

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM CHEROKEE COUNTY
COURT OF GENERAL SESSIONS
J. MARK HAYES, CIRCUIT COURT JUDGE
CASE NOS. 2012-GS-11-0362 and 2012-GS-11-0363
APPELLATE CASE NO.: 2012-213064

RECEIVED
MAR 12 2014
S.C. Supreme Court

The State of South Carolina.....Respondent,

vs

Christopher Chad Wessinger.....Appellant.

RECORD ON APPEAL

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WITNESSES

Cherokee County Sheriff's Office

Eric O'Neil

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Theresa Bell

Foreperson of Grand Jury

Date: 4/12/12

VERDICT

Foreperson of Petit Jury

Date:

DOCK

2-GS-1-DB62

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2012 APR 12 AM 10 13

COURT OF GENERAL SESSIONS

BRANDY W. MCBEE

APR 12 2012

TERM

THE STATE

vs.

Christopher Chad Wessinger

Indictment for

SEX/INDECENT EXPOSURE

SC Code: 16-15-130

CDR Code: 0091

Class MIS-A

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on APR 10 2012, the
Grand Jurors of Cherokee County present upon their oath:

SEX/INDECENT EXPOSURE

That Christopher Chad Wessinger, did in Cherokee County, between
February 1, 2009 and February 13, 2010, willfully, maliciously, and indecently
expose his person in a public place or property of others or to the view of any
person on a street or highway; to wit: by exposing himself to one *VICTIM*
✘ / in violation of §16-15-130, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976,*
as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Cherokee
STATE VS.

Christopher Chad Wessinger

AKA:

Race: WHITE Sex: M Age: 36

DOB: 1975 SS#:

Address:

City, State, Zip: Gaffney, SC 29340-0000

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Indecent exposure (0-3yrs)

in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: KENDALL, MATT SC Bar# Defendant
Christopher Wessinger Defendant
Attorney for Defendant SC Bar# 4697

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 253 days
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$ 3.90, TOTAL \$ 133.90

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS1100362
A/W#: 2012GS1100362
Date of Offense: 2/13/2010
S.C. Code § : 16-15-0130
CDR Code #: 0091

SENTENCE SHEET

CONVICTED OF or PLEADS

Presiding Judge
Judge Code:
Sentence Date: 9/5/12

WITNESSES

Cherokee County Sheriff's Office

[Handwritten Signature]

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: *4/12/12*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **12-GS-11-0363**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

APR 12 2012

TERM

THE STATE

vs.

Christopher Chad Wessinger

Indictment for

SEX/INDECENT EXPOSURE

SC Code: 16-15-130

CDR Code: 0091

Class MIS-A

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2012 APR 12 AM 10 13

BRANDY W. MCBEE

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COUNTY OF CHEROKEE)

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COUNTY OF Cherokee
STATE VS. Christopher Chad Wessinger
AKA:
Race: WHITE Sex: M Age: 36
DOB: 1-1975 SS#:
Address:
City, State, Zip: Gaffney, SC 29340-0000
DL#: SID#:

INDICTMENT/CASE#: 2012GS1100363
A/W#: 2012GS1100363
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S.C. Code §: 16-15-0130
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SENTENCE SHEET

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CONVICTED OF or PLEADS

in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: 72213 KENDALL, MATT
Christopher C Wessinger Defendant
Attorney for Defendant 4697 SC Bar#

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for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed years
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Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP
days/hours Public Service Employment

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$ 3.90, TOTAL \$ 133.90

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning
\$ paid to Public Defender Fund

Other: evaluate for SVP.
No contact with victims
Sympunder Registration
Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Brandy W. McGee
Court Reporter: Mike Watts

Presiding Judge
Judge Code: 2132
Sentence Date: 9/5/12

1 (PROCEEDINGS, SEPTEMBER 5, 2012)

2 (Letter marked as Court's Exhibit No. 1 for
3 identification)

4 MR. KENDALL: Your Honor, before the court is Mr.
5 Christopher Chad Wessenger on Indictment 2012-362, charged
6 with one count of indecent exposure. This is offered
7 without recommendation and negotiation.

8 And 2012-363, also for sex, indecent exposure,
9 offered without recommendation or recommendation.

10 The defendant is represented by his attorney Mr.
11 Bill Rhoden.

12 The victims in this case are here and do wish to
13 be present.

14 Before you enter this, Your Honor, I do submit as
15 a matter of housekeeping. Upon entering into this plea the
16 State is going to be dismissing a charge for lewd act. This
17 is, in primary part, because the Children's Advocacy Center
18 has lost a videotape dealing with this issue. We have got a
19 letter, a signed letter, from the director and from the
20 forensic assessor involving this case about that. We would
21 like to make that a part of the record for this plea, Your
22 Honor.

23 CHRISTOPHER CHAD WESSENGER, having been first duly
24 sworn, testified as follows:

25 THE DEFENDANT: Yes, I do.

1 THE COURT: You are Mr. Wessenger?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And, sir, it is your intent to enter a
4 plea to the charges that were just announced by the
5 solicitor?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: How old are you?

8 THE DEFENDANT: Thirty-six.

9 THE COURT: How far did you go in school?

10 THE DEFENDANT: 7th grade.

11 THE COURT: Did you ever obtain a GED?

12 THE DEFENDANT: No, sir.

13 THE COURT: Married, single, divorced, widowed?

14 THE DEFENDANT: Single.

15 THE COURT: Children?

16 THE DEFENDANT: None.

17 THE COURT: Do you have a job outside the home?

18 THE DEFENDANT: No, sir, I'm disabled.

19 THE COURT: When you worked, what kind of work did
20 you do?

21 THE DEFENDANT: Restaurant.

22 THE COURT: Have you ever served in the military?

23 THE DEFENDANT: No, sir.

24 THE COURT: When you got arrested on these
25 charges, how long a time did you spend in jail, if any,

1 before you made bond?

2 THE DEFENDANT: I stayed in there eight months and
3 seven days.

4 MR. RHODEN: I calculated 253 days, Your Honor.

5 THE COURT: Within the last twenty-four hours have
6 you consumed any type of substance that is adversely
7 affecting your ability to understand what we are doing
8 today?

9 THE DEFENDANT: No, sir.

10 THE COURT: Have you ever received any type of
11 substance abuse treatment for drug or alcohol problem?

12 THE DEFENDANT: Yes, sir, I have. It's been years
13 ago.

14 THE COURT: Was that for drugs, or alcohol, or
15 both?

16 THE DEFENDANT: It was for both.

17 THE COURT: And do you remember where you received
18 that treatment?

19 THE DEFENDANT: It was over here behind the old
20 Pizza Inn.

21 THE COURT: And about how long ago was that,
22 approximately?

23 THE DEFENDANT: I'll say sixteen years.

24 THE COURT: Was it successful at the time?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you satisfied with the work that
2 your lawyer has done for you?

3 THE DEFENDANT: Yes, sir, I am.

4 THE COURT: Has anybody come to you and threatened
5 you in any way, or had they made you any promises in order
6 to get you to make the decision to enter these pleas?

7 THE DEFENDANT: No, sir.

8 THE COURT: Your decision to enter these pleas
9 today is a free and voluntary decision?

10 THE DEFENDANT: Yes, sir, it is.

11 THE COURT: Sir, I need for you to understand that
12 under the law you are presumed innocent of both of these
13 charges.

14 You do have a right to have a jury trial on either
15 or both of these charges. At any jury trial that would take
16 place it is the State who would have the burden of proof and
17 the State would have to convince all twelve members of a
18 jury that you are, in fact, guilty beyond a reasonable doubt
19 of these charges.

20 Do you understand that you have a right to that
21 jury trial?

22 THE DEFENDANT: Yes, sir, I do.

23 THE COURT: Do you want a jury trial on either of
24 these charges?

25 THE DEFENDANT: No, sir.

1 THE COURT: Sir, I need for you to understand that
2 there are other very important Constitutional Rights that
3 you are entitled to, but that you have to give up in order
4 to enter these pleas. You have to give up your right to
5 confront and cross-examine the State's witnesses. You also
6 have to give up your right to present evidence which you or
7 your lawyer may feel would establish a defense to these
8 charges, and you have to give up your right of subpoena, and
9 also your right to remain silent.

10 Do you understand those rights?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you wish to give up all those
13 rights?

14 THE DEFENDANT: No, sir.

15 THE COURT: You don't want to give up those
16 rights?

17 (Off the record)

18 (Back on the record)

19 THE DEFENDANT: Yes, sir, give them up.

20 THE COURT: Do you want to --

21 THE DEFENDANT: Give up the rights.

22 THE COURT: Do you understand all those rights?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And do you understand that you have to
25 give up those rights in order to enter a plea?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And that's what you want to do is to
3 give up those rights?

4 THE DEFENDANT: And plead, yes, sir.

5 THE COURT: All right. Sir, please listen to the
6 solicitor. He's going to tell me the facts. Then I'll have
7 some more questions for you.

8 THE DEFENDANT: Okay.

9 MR. KENDALL: Your Honor, these events occurred
10 for both victims on or about February 1st -- between
11 February 1st, 2009, and February 13th, 2010, at
12 here in Gaffney, South Carolina, from the confines of
13 Cherokee County. This was the home of I believe the
14 grandfather of both victims, and they would come over to
15 visit their grandfather and he would sometimes watch after
16 them.

17 The defendant was the boyfriend of Ms. Carla
18 B who is a special needs individual living at that
19 household, and that's how he had exposure to these girls.

20 Your Honor, on or about February 26th, 2010, the
21 mother of one of these victims, , filed a report
22 with the sheriff's office indicating a disclosure of sexual
23 abuse from the defendant to her daughter *Vic.*2* who at the
24 time this took place was thirteen years old.

25 Following interviews with law enforcement and

1 subsequently with the Children's Advocacy Center, with
2 respect to *Vic #2*, she was able to disclose that over
3 approximately the past year, starting at the beginning of
4 2009, up until this disclosure, that she had been going to
5 the home of her grandfather. And that while over there Mr.
6 Wessenger had, on multiple occasions, at the end nearly
7 every time over there, she would go over there, exposed his
8 penis to them and masturbated in front of them. This
9 primarily occurred in a back room.

10 How the house is laid out, Your Honor, is just
11 kind of a living area, living room up front. And then
12 following a hallway in the back is a room that has a
13 television and a video game console, a computer video game
14 console, which is where the kids would hang out. Mr.
15 Wessenger on multiple occasions exposed himself there,
16 typically masturbating in front of them.

17 He also masturbated to the point of ejaculation
18 behind like a pool shed in their backyard.

19 There was an incident I believe, as well, that he
20 asked one of the girls to look under the water while he was
21 masturbating.

22 Again, this occurred over multiple, multiple
23 incidences over approximately that year period.

24 It's also extremely highly unlikely this was done
25 as accidental, or otherwise, conduct. This occurred very,

1 very close to the girls, to the point of nearly touching.
2 At one point *Vic #2* woke up with Mr. Wessenger masturbating
3 over the top of her.

4 He gave her gifts of a sexual nature, including a
5 pink thong and what is commonly referred to as a dildo, an
6 erotic device.

7 This occurred, again, as *Vic #2* was approximately
8 thirteen years old, between the 5th and 6th grade, and she
9 disclosed it when she was in the 7th grade.

10 She finally was able to tell her parents about
11 this for a variety of reasons. First was that Mr. Wessenger
12 became -- this began happening more frequently, became more
13 of a violent nature. At one point he grabbed her shirt and
14 asked to see her boobies. And, again, when she woke up, he
15 was masturbating over her.

16 He also began to do this in front of *VICTIM*
17 *#1*. At the time this took place *VICTIM #1* was fifteen
18 years old. He would also come by the home, though less
19 frequently. On multiple occasions she also saw Mr.
20 Wessenger expose himself and masturbate. I believe that he
21 called -- again, this was most likely non-accidental.

22 He made phone calls to them where he asked them to
23 do things of a sexual nature.

24 And this, for the most part, occurred again in
25 that back room in the same home.

1 Mr. Wessenger was subsequently picked up by law
2 enforcement and asked to give a statement. At that time he
3 did admit to exposing himself in front of the girls. He had
4 pulled out his penis to show it to them.

5 They initially had not wanted to disclose *VICTIM #2*
6 had initially not wanted to disclose because Mr. Wessenger
7 had threatened that she would not be able to go go-cart
8 racing again. He helped her go go-cart racing.

9 Your Honor, you are going to hear from the victims
10 here in a little bit.

11 One of the things I would ask the court to
12 consider, though, would be for this to be labeled a sexual
13 violent offense under Section 44-48-30. The defendant is
14 currently on the sex offender registry, and I believe the
15 ongoing nature of this offense, the pattern, how it was done
16 would warrant this further evaluation by the Department of
17 Corrections, should he receive a sentence that got him down
18 there. For that to happen this court would need to make it
19 a finding this was, in fact, a sexually violent offense.

20 THE COURT: Were you able to hear the solicitor
21 when he told me the facts?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you believe that as he stated the
24 facts to me that he is substantially correct?

25 THE DEFENDANT: Some of it is.

1 (Off the record)

2 (Back on the record)

3 THE DEFENDANT: Your Honor, most of that is not
4 right. I did expose myself to both victims one time. Not
5 multiple times. One time.

6 Nobody bought nobody no sexual toys or nothing
7 like that.

8 THE COURT: All right. And do you understand that
9 on these charges that I could sentence you up to three years
10 on each of these charges?

11 THE DEFENDANT: Yes, sir, I do.

12 THE COURT: And is he correct that you are already
13 on the sex offender registry?

14 THE DEFENDANT: Yes, sir, I am.

15 THE COURT: But you understand that these offenses
16 would also require sex offender registration?

17 THE DEFENDANT: Yes, sir, I do.

18 THE COURT: So that really doesn't impose an
19 additional burden on you, but you do understand that,
20 though, don't you?

21 THE DEFENDANT: Yes, sir, I do.

22 THE COURT: And understanding the possible
23 sentences that I could impose, do you still wish to enter
24 these pleas?

25 THE DEFENDANT: Yes, sir, I do plead.

1 THE COURT: Are you, in fact, guilty of both of
2 these charges of indecent exposure?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you been able to hear all of my
5 questions so far?

6 THE DEFENDANT: Yes, sir, I have.

7 THE COURT: Have all of your answers been truthful
8 and honest?

9 THE DEFENDANT: Yes, sir, they have.

10 THE COURT: Discovery has been shared with the
11 defense?

12 MR. KENDALL: It has, Your Honor.

13 THE COURT: Prior record.

14 MR. KENDALL: 1994, lewd act on a minor.

15 1995, burglary third, three counts; grand larceny.

16 Simple possession of marijuana from 1998.

17 THE COURT: And did you say that the victims did
18 wish to address the court?

19 MR. KENDALL: Yes, sir.

20 THE COURT: If you would, we are making a
21 recording of everything that happens here. The gentleman
22 right there in front of you is the court reporter, so when
23 you speak, please speak up loud enough so that both he and I
24 can hear you.

25 If you would, just start by giving us your name.

1 MR. B : R B .

2 THE COURT: Yes, sir, Mr. B

3 MR. B : *VICTIM #1* is my daughter and I'm going
4 to read for her. She wanted to read -- she wanted me to
5 read this statement.

6 *VICTIM #2* and I were best friends and we grew up
7 together and we shared a lot of experiences. We were as
8 close as any two little girls could be, but I don't see her
9 any more. Ever since this was brought out I no longer see
10 her and we have grown apart. I lost my best friend and I
11 regret that more than anything. I also lost the only
12 grandfather I have. Resentment toward him will not make
13 things any easier disappointment toward him for allowing a
14 predator into his house around his grandchildren won't solve
15 anything. I have no relationship with my grandfather now.
16 There is many things I wish I could go back and change. For
17 example, I would start telling someone when I first found
18 out about the situation between Chris and *Vic. #2*. I would
19 have made myself move past the shyness and fear so that
20 maybe I could have been able to prevent it from getting out
21 of hand. But wishing you could change the past won't make
22 it any easier to forget. All I can do is learn from it.
23 Personally I don't want to forget what happened. I want to
24 use what I have learned to keep this from ever happening
25 again to me or any other person that I know. I can't

1 pretend like it never happened, nor can I forget about it.
2 It's been years since this incident occurred and my family
3 and I have moved on. I only hope this man gets what he
4 deserves. This man took advantage of a mentally challenged
5 woman to get close to children. That is sick, no matter how
6 much he tries to defend himself. He needs to be taken off
7 the street and he needs to be given help, not just jail
8 time, so that no other girls will have to endure his
9 manipulation.

10 And I'm going to speak for my wife and myself.

11 Now, as parents -- as parents we try to protect
12 our children from harm as best we can. We taught our
13 daughter what to look for and showed her what to stay away
14 from in order to keep her safe. In this case all of our
15 warnings and all of our knowledge of what is right and wrong
16 could not prepare her or us for what Chris Wessinger had
17 planned for these two young girls. His actions have damaged
18 relationships between a father and a daughter, a grandfather
19 and a grandchild, and childhood friends. He used what is
20 supposed to be a safe and loving environment is a way for
21 him to commit a terrible crime against children. Neither of
22 these girls did anything to be treated like this. These
23 children need to know that the evil person who harmed them
24 will not go unpunished.

25 My wife and I come together before you today and

1 ask that you give Chris Wessenger the maximum allowable time
2 that you can. He needs to be evaluated by a professional
3 for thinking he can expose himself to two little girls and
4 think that that's okay. At the very least, let our children
5 have some sort of vindication against him for what he has
6 taken from them. He is a dangerous, violent, perverted man,
7 who will use anyone or anything he can to get to children.
8 The longer he's allowed to stay free, the more opportunity
9 he has to do the very same thing to other children.

10 Your Honor, all we ask is that you help us protect
11 our children and the children of this community by giving
12 him the maximum amount of time.

13 THE COURT: Thank you all very much.

14 MR. KENDALL: We also have Ms. M and *Vic #2*

15 THE COURT: If you would, we are making a
16 recording of everything that happens here, so speak up loud
17 enough so both the court reporter and I can hear you.

18 Just start by giving us your full name.

19 *VICTIM #2 : VICTIM #2 .*

20 I would like this court to know about this man
21 Christopher Wessenger and what he has done to me and my
22 friend. I first met Chris through Carla B . Carla
23 B . is my grandpa's daughter. I am the victim that this
24 has happened to that Chris is being charged with.

25 The first time that anything ever happened was in

1 Kathy and Leon B. house. They have a three bedroom
2 house with long hallways. I had my own bedroom at the time.
3 Me, *VICTIM #1*, and *VICTIM #1's* brother *CB* would always stay
4 in the back bedroom because that's where all of our video
5 games and stuff was.

6 Chris pulled out his penis one day and asked me to
7 watch him jack off. Sometimes I would and sometimes I
8 wouldn't. The only reason why I looked a couple of times is
9 because I was scared he would get mad and try to do
10 something worse. I didn't want to make him no madder.

11 The back bedroom, which is my room, was the main
12 place he pulled his penis out at. This is the every-day
13 thing. I would be over at Leon and Kathy's house almost
14 every day, more than *VICTIM #1* and *CB*. They would come
15 every other week.

16 Chris has done it at other places than just the
17 back bedroom. Chris has pulled out his penis in front of me
18 and *VICTIM #1* in the laundry room, which is right beside the
19 back bedroom, and he asked to watch several -- he asked us
20 to watch it several times.

21 The time he did it in the laundry room, I'm not
22 sure if *VICTIM #1* seen Chris, but he pulled on my shirt and
23 tried to get me to show him my breasts and I suddenly pulled
24 away. That is when Chris told me if I ever told anybody he
25 would kill me or hurt me.

1 Again, Chris pulled out his penis one day while me
2 and him and Carla was in the swimming pool, which is in
3 Kathy and Leon's backyard. He told me to put on my goggles
4 and go under the water and watch him jack off. I went under
5 the water to make him think I was watching, but I most
6 certainly wasn't, because it made me want to puke. I never
7 once got back in another pool with Chris.

8 Chris helped my grandpa work on my racing go-cart.
9 I race go-carts for my grandpa to this day. And, again, at
10 a race one Friday night he asked me to watch him beside the
11 go-cart trailer and I refused to. I immediately walked off.

12 One time Chris brought me a pair of thongs, a
13 vibrator and three porn videos. He wanted me to put the
14 thongs on in front of him. He told me that night to use the
15 vibrator and he told me to watch the porn videos. I had no
16 idea what to do, but I handed all the stuff back to Chris
17 before he went -- before he went home that night. Once
18 again, it was me and *VICTIM #1* and Chris. And Chris went
19 home. And when we --

20 When he got to his house he was calling Kathy and
21 Leon's house phone. Well, I ended up answering the phone
22 and he asked what I was doing and where was we at. So we
23 told him, which was in the back bedroom, and he asked me and
24 *VICTIM #1* to make dirty and nasty sounds through the phone.
25 We clapped our hands to make him think we were doing

1 something, because I guess that's what he wanted. Me and
2 ~~VICTIM #1~~ done that so he would quit calling because we had
3 already hung up several times that night. Carla B was
4 over at his house because he told us she was in his bedroom
5 and that he was in the bathroom.

6 One night I caught Chris going through my cell
7 phone. I didn't know what he was doing with it, but when I
8 asked him for it, he asked for me to go take pictures of
9 myself and come back and show him. I told him no.

10 The way I feel about this is very, very disgusting
11 and it has seriously tore my nerves up and my family's.
12 It's put a problem in my life now.

13 The reason I told now is because he started
14 putting his hands on me, plus one day I was telling my mom
15 all these bad things that I have done and I couldn't hold it
16 in any more.

17 I'm still scared to this day of Chris Wessenger
18 and I don't want to be nowhere near him for the rest of my
19 life. This has also put a lot on my momma.

20 And, Your Honor, this pervert needs to be put away
21 from me and other little kids for our world's safety. I
22 wouldn't want anybody to have to go through things like this
23 any more with this man, because it is sick, and please send
24 him to prison and be evaluated for being a sexual predator.
25 Thank you.

1 THE COURT: Thank you.

2 W. M. : I'm W. M. I'm VICTIM #2
3 mother.

4 THE COURT: Yes, ma'am.

5 W M : I want to say that I hope that
6 justice is served here in this courtroom today against Chris
7 Wessenger, because what he has done can never be changed and
8 me or anybody in this world can take it back.

9 God only knows how my daughter felt seeing him do
10 what he was doing. He done this for a long period of time
11 before she ever got brave enough to tell someone. I believe
12 that he has -- I believe that he has not only physically
13 abused her, but more mentally. He has caused her to be
14 afraid of men and turn away from them. In her mind now I
15 think that because of what he has done, that she thinks that
16 all men are perverts. ' Because of the little things that she
17 says to me about other men, she thinks that they are
18 probably all like him.

19 He is a sick perverted man. Please do not allow
20 this man to be able to walk back out into our society,
21 because who is to say that he won't do it to someone else.
22 No matter what, I would not want for anyone to have to go
23 through what vic. #2 and my family have because of him.

24 I think that this man is -- if he was to walk
25 today, that it will be a slap on the wrist to him and he

1 would do it again. So please take into consideration
2 everything that has been exposed about Chris Wessenger and
3 give him the time he deserves for the crime he has
4 committed.

5 Your Honor, I ask that you please don't be lenient
6 toward this man and send him to prison, and I believe that
7 he should be evaluated as a sexual predator.

8 THE COURT: Thank you, ma'am.

9 W M : You are welcome.

10 THE COURT: Anything else from the State?

11 MR. KENDALL: Just very, very briefly, Your Honor.

12 In light of the recidivism rates of sexual
13 offenders, the legislature has allowed for some civil
14 remedies to combat sex offenders and sex offender abuse.
15 Under Title 44, Chapter 48, there is a civil way this can
16 go. But for that to happen, two things have to occur.

17 First, is that the defendant would need to go, or
18 any defendant would need to go to the Department of
19 Corrections.

20 And, second,, the offense would need to be labeled
21 a sexually violent offense.

22 Section 44-48-30 provides -- I have got copies of
23 it, if anybody would like them -- provides a list of sexual
24 offenses. This is not expressly listed on it. However, it
25 does -- it does on Section O include the kind of omnibus

1 clause of any offense which the court deems a sexually
2 violent offense.

3 Indecent exposure is kind of an odd case, because
4 it encompasses such a broad spectrum of activity. Both
5 cases of just juvenile indiscretion; your girl has gone
6 wild; your drunk is peeing on fire hydrants, to more serious
7 cases, such as this, that involve, I would argue, an
8 intentional pattern of manipulative conduct to get to
9 younger children and then conduct acts that are deviant
10 around them.

11 Based on this, as well as the defendant's past and
12 prior inclusion on the sex offender registry, the State
13 would respectfully request that this be looked at as a
14 sexually violent offense, so that he can be evaluated by the
15 DOC. And if they make the determination following the
16 necessary hearings, and I believe the mini-trials on those,
17 that this is something that he needs to be on, that we could
18 take advantage of the full availability of remedies under
19 this law, Your Honor.

20 THE COURT: Anything else from the State?

21 MR. KENDALL: Nothing further from the State, Your
22 Honor.

23 THE COURT: Yes, sir.

24 MR. RHODEN: May it please the court, Your Honor
25 let me -- there's a multitude of things I need to address

1 here.

2 Let me just tell you a little bit about Mr.
3 Wessenger. You have heard most of it. He is disabled, Your
4 Honor, and gets a check, an SSI check, a little bit close to
5 about \$700 a month. He had a hip problem and hip
6 replacement and that's the nature of his disability. He
7 only went through the 7th grade. But to his credit, Your
8 Honor, he has his own home. He has a mobile home that is
9 actually paid for, that he's actually made payments on that
10 and paid for that mobile home, and that's where he lives.
11 He lives alone. He -- Your Honor, of course, he's not
12 married and doesn't have any children.

13 And in addition, Your Honor, it's my understanding
14 that his father -- I think his father passed away after he
15 was arrested on this offense. I think he was still in jail
16 when that happened. I think his stepmother died right
17 before this, when he was arrested on these offenses.

18 Your Honor, let me address now some of the facts.

19 The solicitor mentioned, and, of course, part of
20 this is that the lewd act case will be -- is being
21 dismissed. This is not part of a negotiation in the plea.
22 The lewd act case is being dismissed because of problems
23 with that case. In fact, we had picked a jury in regard to
24 this matter just a couple months ago and were prepared to go
25 to trial, because Mr. Wessenger has always disputed the

1 accounts of the charge to lewd act.

2 Now, he does admit, and he's always admitted, that
3 he did on one occasion expose himself to these girls. He
4 gave a statement to that effect, but only on one occasion
5 does he admit that he did that.

6 So our position is, in regard to the lewd act,
7 Your Honor, it is being dismissed, but we dispute that there
8 was any factual basis for that charge at all.

9 Your Honor, he also disputes all of the evidence
10 or the statements that are made about sexual toys, that
11 there was any type of threats of violence, or anything of
12 that nature, Your Honor. In fact, I looked at the videos.
13 We had three videos from the Children's Advocacy Center.
14 We, quite frankly, are missing one video, and nobody seems
15 to know what happened to that one, but the ones I saw and
16 looked at, and I specifically made notes as I reviewed the
17 evidence in this case. And on that video from ~~VIC #2~~ she
18 states on that video that he did not threaten her. I have
19 made a note to that effect. So I'm just saying that there
20 is substantial dispute, in fact, in this case. Now, not as
21 to the plea, because he admits he exposed himself on one
22 time.

23 The solicitor is asking the court to make a
24 determination that this offense somehow should be declared a
25 sexually violent offense.

1 My position is, Your Honor, and I think I'm on
2 firm ground here, is that, first of all, under 44-48-30, the
3 definition of a sexually violent offense does not include
4 indecent exposure. That is excluded from the statute. If
5 the legislature wanted to put that in there, certainly they
6 could have put that in there.

7 The State wants to rest on the subsection that
8 says any offense for which the judge makes a specific
9 finding on the record that based on the circumstances of the
10 case, the person's offense should be considered a sexually
11 violent offense. That is the subsection that the State
12 relies on.

13 My position, Your Honor, on that is if the State
14 wants to go forward on asking the court to make that
15 determination at this time, then I believe the defendant is
16 entitled to a full evidentiary hearing of that issue. And
17 when I say full evidentiary hearing, I mean with testimony
18 being presented, Your Honor.

19 Certainly just taking the solicitor's word for it
20 and unsworn statements that are presented in court today, I
21 would submit, are not admissible evidence for the court to
22 make a specific finding on the record that this would
23 somehow be a sexually violent offense.

24 I think he has the right to that full evidentiary
25 hearing, if the State wants to pursue that, with the right

1 of cross-examination included in regard to that evidence,
2 because we do not admit anything more than on one occasion
3 Mr. Wessenger exposed himself to these young girls. And on
4 no occasion did he threaten any type of violent act towards
5 these young girls.

6 Your Honor, I would also have to point out that
7 this case is a bit unusual. And the unusual nature of it is
8 this, Your Honor. Maybe this isn't unusual, because a lot
9 of times we do have a delay in reporting, and that certainly
10 is present here, that apparently there was some delay of
11 maybe over a year that they alleged these things happened
12 before anybody reported it; but also it's very unusual from
13 this standpoint, that *Vic. # 2's* mother W it's my
14 understanding that -- and you have heard that Mr. Wessenger
15 is a registered sex offender. Now, that occurred many years
16 ago. And it was my understanding that it was more of he was
17 young and the victim in that case was much younger.
18 However, the victim in that case, my understanding, is
19 *Vic. # 2's* mother.

20 So I don't quite understand the concept that they
21 would let -- I mean, you know, they know Mr. Wessenger, and
22 it wasn't like he was just sneaking up on them or surprising
23 somebody. *Vic. # 2* has been driving go-carts for him for some
24 number of years, as I understand it. So that also puts it
25 into a very kind of odd category here.

1 But, nevertheless, Your Honor, the defendant does
2 admit this one occasion.

3 Also let me go back to another aspect that I saw
4 in reviewing the video's and the CAC report is that -- you
5 know, there are two young ladies. Carla, basically most of
6 her knowledge, other than this one occasion that he admits,
7 comes from what *Vic. #2* told her, and that's kind of born out
8 through the CAC video. And *Vic. #2* in the CAC video says, you
9 know, she even -- you know, I think one time even said to
10 Carla "come over here and look out the window. He's out
11 there doing it. Look over there." You know, it's more of a
12 situation where even taking that testimony or evidence from
13 the young ladies, that it was something that was going on
14 and a lot of times that they put themselves in that
15 situation to look at this, or whatever. But nowhere did I
16 see anywhere in the discovery I was presented that there was
17 any specific threats of violence or that he did anything of
18 a violent nature to these young ladies.

19 I would ask the court to consider that -- of
20 course, the sentencing range here is zero to three years on
21 indecent exposure. Mr. Wessenger spent two hundred and I
22 believe fifty-three days in the detention center, Your
23 Honor, and I would ask certainly the court to take that into
24 consideration.

25 He has been out on bond since late November of

1 2010. He has been in full compliance since he's been out on
2 bond, not gotten in any trouble or anything of that nature,
3 Your Honor.

4 But, once again, I will reiterate that we do not
5 concede in any form or fashion that this offense is a
6 sexually violent offense.

7 And I would specifically request, just so that the
8 record is clear, that if the State is asking for that
9 finding, that we be given the opportunity to have a full
10 evidentiary hearing on that issue, Your Honor.

11 So I would ask the court to take all that into
12 consideration when imposing a sentence on Mr. Wessenger.
13 Thank you.

14 THE COURT: Do you agree with what your lawyer
15 just stated?

16 THE DEFENDANT: Yes, sir, I do, every bit of it.

17 THE COURT: Is there anything else that you would
18 like to say or want me to know or consider?

19 MR. RHODEN: One thing he told me to mention to
20 you that I forgot was that when the solicitor read his
21 record, he said he does have a prior burglary, but I think
22 the solicitor said it was multiple counts. He said it was
23 only one burglary that he pled to.

24 THE COURT: Okay.

25 THE DEFENDANT: Your Honor, I would like to say a

1 few things.

2 I'm sorry for what I have done and I think I done
3 been punished enough.

4 I got an ankle monitor on my leg. I have had it
5 for two years and seven months. When I was first put on
6 this, the company that owns the monitor told me to stay in
7 my yard and that I couldn't go nowhere at all; just stay
8 there 24/7. When I was first put on the monitor and got out
9 I stayed in my yard five months day for day, 24/7. I had
10 someone go to pay my bills and run errands and get my
11 groceries for me. And then the people started letting me go
12 and cut grass for people to make extra money to pay for the
13 bracelet. I don't make enough every month to be able to
14 afford my bills and the bracelet, too, so they was nice
15 enough to let me take and go off and make money.

16 But I would just like to say that I'm sorry and I
17 would like for you to be truthful and -- I know what I done
18 was wrong and I'd just like to take and have some help, be
19 able to get some counseling from somewhere from --

20 What made me become a sex offender was about
21 eighteen to twenty years ago. That's how long it's been
22 since I have committed any kind of crime. I have been
23 straight and been clean for that long, twenty years.

24 And I done got my home paid for. It sits on a
25 rented lot. I don't own the land, but I don't want to lose

1 what I got.

2 My parents, they are getting in bad shape and they
3 are getting old and I'd like to be able to continue taking
4 care of them. My dad, when I was over here in jail, he
5 committed suicide. The man killed himself. My step-mom had
6 died two weeks before I went to jail and he told me, he said
7 "I don't think I will be able to live without her." And I
8 said "yes, you will, daddy, because I'm going to take care
9 of you." Well, after that happened I went to jail. And
10 they come over there and told me. They had a paper stuck to
11 their hand that said my dad took his life, after I told him
12 that I would be there to comfort him and take care of him.
13 I had to go to jail and pay for my wrongdoing and my dad
14 took his life, and that really hurts me in my heart.

15 But I would like for you to have mercy on me
16 today. Give me another chance to make things right and to
17 find some help for me somewhere where it don't have to be in
18 prison or the jailhouse.

19 That's all I have to say, Your Honor. Thank you.

20 THE COURT: Does the State wish to argue the point
21 that Mr. Rhoden has said that if the State intends for me to
22 make that determination, that he's entitled to a full
23 evidentiary hearing?

24 MR. KENDALL: I don't believe there is any
25 statutory basis for determination at this level, Your Honor.

1 This doesn't actually put him on the -- make him a sexually
2 violent predator. This would simply put him -- make this an
3 offense eligible for evaluation for the analysis of sexually
4 violent predator.

5 If the DOC -- if at the end of the DOC, that after
6 reviewing him, they would make that determination that's
7 something they want to go forward with. I believe he is
8 entitled to a civil jury trial. It becomes a civil matter.

9 This wouldn't get us there as to him actually
10 necessarily even, you know, being outright a sexually
11 violent predator. We just wanted to, and because this was
12 not specifically addressed in the statute, request a
13 specific finding for that, and that -- I believe that going
14 forward from that it would be appropriate.

15 I also think just the exposure of himself, despite
16 the fact he's already been convicted, would be sufficient to
17 constitute it a sexually violent act. I think it's
18 analogous in this situation. There is Subsection P, which
19 involves basically the solicitation. Though this does not
20 fit squarely into solicitation, I think that it certainly is
21 an analogous case with analogous motivations.

22 I think he very clearly falls under Subsection 4,
23 the section indicating sexual motivation. I think he is
24 very clearly within that.

25 I think he definitely has a mental abnormality

1 that's causing him to do these things.

2 Because of that I do think it's appropriate for
3 him to be evaluated.

4 MR. RHODEN: Just briefly in reply. I mean, the
5 only way the court can make any of those determinations is
6 to have evidence presented to the court for the court to
7 weigh and judge the credibility of that evidence, because we
8 have not admitted any facts, other than one incident of
9 exposure. And the legislature doesn't have indecent
10 exposure there, so there is just simply no way for the court
11 to make findings of fact, unless facts are presented in the
12 proper way.

13 THE COURT: I'll find that there is a substantial
14 factual basis for the plea and that the defendant's decision
15 to enter the plea has been made freely, voluntarily,
16 knowingly and intellectually by him. Therefore, I will
17 accept the plea.

18 All right. On these charges, it will be a three
19 year sentence on each of these charges.

20 They will run consecutive to each other.

21 He gets credit for 253 days.

22 I have indicated on the sentencing sheet he's not
23 to have any contact with the victims, if there is any type
24 of supervised release.

25 I have indicated on the sentencing sheet I agree

1 with both the State and the defense. I think that if I were
2 going to make factual determinations based upon what the
3 victims have -- or what's said in court, I think the
4 defendant would have a Constitutional Right to
5 cross-examination. However, for purposes of sexual violent
6 predator evaluation, I believe that the defendant's
7 statements alone and also his history puts him into that
8 category where somebody needs to take a look at it. He,
9 himself, is asking me to give him help for his problem, and
10 that's part of what the civil commitment process would do.
11 It would allow professionals to evaluate him to do what type
12 of civil treatment he would need. He may not qualify for
13 that program, but, you know, when they go through that, they
14 have multi-step processes they go through. They have the
15 solicitors committee. They have a prosecutors committee.
16 They have different people take a look at it. It may be
17 that they believe that he does not fall within that
18 definition, he does not need to be evaluated. They may feel
19 that he does, but I have indicated on the sentencing sheet
20 my desire that he be evaluated for the sexually violent
21 predator program and let those people make that
22 determination based on these charges.

23 Good luck to you, sir.

24 MR. KENDALL: Thank you, Your Honor.

25 MR. RHODEN: Judge, just out of clarification, I

1 don't want to leave any stone unturned. Is the court making
2 a specific finding under the statute concerning this
3 particular act as being a sexually violent offense?

4 THE COURT: Yes, based upon the information that's
5 been presented to the court. This county probably does not
6 even consider the actual statements that have been made by
7 the victim. I believe that it's based on the allegations
8 that he has admitted to; his own statements to me that he
9 needs that help; his criminal history; the fact that he's
10 already on the sex offender registry; the fact that if he
11 was not on the sex offender registry, these charges would
12 place him on the sex offender registry. I think the State
13 has met that burden; that that's enough for me to make that
14 finding for purposes for the evaluation process for the SVP
15 statute.

16 MR. RHODEN: Thank you, Your Honor.

17 MR. KENDALL:, Thank you, Your Honor.

18 (END OF REQUESTED TRANSCRIPT OF RECORD)
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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM CHEROKEE COUNTY
COURT OF GENERAL SESSIONS
J. MARK HAYES, CIRCUIT COURT JUDGE
CASE NOS. 2012-GS-11-0362 and 2012-GS-11-0363
APPELLATE CASE NO.: 2012-213064

The State of South Carolina.....Respondent,

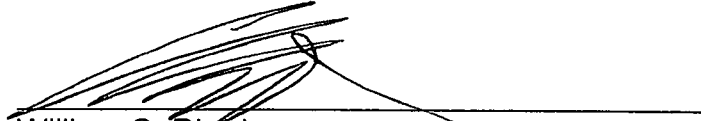
vs

Christopher Chad Wessinger,.....Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Dated this 20th day of March 2013.



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