to two counts of second-degree sexual exploitation of a minor. (R. pp. 2-5). In doing so, Gibbs confirmed he “materially” agreed with the factual allegations presented by the State and there was a factual basis for his charges.<sup>6</sup> (R. p. 11). Gibbs further indicated he understood the consequences of entering his guilty pleas, was

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<sup>4</sup> Based on the contents of the arrest warrants and bond paperwork, Gibbs was released on bond on the very same day he was served with the arrest warrants. (R. pp. 74-77; pp. 80-81).

<sup>5</sup> Indeed, during that period, Gibbs appears to have travelled to Massachusetts and Maine from his out-of-state residence while free on bond. (R. p. 90).

<sup>6</sup> Defense counsel’s only quibble with the prosecutor’s factual recitation of Gibbs’s crimes was defense counsel disputed Gibbs’s phone contained any applications for “shar[ing] any child stuff.” (R. p. 11). Instead, defense counsel appeared to suggest Gibbs had a “torrent” file-sharing application on his phone purely for the purpose of downloading music. (R. p. 33).

doing so freely and voluntarily, and was aware he could potentially be sentenced to no less than two years to as much as ten years for each of his charges. (R. pp. 3-5). Upon hearing that, the plea judge accepted Gibbs's guilty pleas. (R. p. 15).

After the guilty pleas were accepted, the plea judge listened to remarks from counsel, Victim, and Victim's parents.<sup>7</sup> (R. pp. 16-42). Following that, the plea judge asked for information about the time Gibbs had served up to that point. (R. p. 42).

Defense counsel addressed the matter first, asserted Gibbs's time served—which he identified as being accrued from February 21, 2020, to February 24, 2025—totaled 1,831 days, and maintained that time was comprised of “the time that he spent monitored on GPS.” (R. p. 42). Defense counsel further asserted the plea judge was “able to give that credit” based on this Court's decision in “State vs. Arthur Fields,” which supposedly stated it was up to a sentencing judge to determine how much credit a defendant would get for time spent “on GPS monitoring prior to incarceration.”<sup>8</sup> (R. pp. 42-43).

In response, the prosecutor quickly noted the language of the controlling statute—Section 24-13-40 of the South Carolina Code of Laws—only allowed discretionary time served credit for time spent on “monitored house arrest.” (R. p. 43). With that in mind, the prosecutor contended Gibbs was not eligible for time served credit since he was only subjected to a monitoring

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<sup>7</sup> As part of her remarks, Victim's mother noted Gibbs—whom she described as intelligent and manipulative—had been “living as if he was free for the past four years” while released on bond. (R. p. 21).

<sup>8</sup> Gibbs's defense counsel—who was also appellate counsel for Arthur M. Field—appears to have been referring to this Court's decision in State v. Field. State v. Field, Op. No. 2017-UP-455 (S.C. Ct. App. refiled Apr. 4, 2018). Notably, in that unpublished decision, this Court did *not* ultimately analyze whether discretionary time served credit could or could not properly be awarded to a defendant for time spent on bond while *not* subjected to both a monitoring requirement and a house arrest requirement. Id. Instead, in affirming, this Court simply held “the circuit court, in adjusting the sentence it imposed on Field's codefendant so that the active sentences for both defendants were similar acted within its discretion.” Id.

requirement while released on bond, reiterated the pertinent statute specifically included the words “house arrest” when identifying the conditions under which discretionary time served credit could be awarded, and noted Gibbs “was not on house arrest.” (R. pp. 43-44).

In rebuttal, defense counsel again referred to “Fields’ case” and alleged credit for the offender in that case was affirmed “for time where he was not even being monitored but he was simply meeting with the Attorney General’s Office.” (R. p. 45). Additionally, defense counsel asserted the decision in that case “[wa]s still valid law” and was purportedly not appealed to the Supreme Court by the State.<sup>9 10</sup> (R. p. 45). Defense counsel then repeated his request for Gibbs to be awarded 1,831 days of time served credit while noting Gibbs was monitored “during that entire time.” (R. p. 45).

As the discussion on the matter continued, the prosecutor indicated other circuit court judges had recently ruled discretionary time served credit could not properly be awarded to an individual who was not on house arrest. (R. p. 46). Defense counsel responded by asserting to the plea judge: “Just so you know, I wrote that law.”<sup>11</sup> (R. p. 46). Defense counsel then again

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<sup>9</sup> As an unpublished decision, this Court’s decision in Field had no precedential value. See Rule 268, SCACR (“Memorandum opinions and unpublished orders have no precedential value and should not be cited except in proceedings in which they are directly involved.”).

<sup>10</sup> Contrary to defense counsel’s assertion, the State did indeed petition for a writ of certiorari in the Field case, its petition was granted, and the Supreme Court—following briefing and oral argument—ultimately affirmed on issue preservation grounds. State v. Field, 429 S.C. 578, 582, 840 S.E.2d 548, 550 (2020). And, importantly, the Supreme Court expressly stated in its published decision “[t]he State present[ed] a strong argument on the merits” and it was “inclined to agree that the sentencing court *did not have authority* to give Field credit for the entire fifteen months” since he was only subjected to both a house arrest requirement and a monitoring requirement for the first five months he was free on bond. Id. at 580-581, 840 S.E.2d at 549-550 (emphasis added).

<sup>11</sup> Respectfully, as has long been recognized in our state, the opinion of a legislator involved in the enactment of a law as to its intended meaning cannot properly—and will not—be considered by a South Carolina court when construing a statute. See Creswick v. Univ. of S.C., 434 S.C. 77,

contended the controlling statute left time served credit to “her authority” and explained he was requesting she award the credit to Gibbs because of the State’s knowledge “as to his movements” while he was free on bond. (R. p. 46).

After considering the arguments of counsel, the plea judge—despite the State’s argument such credit could not permissibly be awarded based on the controlling statutory language—indicated she was, in fact, going to award the requested time served credit to Gibbs since his bond was never revoked at any point. (R. p. 47). The plea judge then sentenced Gibbs to an aggregate eight-year term of imprisonment and awarded him credit for time served in the amount of 1,831 days. (R. p. 47). Following that, the State promptly appealed the plea judge’s decision to award that credit for time served. (R. p. 91).

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83, 862 S.E.2d 706, 709 (2021) (“[T]he Court may not look to the opinions of legislators or others concerned in the enactment of the law—expressed subsequent to enactment—to ascertain the intent of the legislature. It is well established that courts will disregard the subsequently expressed opinions of individual legislators as to the intent of the legislature as a whole when construing a statute.” (citations omitted)); Greenville Baseball, Inc. v. Bearden, 200 S.C. 363, \_\_\_, 20 S.E.2d 813, 817 (1942) (“It is a settled principle in the interpretation of statutes that even where there is some ambiguity or uncertainty in the language used, *resort cannot be had* to the opinions of legislators or of others concerned in the enactment of the law, for the purpose of ascertaining the intent of the Legislature.” (emphasis added)); see also Mims v. Arrow Fin. Servs., LLC, 565 U.S. 368, 385 (2012) (“[T]he views of a single legislator, even a bill’s sponsor, are not controlling.”); Roy v. Cnty. of Lexington, S.C., 141 F.3d 533, 539 (4th Cir. 1998) (explaining the remarks of an individual legislator are not regarded as “a reliable measure of [legislative] intent”).

## STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Palmer, 415 S.C. 502, 511, 783 S.E.2d 823, 827 (Ct. App. 2016). When reviewing a sentencing issue on appeal, an appellate court will only interfere with a circuit court judge's sentencing decision in rare and unusual circumstances in light of the broad discretion afforded to the circuit court judge on such matters. State v. Ferguson, 221 S.C. 300, 307, 70 S.E.2d 355, 358 (1952); see State v. Sidell, 262 S.C. 397, 398, 205 S.E.2d 2, 3 (1974) ("A broad discretion is allowed the trial judge in imposing sentence within the legal limits."); see also State v. Franklin, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) ("A trial judge generally has wide discretion in determining what sentence to impose."). However, a sentence that does not fall within the applicable statutory sentencing limits constitutes an illegal sentence, and an appellate court has a duty to correct such a sentence on appeal. State v. Plumer, 439 S.C. 346, 351, 887 S.E.2d 134, 137 (2023); see State v. Pogue, 430 S.C. 384, 387, 844 S.E.2d 397, 398 (Ct. App. 2020) (reversing and remanding for a new sentencing hearing because the sentence imposed was not authorized by the applicable statutory provision); see also United States v. Friend, 2 F.4th 369, 383 (4th Cir. 2021) ("When a court abuses its [sentencing] discretion, it is [the appellate] court's duty to correct the error."). Meanwhile, when conducting appellate review of an issue hinging on interpretation of a statute, the appellate court will review the matter de novo. State v. Whitner, 399 S.C. 547, 552, 732 S.E.2d 861, 863 (2012).

## ARGUMENT

**The plea judge impermissibly exceeded her sentencing authority and reversibly erred by discretionarily awarding Gibbs 1,831 days of time served credit for time he spent free on bond while subject to a monitoring requirement because Gibbs was not on house arrest during that time period and, thus, was not eligible for and could not properly be awarded any discretionary time served credit pursuant to plain and unambiguous South Carolina law, which only permits such discretionary credit for time spent “under monitored house arrest.”**

After Gibbs pled guilty to two counts of second-degree sexual exploitation of a minor, the plea judge—over opposition from the State—awarded him a substantial amount of credit for time he had spent free on bond while monitored but *not* on house arrest. However, just as the prosecutor correctly argued to the plea judge, no credit could properly be awarded for any of the time Gibbs served while free on bond because he was not on monitored *house arrest*, which was a necessary requirement for him to be eligible for any discretionary time served credit pursuant to unambiguous South Carolina law. Accordingly, the plea judge exceeded her sentencing authority and committed an unmistakable error of law by awarding credit for time served to Gibbs that she was not actually legally authorized to award and to which he was not entitled. The plea judge’s decision to improperly award 1,831 days of credit for time served to Gibbs must be reversed and that portion of Gibbs’s sentence should be vacated.

In South Carolina, entitlement to credit for “time served” toward a criminal sentence is controlled by statute. S.C. Code Ann. § 24-13-40. Pursuant to the relevant statutory provision, prisoners are entitled to sentencing credit for time served pre-trial in limited circumstances. Id. Specifically, unless one of a few enunciated exceptions apply, prisoners *must* be given credit for time served in incarceration prior to trial and *may* be given credit for time spent “under monitored *house arrest*.” Id. (emphasis added); see Allen v. State, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) (explaining a criminal defendant must be given credit for time served

prior to trial “unless one of two exceptions exist: 1) either the prisoner was an escapee or 2) the prisoner was already serving a sentence on one offense”). Thus, sentencing judges in our state are—based on the plain language of the applicable statute—vested with discretion as to whether to award credit toward a sentence to an individual awaiting trial while free on bond if—and only if—that individual is on monitored *house arrest*. S.C. Code Ann. § 24-13-40; see Franklin, 267 S.C. at 246, 226 S.E.2d at 898 (recognizing circuit court judges in South Carolina ordinarily have wide sentencing discretion).

In the case sub judice, Gibbs—subsequent to his arrest and prior to the entry of his guilty pleas—was released on bond under the condition he would be subject to monitoring. Importantly though, Gibbs was *not* ordered to remain on house arrest and was never at any point subjected to a house arrest requirement during the entirety of the period he was free on bond. Thus, Gibbs never served any time on “monitored house arrest” in connection to his charges, and, tellingly, his defense counsel never even attempted to suggest he had when urging—successfully—the plea judge to award Gibbs a substantial amount of discretionary time served credit.

Critically though, pursuant to unambiguous South Carolina law, Gibbs was not entitled to any credit for the time he spent free on bond because he did not spend any of that time on “monitored house arrest.” See S.C. Code Ann. § 24-13-40 (instructing time served credit “may be given for any time spent under monitored house arrest”); cf. In re Decker, 322 S.C. 215, 219, 471 S.E.2d 462, 463-464 (1995) (“Had the legislature intended the statute to apply in circumstances in which the trial court seeks disclosure, it would not have limited application of the statute to circumstances where a ‘party’ seeks to compel production.”). Otherwise, the legislature’s decision to include the words “house arrest” in the controlling statute would be

entirely meaningless. See State v. Jacobs, 393 S.C. 584, 587, 713 S.E.2d 621, 622 (2011) (instructing “a court must abide by the plain meaning of the words of a statute”); Hodges v. Rainey, 341 S.C. 79, 87, 533 S.E.2d 578, 582 (2000) (“When the language of a statute is clear and explicit, a court cannot rewrite the statute and inject matters into it which are not in the legislature’s language, and there is no need to resort to statutory interpretation or legislative intent to determine its meaning.”); Steinke v. S.C. Dep’t of Lab., Licensing & Regul., 336 S.C. 373, 396, 520 S.E.2d 142, 154 (1999) (“We are constrained to avoid a construction that would read a provision out of a statute, and must reconcile conflicts if possible.”); Decker, 322 S.C. at 219, 471 S.E.2d at 463 (“A statute should be so construed that no word, clause, sentence, provision or part shall be rendered surplusage, or superfluous[.]” (citation and internal quotations omitted)).

Therefore, the plea judge improperly exceeded her sentencing authority by awarding time served credit she was simply not authorized to award, and her decision to do so in Gibbs’s case constituted an error of law that needs to be corrected. See Plumer, 439 S.C. at 350 n. 3, 887 S.E.2d at 137 n. 3 (recognizing a sentence is illegal when it is “in excess of that permitted by law”); see also State v. Dozier, 263 S.C. 267, 271, 210 S.E.2d 225, 226 (1974) (explaining a South Carolina appellate court “has no jurisdiction on appeal to correct a sentence alleged to be excessive *when it is within the limits prescribed by statute*” (emphasis added)); cf. State v. Taub, 336 S.C. 310, 318, 519 S.E.2d 797, 802 (Ct. App. 1999) (reversing Taub’s sentence and remanding for resentencing because his sentence fell below the mandatory minimum sentencing limits established for his offense). The plea judge’s decision to improperly award 1,831 days of credit for time served to Gibbs must be reversed and that portion of Gibbs’s sentence should be vacated.

## CONCLUSION

For all the foregoing reasons, it is respectfully submitted the plea judge's decision to award credit for time served that could not permissibly be awarded should be reversed and that portion of the sentence imposed should be vacated.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Deputy Attorney General



BY: \_\_\_\_\_  
Mark R. Farthing  
S.C. Bar Number 76901

ATTORNEYS FOR APPELLANT

September 15, 2025

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
Honorable Debra R. McCaslin, Circuit Court Judge  
Appellate Case No. 2025-000368

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THE STATE,

Appellant,

vs.

CHAD EUGENE GIBBS,

Respondent.

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**PROOF OF SERVICE**

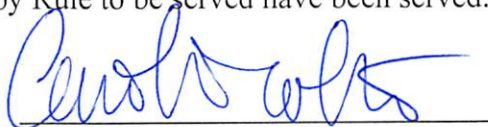
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I, Caroline Collins, certify I have served the within Final Brief of Appellant and Record on Appeal on Respondent by sending electronic copies via email to the addresses listed in AIS for the following individuals:

James Todd Rutherford, Esquire  
[todd@rutherford.law](mailto:todd@rutherford.law)

Austin D. Nichols, Esquire  
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I further certify all parties required by Rule to be served have been served.  
This 15th day of September, 2025.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General



# The South Carolina Court of Appeals

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July 15, 2026

Mr. Mark Reynolds Farthing, Esquire  
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Mr. James Todd Rutherford, Esquire  
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Re: The State v. Chad E. Gibbs  
Appellate Case No. 2025-000368

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*Jasmine D. Smith, Deputy*  
CLERK

cc: Alan McCrory Wilson, Esquire  
The Honorable Debra R. McCaslin

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

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Appellant,

v.

Chad Eugene Gibbs, Respondent.

Appellate Case No. 2025-000368

---

Appeal From Lexington County  
Debra R. McCaslin, Circuit Court Judge

---

Unpublished Opinion No. 2026-UP-365  
Submitted June 1, 2026 – Filed July 15, 2026

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**REVERSED AND REMANDED**

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Attorney General Alan McCrory Wilson, and Senior  
Assistant Attorney General Mark Reynolds Farthing,  
both of Columbia, both for Appellant.

James Todd Rutherford, of The Rutherford Law Firm,  
LLC, of Columbia, for Respondent.

---

**PER CURIAM:** This case involves whether a defendant's time on bond with GPS monitoring counts as "monitored house arrest" for purposes of time served credit. Gibbs pled guilty to two counts of second-degree sexual exploitation of a minor for an incident involving his stepdaughter. The plea court sentenced Gibbs to

concurrent eight-year terms of imprisonment and awarded Gibbs 1,831 days of credit for the time he spent on bond with a GPS monitor. On appeal, the State argues Gibbs was not entitled to credit for time served because section 24-13-40 of the South Carolina Code (2025) only allows discretionary credit when a defendant is on monitored house arrest. We reverse and remand for resentencing.

Section 24-13-40 requires sentencing courts to give a defendant credit for jail time served prior to trial and gives the court discretion to award a defendant credit for time spent on "monitored house arrest." § 24-13-40 ("[I]n computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing, and *may be given for any time spent under monitored house arrest.*" (emphasis added)).

Gibbs argues the court did not err in granting time served credit because his GPS-monitored bond was tantamount to "monitored house arrest." We disagree. Initially, Gibbs was released on a \$100,000 surety bond with GPS monitoring. The only restrictions on his bond were to have no contact with the victim and to not return to the victim's residence. In July 2020, he appeared in front of the circuit court requesting that the GPS monitor be discontinued. The court modified his bond conditions, but declined to remove the GPS monitor, noting that Gibbs had been allowed to move out of state and was living in Pennsylvania. The modified bond order did not restrict his freedom of movement other than (1) he was still not allowed to return to the victim's residence; (2) he was required to stay in Pennsylvania and could only return to South Carolina "to attend court related proceedings or to visit his attorney of record or experts pertaining to the defense of his case[;]" (3) he was "allowed to travel to the states adjoining Pennsylvania for work purposes with advance notice to his bondsman[;]" and (4) he was required to "notify his attorney and the court of any intended trips and locations" for prior court approval. We find these conditions do not amount to "monitored house arrest."

Section 17-15-35 of the South Carolina Code (Supp. 2025) governs electronic monitoring as a bond condition. The statute makes clear that electronic monitoring may include other conditions, such as restrictions on travel and curfews, but does not always involve house arrest. *See* § 17-15-35(B)(1) (stating the court may order electronic monitoring "in lieu of setting or requiring the posting of bond or as an additional condition of the release on bond").

The South Carolina "Home Detention Act" governs when a defendant is placed on house arrest pre- and post-trial. S.C. Code Ann. § 24-13-1530 (2025). House

arrest may be monitored or unmonitored, but generally the person is confined to the home with specific exceptions for things like medical appointments and court appearances. *See* § 24-13-1530(A); S.C. Code Ann. § 24-13-1540 (2025).

Reading these statutes together, we find that "monitored house arrest" requires the defendant to be confined to the home with restrictions on the defendant's freedom. We do not feel GPS monitoring without such restrictions can be fairly characterized as "monitored house arrest." Here, Gibbs was given significantly more freedom than allowed in standard bond conditions, which typically do not allow the defendant to leave the state. Gibbs was allowed to move out of state and even granted permission from the court to travel to Boston and Portland, Maine. As long as he did not leave the state in which he was authorized to reside in or travel to, he was permitted to freely come and go from his home without restriction.

In our view, section 24-13-40 allows a sentencing judge to give a defendant credit for the time spent on house arrest, but the sentencing court has no authority to give credit for time spent on electronic monitoring without house arrest restrictions.

Our supreme court made a similar finding in *State v. Field*, 429 S.C. 578, 840 S.E.2d 548 (2020). While the court affirmed the sentence on error-preservation grounds, in dicta the court agreed with the State's argument that the trial court erred in awarding credit for the time Field spent on GPS monitoring but not subject to house arrest. *Id.* at 581, 840 S.E.2d at 550. Field was initially released on bond with electronic monitoring and was also subject to house arrest. *Id.* at 580–81, 840 S.E.2d at 549. After five months, his attorney asked the bond court to take him off house arrest. *Id.* at 581, 840 S.E.2d at 550. The bond court released him from house arrest but left the electronic monitor in place for another ten months before Field pled guilty and was sentenced. *Id.* The trial court gave Field credit for the entire fifteen months he was on bond subject to electronic monitoring and the State appealed. *Id.* at 580, 840 S.E.2d at 549. The supreme court found "[t]he State present[ed] a strong argument on the merits" that being on electronic monitoring is not the same as being on house arrest. *Id.* The court "agree[d] that the sentencing court did not have the authority to give Field credit for the entire fifteen months," however, the court declined to reach the merits because the State did not object at the time of sentencing. *Id.* at 581, 840 S.E.2d at 550.

Accordingly, we find the court should not have given Gibbs credit for the time he spent on GPS-monitored bond. This case is reversed and remanded to the sentencing court to impose a sentence consistent with this opinion.

**REVERSED AND REMANDED.** <sup>1</sup>

**GEATHERS, HEWITT, and CURTIS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions

Honorable Debra R. McCaslin, Circuit Court Judge

---

Appellate Case No.: 2025-000368

---

THE STATE OF SOUTH CAROLINA,

Appellant,

v.

CHAD E. GIBBS,

Respondent.

---

RESPONDENT'S PETITION FOR REHEARING

---

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Attorney for Respondent

## **INTRODUCTION**

This Court's reversal of the trial court is flawed because the Court misapprehended the approved travels of Mr. Gibbs; specifically, the move to Pennsylvania, and subsequent travels to Massachusetts and Maine. Mr. Gibbs requested the court's approval solely for the purpose of gainful employment. We believe that when viewed as a work exception, coupled with the geographical confinement to Pennsylvania, **(R. 87)**, constant GPS monitoring **(R. 88)**, and need for approval before "*any* intended trips" (emphasis added) **(R. 88)**, this Court will find that Mr. Gibbs should receive the time-credit award as instructed by the trial court.

## **STANDARD OF REVIEW**

A Petition for Rehearing must be granted when there are issues "overlooked or misapprehended" by the court. Rule 221(a), SCACR; *see also Kennedy v. South Carolina Retirement System*, 349 S.C. 531, 532, 564 S.E.2d 322, 322 (2001).

## **ARGUMENT**

### **A. The Court misapprehended the stringent conditions of Mr. Gibbs' bond**

The Court referenced South Carolina's "Home Detention Act" ("Act") in determining what qualifies as "monitored house arrest." *See The State v. Chad Eugene Gibbs*, Op. No. 2026-UP-365 (S.C. Ct. App. filed July 15, 2026). While the Court acknowledged that under the Act, individuals on house arrest may be approved to travel for employment, it overlooked applying that exception to Mr. Gibbs. In particular, the court admonished Mr. Gibbs' movement to Pennsylvania and the approved travels to Massachusetts and Maine. *See Gibbs*, Op. No. 2026-UP-365 at \*2. But these travels were work-related, and therefore, should be re-considered as a work exemption to a standard house arrest program.

“All house arrest programs stress surveillance and employment[.]” Petersilia, *Exploring the Option of House Arrest*, 50 FED. Probation, June 1986, at 51. By allowing individuals on house arrest to work, not only do they “remain on the tax rolls,” but more importantly, individuals can “pay restitution or damages if appropriate” and fees associated with GPS monitoring. *See U.S. v. Murphy*, 108 F.R.D. 437, 441 (E.D.N.Y. 1985). In fact, work travel exemptions are appealing since offenders can serve their sentence while remaining productive members of society. P. Hofer & B. Meierhoefer, *Home Confinement: An Evolving Sanction in the Federal Criminal Justice System*, (available from the Federal Judicial Center), 1987, at 8. Jurisdictions have thus honored work exemptions under house arrest initiatives because “when disruptions to...employment are reduced, the offender is less likely to develop a criminal outlook and life-style.” *Id.* at 51.

Here, however, the Court did not recognize Mr. Gibbs’ employment and instead used his employment trips as grounds to deny his time-served award. *See Gibbs*, Op. No. 2026-UP-365 at \*2 (“Here, Gibbs was given significantly more freedom...Gibbs was allowed to move out the state and even granted permission from the court to travel to Boston and Portland, Maine.”). Following his arrest in South Carolina, Mr. Gibbs’ employment terminated. Considering his arrest during the Covid-19 pandemic, opportunities were limited and Mr. Gibbs needed employment to cover fees associated with GPS monitoring and his legal representation. Considering his tarnished reputation in South Carolina following this action, Mr. Gibbs believed that it was best to move to Pennsylvania to work based on previous ties to the Commonwealth, so his relocation was strictly for work. The *Order Clarifying Bond* (“Order”) even acknowledges that any travel outside Pennsylvania would only happen “for work purposes with advance notice to his bondsman.” (R. 87). Hence, the proposed travels to Massachusetts and Maine were for work reasons, and should not be characterized as “more freedom,” *see Gibbs*, Op. No. 2026-UP-365 at \*2, but as a

typical work exception to a house arrest program. Additionally, throughout this experience, the trial court retained exclusive authority to approve or deny Mr. Gibbs' travel, as it saw fit. If the court wanted to restrict Mr. Gibbs' movement further, it had the plenary right to do so.

Ultimately, the Court's portrayal of Mr. Gibbs' travel is unfair and misrepresentative. Viewing the relocation to Pennsylvania and travels to adjoining states as work related, coupled with the geographical restriction to Pennsylvania at the provided address, constant GPS monitoring, and exclusionary zoning, Mr. Gibbs' bond is essentially a house arrest program. Mr. Gibbs' bond fits within the rule provided by this Court—he has been geographically confined and his freedom is restricted.

### **CONCLUSION**

For the reasons above, this Court should grant Respondent's Petition for Rehearing and affirm the trial court's award of time served credit.

**[SIGNATURE PAGE TO FOLLOW]**

Respectfully submitted,

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of General Sessions

Honorable Debra R. McCaslin, Circuit Court Judge

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Appellate Case No.: 2025-000368

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THE STATE OF SOUTH CAROLINA,

Appellant,

v.

CHAD E. GIBBS,

Respondent.

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CERTIFICATE OF SERVICE

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I, J. Todd Rutherford, the undersigned retained counsel for Mr. Chad E. Gibbs, do hereby certify that *Respondent's Petition for Rehearing* was served upon the counsel of record for Appellants, Mr. Mark Reynolds Farthing, Esq., on this 27<sup>th</sup> Day of July 2026, via email, to: mfarthing@scag.gov.

/s/ J. Todd Rutherford  
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# The South Carolina Court of Appeals

The State, Appellant,

v.

Chad Eugene Gibbs, Respondent.

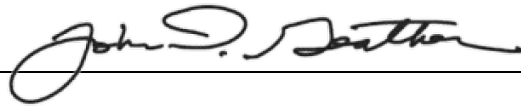
Appellate Case No. 2025-000368

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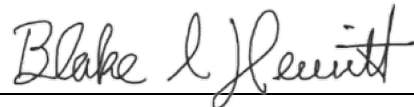
## ORDER

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



J.



J.



J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire

Mark Reynolds Farthing, Esquire

James Todd Rutherford, Esquire

The Honorable Debra R. McCaslin

**FILED**  
**Aug 05 2026**