

ORIGINAL

Volume II of II

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Thomas W. Cooper, Jr., Circuit Court Judge

RECEIVED

MAY 15, 2014

SC Court of Appeals TF

THE STATE,

RESPONDENT,

V.

ZACOATA LOPEY,

APPELLANT.

APPELLATE CASE NO. 2013-000554

RECORD ON APPEAL

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Palmetto Health Alliance FNE Program

Adult/Adolescent Forensic Record

Elaine T Henrick

Unit Record:

007037458

Evidence Collected**Clothing Collected:** describe clothing ☐ NA ☐ Bathed ☐ Changed Clothes

- ☐ Shirt _____
☐ Pants _____
☐ Underwear _____
☐ Bra _____
☐ Jacket _____
☐ Belt _____
☐ Shoes _____
☐ Debris Sheet _____
☒ Other Green bathrobe _____

Trace Evidence Collected: No Yes Not Indicated Describe

- Combed pubic hairs ☒ ☐ ☐ no pubic hair present
 Miscellaneous ☐ ☒ ☐ 1. bloody toilet tissue used at perineum post assault 2. blue disposable sheet used by EMS to cover the patient

DNA Evidence Collected:

- Fingernail scraping/cuttings ☒ ☐ ☐ very short nails, denied touching the assailants
 Oral swab and smear ☒ ☐ ☐
 Bite mark/suck/kissing ☒ ☐ ☐
 Miscellaneous secretions ☒ ☐ ☐
 UV + area ☒ ☐ ☐
 Vaginal swab and smear ☐ ☒ ☐
 Penile swab and smear ☐ ☐ ☐
 Rectal swab and smear ☐ ☒ ☐
 Buccal swab ☐ ☒ ☐

Toxicology Evidence Collected:

- Blood/grey top ☒ ☐ ☐
 Urine ☒ ☐ ☐
 Vomit ☒ ☐ ☐
 Other ☒ ☐ ☐

Photography:

- Colposcope ☐ ☒ ☐ ☒ 3.75 mag ☐ 7.5 mag ☐ 15 mag
 Digital pictures ☐ ☒ ☐ # of pictures 33

Palmetto Health Alliance FNE Program

Adult/Adolescent Forensic Record

Elaine T Henrick

Unit Record:

007037458

Post Examination**Lab Tests Performed*:**

Pos Neg NA Comments

* Test results may not be immediately available

Gonorrhea by PCR

☐ ☐ ☐

Chlamydia by PCR

☐ ☐ ☐

RPR

☐ ☐ ☐

HIV

☐ ☐ ☐**Hospital Tests*:**

No hospital tests given

Post Exam: ☐ Showered ☒ New clothing given ☒ Ate or drank prior to medications**Medications Given:**☐ Medication discharge instructions given

Ceftin 1gm po

Rx given for Doxycycline 100 mg PO BID

RX given for Premarin vaginal Cream, us

RX given for Ambien 5mg for insomnia

Discharge Information:

- Time: _____
- Discharged to: niece's home to stay until police have finished
- Accompanied by: Ellen Smith (niece)
- Discharge Instructions given to: ☒ patient ☒ family ☐ other: _____

Admitted to Hospital: ☒ No ☐ Yes Room Number: _____ Admitting MD: _____**Consults:** ☐ NA ☐ Yes _____**Medical Follow Up:**

PMD

Dr Hannah

Counselor Follow Up:

Sexual Trauma Services

Officer Receiving Evidence:Signature: _____ Time: 03:40Print Name and ID #: MauldinAgency Richland County SDEvidence Released: ☒ SLED kit ☒ Clothing ☐ Urine ☐ Other _____Signature of SANE Temple M. Hart, RN, SANE-A (Temple M. Hart, RN, SANE-A)

1 TEMPLE HART – DIRECT EXAMINATION BY MS. MCDUFFIE

2 DIRECT EXAMINATION BY MS. MCDUFFIE:

3 Q. Ms. Hart, where are you currently employed?

4 A. Palmetto Health Richland.

5 Q. And what are your duties at Palmetto Health Richland?

6 A. I am a forensic nurse examiner.

7 Q. And please tell the Court what a forensic nurse examiner does.

8 A. The forensic nurse examiner program at the regional office at Palmetto Health
9 Richland, we do domestic violence and sexual assault examinations.

10 Q. And please tell the Court a little bit about your background and training and
11 experience in the field of forensic nurse examination.

12 A. I was an obstetric in-patient nurse for seven years and then in January, 2010, I
13 completed the sexual assault nurse examination training, and I have been a forensic nurse
14 for two years.

15 Q. And you've been previously qualified as an expert in this state as a sexual assault
16 nurse examiner?

17 A. Yes, ma'am.

18 MS. MCDUFFIE: Your Honor, at this time I've offer Ms. Hart as an expert in the
19 sexual assault forensic nurse examination.

20 THE COURT: Any objection?

21 MS. DELANY: Without objection, Your Honor.

22 THE COURT: Okay, I so find.

23 Q. Ms. Hart, would you please tell the Court how you came into contact with Elaine
24 Henrick.

25 A. Yes, ma'am. December 14th, 2010, I was on call for a twelve-hour shift, eight

1 p.m. to eight a.m. and I received a call from the command center from Palmetto Health
2 Richland ER stating that the patient was in the ER and requesting that I come to see her.

3 Q. And who requested you come see the patient?

4 A. When a patient presents to the ER complaining of sexual assault, a triage nurse
5 makes a call to the command center and the command center contacts the nurse on call.

6 Q. And so that's something that the hospital does, the patient does?

7 A. The hospital does that.

8 Q. And when you first encounter a patient as you did with Ms. Henrick in this case,
9 please tell the Court what is the first thing you do or tell the Court your protocol for that,
10 what happens.

11 A. I introduce myself to the patient. Explain to them my role and let them know
12 about the examination, the history that will be provided and as long as they consent that
13 they would like for my services and for me to see them, then we begin the assault history,
14 medical history and examination.

15 Q. And on December 14th of 2010, did you come into contact with Elaine Henrick?

16 A. Yes, ma'am.

17 Q. And do you see her in the courtroom today?

18 A. Yes, ma'am.

19 Q. And can you identify her?

20 A. Sitting with the grey sweater around her.

21 Q. And the first time you came into contact with her was December 14th of 2010?

22 A. Yes, ma'am.

23 Q. And did you obtain a medical history asking numerous questions regarding what
24 happened in this particular?

25 A. Yes, I did.

1 Q. Please tell the Court Ms. Henrick's date of birth.

2 A. December 21, 1930.

3 Q. And would it help you to use your notes to help you refresh your memory? Please
4 refer to them if you have them in front of you.

5 A. Yes.

6 Q. Her date of birth 12/21, 1930?

7 A. Yes.

8 Q. And please tell the judge what you noticed when you first saw Ms. Henrick.

9 A. Ms. Henrick was still in where we call POD Nine in a private room, room 3. She
10 was not in the triage area any longer. Ms. Henrick was being assessed by the ER
11 physician, being medically cleared in order for her to come to the interview room which
12 is about a five minute walk across the other side of the ER and she was on the stretcher.
13 There were law enforcement officers in the room with her and nursing staff.

14 Q. Please describe for the Court what she was wearing at that time.

15 A. She was wearing a light green bathrobe and she had a disposable sheet on her that
16 was provided from EMS.

17 Q. Was there anything else on her person?

18 A. There was no other clothing; however, Ms. Henrick had - - She was bleeding
19 vaginally from some injuries and she had placed some tissue between her legs because of
20 the bleeding. She reported that when she called for EMS and called for 911, she had no
21 clothes on and she just grabbed a bathrobe and placed that tissue in her underwear.

22 Q. And did you collect that tissue at the time that you performed the exam?

23 A. Yes, ma'am.

24 Q. And you collected that tissue from where?

25 A. From her vagina.

1 Q. And you also asked her numerous questions?

2 A. Yes, ma'am.

3 Q. Can you please describe to the Court her demeanor when you were questioning
4 her?

5 A. She was very stoic. She was able to provide very detailed information regarding
6 the home invasion, the assailants. She described one as being young, one as being the big
7 guy. She was able to recall the items that she knew had been taken from her and she was
8 able to - - Very cooperative, however, when we talked about the sexual assault, she
9 became very tearful. She covered her eyes. She cried and we had to take our time and
10 give her a few minutes to get herself together when she described the actual assault.

11 Q. And did you document this in your notes what Ms. Henrick told you on that
12 night?

13 A. Yes, ma'am.

14 Q. If you could please read the Court your notes as to what she told you on that
15 evening.

16 A. The assault history?

17 Q. Yes, please.

18 A. The entire paragraph?

19 Q. Yes, please.

20 A. In the patient's own words and I quote.

21 (Witness reads assault history of Elaine Henrick.)

22 I was watching Minute to Win It Show and it was about halfway through. I was
23 talking on the phone to my friend. I had just hung up and they came in through the
24 sunroom door. I usually shut it and lock it, but I don't know why I didn't do that today.
25 They came in saying, where's your money, where's your money? I said, I don't have

1 any. I am on a fixed income. They asked, do you have a dollar? I said, yeah. And they
2 said, go get it. I went to the bedroom and the other man was already in there filling his
3 pockets with jewelry and stuff. The big guy asked, where is my handbag? and I said, in
4 the bedroom. He went and got it and brought it out upside down and everything was
5 falling out. He asked for my money so I got it out my billfold and gave him my money.
6 The big guy was pulling out the TV, and he was pulling the wrong cords. He didn't
7 know what he was doing. I asked the young guy, would you do this to your
8 grandmother? He said he had three kids and I asked him if he had a job. He said, yes,
9 but it didn't pay much money. They went to my other rooms and they made me go with
10 them. They wanted to keep an eye on me. They asked me if I had a gun. I said, no.
11 Then they held up shotgun shell I had in the jar. I said, no, I don't have one. I did but
12 they didn't find it so I didn't tell them. I was going to call 911 with my cell phone but
13 they must have already taken it. They took my camera and my iPod off the counter. I
14 had a digital photo frame, too, but he didn't know what it was. They told me to go to the
15 bedroom and take off my clothes. They said they was going to make me a hostage. I
16 said, I can't go outside in the cold with no clothes. They had a gun. I told them that it
17 was old and probably not working. He put a bullet in it and said, do you want to see? So,
18 I shut up. I went to the bathroom and started to take off my clothes. I asked to leave on
19 my underpants and he said, no, take them off. They made me take off my underpants.
20 They told me to get down on my back. I asked him, are you going to rape me and he
21 didn't say anything. He threw down my socks over my face and opened my legs hard,
22 pushing them open and he started raping me. He made me cover my face. I hollered,
23 "Oh my God." (In parenthesis, I wrote that she was crying at the time.) He covered my
24 mouth and so I couldn't breath and so I stopped hollering. He got through and the young
25 boy came over and I said, you're not going to do this to your grandmother and he

1 couldn't do it. So he turned around and raped me. He couldn't get it in, so he used
2 saliva.

3 Q. Meaning that he raped her anally?

4 A. (Witness nodded in the affirmative.)

5 Q. You also asked very detailed questions about what each individual did during the
6 assault. She described them in two different ways?

7 A. Yes. She, of course, didn't know their names. She described them as the young
8 one and the big guy.

9 Q. Please tell the Court what she said the big guy did, how he assaulted her. Do you
10 have certain boxes that you check off as to what was done during the assault?

11 A. We do and I've listed them.

12 Q. Please tell the Court what she said the big guy did.

13 A. Under penetration vagina, she said the big guy penetrated her with his penis, her
14 vagina.

15 Q. And the other assailant, how did she describe him?

16 A. The young one penetrated her anus with his penis.

17 Q. And she said that she asked him, would you do this to your grandmother and at
18 that point is when he flipped her over and raped her anally?

19 A. Yes.

20 Q. And he couldn't what? I'm sorry.

21 A. He wasn't able to insert his penis into her so he used saliva.

22 Q. And please tell the judge the exam that you performed on Ms. Henrick.

23 A. The entire exam or details of the specific . . .

24 Q. Details of the physical exam.

25 A. The genitalia was examined externally and she also had speculum exam and the

1 speculum exam was very difficult for her. There was a great deal of vaginal bleeding. It
2 was difficult to assess the injuries. At that time I needed to have the ER doctor come to
3 assess those injuries. He performed a second speculum exam. He was unable to assess
4 whether the lacerations that were internal needed repair and he consulted with the
5 gynecology doctor on call and they came down and did a third speculum exam.

6 Q. Please describe for the Court the injuries that you observed on Ms. Henrick.

7 A. Ms. Henrick had a bruise on her left hand. She reported that she was grabbed and
8 pulled. She also had a bruise on the inside of her right knee from her legs being pushed
9 open and then she had some genital injuries. She had a lot of bruising. She had a lot of
10 swelling. She had bilateral labia majora bruising, that's the outside fold. She had
11 bilateral labia minora swelling and bruising, the inside fold, and she also had a deep
12 laceration at ten o'clock. We use the clock to help us describe in a way that findings or
13 mean the same to everybody and the vaginal wall laceration at 1400 was noted by the
14 physicians to be a four centimeter laceration. And she also had some positive dye uptake
15 at 1800 at the posterior fourchette and that dye is used to help us better visualize injuries.

16 Q. Now, I'm going to hand you three photographs. Have you had the opportunity to
17 review these?

18 A. Yes, ma'am.

19 Q. And are these photographs that you took during your exam of Ms. Henrick?

20 A. Yes, ma'am.

21 MS. MCDUFFIE: Your Honor, we ask that these be marked as State's exhibits.

22 (Photographs marked as State's Exhibit Number Six, Seven and Eight.)

23 Q. State's Exhibits Six, Seven and Eight help you to explain the injuries that you just
24 described verbally for the Court?

25 A. Yes.

1 Q. Please describe for the judge what's depicted in State's Exhibit Eight.

2 A. That is external of her pubis with bleeding.

3 MS. MCDUFFIE: Your Honor, at this time we would offer State's Exhibit Eight
4 into evidence.

5 THE COURT: Any objection?

6 MS. DELANY: Your Honor, I would object to that. There was a case that came
7 out last week, actually, basically, it says photographs of what the witness has just testified
8 to don't add anything, you know, she's testified to them and Ms. McDuffie showed them
9 to her and that was it and I believe that case was reversed. I would object.

10 THE COURT: Do you have a copy of the case?

11 MS. MCDUFFIE: Your Honor, that case -- Ms. Delany is not properly quoting
12 that case. That case was a dog bite case and they said those photographs were not
13 probative as to the issues and facts for that case and it was prejudicial to the jury. There
14 is no jury here, Your Honor. We would ask that the witness be allowed to explain the
15 photographs and Your Honor give them as much weight as Your Honor deems
16 appropriate. They do help describe the injuries.

17 MS. DELANY: And, Your Honor, you are our jury, you're our and finder of
18 facts in this case.

19 THE COURT: Can you get the case for me? I need the case before I rule.

20 Q. State's Six and Seven also help you to explain to the judge the injuries that you
21 observed on the victim?

22 A. Yes.

23 MS. MCDUFFIE: Your Honor, we would also seek to introduce State's Six and
24 Seven.

25 MR. MAY: Can I just give you my computer?

1 THE COURT: Yes.

2 MR. MAY: It's actually - - State v. Collins*, it came out last week in the Court
3 of Appeals.

4 (Mr. May approaches bench with computer.)

5 THE COURT: What's the purpose of the pictures?

6 MS. MCDUFFIE: Your Honor, the purpose of introducing the pictures is so Your
7 Honor may see the injuries that nurse Hart is describing, and also Your Honor she's
8 describing specific injuries in very specific locations and we believe it would be
9 beneficial for the Court to be able to see the exact locations of these injuries as she's
10 described them and also the extent of the injuries.

11 MS. DELANY: And, Your Honor, I would also note that the allegations that my
12 client anally penetrated her is the allegation that the co-defendant vaginally penetrated
13 her so additionally I think they are prejudicial . . .

14 THE COURT: And the hand of one is the hand of all.

15 MS. DELANY: Your Honor, I think, I think it's a picture of a very, very
16 traumatized vagina. No one is denying that she was raped and she's testified to
17 everything. I think they're unfairly prejudicial.

18 THE COURT: Well, there's two issues here. One is, I guess, is where this
19 probable cause crime was committed and then there's the Kent factors that are going to
20 be determined as well. One of those factors are whether the alleged offence was
21 committed in an aggressive, premeditated and willful manner. Wouldn't that also be
22 evidence of that factor?

23 MS. DELANY: She testified, Your Honor.

24 THE COURT: Who testified?

25 MS. DELANY: Ms. Hart testified to all of that. I think at this point it's just

1 cumulative really to the point of being prejudicial.

2 THE COURT: And I disagree with you. I know what you're saying. You're
3 saying I am your jury. I'm not really your jury. I am your fact finder, but I don't think
4 I'm in the same role as a juror. I'm going to allow the evidence to come in.

5 MS. DELANY: Thank you, Your Honor.

6 THE COURT: Objection is overruled. Mr. May, you want your computer?

7 MR. MAY: I'd love to get it.

8 (Mr. May removes computer from bench.)

9 Q. Again, please describe for the Court what's depicted in State's Exhibit Eight.

10 A. That was a photograph that they took showing the bleeding to the external
11 genitalia.

12 Q. And this is also where you removed the tissue that was collected by you and
13 turned into law enforcement?

14 A. That is correct.

15 THE COURT: Okay, Plaintiff's Eight. I know your objection of the juvenile's
16 attorneys.

17 Q. State's Seven, please describe for the Court what's depicted in this photograph.

18 A. That is a photograph with labia retractions showing the positive dye uptake. It is
19 enhancing the posterior fourchette laceration.

20 Q. And State's Exhibit Six, please describe what's contained in this photo.

21 A. That is a photograph showing the vaginal pooling of blood and tissue as well as
22 swelling and bruising.

23 MS. MCDUFFIE: Your Honor, State's Exhibit Six and Seven we offer.

24 THE COURT: Six and Seven are entered and I know the objection of defense.

25 Q. State's Exhibit Seven, is this when you do an exam on a normal, healthy woman,

1 is this what you would observe?

2 A. No, ma'am.

3 Q. Please describe for the judge what differs in this photograph.

4 A. Well, this picture depicts a female with a loss of estrogen showing it diminished
5 to no pubic hair. Typically, the labia is flattened, very pale related to the estrogen loss
6 and fatty tissue. That particular genitalia in that age group is typically very pale, very
7 dry, shrunken and very frail.

8 Q. Is there quite a bit of swelling as evidenced in this photograph?

9 A. Yes, ma'am.

10 Q. Please describe that for the judge.

11 A. The labia majora is swollen, bruised, shiny. Shiny because of the fluid filled
12 bruised tissue.

13 Q. You also performed what's commonly known as a rape kit exam? You collected a
14 rape kit, a sexual assault kit?

15 A. Yes, I did.

16 Q. And please describe to the judge how you do that.

17 A. It's a very lengthy exam. For Ms. Henrick, after speaking with her and her
18 describing in detail the assault history, the evidence was collected particularly to what she
19 stated had happened to her so there were vaginal swabs collected, rectal swabs collected,
20 speculum exams, photographs, documentation of all injuries using body maps and they're
21 all included in there. Each swab is collected, dried and then packaged and sealed and
22 placed in the evidence collection kit box, sealed again and then turned over to law
23 enforcement.

24 Q. And is that exactly what you did in this case?

25 A. Yes, it is.

1 TEMPLE HART – CROSS EXAMINATION BY MS. DELANY

2 Q. You collected vaginal swabs?

3 A. Yes.

4 Q. Rectal swabs?

5 A. Yes.

6 Q. The tissue that we talked about earlier, bloody tissue?

7 A. Yes.

8 Q. And you turned all of that over to investigator Josh Mauldin?

9 A. Yes, I did.

10 Q. And all of that evidence was properly packaged and sealed?

11 A. Yes, it was.

12 Q. It was not contaminated in any way when it was in your custody?

13 A. No, ma'am.

14 MS. MCDUFFIE: Beg the Court's indulgence. No further questions from the
15 State, Your Honor.

16 THE COURT: Ms. Delany.

17 MS. DELANY: Your Honor, may it please the Court.

18 CROSS EXAMINATION BY MS. DELANY:

19 Q. Ms. Henrick described her assailants as big one and the young one, correct?

20 A. That is correct. She did not have names.

21 MS. DELANY: Thank you, that's it, Your Honor.

22 THE COURT: You may step down, watch your step. Can Ms. Hart be excused?

23 MS. DELANY: No objection.

24 THE COURT: You are free to go.

25 MS. WALKER: Your Honor, the State calls Stan Richards.

RICHLAND COUNTY SHERIFF'S DEPARTMENT

INTERROGATION: ADVICE OF RIGHTS

NAME: ZACATE LOPEZ PLACE: 120 Sprinkleberry Lane
OFFICER: INV. J.A. Clark DATE: 12-15-2010
TIME: 12:00

YOUR RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions, and to have a lawyer with you during any questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.

If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WITNESS: [Signature]

SIGNED: Zacate Lopez

WITNESS:

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me.

WITNESS: [Signature]

SIGNED: Zacate Lopez

WITNESS: [Signature]

*9TH GRADE
READ AND WRITE*

STATEMENT of

ZACARA Lopez
7247 Smithfield Rd
Columbia SC 29223

Columbia, S C, this 15 day of December, Made at 20 10, at 12:00 hours, in the presence of
INV. J. Miller. and/or INV. JOE CLARKE of the Richland County Sheriff's Department

I, ZACARA Lopez, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.
 DO MAKE THE FOLLOWING STATEMENT.

Q: Did you enter the home @ 2000 Audrey Lane.

A: NO

Q: Did you EVER Go inside the home @ 7256 Smithfield Rd

A: Yes. we AND Larry prophyl. went inside

Q: Did you touch the Asian Lady who lives at the home?

A: NO (LATER SAID YES)

Q: Have you EVER TAKEN something in the Neighborhood, that did NOT belong TO YOU - YES AT the woman's home.

A: I DO. Flat Screen TV

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward, or hope of reward of any kind

Witness

Signed ZACARA LOPEZ

Witness

This is to certify that I have read or have had read to me the foregoing statement consisting of _____ pages and a true copy has been given to me this _____ day of _____, 20____

SWORN TO AND SUBSCRIBED BEFORE ME
 THIS _____ DAY OF _____, 20____

Signed _____

NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES _____

Page 1 of _____

STATEMENT OF

ZACORATA Lopez
(CONTINUED)

DATE 12.15.10 TIME 13:00

Q: Did you hold the shotgun on the woman?

A: I had it in my hand but did not point it at her.

Q: What were you wearing?

A: I had Brown Boots (jolo) Black pants, Brown Sweater w/ Hood., Green Scarf.

Q: What did you do with the Charles? ^(near)

A: I turned the scarf in the street ~~the~~ dog towing service.

Q: What was Larry Propher wearing?

A: He had green scarf on.

Q: Did he bring the shotgun?

A: I did, I came inside first.

Q: Did Larry Propher have sex with the woman?

A: Yes he told her to get naked. He told her to go into the room. He told her to get on her back. He got on top of her. She started to get up. He said turn around. And he got onto her again.

Q: What was the woman doing?

A: She said "please Don't"

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind

WITNESS

WITNESS

SIGNED

Zacata Lopez

This is to certify that I have read or have had read to me the foregoing statement consisting of ____ pages and a true copy has been given to me this ____ day of _____, 2009

SWORN TO AND SUBSCRIBED BEFORE ME

THIS ____ DAY OF _____, 20.10

SIGNED

My commission expires _____

STATEMENT OF

ZACARATA Lopez
(CONTINUED)DATE 12.15.10 TIME 13:00

Q: Did you put your penis inside her?

A: yes in her VAGINA

Q: Was she on her Back or front?

A: Back.

Q: What were you looking for when you went inside the woman's home?

A: more.

Q: Where is the Shotgun?

A: Larry has the Shotgun.

Q: What did you take from the home?

A: I-POD AND TV.

Q: What did you do with them?

A: We threw them in the woods near the side of road near Dog's Towing. I Burnt the Shirt take too.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward, or hope of reward of any kind

WITNESS

WITNESS

SIGNED. Zacarata Lopez

This is to certify that I have read or have had read to me the foregoing statement consisting of ____ pages and a true copy has been given to me this ____ day of _____, 2009

SWORN TO AND SUBSCRIBED BEFORE ME

THIS ____ DAY OF _____, 2010

SIGNED _____

My commission expires _____

01-24-96

Statement of
Zacoate Lopey
Made at

Columbia, South Carolina, this 15th Day of December, 2010, at 15:19 hours, in the presence of Inv. Clarke the Richland County Sheriff's Department

I, Zacoate Lopey, Understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer. Do make the following statement:

Q: Joseph Clarke

A: Zacoate Lopey

Q: How old are you?

A: 14

Q: Where do you live at this time?

A: 7247 Smithfield Rd

Q: Is English your first language?

A: Yes

Q: What is the highest level of education you have achieved?

A: 9th Grade

Q: You are able to read and write correct?

A: Yes

Q: Do you understand the Miranda warning I read to you?

A: Yes

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind

Witness: [Signature]

Signed: ZACOATE LOPEY

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 15th day of December, 2010

Sworn to and subscribed before me
This 15 day of December, 2010

Signed: _____

[Signature]
Notary Public for South Carolina

My commission expires 12/08/2011

Q: Tell me about the night you and Larry Prophet went inside the old ladies home across the street from your house?

A: Larry and me rode his moped down too my house from Larry's house. Larry had the shotgun with him. We decided to go over to the old ladies house. We were looking for money. We went to the back door and opened it. We then walked across the street to her house. We went to the back door and opened it. We then opened the sliding glass door and entered the home. I had the shotgun and we walked in on the women as she was watching TV. She started to yell and go "UUUUHHHHH". I told her we were not going to hurt her. I asked where the money was and she told me she did not have any money. I handed the shotgun to Larry and went to look for stuff. I came back into the room with the lady and Larry. He handed me back the shotgun. He (Larry) then went to look for stuff Larry came back into the room and we took the lady to the bathroom. Larry told her to get naked. The woman said no. We then took her to a bedroom and she took off her clothes. Larry laid the woman on the bed on her back. He was hard and pulled his dick out after unzipping his pants. I watched a he started to have sex with the woman. She said no. She then tried to get up and Larry told her to turn over. I stood there but did not watch. He made the woman moan as he started to do something in her butt. When he was done I was hard and I unzipped my pants and pulled my dick out. I then started to have sex with the woman in her Vagina. I then finished and I came in a napkin which I placed in my pocket I later found the napkin in my clothes this morning and flushed the napkin at my house. I took a flat screen TV and an I pod from her house. Larry had already left the home. I took the TV and I pod to Roof Street and laid them on the ground near some woods. I then walked up Nancy Avenue. I took off the Green shirt which had hid my face. I threw the shirt under some bushes. I then took off my brown Hooded Shirt and threw it in the median on Nancy. I then walked to Larry's home on Humphrey Drive. I met with Larry and he did not have any stuff from the ladies house which I could see. I then slept in a chair at Larry's then walked home before catching the school bus at my home.

Q: What was your purpose too go in the woman's home?

A: For Money

Q: What made you decide to have sex with the woman?

A: I don't know I just did

Q. Why did you ejaculate in a napkin?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: Jacobe Lopez

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 9 pages and a true copy has been given to me this 15th day of December, 2010

Sworn to and subscribed before me
This 15 day of December, 2010

Signed: _____

[Signature]
Notary Public for South Carolina
My commission expires 10/08/2018

A: Because I did not want to bust in her.

Q: Why would you care if you ejaculated inside of her?

A: Cause I know yall can find it like that.

Q: So you know breaking in and raping the woman was a crime?

A: I did not break in the door was unlocked.

Q: Did you have permission to enter her home?

A: No

Q Did you know that raping an 80 year old woman was wrong?

A Yes sir.

Q. Why did you take the shotgun with you?

A: We just took it.

Q: the shot gun was loaded correct?

A: yes sir

Q Describe the shotgun to me?

A: it had a long barrel with a little bit of rust. It has a button on the top that makes the barrel open and it holds one shell.

Q Did the shotgun have a flashlight taped on the barrel?

A: yes sir.

Q What did you take from the home?

A: a flat screen TV and an I pod.

Q Did you burglarize any other home?

A: No

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: [Signature]

Signed: Zacoute Lopez

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 15th day of December, 2010

Sworn to and subscribed before me
This 15 day of December, 2010

Signed. _____

[Signature]
Notary Public for South Carolina
My commission expires 12/08/2014

****Nothing follows****

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness. _____

Signed: Iacobe Lopez

Witness _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 15th day of December, 2010.

Sworn to and subscribed before me
This 5 day of December, 2010

Signed: _____

Notary Public for South Carolina

My commission expires

RICHLAND COUNTY SHERIFF'S DEPARTMENT

INTERROGATION: ADVICE OF RIGHTS

NAME: Larry Profit PLACE: 5623 Two Notch Rd
OFFICER (S): Sgt. K. Isenhardt Inv. Mauldin
DATE: 12-15-10 TIME: 14:15

YOUR RIGHTS

- ☒ Before we ask you any questions, you must understand your rights.
- ☒ You have the right to remain silent.
- ☒ Anything you say can be used against you in court.
- ☒ You have the right to talk to a lawyer for advice before we ask you any questions, and to have a lawyer with you during any questioning.
- ☒ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- ☒ If you decide to answer questions now, without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WITNESS: J. Q.SIGNED: Larry ProfitWITNESS: [Signature]WAIVER OF RIGHTS

- ☒ I have read this statement of my rights and understand what my rights are. I am willing to talk and answer questions. I understand and know what I am doing. No promises have been made to me and no pressure or coercion of any kind has been used against me.

WITNESS: J. Q.SIGNED: Larry ProfitWITNESS: [Signature]

Statement of

Larry ProphetColumbia, SC 29223

Made at

Columbia, South Carolina, this 15 day of December, 2010, at 16:58 hours, in the presence of Sgt K. Isenhoward of the Richland County Sheriff's Department

I, Larry Propher, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

Do make the following statement:

Q: K. Isenhoward R: Larry Prophet

Q: Larry did we let you speak to your mother before you gave this statement?

R: Yes, Sir.

Q: Did you and Zocata Lopey rob an Asian woman last night?

R: Yes.

Q: Tell me what happened.

R: We was at my house. Me, Cotay (Zocata) and Minor 1 walked to Exxon on Shakespeare Road. We went there at around 8pm. We came back to my house and hung out. I asked Cotay if I could borrow his Polo boots to wear to school tomorrow. Andre stayed at my house and me and Cotay went to his house on the moped to get the boots. We came back to my house with the boots and we were hanging out. Cotay told me that he knew someone we could rob. He said she was an old Chinese woman who had some money. He said that if the car ain't there, she probably wasn't there. He went outside then came back in. I think he smoked. He asked me if I was ready. I told him that I was. We rode my moped over to his house. He went in the house and came back out, then went in the backyard and got with a shotgun. It was broke and flopping. He came out and

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: J. E.

Signed: Larry Prophet

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 4 pages and a true copy has been given to me this 15th day of December, 2010.

Sworn to and subscribed before me
This 15th day of December, 2010

Signed: Larry Prophet

[Signature]
Notary Public for South Carolina

My commission expires 10/08/2014

asked me if I was ready. He ran over to the woman's house and went inside through the back porch thing. I followed him and went to the carport. I was looking inside. He pointed the gun at her and asked her where the money was at. I went inside behind him. She told him that she didn't have any money. He said; you got a dollar and she said yes. He made her get out the chair and told her to show him where the money was. He told her not to walk fast. She went over to the front door. I heard him say jackpot. He got some cash from her. I went into another room and got a little fake ring and chain, a little girl necklace. I started going through the dressers and stuff. I called for him and went out the back door. I went out and ran to my moped. I drove off and looked back but never seen him leave the house. I just went home and I ain't even talked to him since. I got home at about 9 something, watched TV, smoked a cigarette and went to school this morning. The girl said that gun don't work and Cotay said you want me to show you

Q: When you went back to your house after the robbery, did Kotay or Andre go home with you?

R: Andre never left, he was there when I come back. He didn't know what were gone do

Q: Did you tell him what happened?

R: I told him "we went ham" that means we went and did something. He was halfway sleep though.

Q: Did you ever have the gun during the robbery?

R: I touched the gun in the yard, that's how I know, it don't work.

Q: Did you ever force the woman to have sex with you?

R: No.

Q: Did Kotay?

R: I don't know.

Q: Did you that night or have you ever ejaculated (cum) in that woman's house?

R: No.

Q: Did that woman ever let you have sex with her (Consensual)?

R: No. I ain't never did it to her

Q: Did you take that woman's television?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed

Larry Prophet

Witness: _____

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Sworn to and subscribed before me

This 15th day of December, 2010

Signed

Larry Prophet

Notary Public for South Carolina

My commission expires 10/08/2014

R No.

Q: Did you take that woman's cell phone?

R: No, sir. I think she had it in her lap when he came in. I think she was talking on the home phone with a blanket on her legs and the phone on top of the blanket. He grabbed it and took it apart.

Q: What all did you take from that woman?

R: That ring, chain, a little Chinese pocket book that had a little bible in it. It also had a little change thing in it. That's it. I threw that stuff in the road. Kotay's house is on.

Q: Why did you do this?

R: I wanted to do it for a couple dollars. I ain't got no job. We didn't know she was there, we were just going to break in.

Q: Did you see Kotay rape that woman?

R: No, sir.

Q: Is there any way possible that your semen (cum) is in that house?

R: No.

Q: What did ya'll buy at the Exxon when you went there?

R: Cigarettes, Newports, singles. Some dude in there sold me some, he was playing the little game and stuff.

Q: Can you take me to that woman's belongings that you stole?

R: Yes, sir.

Q: Did you give Andre the woman's phone?

R: No.

Q: Do you know where the shotgun is now?

R: No sir.

Q: Describe the gun again?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: _____

Witness: _____

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Signed: _____

Notary Public for South Carolina

My commission expires 10/08/2014

R: It was old, rusty, beat up. the handle flops. It is rusted brown. It's long and still has the back on it.

Q: What were you wearing when you did this?

R: All black My black jacket, blue jeans, my white j's and a green t-shirt over my face. He had the same shirt covering his face The jacket and shoes are the same ones you took from me today

Q: Were you wearing gloves?

R: No sir

Q: Do you remember what else Kotay had on?

R: I know he had them Polo boots on.

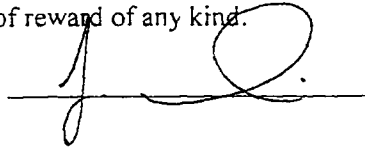
Q: Do you have anything else to say?

R: I ain't wanna do that junk. I just need money. If I knew my mom give some I wouldn't We were gonna break in some houses tonight though.

End of Statement 12/15/10 @ 17 52hrs*****

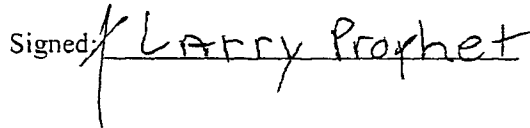
I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness



Witness

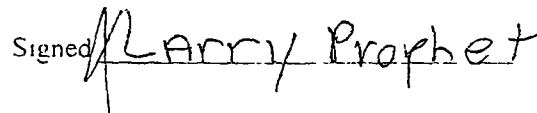
Signed



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Sworn to and subscribed before me
This 15th day of December, 2010

Signed



Notary Public for South Carolina

My commission expires 10/08/2014

1 THE COURT: Correct. State's 12 entered into
2 evidence.

3 (RECEIVED IN EVIDENCE AND
4 MARKED STATE'S EXHIBIT NUMBER 12.)

5 Q (MS. CAMPBELL) I show you a copy of State's 12, the
6 redacted version. Does this fairly and accurately
7 reflect his disciplinary action while at the Alvin S.
8 Glenn Detention Center?

9 A Yes, ma'am.

10 Q Did you actually have personal knowledge of Zacoata
11 Lopey yourself?

12 A (NO RESPONSE)

13 Q Did you have personal knowledge of him yourself?

14 A Yes, ma'am.

15 Q In your role at the detention center ---

16 A Yes, ma'am, I knew him.

17 Q --- you had interactions with him and you were aware
18 of his behavior?

19 A Yes, ma'am. We'd come and check on him.

20 Q And you were employed with the detention center for
21 how long?

22 A Thirty-three (33) years.

23 Q He was written up on multiple occasions as reflected
24 in those records?

25 A Yes, ma'am, over 20 times.

1 Q In your personal observations of the defendant as
2 well as reviewing the records, how was his behavior while
3 he was at Alvin S. Glenn?

4 MR. MAY: Objection, your Honor. She's asking for
5 an opinion that would need to be qualified as an expert,
6 and that has not happened yet.

7 THE COURT: Overruled.

8 A Certainly he's had more write-ups than any other
9 juvenile we've ever had. A lot of these incidents
10 started out as small things, maybe like talking in the
11 class, and the teacher or an officer would instruct him
12 to hold the noise down and to be quiet, and then they
13 would seem to always escalate into something much larger.
14 Several of these reports would have probably never been
15 even written if the first underlying thing, like be quiet
16 in class, would have been done.

17 Q He's had more write-ups than anybody else in your
18 experience at Alvin S. Glenn?

19 A That's correct.

20 Q Those are reflected in the records we've provided
21 the Court?

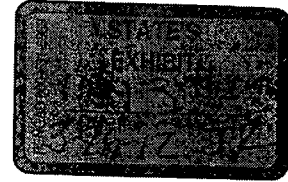
22 A Yes, ma'am.

23 Q And these are records you also provided the public
24 defender's office?

25 A I think we did to both.

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 20

Social History
Zacoata Lopey



A. Sources of Information

Hilda Lopey (Mother)
Zacoata Lopey (juvenile)

B. Prior Court History/ Criminal Record

- April 15, 2009, Zacoata was present in court for 2cts of Incurrigible and was ordered a secured evaluation at Midlands Evaluation Center.
- May 20, 2009, upon disposition, he was ordered a ninety (90) day determinate sentence, suspended upon alternative placement with twelve (12) months probation
- September 10, 2009, Zacoata successfully completed alternative placement at Camp White Pines.
- May 18, 2010, Zacoata was present in court for Probation Violation and was ordered a ninety (90) day determinate sentence suspended upon alternative placement with additional nine (9) months probation
- September 7, 2010, Zacoata completed alternative placement at South Carolina Mentor therapeutic foster care.

C. Family Description

Prior to his commitment to the Alvin S. Glenn Detention Center, Zacoata resided with his birth mother, Hilda Lopey, in the home of maternal grandmother, Mildred Ann Lopey. Zacoata's mother is 42 years of age (DOB: 08/08/1967) and is in good health. She graduated from high school and attended college. She has been employed as a bus driver for Richland County School District Two for the past five (5) years. Zacoata's grandmother, Mildred Ann Lopey, is 69 years of age and is in rather poor health and suffers with diabetes.

Zacoata is the third of five children born to Ms. Lopey; he has two older half-sisters and two younger full sisters. His oldest sister (age 22) was born when his mother was in a relationship with Tony Sawyer of New York. This sister now lives independently in Columbia, SC.

The second of Zacoata's older half-sisters (age 18) was born when his mother was in a relationship with Emory Penniston of New York. This sister also resides in their grandmother's home. Zacoata's two younger sisters (ages five and nine) also reside in the home. In addition to his sister, Zacoata's first cousin (age 19) also resides in his grandmother's home.

Zacoata's birth father, John Baker, resides in Columbia in the home of his mother, Delores Baker. Mr. Baker is 48 years of age and is in good health.

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 21

D. Description of Parents Background

Ms. Lopey was born in New York and attended Clara Barton High School in Brooklyn, New York up to the 12th grade. Ms. Lopey reported that she received her GED in the 80's or the 90's.

Ms. Lopey also stated that she has worked at Richland County School District Two as a Bus Driver for the past five years; her gross salary is about \$1,600.00 monthly.

Ms. Lopey reported that she and Zacoata's father never married but lived together for about a year. Ms. Lopey reported that they separated because she could not trust him around her daughters, and he would also make inappropriate remarks to her niece.

Ms. Lopey also reported that she was married to Emery Penniston for 19 years. She stated that she has been separated for Mr. Penniston for 17 years and was legally divorced from him last year.

Ms. Lopey reported that she does not have a history of substance abuse or criminal activity. However, Ms. Lopey stated that Zacoata's father was incarcerated for burglary or drugs.

E. Family Unity and Emotional Atmosphere

Zacoata reported that he has a close relationship with his family, and Zacoata stated that his relationship is good with both of his parents. However, Ms. Lopey stated that his father has no meaningful part of Zacoata's life. Ms. Lopey stated that Zacoata's father taught him a lot negative things, like not trusting Caucasian individuals and that it is appropriate to harm them.

Ms. Lopey stated that her relationship with Zacoata is good and bad. She stated that she takes care of Zacoata and gives him whatever he needs but acknowledged that she has been too lenient and protective of Zacoata.

Zacoata reported that his family does not do any family activities together, except for eating dinner at Ryan's restaurant. Ms. Lopey reported the family used to take many trips to New York and Florida, but for the last couple of years there have not been many activities, except for the fair.

Zacoata reported that he has received some form of discipline from his mother when he did not follow rules of the home and that his discipline is usually involved spankings or his T.V. privileges being taken away.

Zacoata and his mother both denied any history of abuse and neglect. Ms. Lopey stated that Zacoata's father used to get drunk and wanted to beat on Zacoata, but she would always prevent this from happening.

Ms. Lopey stated that she believes that the reason for the Zacoata's behavior is that he suffers from mental health issues. Ms. Lopey stated that Zacoata was diagnosed for ADHD and was given medication for Bipolar Disorder, but she is not sure if he was fully diagnosed with it. Ms. Lopey stated that Zacoata's problems have affected everyone in the household

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 22

and reported that Zacoata is constantly fighting with family members. Ms. Lopey also stated that Zacoata started getting in trouble at three years old and these problems have continued.

F. Social Agencies Involved

Ms. Lopey reported that Zacoata has been involved with counseling with A.S.Y counseling agency and Columbia Area Mental Health.

G. Health Practices

Zacoata and Ms. Lopey appeared to be in good health.

H. Early Development and Medical History

According to Ms. Lopey, Zacoata was born following a normal full-term pregnancy and uncomplicated normal delivery. Ms. Lopey stated that Zacoata suffered from breathing problems from a respiratory infection. Also at age seven or eight, Zacoata ran into a pole and received a concussion and injured his eye.

I. Community and Home Adjustment

Zacoata reported that overall, life for him has been good and bad. He stated that he spends most of his time in the studio rapping with his friends and also stated that they hang at the Greenview Neighborhood Park or at one of the friend's home. Zacoata stated that his friend's ages range from 17-20 years old and claimed that he has at least 100 friends. Zacoata also reported that he and his friends smoke at least five (5) to ten (10) marijuana blunts a day, start smoking at 9:00 am, and do not stop until all of the marijuana is finished. Zacoata stated that he started smoking marijuana and drinking alcohol at age nine (9).

Ms. Lopey reported that the neighborhood they lived in is a fairly nice one. Ms. Lopey stated that she dislikes Zacoata's friends and feels that they are a bad influence on Zacoata. Ms. Lopey stated that his friends live in the Greenview Neighborhood, which is around the corner from where they lived and described the Greenview Neighborhood as a gang and drug infected neighborhood with a lot of crime. Ms. Lopey stated that, according to Zacoata, he used marijuana heavy and that he smokes every day, all day.

Zacoata and Ms. Lopey both agreed that he gets upset easily and it usually ends with a fight with his siblings. They both also agreed that Zacoata does not comply with the rules of the house and with curfew, which usually results in daily arguments. Ms. Lopey stated that she believes something is mentally wrong with Zacoata and described him as having a Dr. Jekyll and Mr. Hyde type personality. Ms. Lopey stated that Zacoata can be caring and loving at times, and also stated that Zacoata is an honest person who usually does not lie; reportedly, if you ask him something, he will give you a truthful answer.

Both Zacoata and Ms. Lopey agreed that Zacoata breaks and destroys property by punching the walls when he is angry. Ms. Lopey reported that he also sets fires in the yard and his room for no particular reason, just to do it.

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 23

Both Zacoata and Ms. Lopey stated that they have a love for animals and own several pets.

J. School Information

Zacoata's last school attendance was at Spring Valley High School, where he was enrolled in self-contained student ED classes. At school, Zacoata has a history of threatening his teacher, being disrespectful, and truancy.

K. Institutional History

- April 15, 2009, Zacoata was committed to Midlands Evaluation Center for 2cts of Incurable.
- On May 20, 2009, he was ordered a 90-day determinate sentence suspended upon alternative placement.
- On June 9, 2009, Zacoata went to Camp White Pines and successfully completed placement on September 10, 2009.
- On May 18, 2010, Zacoata received a 90-day determinate sentence, suspended upon alternative placement for a Probation Violation.
- On June 11, 2010, Zacoata was admitted in a SC Mentor Therapeutic Foster Care and successfully completed that placement on September 7, 2010.

L. Recreational Interests.

Zacoata stated that he has interest in becoming a Truck Driver, joining the Army, and owning a Rap record label.

M. Religious Background

Zacoata reported that he does not attend church on a regular basis. The grandmother is a member of Kingdom Hall, and Zacoata stated that he did not like that particular church.

Ms. Lopey stated that she has been a Muslim for ten years.

K. Employment History

Zacoata reported that he steals TVs, laptops, or anything that he can sell to make money. Zacoata stated that he usually sells these things to strangers.

On occasions, Ms. Lopey stated that she gives Zacoata money because he does not have a job.

Kevin Brown
Community Specialist

**SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
PRE-ADJUDICATORY TRANSFER (WAIVER) EVALUATION**

DATE OF REFERRAL: March 16, 2011

NAME: Zacoata Lashane Lopey

SEX: Male

JJMS NO.: 364487

DOB: January 24, 1996

AGE: Fourteen years, ten months (on date of offense)

HEIGHT: Approximately Five feet, two inches

WEIGHT: Approximately 130 pounds

DATE EVALUATION ORDERED: December 16, 2010

DATES OF EVALUATION: April 22, 2010, May 7, 2011; May 20, 2011

DATE OF EVALUATION REPORT: June 29, 2011

CHARGES: Armed Robbery, Criminal Sexual Conduct 1st Degree, Kidnapping, Burglary 1st Degree

REGARDING DOCKET #: 2010JU401520, 1521, 1522, 1523

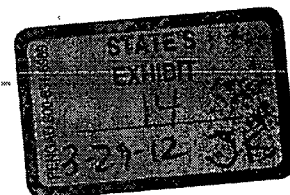
PAROLE GUIDELINES: 36 – 54 months or until 21st birthday

FORM V: See attached

WAIVER OF RIGHTS FORM(S): See attached

FAMILY COURT ORDER: See attached

SOCIAL HISTORY: See attached



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I. REFERRAL STATEMENT

This report has been prepared as part of the Department of Juvenile Justice's Waiver Evaluation in reporting specific findings for the Family Court in regard to the sophistication and maturity, adequate protection of the public, and the likelihood of rehabilitation in the juvenile justice system. On December 16, 2010, the Honorable Judge Small ordered for Zacoata to undergo a pre-waiver evaluation subsequent to charges of Armed Robbery, Criminal Sexual Conduct 1st Degree, Kidnapping and Burglary 1st Degree.

This report is meant for the use of qualified professionals only and others involved from a legal perspective with this waiver review process. No unauthorized disclosure of this report or information contained in this report is allowed and any person who without proper authorization discloses information contained in this report assumes all liability associated therewith. Some individuals and family members may tend to misunderstand and/or distort the information enclosed in this report. This may result in significant psychological distress to the individual or may interfere with any treatment and eventual recovery from psychological illness, if present. For individuals with self-destructive or assaultive tendencies, the consequences of ill-considered disclosure of this report may be serious.

Zacoata Lopey's Notice of Rights was read to him on April 22, 2011. Prior to this evaluation, he was informed that a report would be sent to the Family Court and that the evaluator might be called upon to testify regarding the evaluation. It was explained, and he understood, that the conversations were not privileged communications concerning the waiver hearing. His responses to questions regarding his comprehension of the Notice of Rights indicated that he understood his rights.

Zacoata conveyed an understanding of the purpose of a pre-transfer (waiver) evaluation. Specifically, after the difference between being tried in a juvenile (Family) court vs. General Sessions court was explained, Zacoata was able to convey an understanding of the difference between the two, particular as related to sentencing.

Zacoata's attorney, Joanna Delaney, did not object to the motion for a pre-transfer (pre-waiver) evaluation. Moreover, the Family Court Order (see attached) made the stipulation under the Hitopoulus ruling State v. Hitopoulus, 309 SE. 2d 747 (1983)] that information Zacoata provided for the purpose of this evaluation could not be used against him in order to establish guilt on these charges. His attorney was present during the initial interview.

II. SOCIAL HISTORY:

See attached document.

III. PSYCHOLOGICAL REPORT:

A. Sources of Information:

Clinical Interviews with:

Zacoata L. Lopey (age 14): Juvenile on April 22, 2011, May 7, 2011, May 20, 2011

Collateral Interviews with:

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Hilda Lopey (age 43) Biological Mother on 4/22/11 (face-to-face); follow-up phone interview on 6/27/11

Consultations with:

Kevin Brown: DJJ caseworker
 Joanna Delaney, Attorney for the Defendant
 Alvin S. Glenn Detention Center staff; 6/27/11 and 6/29/11

Records Reviewed:

Court Documents
 Richland County Sheriff's Office records (including incident/arrest report and victim's information report)
 South Carolina DJJ Child Assessment and Evaluation (CAE)
 Psychological Evaluation—Midlands Evaluation Center (5/14/09)
 School Records: Richland County School District Two
 Findings from Psycho-educational Report (Sep/Oct 2004)
 Forensic Medical Assessment: Palmetto Health Alliance FNE Program
 South Carolina Mentor (clinical notes and TFC service notes)
 Columbia Mental Health Center

Psychological Testing/Instruments:

Behavior Assessment System for Children—Second Edition: Self-Report of Personality-Adolescent
 Mental Status Examination
 Millon Adolescent Clinical Inventory (MACI)
 Multidimensional Anxiety Scale for Children (MASC)
 Reynolds Adolescent Depression Scale (RADS)
 RST-I (Risk for Dangerousness, Sophistication-Maturity, Treatment Amenability Inventory)
 Wechsler Intelligence Scale for Children-Fourth Edition (WISC-IV)
 Wechsler Fundamental Academic Skills – select subtests (Reading Comprehension; Numerical Operations)

B. Prior Court History:

In addition to the current charges of Armed Robbery, Kidnapping, Criminal Sexual Conduct 1st Degree, and Burglary 1st Degree, Zacoata was charged in 2008 and 2009 with Disturbing Schools and two counts of Incurable. The Disturbing Schools charge was not pressed, and he was committed to the Midlands Evaluation Center in April 2009 subsequent to adjudication on the Incurable charges. Upon disposition, he received a determinate sentence, suspended on alternative placement and probation. In May 2010, Zacoata was adjudicated delinquent for a Probation Violation and received another determinate sentence, suspended upon alternative placement and probation. A Receiving Stolen Goods charge was Not Pressed by the Solicitor in July 2010.

C. Behavioral Observations:

Zacoata Lopey is a male Richland County resident of African American descent. He was fourteen years, 10 months on the date associated with the incident from which the current charges arose.

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Zacoata Lopey was interviewed and assessed at the Alvin S. Glenn Detention Center in Columbia, South Carolina. He has been detained since December 2010. His weight is proportional with his height and he appeared well nourished. Moreover, he was well groomed and he was dressed appropriately in detention center issued attire. Zacoata was cooperative throughout the evaluative process and provided information relatively freely. Eye contact was adequate. His mood and affect were appropriate. Posture and gait were normal. His speech was clear and logical and his vocabulary usage was sufficient.

D. Mental Status Examination:

Zacoata was oriented to person, place, and the purpose of this assessment. He was unable to offer the date. He was alert and responsive. He comprehended the reason for the evaluation and had no difficulty in understanding his rights before choosing to cooperate with the interview and testing. He signed that he was willing to cooperate, for each of the three assessment sessions. He was told, and he understood, that in discussing the pending charges, the information could not be used against him to convict him on said charges. His attorney was also present during the initial interview, thus was available to address concerns or questions related to the limits of confidentiality and/or implications of information disclosure.

During the mental status examination, some deficits in short-term recall were indicated. Moreover, he was unable to complete a calculation task. Zacoata was able to respond to some questions assessing his current level of adaptive functioning. Throughout the interview and psychological testing, his thought processes appeared to be logical, sequential, and reality based. During cognitive testing, Zacoata tired easily and had to be redirected to remain on task. This presentation most likely adversely affected his performance on the intellectual assessment, thus findings from the cognitive test may represent a slight underestimation of his aptitude. Yet, sufficient participation was noted for this to be judged a valid estimate of Zacoata's current psychological functioning, with exceptions as noted.

Zacoata reported that his appetite was good. Regarding sleep issues, he reported a long history of a decreased need for sleep. Specifically, he stated that he often performs exercises or engages in other activities during the overnight hours. By his report, he continues to sleep a minimal amount (an average of one hour nightly) whilst in the detention center.

According to his mother and other supporting documents, Zacoata received mental health services throughout his childhood. A review of the report generated through the Midlands Evaluation Center (SCDJJ) in May 2009 indicated that Zacoata received services at the Columbia Area Mental Health Center Services which were initiated subsequent to behavioral issues, including aggressive and violent acts, exhibited across multiple settings. By the report of his mother, Zacoata has previously been prescribed psychostimulants, antipsychotics, and mood stabilizers and he has been hospitalized several times for stabilization of behavioral and emotional issues. A review of mental health records confirms that Zacoata received services through the Columbia Area office of the Department of Mental Health for treatment of Conduct Disorder, Attention-Deficit/Hyperactivity Disorder, and Mood Disorder NOS. Reports also confirm that he has been prescribed Vyvanse, Clonidine, Depakote ER, and Abilify (at various times) for treatment of these conditions.

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According to the Health Services Administrator at the Alvin S. Glenn Detention Center, Zacoata was prescribed Depakote, during his stay at the detention center, until 5/18/11. Reportedly, in mid-May, Zacoata began to refuse the medication due to his inability to attain an erection while taking the medication. Regarding his behavior at the detention center, Ms. Lopey reported that Zacoata was in "lock-down" for a few weeks at the detention center subsequent to threatening a guard. Information obtained through the detention center indicated that Zacoata was sequestered for 10-15 days, on multiple occasions, due to behavior problems. Specifically, according to detention center staff Zacoata often walked out of the classroom without permission, was disobedient and disruptive, and failed to follow directives. Moreover, he reportedly made comments about engaging in sexual acts with the mothers/female family members of the other juvenile residents. The medical unit at the detention center stated that on 6/15/11, he threatened to assault the mother of another detainee (upon his release).

In 2004, Zacoata was referred for a psycho-educational assessment through his school district. Findings did not reveal learning deficits per se, yet confirmed the presence of behavioral issues within the classroom that were affecting his academic performance. An extensive history of behavioral issues within multiple settings is documented throughout various reports available for review. Moreover, Zacoata has exhibited a propensity toward aggression and violence, including threats to harm others and acts of aggression against various family members. For example, according to records, he was hospitalized after attempting to stab his sister with a butter knife and threatening to harm various individuals.

Regarding a history of substance and/or alcohol abuse, Zacoata admitted to regular abuse of marijuana and liquor (beginning at the age of nine), including on the date on which the alleged offenses occurred. By his report, he was attending court-mandated substance abuse treatment services, yet discontinued said services prior to the date of the alleged offenses.

Regarding evidence of psychosis, symptoms were denied including delusional thoughts, odd behaviors, and visual, auditory, olfactory and/or tactile hallucinations. However, results from the personality assessment indicated that Zacoata endorsed hearing voices often. Zacoata also described symptoms of mania, including uncontrollable feelings of anger/rage, decreased need for sleep, and engagement in risky behaviors. Symptoms of depression were denied verbally, yet findings from a measure of depressive symptomatology in adolescents suggested that he experiences some ancillary symptoms of depression, including feelings of boredom, wanting to run away, and having a negative self-image.

Zacoata was able to converse fairly well about many facts of his life. Additionally, he demonstrated some insight into the nature of the offenses with which he has been charged. In general, he was able to convey why such actions are unlawful, the effect that said actions could have on victims, and he conveyed a cursory understanding of the court/trial process.

E. Background Information:

According to Ms. Lopey, Zacoata was one of three children born during an intermittent relationship between John Baker (age 48-49) and Hilda Lopey (age 43). Reportedly, she and Mr. Baker also have a 9-year-old daughter and a 5-year-old daughter together. Ms. Lopey also has two older daughters through two prior relationships. Her 22-year-old daughter graduated from high school and is currently employed at a hotel. Her 18-year-old daughter graduated from

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high school in 2011 and reportedly plans to join the military. Ms. Lopey stated that Mr. Baker has one additional child (a 10-year-old son), yet Zacoata reported (in 2009 during the MEC evaluation) that his father has several other children.

Ms. Lopey stated that she earned a GED and for the past five years has been employed as a school bus driver with the Richland County School District. When questioned about a criminal history, she was evasive yet eventually acknowledged that she was charged previously with simple assault (reportedly, the charge was dismissed). Mr. Baker's educational history is unknown. Reportedly, he has been "in and out of" prison throughout his life and has historically worked odd jobs. Zacoata reported that his father was previously convicted of murder, after killing an intruder.

Zacoata was born in Columbia, South Carolina. Reportedly, he was the product of a full-term pregnancy, which culminated with a vaginal delivery. Complications were indicated in that Ms. Lopey became pre-eclamptic toward the end of the pregnancy. No special instrumentation was used to extract the fetus. Ms. Lopey denied use of all potentially toxic substances throughout the pregnancy and noted that he was healthy at birth. Although he reportedly met most major milestones on time, she disclosed that he had trouble with the development of fine and gross motor skills (e.g., tying shoes; riding a bicycle). When questioned about a history of head injuries, both informants reported that Zacoata lost consciousness subsequent to running into a pole at the age of 10 or 11. His mother was unable to describe in detail the exact nature of his injury and/or whether he received medical care following this incident; however, Zacoata stated that he suffered from a "light concussion." Zacoata's vision was reportedly affected by this injury long-term. Zacoata has never experienced seizures.

Zacoata has been in the care and custody of his biological mother since birth. Reportedly, Zacoata and his mother (along with his siblings) have resided with Zacoata's maternal grandmother for the majority of his life. Ms. Lopey described a poor relationship between Zacoata and his father and stated that, when they had contact with each other, Mr. Baker was often physically abusive. Zacoata did not discuss his relationship with his father in depth, when given the opportunity, yet confirmed that contact has been limited between him and his father throughout his life.

Zacoata's relationship with his mother was fraught with conflict, as described by both informants. Specifically, Ms. Lopey acknowledged that she often used corporal punishment to discipline Zacoata. She further stated that she was investigated twice by the Department of Social Services in 2008 and 2009 due to allegations of physical abuse. Reportedly, neither allegation was substantiated although, by Ms. Lopey's own description, she "beat the living he—out of him." No records from the Department of Social Services were available for review.

During the interviews with Zacoata, he reported that he was beaten repeatedly by his mother and that the beatings occurred regularly. At times, his grandmother would intervene, yet the beatings continued. He further stated that he was forthcoming about his experiences when questioned by the Department of Social Services in 2008 and 2009. He also reported that the family struggled financially and often the utilities were cut off due to non-payment. Due to the ongoing problems within the home, Zacoata states that he started fending for himself at the age of 13, which led to him leaving his home for several consecutive days. Reportedly, he often lived with friends and engaged in criminal acts (e.g., muggings) in an effort to survive.

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Reportedly, Zacoata has exhibited an extensive history of aggressive behaviors and violent acts since childhood. His mother reported that he attempted to "poison" his father when he was only 3 ½ years old, yet she was unable to describe in detail how a toddler would have intentionally poisoned an adult. She also stated that Zacoata "stabbed" his older sister with a butter knife and a fork, the former of which led to one of the psychiatric admissions. Reportedly, he also threw a bowl of hot soup on his sister, which led to burns (severity unknown), yet Zacoata described this incident as accidental. By his mother's report, he was initially diagnosed with Attention-Deficit/Hyperactivity Disorder at the age of six or seven, yet has since been diagnosed with various behavioral and emotional disorders. As noted above, a prior evaluation indicates that Zacoata has been diagnosed with behavioral disorders as well as Mood Disorder NOS for which he was prescribed Vyvanse, Depakote ER, Abilify, and Clonidine, at various times, for treatment of these disorders (according to mental health records). Zacoata admitted to regular abuse of marijuana and alcohol and reportedly abused both substances on the date associated with the current offenses. A history of behavioral issues, suspensions, and other disturbances within the school setting are documented within school records.

As indicated in the 2009 MEC report, the discharge summary from Palmetto Health Baptist Medical Center (Baptist) indicated that he was first admitted for stabilization in September 2007, at the age of 11, due to aggressive and violent behaviors. His stay was "unremarkable" and at discharge in October 2007, he was prescribed Elavil and Clonidine with a diagnosis of Conduct Disorder. Zacoata was re-hospitalized at Baptist Hospital in July 2008 (age 12) due to additional acts of aggression and threats of violence. During this second hospitalization, Zacoata was prescribed Abilify and was discharged 10 days later. Approximately two months later, Zacoata was hospitalized for a third time, after threatening to harm a school official. The discharge summary related to this admission indicated "a history of multiple school suspensions, including bomb threats and threatening to shoot teachers." Upon discharge, Zacoata was prescribed Depakote and Clonidine for treatment of Mood Disorder NOS, Oppositional Defiant Disorder, and Attention-Deficit/Hyperactivity Disorder. Records show that one or more of these hospitalizations were due to acts of violence against his older sibling (including stabbing her with a butter knife) and multiple threats to harm others with weapons.

As noted previously, in 2004, Zacoata was referred for a psycho-educational assessment. Findings did not support indications of a learning disorder, yet confirmed the presence of behavioral issues within the classroom that were affecting his academic performance. As such, Zacoata was referred for services as an emotionally disabled student. A review of the most recent team meeting notes for the manifestation review (dated 9/28/10) at Spring Valley High School (ninth grade) indicated that he was served as a "self-contained student in the ED class." The team's recommendations then were to explore a modified school day schedule and placement to address significant behavioral issues. Information from the Alvin S. Glenn Detention Center indicated that Zacoata lacks motivation and exhibits marked behavior problems in the classroom.

Regarding histories of familial criminality and/or psychiatric issues, various family members and others within his environment (i.e., peers) have engaged in minor and serious criminal acts; therefore, Zacoata appears to have been socialized within an environment that seemed to promote or encourage criminogenic attitudes and beliefs. As noted previously, Zacoata's father was (reportedly) convicted of murder and other criminal acts. Ms. Lopey denied a criminal

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history, yet later admitted that she was once charged with Simple Assault. Ms. Lopey described Mr. Baker as an alcoholic, yet denied that Mr. Baker has received treatment for alcoholism (to her knowledge).

Zacoata denied gang membership, yet admitted that most of his peers are involved in a gang (including his co-defendant for the current offenses). Ms. Lopey adamantly denied that Zacoata was involved in a gang and/or that his alleged actions related to the current offense were due, even in part, to gang ties or affiliation. Ms. Lopey denied that Zacoata was ever accused of any other sexual offenses or displayed sexually inappropriate behaviors; however, according to detention center staff, Zacoata has repeatedly made threats to act out sexually against unknown females.

Subsequent to his initial involvement with the South Carolina Department of Zacoata Justice, Zacoata has been placed outside of the home multiple times. In April 2009, he was committed to the Midlands Evaluation Center for an evaluation subsequent to charges of Incurability. Following his dispositional hearing, Zacoata was placed at Camp White Pines in June 2009 as a condition of his probation. According to the discharge summary from Camp White Pines, Zacoata received mental health services and medication management whilst in placement. Reportedly, he satisfactorily completed the program in September 2009 and returned home to the care of his mother. In June 2010, pursuant to a court order for alternative placement, Zacoata was placed in a Therapeutic Foster Care setting in Sumter, SC, in which he "made minimal progress towards his treatment goals." He was released from the TFC placement in September 2010. Three months following his discharge from TFC, Zacoata incurred the charges associated with the current offenses.

According to Lieutenant Moye at the Alvin S. Glenn detention center, Zacoata has been in "lock-down," for up to 15 days, since he was admitted to the detention center in December 2010 for acting out. Additionally, he has reportedly made threats toward the female family members of other juvenile detainees, including sexualized threats.

F. Empathy, Remorse and Responsibility:

Pursuant to *State v. Hitopoulos*, 3099 SE.2d 747 (1983), the court order indicated that "any oral or written statements made by the Zacoata regarding the charges contained in Petition 08-JU-16-253-257 to the psychologist(s) conducting the pre-waiver shall not be admissible as evidence against him in any criminal trial concerning these charges." Consequently, Zacoata was permitted to discuss the charges and facts associated with the case to gauge a sense of empathy, remorse, and responsibility.

When questioned about the events on the date in question, Zacoata reported that after leaving school, he went to a local gas station for cigarettes. Subsequently, he went to the home of his co-defendant (age 15) and they began consuming alcohol and smoking marijuana. [Note: Zacoata described a very close relationship between him and the co-defendant and perceived him as "a brother from another mother."] Reportedly, the co-defendant left briefly to pick-up another male youngster (juvenile) and returned with said person to the home. Following the co-defendant's return, Zacoata and his co-defendant walked through the streets surrounding the neighborhood, returned to the home of the co-defendant to retrieve a gun, and then set out on a moped to "hit places" [i.e., engage in robberies].

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Upon approaching the victim's residence (an elderly woman), they did not see a vehicle, thus they believed the house to be empty at the time. Notably, the victim resided near Zacoata's residence. They went to the back of the home and entered the house through the (reported) unlocked door of the sunroom. Upon entering the house, they discovered that the victim was in the residence. By Zacoata's report, he handed the gun to his co-defendant and began questioning the victim about the whereabouts of valuables, including money and weapons. By his report, he collected various objects, including an iPod and a flat screen television, while his co-defendant pointed the gun at the victim. The victim reportedly pulled out a wallet to give them money, yet denied that there were weapons in the home.

After gathering the various objects, reportedly Zacoata's co-defendant introduced the idea of sexually assaulting the victim. Zacoata confided that he was hesitant, yet ultimately acquiesced and forcibly penetrated the victim anally. A review of the victim's statement suggested that Zacoata was reluctant to assault her sexually, as she noted that he experienced difficulty penetrating her, thus had to lubricate his penis with saliva. The victim also noted that she made a statement to Zacoata about her being akin to his grandmother. When questioned as to whether that statement affected him in the midst of the incident, he replied that he thought, "I'm going to jail either way if I get caught," thus he opted to assault her sexually despite his reservations.

Zacoata expressed remorse for his actions related to the sexual assault. Reportedly, he ruminates often about the effect of his actions on the victim and aspires to make amends. He further acknowledged that his actions could have long-term implications on the victim. To atone for his actions, Zacoata expressed a desire to "do things to make her happy." Although verbally remorseful for the assault, Zacoata did not express remorse for the robbery or his history of robberies. By his report, he "feels good" when he robs because of the tangible rewards of gaining money or valuables as a result. He further stated that he makes sense of his actions by stating to himself that victims were able to earn the money/valuables initially, thus they are capable to earn them again.

While discussing the specifics of the incident in question, Zacoata was able to describe the nature of the charges against him and provided reasonable explanations as to why sexual assault is unlawful. Yet his conceptualizing of and justification for engagement in robberies diverges from social norms and morals. Zacoata believes that he should be given a "second chance" to atone for his actions as noted above.

G. Psychological Testing:

Cognitive and Achievement Functioning:

The Wechsler Intelligence Scale for Children, Fourth Edition (WISC-IV) was administered. This is an individually administered clinical instrument, used to assess intellectual/cognitive abilities of children ages six years through sixteen years, eleven months. It is designed to examine the capacity of an individual to act purposefully, think rationally, and to deal effectively with his/her environment. The results of this administration are most likely a slight underestimation of Zacoata's aptitude, given his demeanor and attitude toward testing.

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The scores on the individual subscales of the WISC-IV are reported in the table below. All IQ and index scores have a Mean of 100 and a Standard Deviation of 15. Scaled scores have a mean of 10 and a standard deviation of 3; therefore, a majority of those tested score between 7 and 13.

Results on the WISC-IV suggested that overall Zacoata functions in the Borderline range of cognitive ability. His Full Scale IQ of 71 placed him at the third percentile. Overall, his performance reflected limited strengths, yet significant discrepancies were noted between some subtest scores. Specifically, relative strengths were illuminated for working memory whereas his performance on subtests measuring verbal reasoning abilities, non-verbal reasoning, and his ability to process information fell within the borderline range or below.

Zacoata's verbal reasoning abilities, as measured by the Verbal Comprehension Index, fell in the borderline range and are above just 8% of his peers (VCI = 79; 90% confidence interval = 75-86). The Verbal Comprehension Index is designed to measure verbal reasoning and concept formation. In general, his abilities to engage in abstract reasoning, his expressive vocabulary, and his knowledge of conventional standards of behavior and common sense were limited.

Zacoata's nonverbal reasoning abilities, as measured by the Perceptual Reasoning Index, fell in the borderline range and are above 8% of his peers (PRI = 79; 90% confidence interval = 74-87). Overall, he did not demonstrate the ability to engage in nonverbal concept formation and visual perception and organization, and visual-motor coordination abilities were limited.

Relative strengths were illuminated through subtests measuring his working memory abilities. Specifically he scored within the low average range on subtests comprising the Working Memory Index (WMI = 88; 90% confidence interval = 83-95). This index measures his abilities to sustain attention, concentrate, and exert mental control.

Marked weaknesses were identified in Zacoata's ability to process information swiftly, as measured by the Processing Speed Index (PSI = 56; 90% confidence interval = 54-69). Processing speed is an indication of the rapidity with which Zacoata can mentally process simple or outline information without making errors.

Wechsler Intelligence Scale for Children – Fourth Edition (WISC-IV)

Composite Scores Summary

Scale	Sum of Scaled Scores	Composite Score	Percentile Rank	90% Confidence Interval	Qualitative Description
Verbal Comprehension (VCI)	19	79	8	75-86	Borderline
Perceptual Reasoning (PRI)	20	79	8	74-87	Borderline
Working Memory (WMI)	16	88	21	83-95	Low Average
Processing Speed (PSI)	4	56	0.2	54-69	Deficient
Full Scale (FSIQ)	59	71	3	68-76	Borderline

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Subtest Scores:

<u>Verbal Comprehension</u>	<u>Scaled Scores</u>	<u>Perceptual Reasoning</u>	<u>Scaled Scores</u>
Similarities	7	Picture Concepts	10
Vocabulary	7	Matrix Reasoning	6
Comprehension	5	Block Design	4
<u>Working Memory</u>	<u>Scaled Scores</u>	<u>Processing Speed</u>	<u>Scaled Scores</u>
Digit Span	8	Coding	3
Letter-Number Sequencing	8	Symbol Search	1

These scores represent a decline in functioning, on some dimensions, from a previous administration of the WISC-IV in 2004, when Zacoata was eight years old. Specifically, in 2004, Zacoata's Full-Scale Score was 82, which fell within the Low Average range. Other scores were as follows: Verbal Comprehension: 93; Perceptual Reasoning: 84; Working Memory: 83, and Processing Speed: 83. The most drastic variation was a nearly 30-point difference between the prior Processing Speed score and the current score. In 2009, Zacoata had an abbreviated cognitive assessment in 2009 at the Midlands Evaluation Center. Results from the Wechsler Abbreviated Scale of Intelligence, administered in 2009, yielded a Full Scale score of 82 (Low Average), a Verbal IQ score of 92 (Average) and a Performance IQ score of 75 (Borderline). While his performance on the Verbal subtests was markedly better in 2009, in comparison to his performance on the current administration of the WISC-IV, the 2009 Performance score was commensurate with findings from current testing. Notably, Zacoata did not report a history of a head injury according to the 2009 MEC report, thus this raises the question as to the timeframe for this injury (i.e., before or after the MEC admission). Additionally, as noted above, given Zacoata's presentation during testing, the current WISC-IV findings are most likely an underestimation of his overall level of cognitive functioning; however, given a reported head injury, additional testing is warranted (i.e., neuropsychological testing) to corroborate current findings and to determine if current findings represent a decline from previous functioning.

Zacoata was also administered two subtests (Reading Comprehension and Numerical Operations) of the Wechsler Fundamental Academic Skills test. The standard score achieved in Reading Comprehension suggested that Zacoata performed within the Average Range, using age-based norms. His performance on the Numerical Operations subtest reflected markedly below average performance, using age-based norms. Findings from the Reading Comprehension subtest were inconsistent with his performance on the WISC-IV, yet the Numerical Operations score was commensurate with his aptitude as measured by the intellectual assessment.

Wechsler Fundamental Academic Skills—Select subtests

Standard Scores

Reading Comprehension:	94
Numerical Operations:	74

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Personality and Emotional Functioning:

The Millon Adolescent Clinical Inventory is a self-report inventory designed to assess personality styles, significant problems or concerns, and clinical symptoms in adolescents, using a true-false format. The response style suggested a tendency toward self-deprecation and a consequent exaggeration of current emotional problems, thus the findings were interpreted cautiously. Findings from this assessment reflected an intense conflict between his anger toward most people with whom he has a personal relationship and his feelings of guilt and self-condemnation. Although he would like to depend on others, he has learned to anticipate pain and disillusionment. His despondency overlies a markedly deflated sense of self-esteem, and his expectancy of repeated personal failures and humiliation constrain his efforts to assert himself by becoming more autonomous or independent. Because others either have undone or deprecated his attempts at self-assertion, he has become increasingly pessimistic about the future, brooding over past events, and feeling sorry for himself. However, these restrictions and dispiriting adaptations stir deep resentments within him. Consequently, he will often act in a petulant, unruly, and passively aggressive manner, occasionally attacking others for their lack of support. The associations that he seeks with others are seriously jeopardized by these displays of discontent and anger, however. To restrain his resentments and to protect himself against a further loss of support, he may withdraw into fantasy solutions, remaining in his characteristically depressed and somber state.

The unruly outbursts and gloomy moodiness of this teenager often evoke critical if not humiliating reactions from others, and such reactions reinforce his depressive tendency and self-protective withdrawal. Every avenue of potential gratification is fraught with conflict. He hesitates to stand on his own because of feelings of pessimism and self-doubt. Conversely, he cannot depend on others because of his deep social mistrust. Disposed to anticipate disillusionment, he may behave obstructively and thereby incur the expected rejection and disappointment.

His depressive tone and feelings of self-reproach are omnipresent. Unable to gain the skills for overcoming his deficits or for attracting the support of others, and finding that his resentful fantasies provide little respite from his low self-esteem, he turns against himself, expressing feelings of unworthiness and uselessness. Feeling misunderstood, unappreciated, and demeaned by others, he builds his defenses against anticipated ridicule and contempt.

In regards to expressed concerns, he describes a significant amount of conflict within his family. He perceives his family life as troubled and disharmonious. In regards to clinical syndromes, Zacoata acknowledged abuse of illicit substances. Anxiously troubled, lonely, and socially apprehensive much of the time, he appears to turn to alcohol or drugs to fulfill a number of otherwise difficult-to-achieve psychological functions. The substances not only may serve to medicate his social anxiety and thereby enhance his confidence but also may help him relate more comfortably to others by bolstering his feelings of self-esteem and well-being. For him, alcohol or drugs provide a quick dissolution of psychic pain, a method for blotting out awareness of his loneliness and troubled experience. Moreover, he fails to follow societal conventions and exhibits discomfort with conformity.

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION**Zacoata L. Lopey—JJMS# 364487****PAGE 13**

The Behavior Assessment System for Children (BASC) is a multimethod, multidimensional approach to evaluating the behavior and self-perceptions of students aged 4 to 18 years. Results from this instrument indicated that Zacoata has trouble within the academic setting including regarding his attitude toward school and school officials. Additionally, he endorsed several items on the Atypicality subscale, which yielded a clinically significant score. Items endorsed included hearing his name when alone, occasionally feeling as if others are out to get him, feeling as if someone wants to hurt him, feeling as if someone is watching him, and hearing voices in his head. Scores on the Hyperactivity and Attention Problems subscales also fell within the clinically significant range. Slightly elevated scores were also indicated on the Social Stress and Depression subscales. As reflected on the MACI as well, Zacoata reported significant problems within his relationships with his parents.

Two other measures, the Multidimensional Anxiety Scale for Children and the Reynolds Adolescent Depression Scale—Second Edition (both of which assess for emotional distress) were administered. Findings from the MASC did not support symptoms consistent with clinical symptoms of anxiety; however, one subscale elevation was noted on the Tense/Restless scale. This elevation was most likely related to Zacoata's angst related to the court process and potential outcomes of such. Findings from the RADS-2 indicated significant elevations on the Somatic Complaints subscale, yet the overall depressive score was not elevated.

Violence Risk Assessment

Historically, Zacoata has exhibited a history of maladaptive and antisocial acts. Beginning in his childhood, he has exhibited behavioral problems in various settings. Additionally, he was exposed to violence, reared in a culture of criminal activity, lacked adequate protective factors, and reportedly experienced physical abuse. He has struggled academically and his relationships with his parents were variable and unstable. Although his formal criminal history was not extensive prior to the (alleged) current offenses, the nature of the allegations are very severe and involved a complete disregard for the welfare of others and a lack of respect for human life. Moreover, although he has never been charged with any other serious offenses other than the current charges, Zacoata readily admits to various other acts of violence and antisocial acts, including repeatedly robbing others.

A recently developed instrument, the RST-I was designed to be utilized for the purpose of waiver/transfer evaluations to offer the evaluator information on three specific variables: (a) potential risk for dangerousness to the community, (b) level of sophistication-maturity, and (c) amenability to treatment.

In regards to the level of Dangerousness exhibited, Zacoata scored high on two of three clusters under this construct. Specifically, in terms of the R-VAT cluster (i.e., Violent and Aggressive Tendencies, characterized by unprovoked violent crimes) his score was markedly elevated. By his own admission, Zacoata has engaged in several acts of violence, particularly those related to his affiliation with known gang members. Additionally, as pertained to the current charges, Zacoata was unable to provide a rationale for his actions and he did not indicate that his actions were in response to being provoked in any way by the alleged victims. In regards to the R-PEX cluster (Planned and Extensive Criminality), which is characterized by pre-mediated acts and an early onset of criminal and/or anti-social acts, the following variables contributed to a high score on this cluster: (a) his admission of involvement with delinquent peers (i.e., known gang

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 14

members), (b) engagement in maladaptive acts commenced or intensified by the age of 12, and (d) involvement in several antisocial acts. In terms of the final Dangerousness cluster (R-PPF, which is characterized by Psychopathic Features or a lack of remorse), although he demonstrated some remorse for his actions, the remorse exhibited was limited to one act (sexual assault) and was still incongruent with the seriousness of the offenses.

In regards to the other two constructs measured by the RST-I, Sophistication-Maturity and Treatment Amenability, the overall score for the Sophistication-Maturity clusters fell within the moderate range indicating that, in comparison to his peers, Zacoata exhibits moderate levels of maturity, which has implications for culpability. Factors contributing to his score included his lack of appropriate conflict resolution skills, his inability to engage in cost-benefit analysis as related to engagement in criminal acts, and his poorly developed sense of self-worth. In terms of being amenable to treatment, the score generated fell within the moderate range indicating that he is moderately amenable to treatment.

H. Psychological Summary:

Zacoata is a 15-year-old African American male who has a history of significant behavior problems. Beginning in his childhood, Zacoata exhibited behavior problems in multiple settings, which contributed to an early diagnosis of ADHD. Behavioral problems escalated throughout his childhood and emotional issues began to emerge as well. By late childhood/early adolescence, Zacoata had been hospitalized three times for behavioral health issues, including aggressive, violence and seemingly marked emotional problems. Despite numerous treatment attempts (including therapeutic placements), Zacoata made minimal progress towards improved behavior. At some point during this timeframe, Zacoata reportedly experienced a head injury, yet limited information was offered related to the exact nature of this injury and treatment sought. Yet, reportedly, the injury was significant enough to affect Zacoata's vision.

Records vary regarding whether Zacoata exhibits symptoms of mood disturbances, yet symptoms and behaviors described are congruent with clinical symptomatology of a mood disorder, including a propensity toward irritability, sleep disturbances, and engagement in risky behaviors. Thus, sufficient evidence was presented to indicate the presence of a mood disturbance and Zacoata has been treated pharmacologically for mood disturbances. Behavioral issues are also well-documented including a history of Attention-Deficit/Hyperactivity Disorder and Conduct Disorder. Findings from personality measures reflected a troubled youngster who, due to a history of an unstable home environment and other factors, exhibits signs of sullenness, emotional insecurity, impulsivity, and a lack of regard for the welfare of others.

Results from the intellectual assessment suggested that overall Zacoata is functioning within the borderline range of intellectual functioning; however, Zacoata's true level of cognitive functioning is most likely within the Low Average range. With that said, given marked discrepancies on some domains when comparing current findings with prior results and due to a possible closed head injury, neuropsychological testing is encouraged to corroborate current findings and to rule out potential neurological impairments. Results from the achievement testing reflected an adequate level of functioning on a reading comprehension subtest and markedly low performance on a mathematical subtest. A review of school records indicated that he was referred for a psycho-educational assessment during the second grade and, although he did not appear to meet criteria for a learning disorder, he was labeled as emotionally disabled due to

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION**Zacoata L. Lopey—JJMS# 364487****PAGE 15**

significant behavioral and emotional issues. Recent school records, from 2010, indicated that he continued to receive services as an emotionally disabled student. Information from the detention center indicated that he continues to exhibit marked behavioral problems within the academic setting.

An assessment of family functioning revealed an unstable and chaotic home environment. Specifically, he was (reportedly) the victim of physical abuse, was socialized in an environment that appeared to foster engagement in criminality, and often his basic needs were not met, which contributed to his engagement in criminal acts as a means of survival. Although he denounces gang membership, Zacoata admits that most of his peers are gang members. He also acknowledged abusing alcohol and marijuana regularly, and engaging in various violent and aggressive acts.

Despite his history, the current charges are Zacoata's first known serious offenses for which he has been formally charged. Major life stressors included feeling the need to fend for himself due to limited resources, being a victim of physical abuse, and feeling ostracized. Additionally, very few protective factors were evident since his support system is limited, his relationships with his parents are maladaptive, he has historically performed poorly in school, and he continues to espouse criminogenic beliefs and attitudes.

IV. CONCLUSIONS:

Based on the sum of the data obtained, it is the opinion of this evaluator that several important factors should be taken into consideration as the decision regarding transferring for processing through the adult court system is made. Specifically, Zacoata presents as a troubled youngster who has exhibited a history of significant behavioral and emotional issues.

A. Level of Sophistication and Maturity:

In the opinion of the Preadjudicatory Transfer Evaluation Team, consisting of the Director of Consultation and Evaluation Services and the Contract Psychologist, Zacoata is functioning at a level of maturity and sophistication that is somewhat lower than what would be expected given his age. From a cognitive perspective, Zacoata demonstrated many deficits related to abstract reasoning abilities, decision-making skills, and common sense thinking. His social maturity is less developed in comparison to his peers, as indicated by his inability to resolve conflict in a socially and age-appropriate manner. In terms of his moral development, although he understands criminal acts are wrong, he appears more motivated by the notion of punishment in comparison to a consideration of how his acts affect the alleged victims. Yet, he appears to grasp the concepts of right vs. wrong, he understands the seriousness of the actions of which he is accused, and he understands the potential implications of a guilty verdict in the adult court system.

Considering the developmental stage of an adolescent of his age, empirical data suggests that fourteen-years-old should be held less culpable for their actions due to a variety of reasons, including their susceptibility to peer influence and their capacity for self-management. Yet, given the seriousness nature of the alleged offenses, Zacoata should be held accountable for his actions although, if he is found guilty on these charges, his degree of culpability should be

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 16

considered in the context of his cognitive, emotional, and social development at the time of the offense.

B. Likelihood of Reasonable Rehabilitation:

There are a number of factors suggesting the possibility of positive treatment outcomes within the Juvenile Justice System. These include:

1. Zacoata was cooperative and forthcoming during the interview process.
2. Zacoata was open, disclosing, and willing to share in the exploration of his life. Open individuals are more likely to engage in the rehabilitative process.
3. Zacoata appears moderately motivated to receive help if deemed necessary.
4. Zacoata has accepted responsibility for his decision related to the current offenses and acceptance of responsibility can enhance the possibility for rehabilitation.
5. Some expressions of remorse for the current offenses were noted. Remorse can be a deterrent to crime, and those who feel remorse are more likely to benefit from rehabilitation.
6. Zacoata's prior adjudications were related to relatively minor/status offenses, thus the current offenses are the first serious offenses with which he has been charged.
7. At the age of 15 years (at the time of the report), there is significant time for Zacoata to benefit from services provided by the South Carolina Department of Juvenile Justice.

The following negative factors, which suggest poor prognosis for treatment outcome, also need to be considered:

1. Zacoata is charged with very serious and violent offenses, and if adjudicated delinquent, this would reflect a lack of concern for the well-being of others and a complete disregard for human life. Persons who commit antisocial actions of this magnitude are more difficult to rehabilitate.
2. Although the current offenses are the first known serious criminal offenses brought against Zacoata, the nature of the charges are extremely violent and serious demonstrating a propensity toward criminal involvement. Moreover, Zacoata has actively associated with known gang members and admits to engaging in other antisocial acts (i.e., robberies), which provides additional evidence to suggest a pattern of criminal behavior.
3. Historically, Zacoata has exhibited marked behavioral problems in multiple settings. Persons with a history of behavioral problems tend to benefit less from a structured rehabilitative effort and rehabilitative services of the kind that the Department of Juvenile Justice could provide for Zacoata.

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION

Zacoata L. Lopey—JJMS# 364487

PAGE 17

4. School attendance, performance, and behavior have historically been poor for Zacoata. Persons who demonstrate minimal regard for social conventions are more difficult to rehabilitate.
5. Zacoata demonstrates overall borderline to low average cognitive abilities. Although he understands that there are consequences for his actions, he does not appear to consider said consequences prior to committing various acts. Additionally, he exhibits extremely low verbal/abstract reasoning abilities, which has direct implications on his decision-making abilities and use of other adaptive life skills.
6. Zacoata admits to regular abuse of marijuana and alcohol. Individuals with serious drug problems and those that promote the use of drugs are more difficult to rehabilitate.
7. Zacoata has been involved in long-term intensive rehabilitative efforts in which he demonstrated minimal progress, thus there is reason to believe that such rehabilitation might not be beneficial.
8. Currently, Zacoata appears to lack a supportive and adaptive support network given that his relationship with his mother is poor and his relationship with his father is non-existent. Individuals with poor support networks are more difficult to rehabilitate.
9. Zacoata appears to lack an adequate sense of self-worth and is most likely contending with an untreated mood disorder. Persons with low levels of self-esteem and moderate to severe psychiatric disorders are more difficult to rehabilitate.

C. Adequate Protection of the Public:

The offenses with which Zacoata are charged are of a very serious nature. Moreover, Zacoata readily admits to the commission of said offenses. Therefore, in the opinion of this evaluator, the protection of the public would be compromised if Zacoata does not remain in a secure, highly structured setting.

If committed to the Department of Juvenile Justice for an offense that would be a criminal offense if committed by an adult, Section 20-7-7810 states that the juvenile may be committed for an indeterminate period not to exceed his 21st birthday. If committed to the Department of Juvenile Justice by the Family Court, Zacoata's guidelines for the offenses Armed Robbery, Kidnapping, Criminal Sexual Conduct, 1st Degree, and Burglary 1st Degree would be 36-54 months. If he is adjudicated delinquent, and committed to the Department of Juvenile Justice and is not sooner released by the Juvenile Parole Board, at age seventeen (17) he will be transferred to the S. C. Department of Corrections. Upon being transferred to the Department of Corrections at age seventeen (17), the length of time he would remain in secure custody (until age 21) or under community supervision would be within the discretion of the Juvenile Parole Board. During this indeterminate period of incarceration, the public would be adequately protected from any antisocial acts committed by this juvenile.

Community supervision of a juvenile paroled (conditionally released) from the Department of Juvenile Justice or the Department of Corrections can be provided until the juvenile's twenty-first (21st) birthday (Section 20-7-8320). Given the present age of this juvenile and his parole

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION
Zacoata L. Lopey—JJMS# 364487
PAGE 18

guidelines, if committed to DJJ for these offenses, it is possible that he will be conditionally released by the Juvenile Parole Board prior to his twenty-first (21st) birthday. At age twenty-one (21), release must be unconditional.

D. Procedures, Services, and Facilities currently available to the Juvenile Court which would potentially be a benefit to Zacoata Lopey:

If adjudicated delinquent by the Family Court and placed on probation, the South Carolina Department of Juvenile Justice can provide until the age of eighteen (Section 20-7-400 (B)) probation, aftercare supervision, psychological consultation, and, when appropriate, short-term placement for juveniles in need of non-secure community-based services.

If adjudicated delinquent by the Family Court and committed to the Department of Juvenile Justice, the Department would provide institutional confinement. If necessary, institutional placement includes confinement in a maximum-security facility. Within its institutional facilities, the Department of Juvenile Justice operates a 12-month continuous educational program for incarcerated juveniles including, if appropriate, a Cities-in-Schools Program. Treatment services potentially available to incarcerated juveniles which could be of benefit to Zacoata include individual, group, and family therapy; sex offender treatment, social skills training; anger control training; drug education; addiction treatment substance abuse self-help groups; tutorial programs; vocational rehabilitation programs; independent living skills education groups; and psychiatric and medical services

Whether or not Zacoata's case is heard in Family Court or the Court of General Sessions, the following specific therapeutic recommendations are provided:

1. Zacoata will benefit from individual psychotherapy to address mood disturbances, maladaptive personality traits, behavioral issues, sex offender specific treatment, and other efforts to foster the development of adaptive life skills and to help him accept further responsibility for his actions.
2. A comprehensive neuropsychological evaluation is strongly encouraged to identify potential neurological deficits stemming from a head injury.
3. Psychopharmacological interventions for treatment of mood and behavioral disturbances are strongly encouraged.
4. Participation in a gang awareness program is strongly encouraged given his admission of gang involvement
5. Participation in a weapons awareness program is strongly encouraged.
6. Given his own admission of marijuana and alcohol abuse, Zacoata could benefit from substance abuse treatment services.
7. Other activities are strongly encouraged in an effort to allow Zacoata to atone for his actions given his young age.

PREADJUDICATORY TRANSFER (WAIVER) EVALUATION**Zacoata L. Lopey—JJMS# 364487****PAGE 19**

8. Upon earning a high school diploma or a GED, vocational training is strongly encouraged given that, regardless of the court in which his case is heard, he likely will be an adult at the time of his release. Efforts should be made to foster the development of job training such that Zacoata can make an effort to secure lawful employment and contribute to society as a law-abiding citizen.

Aalece O. Pugh-Lilly, Ph.D.
Licensed Psychologist/Contract Evaluator
SC Department of Juvenile Justice

Craig S. Williams, Ph.D.
Supervising Psychologist
Director, Consultation and Evaluation Services
Department of Juvenile Justice

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT

COUNTY OF RICHLAND

10 JU 401520

IN THE INTEREST OF

JUVENILE PETITION

Lopey, Zacoate

DOB

B/M

Columbia, SC 29223

803-705-1616

R 10 - 4 3 1 3

Inv. Joe Clarke, RCSD petitioner, residing at Post Office Box 143, Columbia, SC 29202, having sufficient knowledge or information to believe that a case has arisen which invokes the juvenile jurisdiction of the Court, alleges.

1.

That the above named is less than seventeen years of age and resides in the County at the address shown above, or was found in the County as alleged herein

2.

That the names and addresses of the child's parents or guardian or custodian is as follows.

Name	Relationship or Title	Address
Hilda Lopey	Parent	Same

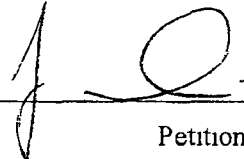
3.

On 12/14/10, respondent did commit the crime(s) of Armed Robbery, violation of SC Code 16-11-330, in that at 7256 Smithfield Rd., in Richland County, he did willfully and unlawfully enter the victim's home, during the hours of darkness while armed with a loaded shotgun. Lopey admits in a confession to illegally entering the home. Once inside Lopey and co-defendant, Larry Prophet searched for items of value. Lopey claims he and Prophet then forced the woman against her will to a back bedroom at gun point. Both men ordered the victim to undress. Lopey claims he watched as Prophet had vaginal intercourse with the victim. Lopey then admits to having vaginal intercourse with the victim. Lopey has admitted to taking electronics to include a flat screen TV and I-pod from the victims home, valued more than \$2000. Petitioner and others are witness to prove the same (1012-0455-14).

Petitioner prays the Court to hear the case to determine whether the allegations are true and whether the child is in need of the care, protection, or discipline of the State

This 16th day of December, 2010

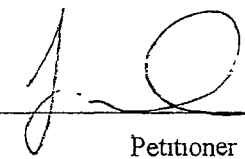
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

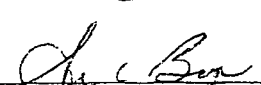
 For Clarke
Petitioner

Inv. Joe Clarke, RCSD, being duly sworn, says that he(she) is the petitioner herein, and that he(she) has read the foregoing Petition and knows the contents thereof; that the same is true of his(her) own knowledge, except as to the matters therein stated to be alleged on information and belief, and to those matters he(she) believes them to be true.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 16th DAY OF December, 2010


Petitioner


Notary Public for South Carolina
My Commission Expires August 2015

554

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT

COUNTY OF RICHLAND

IN THE INTEREST OF

10 JU 40 15 21
JUVENILE PETITION

Lopey, Zacoate

R 1 0 - 4 3 1 4

B/M

Columbia, SC 29223

803-705-1616

Inv J. Clarke, RCSD petitioner, residing at Post Office Box 143, Columbia, SC 29202, having sufficient knowledge or information to believe that a case has arisen which invokes the juvenile jurisdiction of the Court, alleges:

1
That the above named is less than seventeen years of age and resides in the County at the address shown above, or was found in the County as alleged herein

2
That the names and addresses of the child's parents or guardian or custodian is as follows:

Name	Relationship or Title	Address
Hilda Lopey	Parent	Same

3
On 12/14/10, respondent did commit the crime(s) of Burglary 1st, violation of SC Code 16-11-311, in that at 7256 Smithfield Rd, in Richland County, he did willfully and unlawfully enter the victim's home, during the hours of darkness while armed with a loaded shotgun Lopey admits in a confession to illegally entering the home. Once inside Lopey and co-defendant, Larry Prophet searched for items of value Lopey claims he and Prophet then forced the woman against her will to a back bedroom at gun point. Both men ordered the victim to undress Lopey claims he watched as Prophet had vaginal intercourse with the victim Lopey then admits to having vaginal intercourse with the victim Lopey has admitted to taking electronics to include a flat screen TV and I-pod from the victims home, valued more than \$2000 Petitioner and others are witness to prove the same (1012-0455-14)

Petitioner prays the Court to hear the case to determine whether the allegations are true and whether the child is in need of the care, protection, or discipline of the State.

This 16th day of Dec, 2010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

J. Clarke
Petitioner

Inv J. Clarke, RCSD, being duly sworn, says that he(he) is the petitioner herein, and that he(he) has read the foregoing Petition and knows the contents thereof, that the same is true of his(her) own knowledge, except as to the matters therein stated to be alleged on information and belief, and to those matters he(he) believes them to be true

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 16th DAY OF Dec, 2010

J. Clarke
Petitioner

Notary Public for South Carolina

My Commission Expires 4-5-2015

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT

COUNTY OF RICHLAND

10:11401522

IN THE INTEREST OF.

JUVENILE PETITION

Lopey, Zacoate

B/M

Columbia, SC 29229

803-705-1616

R 10 - 4315

Inv J. Clarke, RCSD petitioner, residing at Post Office Box 143, Columbia, SC 29202, having sufficient knowledge or information to believe that a case has arisen which invokes the juvenile jurisdiction of the Court, alleges:

1.

That the above named is less than seventeen years of age and resides in the County at the address shown above, or was found in the County as alleged herein.

2.

That the names and addresses of the child's parents or guardian or custodian is as follows

Name	Relationship or Title	Address
Hilda Lopey	Parent	Same

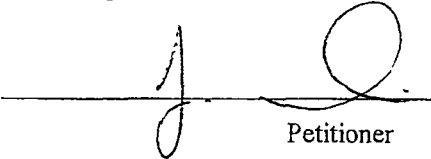
3.

On 12/14/10, respondent did commit the crime(s) of Kidnapping, violation of SC Code 16-3-910, in that at 7256 Smithfield Rd. in Richland County, he did willfully and unlawfully enter the victim's home during the hours of darkness while armed with a loaded shotgun. Lopey admits in a confession to illegally entering the home. Once inside Lopey and co-defendant, Larry Prophet searched for items of value. Lopey claims he and Prophet then forced the woman against her will to a back bedroom at gun point. Both men ordered the victim to undress. Lopey claims he watched as Prophet had vaginal intercourse with the victim. Lopey then admits to having vaginal intercourse with the victim. Lopey has admitted to taking electronics to include a flat screen TV and I-pod from the victim's home, valued more than \$2000. Petitioner and others are witness to prove the same (1012-0455-14)

Petitioner prays the Court to hear the case to determine whether the allegations are true and whether the child is in need of the care, protection, or discipline of the State

This 16th day of December, 2010

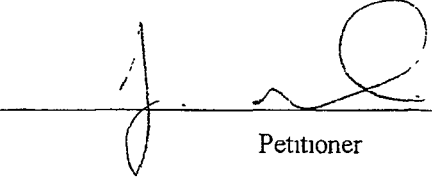
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

 For Clarke
Petitioner

Inv J. Clarke, RCSD, being duly sworn, says that he(she) is the petitioner herein, and that he(she) has read the foregoing Petition and knows the contents thereof, that the same is true of his(her) own knowledge, except as to the matters therein stated to be alleged on information and belief; and to those matters he(she) believes them to be true

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 16th DAY OF December, 2010

 Petitioner

Notary Public for South Carolina

My Commission Expires April 5, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE INTEREST OF:

IN THE FAMILY COURT

JUVENILE PETITION

R 10 - 4316

Lopey, Zacoate	DOE [REDACTED]
[REDACTED]	B/M
Columbia, SC 29223	803-705-1616

Inv J. Clarke, RCSD petitioner, residing at Post Office Box 143, Columbia, SC 29202, having sufficient knowledge or information to believe that a case has arisen which invokes the juvenile jurisdiction of the Court, alleges

1

That the above named is less than seventeen years of age and resides in the County at the address shown above, or was found in the County as alleged herein.

2.

That the names and addresses of the child's parents or guardian or custodian is as follows

Name	Relationship or Title	Address
Hilda Lopey	Parent	Same

3.

On 12/14/10, respondent did commit the crime(s) of CSC 1st Degree, violation of SC Code 16-3-652, in that at 7256 Smithfield Rd., in Richland County, he did willfully and unlawfully enter the victim's home, during the hours of darkness while armed with a loaded shotgun Lopey admits in a confession to illegally entering the home Once inside Lopey and co-defendant, Larry Prophet searched for items of value Lopey claims he and Prophet then forced the woman against her will to a back bedroom at gun point Both men ordered the victim to undress Lopey claims he watched as Prophet had vaginal intercourse with the victim Lopey then admits to having vaginal intercourse with the victim Lopey has admitted to taking electronics to include a flat screen TV and I-pod from the victims home, valued more than \$2000 Petitioner and others are witness to prove the same (1012-0455-14)

Petitioner prays the Court to hear the case to determine whether the allegations are true and whether the child is in need of the care, protection, or discipline of the State.

This 16th day of December, 2010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

J. Clarke
Petitioner

Inv J. Clarke, RCSD, being duly sworn, says that he(she) is the petitioner herein, and that he(she) has read the foregoing Petition and knows the contents thereof, that the same is true of his(her) own knowledge, except as to the matters therein stated to be alleged on information and belief, and to those matters he(she) believes them to be true.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 16th DAY OF December, 2010

J. Clarke
Petitioner

Notary Public for South Carolina

My Commission Expires June 2015

WITNESSES

(S) Joshua Mauldin – Richland County
Sheriff

ARREST WARRANT NUMBER

DP12090

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date

APR 11 2012

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 2012GS4001922

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2012

154

THE STATE

vs.

ZACOATA LASHANE LOPEY

Indictment for
BURGLARY 1ST DEGREE

SC Code 16-11-0311

CDR Code 0079

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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on APRIL 11, 2012, the
Grand Jurors of Richland County present upon their oath:

BURGLARY, 1ST DEGREE

That ZACOATA LASHANE LOPEY did in Richland County on or about
December 14, 2010, ✓ enter the dwelling of ELAINE HENRICK located at [REDACTED]
[REDACTED] without consent and with the intent to commit a crime therein
and when, in effecting entry or while in the dwelling or in immediate flight, the
defendant and/or co-defendant entered or remained in the dwelling during the
hours of darkness and/or was armed with a deadly weapon and/or caused physical
injury to a non-participant in the crime and/or used or threatened the use of a
dangerous instrument and/or displayed what is or what appears to be a knife or
firearm, in violation of Section 16-11-0311(A), 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



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

559

COUNTY OF Richland
STATE VSZACOATE ELASHANE LOPEY

AKA

Race BLACK Sex M Age 17DOB SS#

Address

City, State

DL# SID#*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO Burglary / Burglary (After June 20, 1985) - First degreeINDICTMENT/CASE# 2012GS4001922A/W# DP12090Date of Offense 12/14/2010S C Code § 16-11-0311CDR Code # 0079

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADSin violation of § 16-11-0311 of the S C Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

Joanna McDuffie
McDuffie, Joanna7703
SC Bar#ZACOATE LOPEY
DefendantORR
Attorney for Defendant75392
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — yearsand/or to pay a fine of \$ —, provided that upon the service of — days/months/years and/or paymentof \$ —, plus costs and assessments as applicable*, the balance is suspended with probation for 700months/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: # 1923, 1924, 1925
☒ 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☐ 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 ☐ OrderedTotal \$ — plus 20% fee \$ —Payment Terms —☐ Set by SCDPPPS —Recipient. —

*Fine	\$
§ 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)	\$
TOTAL	\$

PTUP —— days/hours Public Service EmploymentObtain 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 FundOther —☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA/217 (03/2011)

Presiding Judge

Judge Code

Sentence Date

Jeanette McBride
Helm16 March 2013
054
3/12/13

WITNESSES

(S) Joshua Mauldin – Richland County
Sheriff

ARREST WARRANT NUMBER

DP12091

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date

APR 11 2012

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2012GS4001923

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2012

154

**THE STATE
vs.**

ZACOATA LASHANE LOPEY

**Indictment for
ARMED ROBBERY**

**SC Code 16-11-0330(A)
CDR Code: 0139**

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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on APRIL 11, 2012, the
 Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That **ZACOATA LASHANE LOPEY** did in Richland County on or about
 December 14, 2010, commit robbery by feloniously taking from the person or
 presence of Elaine Henrick, by means of force or intimidation, goods or monies of
 Elaine Henrick, such goods or monies being described as television and/or
 Currency and/or cell phone, with the intent to deprive the owner permanently of
 such property, while armed with a pistol, dirk, slingshot, metal knuckles, razor, or
 other deadly weapon, or while alleging, either by actions or words, that he or she
 was armed while using a representation of a deadly weapon or any object which a
 person present during the commission of the robbery reasonably believed to be a
 deadly weapon. All in violation of §16-11-330(A), SC 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Richland

VS

ZACOA ~~E~~ LASHANE LOPEY

AKA

Race BLACK Sex M Age 17

DOB [REDACTED] SS# [REDACTED]

Address [REDACTED]

City, State, Zip Columbia, SC 29223

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2012GS4001923

A/W# DP12091

Date of Offense 12/14/2010

S C Code § 16-11-0330(A)

CDR Code # 0139

SENTENCE SHEET

in violation of § 16-11-0330(A) of the S C Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45 w/minor 1st or Lewd Act)The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

Joanna McDuffie

77043

ZACOA LOPES

[Signature]

75392

McDuffie, Joanna

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 30 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 3/12/13☒ 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☐ 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

Total \$ _____ plus 20% fee \$ _____

Payment Terms _____

☐ Set by SCDPPPS _____

Recipient _____

*Fine		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv Surcharge)	\$100	\$
§ 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 (SCCA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA/217 (03/2011)

Jeanette McBride-Helm

PTUP _____

_____ days/hours Public Service Employment

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: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation

Presiding Judge

Judge Code

Sentence Date

 [Signature]
 054
 3/12/13

563

WITNESSES

(S) Joshua Mauldin – Richland County
Sheriff

ARREST WARRANT NUMBER

DP12092

ACTION OF GRAND JURY

TRUE BILL

Margaret P. Dickerson
Foreperson of Grand Jury
Date APR 11 2012

VERDICT

Foreperson of Petit Jury
Date

DOCKET NO. 2012GS4001924

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2012

154

THE STATE
vs.

ZACOATA LASHANE LOPEY

Indictment for
KIDNAPPING

SC Code: 16-03-0910
CDR Code 0095

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

The State of South Carolina
COUNTY OF RICHLAND

THE STATE VS

Zacaria Lopey

Warrant/Ind.# DP 12642/12-1924

Charge: Kidnapping

By Jeanette McBride, Clerk of Court in and for the County and State aforesaid. To the Keeper
of the Jail for said County, GREETING:

FORASMUCH as Zacaria Lopey
is in your custody on the above charge only has pled guilty and received a
Suspended Sentence

THESE ARE, THEREFORE, to authorize and require you that if the said
do remain in jail for no other cause, then you forbear to detain him any longer, but suffer him go at
large; herein fail not, upon the pain of penalty which will fall therein.
GIVEN under my Hand and Seal, this

12 day of

March

, A.D. 19 2013.

Jeanette McBride (L.S.)
Clerk

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

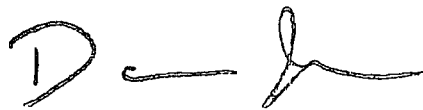
INDICTMENT

At a Court of General Sessions, convened on APRIL 11, 2012, the
Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That ZACOATA LASHANE LOPEY did in Richland County on or about
December 14, 2010, unlawfully seize, confine, inveigle, decoy, kidnap,
abduct or carry away one ELAINE HENRICK, without authority of law, in
violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

COUNTY OF
STATE

Richland

VS

ZACOSTE ELASHANE LOPEY

AKA

Race BLACK Sex M Age 17

DOB [REDACTED] SS# [REDACTED]

Address [REDACTED]

City, State, Zip Columbia, SC 29223

DL# [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO Kidnapping / Kidnapping

INDICTMENT/CASE# 2012GS4001924

A/W# DP12092

Date of Offense 12/14/2010

S C Code § 16-03-0910

CDR Code # 0095

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0910 of the S C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)The plea is ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

Joanna McDuffie
McDuffie, Joanna770623
SC Bar#Zacoste Lopey
Defendant[Signature]
Attorney for Defendant75392
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of ~~30~~ 15 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 ~~5~~ FIVE Ave

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

☐ 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

Total \$ _____ plus 20% fee \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient

*Fine

§ 14-1-206 (Assessments 107.5%) \$

§ 14-1-211(A)(1) (Conv Surcharge) \$100 \$

§ 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) \$

TOTAL \$

PTUP

_____ days/hours Public Service Employment

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 ~~Probation~~ ~~to~~
Beard after Community Supervision
Complete on 1922, 1923, &
1926☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA/217 (03/2011)

Jeanette McBride/Clerk
Helms

Presiding Judge

Judge Code

Sentence Date

[Signature]
059
3/12/13

567

WITNESSES

(S) Joshua Mauldin – Richland County
Sheriff

ARREST WARRANT NUMBER

DP12093

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date

APR 11 2012

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2012GS4001925

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2012

154

**THE STATE
vs.**

ZACOATA LASHANE LOPEY

**Indictment for
CRIMINAL SEXUAL CONDUCT,
1ST DEGREE**

SC Code: **16-03-0652**

CDR Code **0160**

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 RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on APRIL 11, 2012, the
Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT, 1ST DEGREE

That **ZACOATA LASHANE LOPEY** did in Richland County on or about
December 14, 2010, engage in sexual battery with **ELAINE HENRICK**, while the
victim was also the victim of forcible confinement, kidnapping, robbery, extortion,
burglary, housebreaking, or any other similar offense or act, and/or actor uses
aggravated force to accomplish sexual battery, all in violation of Section 16-03-
0652, S. C. Code of Laws, 1976, as amended.

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



DAN JOHNSON, SOLICITOR

COUNTY OF Richland
 STATE VS
ZACOATA LASHANE LOPEY
 AKA _____
 Race BLACK Sex M Age 17
 DOB. [REDACTED] SS# [REDACTED]
 Address [REDACTED]
 City, State, Zip Columbia, SC
 DL# _____ SID# _____

INDICTMENT/CASE# 2012GS4001925
 A/W# DP12093
 Date of Offense 12/14/2010
 S C Code § 16-03-0652
 CDR Code # 0160

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO Sex / Criminal sexual conduct - First degree

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-03-0652 of the S C Code of Laws, bearing CDR Code # 0160
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)
 The plea is ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST Joanna McDuffie 75392
McDuffie, Joanna SC Bar# 75392 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 30 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

☐ 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 _____

*Fine		\$
§ 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)		\$
TOTAL		\$

_____ days/hours Public Service Employment
 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 _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation

Clerk of Court/ Deputy Clerk

Court Reporter

SCCA/217 (03/2011)

Presiding Judge

Judge Code

Sentence Date

Jeanette Morbidello
Helm

10/11/13
PS4
3/12/13

CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 5th day of May,



Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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

This 5th day of May,

A handwritten signature in black ink that reads "Susan B. Hackett". The signature is written in a cursive style with a horizontal line underneath the name.

Susan B. Hackett
Appellate Defender

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

ATTORNEY FOR APPELLANT