

21580

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM FAIRFIELD COUNTY

R. Knox McMahon, Circuit Court Judge

IN THE MATTER OF THE CARE AND TREATMENT
OF LARRY EDWARD HENDRICKS

APPELLANT

RECORD ON APPEAL

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State of South Carolina)
County of Fairfield) Court of Common Pleas
 2012-CP-20-358

State of South Carolina)
) vs. Transcript of Record
)
In the Matter and Care of)
Larry Edward Hendricks,)
 DEFENDANT)

January 27, 2014
Winnsboro, South Carolina

B E F O R E:

Honorable R. Knox McMahon, Judge

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

James Bogle, Assistant Attorney General
Attorney for the State

Ernest Spong, III, Esq.
Attorney for the Defendant

Joy E. Holston
Official Court Reporter

Random County Court House RANDOM STRIKE SHEET

DGE NAME : R. Knox McMahon

JAL TYPE : Civil

NEL ID : 2012CP2000358

COURTROOM CTR

DESCRIPTION : State vs Larry Edward Hendricks

Sorted by: Random Nbr

Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	GRT	REMARKS
1 Barber, Mary A	5	B	F	()	X	()	
2 Mattox, William S	85	W	M	X	()	()	
3 Fee, Jared D	47	B	M	()	()	()	
4 Perry, Josephine	109	B	F	()	()	()	
5 Cohen, Ashley L	33	B	F	()	()	()	
6 Muller, Cooper W	99	W	M	()	()	()	
7 Belton, Dwayne F	11	B	M	()	()	()	
8 Belk, Joel G	10	W	M	()	X	()	
9 Robertson, Vickie O	122	B	F	()	()	()	
0 Pearson, Lois L	106	B	F	X	()	()	
1 Bolick, Denise C	14	W	F	()	X	()	
2 Merchant, Debra R	93	W	F	()	()	()	
3 Knode, Joshua D	77	W	M	()	()	()	
4 Prichard, Robert R	113	W	M	()	()	()	
5 Elswick, Teresa P. <i>foreperson</i>	43	W	F	()	()	()	
6 Beaver, Bobby L	8	B	M	()	()	()	
7 Jeandheur, George E	71	W	M	X	()	()	
8 Smith, Cynthia M	129	W	F	()	X	()	
9 Gantt, Stacy R	52		F	()	()	()	
0 Boyd, Lashana S	15	B	F	X	()	()	
1 McKinstry, Margaret K	90	B	F	()	X	()	
2 Burns, Michelle T	23	W	F	()	()	()	
3 Parker, Christopher M	103	W	M	X	()	()	

ST- 2, 10, 17, 20, 23
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(IC) - Denotes In Camera

(DW) - Denotes Defense Witness

3

(SW) - Denotes State's Witness

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(SW) Marie E. Gehle

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Work Keys Summary

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Legal Assistant Certificate

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Certificate of Participation

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Certificate of Participation

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Jury Note

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1 THE COURT: Welcome back, ladies and gentlemen of the
2 jury panel. We are now going to select a jury for the
3 first case to be called for trial this week. This is a
4 civil action, 2012-CP-20-358. It is captioned in the
5 Matter of the Care and Treatment of Larry Edward
6 Hendricks. So our purpose now is to select a fair and
7 impartial jury for the trial of this particular, this
8 specific case. You have all been qualified as jurors.
9 Now we are selecting, we are going through this procedure
10 to select the actual panel for the trial of this case.
11 This is a case of an alleged sexual violent predator but
12 it is a civil case. The State, the party to my front left
13 has the burden of proving the case beyond a reasonable
14 doubt. The State is represented by Assistant Attorney
15 General, Mr. Bogle. If you would please and introduce
16 yourself to the jury panel, Mr. Bogle.

17 MR. BOGLE: Thank you, Your Honor. My name is Jim
18 Bogle, I work with the Attorney General's office out of
19 Columbia.

20 THE COURT: Thank you, very much. Mr. Hendricks is
21 represented by his attorney, Mr. Spong. If you will stand
22 and introduce yourself and your client to the jury panel.

23 MR. SPONG: I am Ernest Spong and this is my client,
24 Larry Hendricks.

25 THE COURT: Stand for me, please, Mr. Hendricks and

1 face the jury panel. Thank you, very much. To begin
2 with, is any member of the jury panel related by blood or
3 marriage, close personal friends, business, personal,
4 social relationship with Larry Edward Hendricks, the
5 Respondent in this matter. If so please stand.

6 (No response.)

7 THE COURT: Is there any member of the jury panel
8 related by blood or marriage, have any personal, social,
9 business or professional relationship with either of the
10 attorneys in the case, either Mr. Bogle, Assistant
11 Attorney General or Mr. Spong, the attorney for Mr.
12 Hendricks who I also understand is the City Judge for the
13 Town of Winnsboro, is that correct?

14 MR. SPONG: That's correct.

15 THE COURT: All right. If so, please stand. Yes
16 sir, your number and name, please.

17 JUROR: Number 17, David Brandenburg. I am retired
18 police officer in Winnsboro.

19 THE COURT: Give me a timeframe.

20 JUROR: I retired some years ago, '03.

21 THE COURT: '04?

22 JUROR: '03.

23 THE COURT: '03. How long were you an officer.

24 JUROR: Eleven and a half years.

25 THE COURT: Given those facts can you be a fair and

1 impartial juror in the trial of this case for both Mr.
2 Hendricks and the State?

3 JUROR: I think I would, sir.

4 THE COURT: You think you would, you ever been on a
5 jury before?

6 JUROR: No, sir.

7 THE COURT: Is that, I think I would, just having to
8 do with never having done it before?

9 JUROR: Yes, sir.

10 THE COURT: Any doubt in your mind you could be a
11 fair and impartial juror?

12 JUROR: No doubt.

13 THE COURT: You can stay with us. Any others?

14 (No response.)

15 THE COURT: Besides the gentleman that just stood
16 before me and we had the conversation, is there any member
17 of the jury panel or any member of your immediate family
18 ever appeared before Mr. Spong in his capacity as the
19 Judge? If so, please stand.

20 (No response.)

21 THE COURT: Does any member of the jury panel have
22 any knowledge about the case from any source whatsoever,
23 word of mouth, talk on the street, radio, television,
24 internet if there was any. If so please stand.

25 (No response.)

1 THE COURT: Does any member of the jury panel have
2 any biased or prejudiced towards the parties, being Mr.
3 Hendricks or the State or the subject-matter involved in
4 the case, of so please stand.

5 (No response.)

6 THE COURT: Does any member of the jury panel have
7 any immediate family or close personal friend that has
8 been charged with or convicted of a sex offense. If so,
9 please stand. Your number and name. Step down for me,
10 please.

11 JUROR: 14, Denise Bolick.

12 (Whereupon, a bench conference was held with the
13 juror.)

14 THE COURT: Has any member of the jury panel or any
15 member of your immediate family, close personal friend
16 ever been the victim of a sex offense. If so, please
17 stand. Yes, your number, please.

18 JUROR: 23, Michelle Burns.

19 (Whereupon, a bench conference was held with the
20 juror.)

21 THE COURT: Has any member of the jury panel or
22 member of your immediate family or close personal friend
23 sought assistance from, been employed by or performed
24 voluntary work for any center or program whose primary
25 purpose is treating victims of sexual assault. If so,

1 please stand.

2 (No response.)

3 THE COURT: Does any member of the jury panel have
4 any training, experience, currently work or formerly work
5 in the field of psychiatry, psychology or the law. If so,
6 please stand. Yes, ma'am.

7 JUROR: Number 102, Candace Oxner.

8 THE COURT: You are our paralegal?

9 JUROR: Yes, sir.

10 THE COURT: And how long have you been a paralegal?

11 JUROR: Six years.

12 THE COURT: Given that fact could you still be a fair
13 and impartial juror in the trial of this case for both Mr.
14 Hendricks and the State?

15 JUROR: Yes, sir.

16 THE COURT: You can stay with us. Any others.
17 Number 23?

18 JUROR: Yes, sir. I worked for an attorney in
19 Columbia as a nurse paralegal.

20 THE COURT: You work as a nurse paralegal for an
21 attorney in Columbia?

22 JUROR: I did for about four years.

23 THE COURT: Now you do that independently?

24 JUROR: Yes, sir.

25 THE COURT: Given that fact could you still be a fair

1 and impartial juror in the trial of this case for both Mr.
2 Hendricks and the State?

3 JUROR: Yes, sir.

4 THE COURT: Thank you. Any others.

5 (No response.)

6 THE COURT: Any member of the jury panel or any
7 member of your immediate family ever been represented by
8 Mr. Spong or been a party to a case in which Mr. Spong
9 represented the opposing party. If so, please stand.
10 Your number.

11 JUROR: 15, Lashana Boyd.

12 THE COURT: Step down for me, please.

13 (Whereupon, a bench conference was held with the
14 juror.)

15 THE COURT: Any member of the jury panel, the same
16 question of the Attorney General's office. The question
17 is, any member of the jury panel ever been represented by
18 any attorney with the Attorney General's office or been
19 prosecuted by on the other side, they have a civil
20 division also, on the other side been a party to a case in
21 which the Attorney General represented the opposing party.
22 If so, please stand.

23 (No response.)

24 THE COURT: The potential witnesses in the trial in
25 this case is one Doctor Marie E. Gehle, G-E-H-L-E employed

1 with, who is she employed with?

2 MR. BOGLE: She is employed with the Department of
3 Mental Health, Your Honor.

4 THE COURT: She is employed with the South Carolina
5 Department of Mental Health. Is any member of the jury
6 panel related by blood or marriage, close personal
7 friends, ever been a patient of, have any personal,
8 social, professional relationship with Dr. Marie E. Gehle.
9 If so, please stand.

10 (No response.)

11 THE COURT: And the other witness would be Mr.
12 Hendricks, is that correct?

13 MR. SPONG: Correct.

14 THE COURT: I have asked that question. Is any
15 member of the jury panel related by blood or marriage,
16 have any social, personal, professional relationship with
17 Mr. Larry Hendricks who has stood before you previously.
18 If so, please stand.

19 (No response.)

20 THE COURT: No other witnesses from the State,
21 correct?

22 MR. BOGLE: That's correct, Your Honor.

23 THE COURT: And no other witnesses from the defense,
24 correct?

25 MR. SPONG: That's correct.

1 THE COURT: Does any member of the jury panel have
2 any knowledge about Mr. Hendricks, Mr. Hendricks family,
3 Mr. Hendricks past history in any way whatsoever. If so,
4 please stand.

5 (No response.)

6 THE COURT: Does any member of the jury panel been
7 involved in a prison ministry, prison outreach program or
8 any other program involving contact with incarcerated
9 individuals. If so, please stand. Your number.

10 JUROR: 10, Joel Belk.

11 THE COURT: Step down for me, please.

12 (Whereupon, a bench conference was held with the
13 juror.)

14 THE COURT: This is number 64?

15 JUROR: Yes, sir.

16 THE COURT: Come on down.

17 (Whereupon, a bench conference was held with the
18 juror.)

19 THE COURT: Has any member of the jury panel or any
20 member of your immediate family or close personal friends
21 ever been subject to civil commitment proceedings or been
22 voluntarily or involuntarily civilly committed. If so,
23 please stand. Number 23, step down.

24 (Whereupon, a bench conference was held with the
25 juror.)

1 THE COURT: Is there any member of the jury panel or
2 any member of your immediate family or close personal
3 friends employed with or formerly employed with the
4 Department of Mental Health. If so, please stand. We
5 have already talked with number 10. Any others.

6 (No response.)

7 THE COURT: I decline to ask number 14. Any
8 additional request voir dire from the defense, Mr. Spong?

9 MR. SPONG: No, Your Honor.

10 THE COURT: And, ladies and gentlemen of the jury
11 panel, finally, you understand a little bit about what the
12 case is about. You understand the purpose of the
13 proceeding is to select a fair and impartial jury for the
14 trial of this case. It is a civil commitment case
15 alleging that Mr. Hendricks is a sexually violent
16 predator. The State to my front left has the burden of
17 proving the case beyond a reasonable doubt. Now, you know
18 yourselves best. I have asked a series of questions, both
19 general and specific questions, some of which were
20 requested by the parties, some of which I asked in each
21 and every case. But you do know yourselves best. You
22 know the purpose of this proceeding. Is there any member
23 of the jury panel know of any reason whatsoever why you
24 feel like you could not be a fair and impartial juror in
25 the trial of this case for both Mr. Hendricks and the

1 State. If it concerns you, something in your head or in
2 your heart, it concerns me. Any reason whatsoever why you
3 feel like you could not be fair and impartial please
4 stand.

5 (No response.)

6 THE COURT: All right. I find our panel is
7 qualified. Madam Clerk, give us the panel please. What
8 are the strikes. Four and four and one alternate. The
9 way we do it in civil court is they will get a number of
10 names, 1 through 20. Each side can strike, has to strike
11 four names. So if I do my math right, that leaves us with
12 12, the primary jury and we select one alternate between
13 21, 22 and 23. One and one, so one and one.

14 (Whereupon, the jury was impaneled at approximately
15 12:30 p.m.)

16 THE COURT: Any motion regarding the jury selection
17 process from the State?

18 MR. BOGLE: No, Your Honor.

19 THE COURT: From the defense?

20 MR. SPONG: None, Your Honor.

21 (WHEREUPON, the jury was sworn at approximately 1:15
22 p.m.)

23 THE COURT: Ladies and gentlemen, I am going to ask
24 you to step in your jury room momentarily. Do not discuss
25 the case during this recess. You are not authorized to

1 discuss the case until you have heard all of the evidence,
2 all the testimony in the case and the closing arguments by
3 the attorneys and the instruction on the law by the Court.
4 I must give your colleagues some instructions concerning
5 their jury service for the remainder of the week. Do not
6 discuss the case.

7 (Whereupon, the jury was excused from open court.)

8 (Whereupon, the remaining jury panel was excused from
9 open court at approximately 1:18 p.m.)

10 THE COURT: Bring our jury in, please.

11 (Whereupon, the jury came into the courtroom at
12 approximately 1:20 p.m.)

13 THE COURT: Welcome back, ladies and gentlemen of the
14 jury panel. Momentarily I am going to release you for
15 your luncheon recess. However, I must give you further
16 instructions. As I previously told you you may not
17 discuss the case with others, that includes your fellow
18 jurors, lunch mates, family, friends or anyone else. You
19 may not read, watch, listen to any news reports about the
20 case should there be any. You, of course, may not use
21 your computer, cellular phone or other electronic device
22 with communication capabilities while in attendance at
23 trial or during deliberations. You may certainly use
24 those devices during lunch breaks. You may not use them
25 to obtain or disclose information which is prohibited.

1 Information about the case which is prohibited includes
2 but it is not limited to the following, information about
3 a party, a witness, an attorney or a court officer, news
4 accounts of the case, past or present. Information
5 collected through juror research on any topic raised or
6 testimony offered by any witness, information collected
7 through juror research on any other topic the juror might
8 think would be helpful in deciding the case. You decide
9 the case based on the evidence, the testimony from the
10 witnesses testifying under oath before you from this
11 witness stand and the law as I tell you the law is
12 uninfluenced by anything you might have heard, read, seen
13 or any research independently or on the internet. So
14 please keep that in mind. I am going to ask you to please
15 be back at 2:30. This is not a lengthy case but it is an
16 important case. Upon your return, select one among your
17 number to be the foreperson of the jury panel. It can be
18 someone who has had prior jury service, doesn't have prior
19 jury service, whatever criteria you want to use. When you
20 get back, write that name down and give it to your
21 bailiff. It can be anyone except number 23. The
22 alternate cannot be a foreperson. We will see you back at
23 2:30.

24 (Whereupon, the jury is excused from open court for a
25 lunch break.)

1 THE COURT: We will be in recess until 2:15.

2 (Whereupon, a lunch break was taken.)

3 THE COURT: Mr. Spong, you have some motions?

4 MR. SPONG: Your Honor, there were a couple of
5 motions that we filed with the Court pro se.

6 THE COURT: All right.

7 MR. SPONG: Just to kind of, one of them is about
8 clothing. And one of them is to have me stand down. And
9 then there are a couple of others, they are constitutional
10 in nature that the Defendant filed himself. And I think
11 he wants to argue them to the Court. And I understand
12 there is not a problem with him doing that. That is the
13 issue we would like to address with the Court. I would
14 like to be clear that that motion to have me stand down is
15 either withdrawn or he seeks to go forward.

16 THE COURT: Thank you, very much. Mr. Hendricks,
17 please stand. Madam Clerk, please place him under oath.

18 LARRY HENDRICKS, being
19 first duly sworn, testified as follows:

20 THE COURT: You are Larry Edward Hendricks?

21 MR. HENDRICKS: Yes, sir.

22 THE COURT: Tell me a little bit about yourself. How
23 old are you?

24 MR. HENDRICKS: I am 57 years old.

25 THE COURT: 57?

1 MR. HENDRICKS: Yes, sir.

2 THE COURT: And how much education do you have?

3 MR. HENDRICKS: I have a Bachelors Degree in 1990. I
4 attended Graduate School at Sutherland University to 1991.
5 And I also have a paralegal degree that I received in
6 2004.

7 THE COURT: What type of work do you do?

8 MR. HENDRICKS: I was in marketing, I worked in a
9 marketing department.

10 THE COURT: And you had a motion to receive pro se or
11 to represent yourself?

12 MR. HENDRICKS: Yes, sir.

13 THE COURT: Do you want to represent yourself?

14 MR. HENDRICKS: No, sir. What I want to do, if
15 possible, and I understand the representation rules in the
16 State of South Carolina. What I wanted to do, I had wrote
17 some motions, a motion to dismiss based on constitutional
18 issues and I wanted to present those to the Court. I
19 thought the procedure to do that would be done in the
20 pretrial motion before we actually came to court. I know
21 previously I was in front of Judge Barber, Judge Casey
22 Manning and Judge Cooper, Thomas Cooper in Columbia for
23 different civil cases that I have done before. I always
24 did the motions pro se and there was never a problem with
25 it. This is the first time I have been represented by

1 counsel in one part. But I wanted to present the motions
2 because I did the research and I find out there are
3 several constitutional issues that I believe is germane to
4 this case, to a actual jury trial.

5 THE COURT: Tell me what your motions are.

6 MR. HENDRICKS: Well the first motion that I wanted
7 to bring up has to do with subject-matter jurisdiction, a
8 motion to dismiss. The reason why is because the statute
9 that they are using as the, the statute for me being a
10 sexual violent predator is no longer a statute. The State
11 Assembly in 2012 changed, in 2012 they repealed the
12 statute. It was June 12th of 2012. And they didn't stop
13 the proceedings on my case until way after, somewhere in
14 July.

15 THE COURT: What statute are you saying they have
16 repealed?

17 MR. HENDRICKS: 16-15-140.

18 THE COURT: That is the lewd act statute?

19 MR. HENDRICKS: Yes, sir. That would be the
20 predicate offense for this county because the lewd act
21 charge. The charge is in Fairfield County so the Court
22 wouldn't have jurisdiction.

23 THE COURT: Let me have the Attorney General to
24 address that and then I will come back to you.

25 MR. HENDRICKS: Yes, sir.

1 THE COURT: Mr. Attorney General.

2 MR. BOGLE: Thank you, Your Honor. Lewd act, section
3 16-15-140 was repealed by the General Assembly on June
4 18th of 2012 and the same language was put into the new
5 crime called criminal sexual conduct with a minor in the
6 third degree. There was nothing about it being
7 retroactive though. So in criminal convictions with the
8 Respondent was convicted in Fairfield County, the two lewd
9 act charges all predate the repealing of the law. So they
10 were valid convictions when they happened and valid
11 convictions with the subject-matter jurisdiction of the
12 Sexual Violent Predator Act.

13 THE COURT: Thank you. Do you care to respond to
14 that argument, Mr. Hendricks?

15 MR. HENDRICKS: Yes, sir. The specific language of
16 44-48-10 which is the sexual violent predator law says
17 that the Attorney General must file a petition with the
18 Court with the jurisdiction with the person who committed
19 the offense. Now, that is 44-4-50. If the Legislative
20 had planned to allow them to use the lewd act charge I
21 felt, that from my understanding, that they would put a
22 saving clause in. If they didn't put a saving clause in
23 they would have put in a, conformed an amendment with
24 that, 255. And neither of those two things were done.
25 Now there is case law on this, Chem-Nuclear Systems versus

1 South Carolina Board of Health and Environmental Control
2 which is a 2007 case and it goes into the facts of using,
3 once the statute has been repealed and whether or not
4 there is any saving clause. There was no saving clause.
5 So once the act is repealed then even in the statute
6 itself, 44-4-50, they don't actually show that particular
7 charge anymore, lewd act of a minor. So I am thinking
8 that it is no longer a charge.

9 THE COURT: You are protected on the record, I would
10 respectfully deny your motion. My understanding of the
11 law, the substance of lewd act was renamed criminal sexual
12 conduct with a minor in the third degree. Further the
13 caption of a statute is not the law itself. It is the
14 substance of the law that is controlling. Further, acts,
15 even though they may not be convictions can be part of the
16 evidence in a trial. So I would respectfully deny that
17 motion but you are protected on the record, Mr. Hendricks.

18 MR. HENDRICKS: Thank you, sir.

19 THE COURT: Yes, sir.

20 MR. HENDRICKS: The second motion has to do with the
21 fact that the State went further than the time allocated
22 to prosecute the case. The statute says, again,
23 44-4-90(d) says that the matter should be brought before
24 the Court within 90 days of the date the Court appointed
25 an expert issue for psychiatric evaluation. And it uses

1 mandatory construction, or the language in the statute is
2 mandatory. And I didn't come to court until today which
3 is six months after the, actually got the psychiatric
4 evaluation. There was no motions made for any
5 continuances. There was no motions made for any type of
6 request for a trial date, even though there was an order
7 setting the trial date by Judge Kinard. That order was
8 not, there was no order asking for a, to set a trial date.
9 Normally that is procedure, is request for a trial date
10 and then a trial date is made. In this case I checked the
11 file, I checked everything in the file and there is no
12 request for any court date. So basically when the due
13 process, they are suppose to, to be up in 90 days, they
14 didn't. Six months later and under a case called The
15 Matter and Care of Miller, which is a 2011 case. It is
16 713 SE 2nd 263. I have a copy of the case.

17 THE COURT: Hand that up to me, please. Anything
18 further or any other issues, Mr. Hendricks?

19 MR. HENDRICKS: Your Honor, as you may note, it says,
20 in the State versus Matthews, it says it is not a
21 significant burden on the State or the trial Court
22 issuance of continuance and indicating that the trial
23 cannot be held within 90 days.

24 THE COURT: Tell me again the timeframe, Mr.
25 Hendricks. When was your sentence up?

1 MR. HENDRICKS: My sentence was up May 1st.

2 THE COURT: Of 2013.

3 MR. HENDRICKS: Yes, sir. The psychiatric report
4 came on July 9th of 2013 and I received my copy on July
5 11th of 2013.

6 THE COURT: All right. Any other dates of
7 significance to you, Mr. Hendricks?

8 MR. HENDRICKS: Other than the, Judge Kinard signed
9 in September of 2013, he scheduled the trial to be January
10 27th of 2014. I have a copy of that too.

11 THE COURT: When was that order signed, September
12 what?

13 MR. BOGLE: Your Honor, September 24th of 2013, it
14 was signed by Judge Kinard and at that time was the Chief
15 Admin Judge for this Circuit.

16 THE COURT: All right. Any other dates significant
17 to you, Mr. Hendricks?

18 MR. HENDRICKS: Only that I originally went to see a
19 psychiatrist November 3rd of 2012 and she didn't have the
20 report until July of 2013.

21 THE COURT: You were still serving your sentence
22 November 3rd of '12?

23 MR. HENDRICKS: Yes, sir.

24 THE COURT: Anything else?

25 MR. HENDRICKS: No, sir.

1 THE COURT: Thank you, Mr. Hendricks. Mr. Bogle.

2 MR. BOGLE: Yes, Your Honor. Thank you. In addition
3 to the Miller case, the other case is pointed, in the
4 Matter and the Care of Johnny Matthews. A Supreme Court
5 case in 2001. Matthews made, that was not jurisdictional.
6 The motion was dismissed prior to the trial date and that
7 seems to be what the Miller case seems to say. Judge, the
8 events in this case would be, the order for evaluation was
9 filed on October 1 of 2012. And the consent order for
10 release and the military records were filed on January the
11 7th of 2013, we got his military records from the Marine
12 Corp. Now, Dr. Gehle saw the extension of time and an
13 order of continuance was filed on March 14th of 2013.
14 There are two things, Judge, continued the time for her to
15 do her evaluation until such time the Court has set a
16 trial date or soon thereafter the case may be scheduled
17 for the Court and the parties. So that is the last case
18 of a continuance that we have in the file. The next was
19 an order filed on May 2th of 2013 allowing Dr. Gehle to
20 look at the pornographic materials seized by law
21 enforcement. There was a court order to look at these
22 things. And then we had an order setting for trial on
23 September 20th of 2013 by Judge Kinard filed on September
24 24th of 2013. So in an effort to try this case as soon as
25 possible the parties had taken the right steps. The

1 motion that I have asking you to dismiss it because of the
2 90 day issue was filed on January 9th of 2014. I have
3 copies of these orders if you need to see them.

4 THE COURT: Yes, I would like to see them.

5 MR. BOGLE: I have got the consent order for
6 evaluation, military records, continuance, another order
7 as I mentioned.

8 THE COURT: Anything you care to respond to, Mr.
9 Hendricks?

10 MR. HENDRICKS: Yes, sir. I received a letter from
11 Judge Kinard's Law Clerk in October of 2013 and at the
12 time I had sent in two motions. One was the one for lead
13 counsel and one was for proper attire for the trial. And
14 the Law Clerk had wrote me and told me that any motions
15 that I needed to file needed to be filed when I go to
16 trial. It said not to file any other motions until I go
17 to trial. Now, I have read afterwards that you should,
18 when you file motions you should give the other party at
19 least 20 days to have an opportunity to read the motions
20 and be prepared to argue the motions in court. So that is
21 why I sat down and wrote the motions and filed them with
22 the Court so that would be available to Mr., to the
23 State's attorney. And they would be able to be prepared
24 to answer them today, rather than wait and present them to
25 the Court today and there would be no copies.

1 THE COURT: Thank you.

2 MR. BOGLE: If I may, one last thing. I do not have
3 the date on it but sometime in the midst would have been
4 after the evaluation come out with Dr. Gehle. The defense
5 sought and obtained an order for an independent
6 evaluation. So that also was a reason for delay. I don't
7 have that in front of me, the exact date of it. We would
8 get these motions, we are kind of responding to stuff for
9 his attorney. And we didn't receive anything from Mr.
10 Spong so we would get the motions and send them to Mr.
11 Spong.

12 THE COURT: Mr. Bogle, I don't see that order in the
13 file. I thought you said there was an order where he
14 requested an independent evaluation.

15 MR. BOGLE: My understanding in talking with counsel
16 is that he got his independent evaluation.

17 MR. SPONG: We did get an independent evaluation.

18 MR. BOGLE: It would have been sometime after Dr.
19 Gehle's report.

20 MR. SPONG: That's correct.

21 THE COURT: Did y'all get an order for it.

22 MR. SPONG: Yes, we did.

23 THE COURT: All right. Let me see if I am tracking
24 this timeframe correctly. His sentence was completed May
25 1st of '13 or either that is the date he was placed in

1 Fairfield County jail, May 1st of '13. His sentence was
2 complete 4/24/13. There was proper procedure followed and
3 then 7/9/13 the psychiatric report was completed, filed
4 7/11/13 I believe. So sometime after that date is when
5 there would have been an order requesting an independent
6 evaluation.

7 MR. BOGLE: Yes, sir.

8 THE COURT: Is that correct?

9 MR. BOGLE: Yes, sir.

10 THE COURT: And then Judge Kinard, on September the
11 20th signed an order that was filed September the 24th
12 indicating that the evaluation ordered by the Court, the
13 report of Dr. Marie Gehle dated July 8th of 2013 had been
14 completed and that Dr. Gehle concluded Respondent did fit
15 the criteria to be committed under the SVP Act. On
16 September the 20th he then ordered, he, Judge Kinard, the
17 Chief Admin Judge for the 6th Circuit, the case be set for
18 a jury trial in Fairfield County as the first case up for
19 the week of January 27th of 2014. Of course, we are now
20 following Judge Kinard's order to a tee. I don't see the
21 order specifically in here but from that end of Fall of
22 2012 the State had to get military records which they
23 ordered 1/7/13. The evaluation was continued one time,
24 3/14. There is also an order here signed by Judge
25 Goldsmith indicating that this case shall be continued for

1 good cause pursuant to 44-4-80(d) as amended May 12th of
2 2010 until the evaluation can be completed and until such
3 time as the Court asked to set a trial date or soon
4 thereafter as the case may be scheduled at the convenience
5 of the Court and the parties. It appears to me good cause
6 has been shown, number one. Number two, there is not
7 undue prejudice to the, to Mr. Hendricks in this matter so
8 therefore his Miller/Matthew motion is denied. Anything
9 further, Mr. Hendricks?

10 MR. HENDRICKS: Yes. One last motion. This motion
11 has to do, this motion to dismiss based on Article one,
12 Subsection 8 of the South Carolina Constitution dealing
13 with separation of powers. The motion, the fact the
14 Legislature allowed the Attorney General's office which is
15 an Executive Branch to change a sentence that the Judicial
16 Branch has initially made non-violent and make violent. I
17 don't know if you have a copy of the motion or not. It is
18 four pages, it is pretty detailed. The separation of
19 powers which came out in State versus Langford last year
20 in January of 2013. Went into great detail about what
21 powers the State, excuse me, what powers the Judicial
22 Branch has, what powers the Legislative has.

23 THE COURT: What case are you referring to, Langford?

24 MR. HENDRICKS: Yes, sir. That is a South Carolina
25 case.

1 THE COURT: Sir?

2 MR. HENDRICKS: That is a South Carolina case. 735
3 SE 2nd 471. It goes into great detail about the, how the
4 State, excuse me, how the Legislative can't make a, they
5 can't change a sentence to make it non-violent versus
6 violent. See, when I got sentenced October 30th of 1998
7 for lewd act it was a non-violent sentence. Now when,
8 sometime thereafter when they made the sexual predator
9 act, they added a lewd act to it and they made it into a
10 violent sentence. Now the reason why they did that was
11 because they say the Legislature allows them to do that.
12 So you have the Executive Branch which is the Attorney
13 General's office changing what the Judicial Branch has
14 already did. The U.S. Supreme Court said in a case and I
15 can't pronounce the first word of the case, 1995 case that
16 the General Assembly may not overturn a final judgment of
17 law by Legislative mandate. So I can give you the cite
18 but I can't pronounce the first word. It is also in a
19 case called Hill versus U.S., XUL, which is a 1936 case.
20 It says the determination of a defense is declared at the
21 time of its occurrence. The Judge at sentencing makes all
22 final determinations. So if it was changed to make this
23 into, so it can fit into the Sexual Violent Predator Act
24 then they have took a non-violent charge and made it
25 violent. And that is a violation of the Separation Powers

1 Act based on what I read in Langford versus State.

2 THE COURT: Thank you. Mr. Bogle.

3 MR. BOGLE: Thank you, Your Honor, we had this come
4 up before. As Your Honor knows from the General Sessions,
5 you are aware of the General Sessions Act, there are
6 violent crimes, there are serious crimes, there is most
7 serious crimes. And this has to do, I believe, with the
8 sentence and parole or probation eligibility or with
9 serving a certain percentage of the sentence before being
10 eligible parole or probation. There is a separate
11 creature called sexual violent crimes which are put in the
12 sexually violent act. The civil act, this is a civil
13 commitment process. So while lewd act on a minor or even
14 the sexual exploitation of a minor in the third degree
15 convictions are not violent crimes, for criminal
16 sentencing and prison serving purposes they are sexually
17 violent crimes which are totally separate. So it is an
18 apples and oranges type thing. And for that reason his
19 motion should be dismissed. And we didn't, the Attorney
20 General's office doesn't change the sentence. He got
21 sentenced by the Court to a crime, the General Assembly
22 then declared to be a sexually violent crime. And that is
23 where we are here today.

24 THE COURT: Mr. Hendricks.

25 MR. HENDRICKS: I agree with him that the General

1 Assembly decided to make it into a sexually violent crime
2 but again, they are violating, the U.S. Supreme Court has
3 said that the Judicial Branch is the one that decides what
4 is the offense at the time of sentencing. At the time of
5 sentencing, I received 15 years, non-violent, not
6 eighty-five percent, not most serious, not any of the
7 other stuff. And at that time that is what I did. That
8 is the sentence I did and that is it, you can't change a
9 sentence to make it a violent crime. There is no case law
10 that he can quote that says that. That is the U.S.
11 Supreme Court which under Article 5 of the U.S.
12 Constitution.

13 THE COURT: Well, this isn't General Sessions, this
14 is Common Pleas and this is question of whether or not an
15 individual should be civilly committed as a sexually
16 violent predator. The issue is not whether it is a
17 violent crime under 16-1-60 or serious or most serious or
18 a strike, one strike or two strikes. It is a civil
19 action, civil would apply. I do not see that it is a
20 violation of a separation of powers. Langford is very
21 different because the Legislature passed a law given a
22 Solicitor authority over the Court's trial docket. And
23 that is really what Langford basically addresses. In that
24 regard, again that is in the criminal arena and not in
25 Common Pleas. I would deny the motion. Do you have any

1 other motions, Mr. Hendricks.

2 MR. HENDRICKS: No, Your Honor. I would like to
3 withdraw the motion for proper attire. And I withdraw the
4 motion for changing counsel.

5 THE COURT: Thank you very much. Other motions, Mr.
6 Spong?

7 MR. SPONG: No, Your Honor.

8 THE COURT: Mr. Bogle?

9 MR. BOGLE: Your Honor, we have two motions in
10 limine. I can hand up a copy. The first one is to
11 prohibit any comment in closing and opening or
12 cross-examining about where the Respondent might be
13 committed. In other words, any comment about going to
14 prison, being a life sentence of being punished. As you
15 know, Your Honor, this is civil commitment process. There
16 is a matter of fact, the location where these people do go
17 is on the premises at the Department of Corrections.

18 THE COURT: I think that is what you have in your
19 charge?

20 MR. BOGLE: Yes, Your Honor. I have got a motion to
21 prevent this from being part of the Defense's argument to
22 the jury or cross-examination of the witness about where
23 he might go, the location.

24 THE COURT: I thought you had that in your proposed
25 charge.

1 MR. BOGLE: I may have, to the Department of Mental
2 Health.

3 THE COURT: Right.

4 MR. BOGLE: I don't say it is on the premises of
5 Broad River Corrections.

6 THE COURT: I don't know where it is but I am just
7 saying you have it in your charge. A secure treatment
8 facility in Columbia operated by the South Carolina
9 Department of Mental Health.

10 MR. BOGLE: Right, that is what it is. What I am
11 asking you is to prohibit any reference to being a prison,
12 being at a prison, being a life sentence, for being
13 punished because none of those apply.

14 THE COURT: Mr. Spong.

15 MR. SPONG: Quite frankly, Your Honor, that is not
16 really the thrust of our defense but I do still disagree.
17 I agree it would be factually inaccurate to call the
18 treatment facility a prison. But if we want to refer to
19 as a prison life, it doesn't seem right, if it is proper
20 to talk about it at all and we have a right to
21 characterize it fairly. I think it would be unfair to
22 call it a prison, it is not a prison, it is a treatment
23 facility. But if we feel like it is a prison life or is
24 very, very restrictive I am not sure why we can't say
25 that. And as far as punished, kind of the same thing,

1 again, I don't really see that it is a huge issue, that is
2 not really the thrust of our defense. But I think it is
3 really kind of unduly restrictive of our right to present
4 our case and to characterize it in the manner we see fit.
5 And the State has every opportunity to get up and say we
6 have mischaracterized it.

7 THE COURT: Well, I don't think it is a prison and I
8 don't think it is punishment. It is a civil commitment in
9 a secured facility in Columbia operated by the Department
10 of Mental Health. So I would grant the motion in limine
11 in that regard with the understanding, I am granting a
12 motion in limine which you never know what may come out
13 during the course of the testimony.

14 MR. SPONG: I don't want to run afoul of the Court.
15 I will raise this question. Would the Court consider it
16 improper to refer at this proceeding as deprivation of his
17 liberty?

18 THE COURT: This is a civil commitment.

19 MR. SPONG: He is deprived of his liberty.

20 THE COURT: Mr. Bogle.

21 MR. BOGLE: Well, the statute says long-term, control
22 and care and treatment at a secured facility, control,
23 care and treatment. That is the language of the statute.

24 THE COURT: That is what I think, Mr. Spong. That is
25 not the question before the jury. The question before the

1 jury, they have one question to ask and answer, is, has
2 the State met its burden of proving this case beyond a
3 reasonable doubt that Mr. Hendricks is a sexual predator.

4 MR. SPONG: And I agree, Your Honor.

5 THE COURT: That is the question they have. All this
6 other, even though you put in the charge about commitment,
7 long-term care, custody and control, that is not the
8 question they are to answer.

9 MR. SPONG: One last point, Your Honor.

10 THE COURT: Yes, sir.

11 MR. SPONG: I guess my problem is, I understand and I
12 agree and there is an intention to focus on what the legal
13 issue is. But I have an obligation to impress upon the
14 jury the seriousness of what they are being asked to do
15 and that it is serious to Mr. Hendricks. Yes, he is
16 getting treatment and we could all sit up here and say, it
17 is all for his own good and he is just going to get
18 treatment. But that is not the way we look at it, that is
19 not the way he looks at it. He is being deprived of his
20 liberty and the jury should take is seriously.

21 THE COURT: I try to impress upon jurors in all cases
22 they should take their responsibility seriously. I am not
23 questioning that. But I don't think, I think their focus
24 has to remain on what their duties and responsibilities
25 are in that regard under the statute, under the law as the

1 law was written by the Legislature.

2 MR. SPONG: I don't want to astray into some
3 prohibited language in my comments and discussions with
4 the jury.

5 THE COURT: It is, if you analogize it to a criminal
6 case and you are trying somebody for armed robbery and it
7 carries 25 or 30 years, they keep changing the law, every
8 time I learn it they change it, 30 years. You can't say,
9 well, it is 30 years of this person's life. That is not
10 the focus of the jury. And they, I mean I think that the
11 terms that y'all use, long-term, custody, control, secured
12 facility, I mean, I think the jurors understand that quite
13 frankly. And, again, this is a motion in limine. I don't
14 know what might come out during the course of the
15 testimony.

16 MR. SPONG: I understand.

17 THE COURT: You had another motion.

18 MR. BOGLE: The other motion is to prohibit the
19 Respondent, if he elects to testify to invoke him, his
20 right against self-incrimination regarding any prior
21 convictions where he plead guilty or was convicted, again
22 should he choose to testify. The second part of that is
23 to prohibit him that if he does not testify, for getting a
24 jury charge about his constitutional right not to testify.
25 The rationale behind both of these, the fact that this is

1 civil action, not a criminal action.

2 THE COURT: Mr. Spong.

3 MR. SPONG: Your Honor, I guess part of that is mute.
4 Mr. Hendricks does intend to testify. It sort of makes it
5 mute.

6 THE COURT: Thank you, very much. Anything more
7 before we bring in our jury. Anything from the State?

8 MR. BOGLE: If I could, one of the crimes he was
9 convicted of, we are saying a sexually violent, it is
10 third degree, sexual exploitation of a minor. It is an
11 unusual path to get there. The definition, if there is
12 any question about how we get there and the definition
13 path.

14 MR. SPONG: Your Honor, we were not contesting that.

15 MR. BOGLE: Thank you.

16 THE COURT: Anything, Mr. Spong, before we bring our
17 jury in.

18 MR. SPONG: No sir, Your Honor.

19 THE COURT: Bring in our jury.

20 (Whereupon, the jury came into open court at
21 approximately 3:27 p.m.)

22 THE COURT: All right, Madam Forelady, is that
23 correct?

24 MADAM FORELADY: That's correct.

25 THE COURT: Thank you so much, I hope that wasn't a

1 too hotly contested race in there. Y'all have already
2 been sworn. I am going to give you a few opening comments
3 about this case. This is not a full and complete charge
4 on the law. But I do want to give you a framework of the
5 procedure that we are going to follow in this case. The
6 State has brought this case under the Sexually Violent
7 Predator Law of South Carolina. The State seeks the civil
8 commitment of Larry Edward Hendricks, the Respondent, for
9 long-term, control, care and treatment in a secure
10 facility. This is not a criminal proceeding seeking
11 incarceration but rather is a proceeding seeking civil
12 commitment. The State alleges or claims that the
13 Respondent, Larry Edward Hendricks is a sexually violent
14 predator under the law. The Respondent denies that he is
15 a sexually violent predator and the burden is therefore on
16 the State to prove by evidence to satisfy each of you
17 beyond a reasonable doubt that Mr. Hendricks is a sexually
18 violent predator. If the State is unable to meet that
19 burden of proof as to one or more of the elements of this
20 claim the Respondent is entitled to a finding that he is
21 not a sexual violent predator. Again, I want to make sure
22 that you understand that Mr. Hendricks is not accused of
23 committing a crime in this proceeding. The first thing
24 that will occur is that Mr. Bogle, the attorney for the
25 State, the State being the party that has brought the

1 action will make an opening statement which will be
2 followed by a similar statement by Mr. Spong, the attorney
3 for Mr. Hendricks. Ladies and gentlemen, the opening
4 statements are not arguments. The opening statements are
5 not evidence. What the attorneys say is not evidence.
6 The closing arguments, of course, will come at the
7 conclusion of the case. The purpose of opening statements
8 is for each party to outline his or her claims and the
9 evidence which he or she intends to present in support of
10 the claim. Following up on that, the questions by the
11 attorneys are not evidence. That is the framework by
12 which the evidence is extracted from the witnesses
13 testifying under oath from this witness chair. After the
14 opening statements each side will present its evidence.
15 Again, with the State, the plaintiff once again going
16 first. And you will note as I have said, the State has
17 the burden of proving its case beyond a reasonable doubt.
18 And you can always, I generally, there are some odd
19 exceptions but generally the party closes to the jury box
20 is the party that bears the burden of proving its case.
21 That is how it is in the case, the State bears that
22 burden. Evidence may take different forms, it may be
23 testimony, it may be documents, it may be photographs of
24 the like. You should pay close attention to all of the
25 evidence which is represented by each party. You, the

1 jury, are the sole finders, the sole judges of the facts
2 in this case and no one else, including me, will be
3 permitted to weigh the evidence and render a verdict based
4 on the evidence. After all the evidence has been
5 presented the attorneys will make their closing arguments.
6 Unlike the opening statements, the final remarks will be
7 true arguments. That is each side will emphasize certain
8 portions of the evidence and try to persuade you to agree
9 with their version of the facts. Keep in mind again, the
10 opening statements as well as the closing arguments as
11 well as the questioning by the attorneys do not represent
12 evidence in the case but give them your complete and
13 undivided attention. After all the arguments, the closing
14 arguments by the attorneys, I will explain to you fully
15 and completely the law that you are to use to apply to the
16 facts of this case as you find the facts to be. Once I
17 explain the law to you you will then retire to the jury
18 room to consider the facts and the law and once you have
19 done so you will return a verdict in favor of one side or
20 the other. During the course of the trial, again, the
21 plaintiff has the burden of proving its claim beyond a
22 reasonable doubt. After all the evidence has been
23 presented you determine the facts, you apply the facts to
24 the standard of the law, if the State has met its burden
25 of proof beyond a reasonable doubt, you would return a

1 verdict of finding that Mr. Hendricks is a sexually
2 violent predator. If the State has failed to meet its
3 burden you would return a verdict that Mr. Hendricks is
4 not a sexually violent predator. Just a few additional
5 comments. First, as I mentioned earlier, although I am
6 the only person that can tell you what the law is you are
7 the only ones who can determine the facts. I do not have
8 the right to indicate how I may feel about the evidence
9 presented. And throughout this trial my intention will be
10 to act impartially towards both parties. Second, from
11 time to time, an attorney may object to some bit of
12 testimony of evidence which the other side is seeking to
13 present. As in sports, business or any other structured
14 activity there are certain rules that both sides must obey
15 in presenting evidence. These rules have a definite
16 purpose. They are to insure that the information that you
17 receive, the jury, is the most trustworthy and reliable
18 evidence available. Now once you hear it it is your
19 decision as to what weight and value or believability or
20 trustworthiness it may have. But it is my job to
21 determine if you hear it at all or not, you then decide
22 the weight and value to be given. An objection is the
23 procedure that is used for an attorney to call to my
24 attention a possible violation of the rules. And for this
25 reason you should not hold an attorney's objection against

1 him or should you conclude from my ruling on the objection
2 that I favor one side or the other. Finally, I would ask
3 that you pay close attention to all of the evidence
4 presented to you. It is you, the jury, who would
5 determine the facts in this case and as a result you will
6 have to evaluate the credibility which you all know means
7 the believability of each witness who testifies in this
8 manner using your good judgment and your common sense,
9 both individually and collectively as a juror. You are
10 participating in a timed tested system and it is extremely
11 important for each of you to listen carefully to all the
12 evidence presented to you. I am sure each of you will
13 perform your duty and responsibility according to the oath
14 that you have just previously taken. Administrative
15 matters, if there are items offered into evidence,
16 sometimes they may be handed to our foreperson here in the
17 courtroom and passed among members of the jury while you
18 are in the courtroom in your jury box. You may look at
19 those items all you wish. If I allow them into evidence
20 you will also have them with you in your jury room at the
21 time of your deliberations. So that will not be the only
22 time, the only opportunity you will get to review those
23 items. If you cannot hear or see a witness please let me
24 know and I will try to get them to speak up. I know we
25 have a sound system in here but sometimes if you can't see

1 or hear just please let me know. One further thing, I
2 have kind of a rule of breaks. I have a real simple rule,
3 when I want to take a break we take a break. I figure it
4 works out great for everybody. This is not some type of
5 judicial marathon. If you sit there too long, your
6 thoughts get to wonder. If you need a break for any
7 reason please raise your hand and we will take a break.
8 This may not be a lengthy trial, I believe I indicated
9 that to you earlier but it is an important trial. It is
10 an important trial to Mr. Hendricks and it is an important
11 trial to the State. There are not twelve better people,
12 thirteen better people than you to resolve and decide this
13 issue. And I know that you will. Any objections to
14 anything that I have told the jury from the State, Mr.
15 Bogle?

16 MR. BOGLE: No sir, Your Honor.

17 THE COURT: From the Defense, Mr. Spong?

18 MR. SPONG: No, Your Honor.

19 THE COURT: Thank you very much, Mr. Bogle, you may
20 address the jury.

21 MR. BOGLE: Thank you, Your Honor, may it please the
22 Court.

23 THE COURT: Yes, sir.

24 MR. BOGLE: Mr. Spong. Ladies and gentlemen, earlier
25 I introduced myself. My name is Jim Bogle, I am with the

1 Attorney General's office. People often wonder why we are
2 doing these cases as opposed to your Solicitor, your
3 County Attorney, your City Attorney or something like
4 that. The reason is, when the Legislature passed this law
5 they said the General Assembly shall present this case to
6 the courts around the State. So there is two of us, there
7 is me and Nicole Wetherton, we have the State divided in
8 half, we do different circuits around the State and I have
9 got this case here. So that is why it is us instead of
10 somebody else. What has happened is, back in 1998, about
11 15 years ago the General Assembly sat back and looked at
12 the existing situation of people convicted of certain
13 sexual crimes and what happens after they get out of
14 prison. And what they said is, they said that there is a
15 mentally, abnormal and extremely dangerous group of
16 sexually violent predators which exist who require
17 involuntary civil commitment in a secure facility for
18 long-term control, care and treatment. The General
19 Assembly further finds that the likelihood of being sexual
20 violent predators and engage in repeated acts of sexual
21 violence if not treated for their mental conditions is
22 significant. That is how we got here, that is what the
23 law is. Mr. Hendricks sitting behind me, he served his
24 prison time. That the State has now brought an action to
25 have him civilly committed to a secure facility run by the

1 Department of Mental Health for treatment. The Judge said
2 that we have to prove certain things to you beyond a
3 reasonable doubt. Some of you have been on jury duty in
4 Magistrate Court or some years ago or may have had friends
5 served on jury duty and you are thinking, this is civil
6 court. Why is it a different burden of proof. Normally
7 in civil court, the Court of Common Pleas, this is an auto
8 wreck case or a medical malpractice case and the party
9 trying to prove the case has to prove it by a
10 preponderance of the evidence, just 52 percent, if you
11 will. Here because the Respondent is facing civil
12 commitment, be committed to a place for secure facility
13 for treatment the burden of proof is higher. And the
14 burden of proof is beyond a reasonable doubt. The Judge
15 will explain to you at the end of the trial what that
16 means so I am not going to do that right now. It is the
17 Judge's job and he will do a good job of explaining to you
18 what the burden of proof is. Now there are two things
19 that we have to prove to you. First, has Larry Edward
20 Hendricks been convicted of a sexually violent crime and
21 he has. You will hear from the testimony of Dr. Marie
22 Gehle who is sitting over there, she was appointed by the
23 Court, by a Judge in this courtroom to conduct an
24 evaluation of Mr. Hendricks. And she found out that he
25 has been convicted in multiple jurisdictions, not just

1 Fairfield County, he has certainly been convicted here and
2 other places of crimes that we call sexually violent
3 crimes. Some of these crimes include assault with intent
4 to commit criminal sexual conduct. Some are lewd act on a
5 minor, a child under ceratin years of age. Two of those
6 here in Fairfield County and that is why we are here.
7 Some of these crimes are what is called sexual
8 exploitation of a minor in the third degree. And it has
9 to do with a search of his computer containing sexual
10 exploitation, sexual exploitation of pictures of minors
11 engaged in sexual acts. One of the rough things about
12 these types of cases, in order for Dr. Gehle to testify
13 about her expert opinion and whether or not she has found
14 he has the kind of mental abnormality that makes him
15 likely to commit these types of crimes again unless he is
16 confined for treatment. She will have to explain how she
17 got there, how she got to that conclusion and that may
18 require her explaining some of the underlying details
19 behind these crimes. So I will tell you right now, you
20 may hear some things that are kind of unpleasant. I
21 apologize to you for that but it is part of the case and
22 we have to present it to you. So, two things. Number
23 one, has he been convicted of a sexually violent crime.
24 He has been convicted of that in three different counties
25 in South Carolina. The next thing is, does Mr. Hendricks

1 have a mental abnormality or a personality disorder that
2 makes him likely to commit these same types of sexually
3 violent crimes in the future unless he is confined for
4 long-term control, care and treatment. Two things we have
5 got to prove, the convictions and the mental abnormality.
6 In this case he has both, the mental abnormality and a
7 personality disorder and that you will hear from a
8 qualified expert appointed by the Court to examine him,
9 Dr. Gehle. That is what the case is about, that is the
10 type of case it is and I would submit once you hear all
11 the evidence, all the evidence from that witness stand,
12 the documents we introduce into evidence which will be
13 certified copies of the conviction records from these
14 three different jurisdictions and you will find that he is
15 a sexually violent predator and he needs to be committed
16 for the safety and the wellbeing of Fairfield County to a
17 secure place for treatment by the Department of Mental
18 Health. Thank you.

19 THE COURT: Thank you very much, Mr. Bogle. Mr.
20 Spong.

21 MR. SPONG: Mr. Bogle. Good afternoon, ladies and
22 gentlemen, my name is Ernest Spong. I am an attorney here
23 in Winnsboro, I have been practicing here 15 to 20 years
24 and I am here today representing Mr. Hendricks. First of
25 all let me just thank y'all for being here. I know you

1 didn't really choose to be here but you are here and you
2 are fulfilling your civil obligations. I know it is a
3 burden and an interruption to your regular lives and I
4 appreciate your service. My comments are really to just
5 give you a little bit of context of why we are here. And
6 would tell you this about Mr. Hendricks. He is 56 years
7 old, he was a sexually abused child and unfortunatley he
8 grew up to sexual abuse. And he did it for a while. He
9 got caught a couple of times and the last time he got
10 caught was 15 years ago and he stood in this courtroom 15
11 years ago and plead guilty and got a sentence for 15 years
12 and served his sentence. So he has been in prison for 15
13 years, he got out and he finished his sentence about six
14 months ago, was released, almost released, under the
15 Sexually Violent Predator Act which I sometimes will refer
16 to as SVP. The State of South Carolina is allowed to hold
17 him in a detention facility until such time as we can have
18 this jury trial. So that is where he has been for the
19 last six months. And I would like to talk a bit about the
20 Sexually Violent Predator Act. This may be something of a
21 surprise to some of the people in the courtroom but Mr.
22 Hendricks, he is not contesting that he broke the law,
23 that he has prior convictions, how could he, it is a
24 matter of record. I think the other thing that the State
25 has to prove, they have to prove he has a mental disorder.

1 We are not here about him breaking the law, we are here
2 about whether or not he has a mental disorder and quite
3 frankly Mr. Hendricks does have a mental disorder. We are
4 not really disputing that, he has had this problem for a
5 while and he is not standing before, we anticipate him to
6 testify before you that he does have a problem and he is
7 not going to deny that he still has something of the
8 problem. I think, I will wait and let him tell you his
9 own story. I would ask you, really you are going to hear
10 some terrible things and Mr. Hendricks did some bad things
11 and you are going to hear them. And I would ask you to do
12 your duty, keep your mind open, wait until you hear all of
13 the evidence and that you judge him according to what you
14 are suppose to judge him. You are not suppose to punish
15 him for what he already did, you are suppose to decide
16 whether or not you believe, and this is what we contest,
17 you believe that beyond a reasonable doubt that Mr.
18 Hendricks is going to do it again. And that is what makes
19 this case really unusual. Most of the time when you come
20 into a courtroom you are there to decide what somebody
21 did, who did it, when did they do it, that is not what are
22 you here or asked to do today. You are asked today to
23 predict the future. You are asked today to predict what
24 Mr. Hendricks is going to do. Now the State is going to
25 put up a case and basically they contend that they can do

1 that. But that is where the disagreement is, that is what
2 the trial is about so I am not going to be argumentative
3 with you here now. But we just dispute that the State has
4 the ability to do that and that Mr. Hendricks is going to
5 do it again. He has had 15 years to think about it. So,
6 I will leave it at that and thank you for being here.

7 THE COURT: Thank you very much. Mr. Bogle, you may
8 call your first witness.

9 MR. BOGLE: Thank you, Your Honor. The State would
10 call Dr. Marie E. Gehle.

11 DR. MARIE GEHLE, being
12 first duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 By Mr. Bogle:

15 Q Doctor, would you please state and spell your last
16 name. State your full name and tell us your county of
17 residence.

18 A My name is Marie Gehle, it is spelled G-E-H-L-E. And
19 I live in Columbia County in Georgia.

20 Q Dr. Gehle, how are you currently employed?

21 A I am a Chief Psychologist for the Department of
22 Mental Health.

23 Q And how long have you held that position at the South
24 Carolina Department of Mental Health?

25 A I have worked there for over four years.

- 1 Q What professional degrees do you possess?
- 2 A I have a Bachelor's Degree in psychology, a Master's
- 3 Degree in clinical psychology and a Doctorate in clinical
- 4 psychology.
- 5 Q Are you licensed to practice psychology in the State
- 6 of South Carolina?
- 7 A Yes, I am.
- 8 Q And any other jurisdictions besides South Carolina?
- 9 A I am also licensed to practice in Georgia.
- 10 Q Now, basically what is the study of psychology, what
- 11 does that come down to?
- 12 A Psychology is the study of human behavior.
- 13 Q And there is a word called forensic psychology. When
- 14 you say forensic along with psychology what are we talking
- 15 about?
- 16 A Forensic psychology is the application of
- 17 psychological principles to questions that the Court might
- 18 have or to the legal process.
- 19 Q Have you previously been recognized by the Courts of
- 20 South Carolina to testify as an expert witness in the
- 21 fields of psychology and forensic psychology?
- 22 A Yes, I have.
- 23 Q About how many times?
- 24 A Over 75 times.
- 25 Q Now, approximately how many individuals have you

1 evaluated under the Sexually Violent Predator Law?

2 A Approximately 120.

3 Q Okay. Are some of those precommitment evaluations
4 like the ones we have today?

5 A Yes.

6 Q Okay. And are some of those cases involving people
7 who have already been committed after the review of once a
8 year?

9 A That's correct.

10 Q About how many have you done before involving
11 precommitment cases like this Mr. Hendricks is today?

12 A About half of the people that I have evaluated have
13 been for precommitment proceedings and then I have, the
14 other half have been for annual reviews and I have done
15 multiple evaluations on those people.

16 MR. BOGLE: Your Honor, at this time I would like to
17 ask that Dr. Gehle be qualified as an expert witness in
18 the fields of psychology and forensic psychology.

19 THE COURT: Mr. Spong, any follow-up?

20 MR. SPONG: No objection.

21 THE COURT: All right. Thank you. Madam Forelady
22 and ladies and gentlemen of the jury, normally a person
23 cannot give expert testimony. Normally when a person
24 testifies they must testify as to either what they saw,
25 heard, sensed by smell or something of that nature.

1 However, there is an exception when someone is qualified
2 because of education, experience, training in a particular
3 art, craft, science or profession. They are permitted to
4 give their opinion in certain areas that the Court
5 qualifies them that way. This witness, Dr. Marie Gehle
6 will be qualified in the area of psychology and forensic
7 psychology to give opinion testimony in those areas. It
8 does not mean that you must accept the opinions but it is
9 evidence for you, the jury, to use in any way you deem
10 appropriate. Thank you very much, Mr. Bogle. You may
11 continue.

12 MR. BOGLE: Thank you, Your Honor.

13 Q Dr. Gehle, what type of evaluation did you conduct in
14 this particular case?

15 A I conducted a precommitment evaluation of Mr.
16 Hendricks.

17 Q Would you describe for the jury your protocol for
18 conducting an evaluation of this type?

19 A Yes. Typically is what I do, I will get a pack of
20 information. These are his files. I will review that
21 information and then I will interview the person. I also
22 request any additional records that I can get and my
23 interview is essentially to look for diagnostics and
24 whether there are risk factors present for sexual
25 offending in the future. So that is what typically I am

1 looking for in these evaluations and I am evaluating for
2 that purpose.

3 Q Dr. Gehle, how were you approached to conduct an
4 evaluation of Mr. Hendricks?

5 A I was appointed by the Court.

6 Q And is part of that evaluation, did you meet with and
7 interview Larry Hendricks?

8 A Yes, I did.

9 Q About how long did that interview last?

10 A I interviewed him for about five hours.

11 Q Is the person you interviewed present in the
12 courtroom today?

13 A Yes.

14 Q Would you identify him for the Court?

15 A Sitting over at the table over there.

16 MR. BOGLE: Your Honor, let the record reflect that
17 she has identified the Respondent.

18 Q Dr. Gehle, in addition to meeting with and
19 interviewing Mr. Hendricks did you also receive a file of
20 information about him?

21 A Yes, I did.

22 Q Would you describe to the jury what type of
23 information was in that file?

24 A The information in the file, first off it is the
25 petition that was filed by the Attorney General's office.

1 I will get things like Department of Corrections records,
2 legal documents related to his convictions. Things like
3 witness statements, police reports, warrants, indictments,
4 things of that nature. And in this case I also requested
5 some other records. He told me that he was in the
6 military and so I requested those records and I reviewed
7 some child pornography that was the basis of some of his
8 convictions.

9 Q Doctor, did you also, in addition to requesting
10 information you mentioned his military records. Was that
11 from the time he was in the Marine Corp?

12 A Yes.

13 Q Did you have to request that we get a Court order to
14 get those records from the Marine Corp?

15 A Well, I requested those right after I interviewed him
16 and it is my understanding that a Court order had to be
17 obtained, that wasn't necessarily a part of my process. I
18 think that the Attorney General's office had to do that.

19 Q Now, this information that you described, is this the
20 type of information that is typically and reasonably
21 relied upon by experts in your field?

22 A Yes.

23 Q Did you rely upon this information in conducting your
24 analysis, your opinion, developing your opinion about Mr.
25 Hendricks?

1 A Yes.

2 Q And of course along with your interview of him, is
3 that correct?

4 A That's correct.

5 Q Doctor, can you explain to the jury how a person's
6 past sexual offense behavior affects their future, sexual
7 offense behavior or they are likely to commit sexual
8 offenses in the future?

9 A Well, their past behavior might speak to what kind of
10 victims they like. It might speak to what sort of
11 behaviors they are aroused by. Things like that. So
12 those are the things that you look for patterns of to see
13 if there is a disorder or if there are risk factors and if
14 they are likely to commit sex offenses if they are
15 released to the community.

16 Q Now, Doctor, we are going to talk about the crimes he
17 was convicted of and I am going to ask you about some
18 crimes that are classified in the law as sexually violent
19 crimes. Is it also necessary for you, experts in your
20 field, in order to form an analysis and an opinion about
21 Mr. Hendricks to also examine crimes that he has committed
22 that aren't sexually violent?

23 A Yes.

24 Q Is it also necessary to examine situations where he
25 might have been accused of a sexual crime but perhaps the

1 charge was dropped or he was found not guilty?

2 A Yes.

3 Q And why is it necessary to look at those things in
4 addition to the convicted sexually violent crimes we are
5 going to talk about?

6 A Well, it is actually necessary for me to look at his
7 entire criminal history because in part of how I assess
8 his risk to reoffend is I have scored an actuarial measure
9 which will give me an idea of what his likelihood to
10 reoffend in the future is. And that is based on a full
11 criminal history including accusations and things of that
12 nature.

13 Q Starting with the first thing I saw in your report.
14 Did you look at the criminal record of some criminal
15 activity that happened in California back in 1975?

16 A Yes.

17 Q Would you tell the jury why was it necessary to look
18 at that and what it was you found?

19 A Well, he was accused of two crimes in California in
20 1975. So that to me says that he was accused, you know,
21 many years ago and that was possibly the beginning of his
22 offending. He was not convicted of those so I weigh those
23 allegations differently than I do convictions.

24 Q What crime was the California crime. What was that
25 about?

1 A It was a disorderly conduct, solicit a lewd act and a
2 contributing to the delinquency of a minor. And some of
3 the information said that Mr. Hendricks had stated that he
4 was arrested for soliciting a shoe shine boy in 1975.
5 Because this crime was so old I didn't have any police
6 reports or witness statements on that. I knew that he was
7 charged, I had the name of the charges, I had a date and
8 then I had some information of what Mr. Hendricks
9 reported.

10 Q Based upon the information that you reviewed, what
11 was it he was soliciting from the shoe shine boy back
12 then?

13 A He reported that he was soliciting sex from him and
14 the names of the charges would indicate that there was a
15 sexual nature to those.

16 Q The next thing I saw in your report involves some
17 convictions or some charges in Virginia in 1978.

18 A Yes.

19 Q Why was it necessary to look that far back at stuff
20 that happened in Virginia?

21 A Well, it just helps me understand kind of the
22 diversity of his offending, what kind of crimes he has
23 committed, how long he has had in the community to commit
24 crimes or whether he has been in prison for the majority
25 of his adult life, things like that.

1 Q What type of crimes did the records indicate to you
2 that he was convicted of in Virginia, back in the late
3 1970's.

4 A They were non-sexual. They were of passing bad
5 checks, possession of a controlled substance, reckless
6 driving.

7 Q Moving the clock forward, did you also request and
8 obtain through our efforts records of a criminal
9 investigation, a conviction in Atlanta, Georgia?

10 A Yes, I did.

11 Q And what did those records indicate that he was
12 charged with or convicted of and when did this happen?

13 A In 1985 he was convicted of two counts of aggravated
14 child molestation in Atlanta, Georgia. And that was for
15 sexually assaulting two boys who were under the age of 14.

16 Q Did you examine the underlying details of those
17 crimes as provided from the Atlanta Police Department to
18 get a picture of what happened?

19 A Well the records were not very thorough but there was
20 enough information to get what the victims alleged and
21 that was, one victim alleged that Mr. Hendricks had anal
22 intercourse with him and performed oral sex on him for two
23 years. What I didn't have specifically about that or what
24 I couldn't get specifically about that charge was how old
25 the victim was when this was supposedly happening because

1 the records were again very old, they were scanned and I
2 got copies of those so I couldn't read a birthdate. The
3 other offense was against another minor, they were both
4 described as being under 14 and that individual, it was
5 also alleged that he performed anal intercourse on the
6 boy.

7 Q These were both minor boys?

8 A Yes.

9 Q And was he convicted in the Georgia courts?

10 A Yes.

11 Q And sentenced to time?

12 A Yes.

13 Q Now, moving ahead, was he convicted in Lexington
14 County for assault with intent to commit criminal sexual
15 conduct?

16 A Yes, he was.

17 Q I would like to hand you what has been marked as
18 State's exhibit number 1, a certified copy of the
19 conviction record from Lexington County, indictment number
20 94-GS-32-1875. Have you seen these documents in
21 preparation for today's trial?

22 A I have seen copies of these.

23 Q And what are you looking at right there?

24 A So the first page is the sentencing sheet. The
25 second page is the indictment, the third and fourth page

1 is the warrant. And the fifth page is also a page of the
2 warrant. So the third, fourth and fifth pages are from
3 the warrant.

4 Q Looking on the front page, the sentencing sheet.
5 What was the date he was sentenced for these crimes, for
6 this crime?

7 A August 12th, 1994.

8 Q Now, was it necessary for you to look at the
9 underlying details behind this criminal activity in order
10 to develop an opinion about his risk to reoffend sexually?

11 A Yes.

12 Q So what underlying details did you find that were
13 necessary to develop that opinion about this particular
14 crime back in 1994?

15 A Well, this crime involved a 16 year old boy and Mr.
16 Hendricks was actually convicted of contributing to the
17 delinquency of a minor and assault with intent to commit
18 criminal sexual conduct involving this victim. The story
19 was that Mr. Hendricks went to the boy's house, later one
20 night, maybe they knew each other from a church. Mr.
21 Hendricks told the boy that he had obtained permission
22 from his parents to take him and that he could spend the
23 night at his house. The parents said that they had never
24 heard of Mr. Hendricks and that they had not given him
25 permission so that was the basis to the contributing to

1 the delinquency of a minor conviction. Anyway, the boys
2 said that Mr. Hendricks drove him to his house, rubbed his
3 thigh, talked to him about relationships and trust, rubbed
4 his back, rubbed his shoulder several times, grabbed his
5 penis, grabbed his testicles, walked out of the bathroom
6 after a shower naked in front of the boy, rubbed his penis
7 on the boy's back. That was all kind of during the night
8 that he spent the night. The 16-year-old said that the
9 next day they went and played basketball, you know, like a
10 public basketball game at a local gym. And that during
11 the game Mr. Hendricks guarded him and in front of
12 numerous other people grabbed his buttocks, grabbed his
13 genitals several times and things of that nature. It made
14 the boy very uncomfortable and he was, he wanted to go
15 home and things like that. So that was the basis of the
16 convictions, was essentially fondling.

17 Q Let me just back up here and ask you a question.
18 Regarding all of these criminal convictions we are talking
19 about, did you review the law enforcement records
20 regarding these offenses we are talking about today?

21 A Yes.

22 Q And are these law enforcement records part of the
23 information you already told the jury that you looked at?

24 A Yes.

25 Q And are these the types of records that experts in

1 your field typically and reasonably rely upon in
2 developing opinions about risk to reoffend in cases of
3 this nature?

4 A Yes.

5 Q Now, going back to this crime, the basketball
6 incident thing you were just talking about. Did you
7 interview Mr. Hendricks about this?

8 A Yes, I asked him about this.

9 Q And what was his response?

10 A He told me that he, I have a long quote in my report.
11 He said that he had been going to this church and one of
12 the preachers asked him if he would be willing to counsel
13 troubled youth that they had in their congregation. He
14 said they knew I had been to prison, they didn't ask me
15 for what and I didn't tell them. And he had been to
16 prison for the sexual acts with those two boys. So he
17 gets himself involved with some young boys again. He said
18 that this 16-year-old called him and said he needed, was
19 having some trouble and wanted to talk to him. So Mr.
20 Hendricks drove over there and picked him up. And he was
21 talking to him in the car and then the boy suggested that
22 they go over to Mr. Hendricks house. He indicated to me
23 that he thought about this a million times and didn't know
24 why he decided to take the boy to his house or allow the
25 boy over to his house. He said that during that night the

1 boy alleged that he tried to hug him and tried to grope
2 him and that during the basketball game the next day that
3 he kept touching him. So he acknowledged what the boy was
4 accusing him of but said he didn't do it, he never did
5 anything against this boy, he didn't touch the boy. And
6 that, you know, he really had no, I guess, guilt in the
7 situation, he didn't do anything against this boy.

8 Q Now, the conviction documents you are looking at,
9 State's exhibit 1, indicates that he plead guilty to this
10 crime. Is that right?

11 A That's correct.

12 Q So it wasn't like he plead not guilty and went to a
13 jury trial, he pleaded guilty in front of a Judge, right?

14 A That's correct. The records indicate that he plead
15 guilty as far as I can tell. He told me in the interview
16 that I conducted that he plead no contest or entered an
17 Alford plea.

18 Q The records say guilty, is that right?

19 A That is what my understanding of it is, yes.

20 Q And is the crime we are talking about, assault with
21 intent to commit criminal sexual conduct, is that a
22 sexually violent crime under the law in South Carolina?

23 A Yes, it is.

24 THE COURT: May I see that.

25 MR. BOGLE: We would move to introduce this into

1 evidence as State's exhibit 1, Your Honor.

2 THE COURT: Any objections, Mr. Spong?

3 MR. SPONG: Your Honor, we reviewed it and no
4 objection.

5 THE COURT: All right. Thank you. State's 1 is
6 admitted into evidence.

7 (Whereupon, State's Exhibit 1 was admitted into
8 evidence.)

9 Q Now, Doctor, you also said he was convicted of
10 contributing to the delinquency of a minor along with this
11 crime and also in Lexington County. I would also like to
12 show you a certified copy of the conviction documents for
13 contributing to the delinquency of a minor. Is this also
14 documents you looked at prior to this trial?

15 A I have looked at copies of these, yes.

16 Q Okay. And is that consistent, the same things as
17 before, the sentencing sheet, the indictment and the
18 warrant?

19 A Yes.

20 Q And you have already testified about the type of
21 convictions he was convicted of. Is contributing to the
22 delinquency of a minor, is that a sexually violent crime
23 under the SVP Act in South Carolina?

24 A No, it is not.

25 Q Why was it necessary though for you to review the

1 acts and the conviction for this crime though?

2 A Well, it again is necessary for me to get a full
3 picture of his kind of method of operation and offending.
4 And it is necessary for me to look at this in regard in
5 scoring actuarial measure. It can be very important for
6 the actuarial measure just depending on what the elements
7 are in regard to contributing to the delinquency of a
8 minor. Sometimes those are convictions for somebody
9 giving a child alcohol or drugs that will help them offend
10 the child. In this case that wasn't what the basis of the
11 conviction was for.

12 Q Now, Doctor, you use the word actuarial scoring about
13 three times now?

14 A Yes.

15 Q Are you referring to something called the Static-99R
16 for revised?

17 A Yes.

18 Q We will get to that later on, that is what it is,
19 right?

20 A Yes.

21 Q Okay. Now, Doctor, let me ask you next. At this
22 point and time having just gotten this far are you
23 starting to see, are you seeing any commonality, any
24 common acts, any risk factors that you are seeing at this
25 point and time. We got as far as the Atlanta stuff, we

1 talked about his crime back in California and Virginia and
2 now we are talking about something that happened in
3 Lexington County. Are you starting to see some risk
4 factors and some dangerous issues regarding Mr. Hendricks
5 by this point?

6 A Well, at this point we have somebody who has been
7 convicted of offenses against underage males, who moved to
8 a different jurisdiction and is a gain convicted of
9 offenses against underage male. So it is starting to
10 inform me about whether he likes a certain type of victim
11 or things like that.

12 Q Now, turn the clock ahead a little bit further to
13 1998 in Fairfield County where we are here today. Was Mr.
14 Hendricks convicted of lewd act on a minor in Fairfield
15 County in 1998, according to your records that you looked
16 at?

17 A Yes.

18 Q I would like to hand you State's exhibit number 2, a
19 certified copy from the Clerk of Court here in Winnsboro
20 of the indictment and the sentencing sheet for lewd act
21 onl a minor with a date of August 31, 1998. Is that a
22 document that you have looked at in the preparation of--

23 A -- I have seen copies of this, yes.

24 Q What are we looking at right there. We have got the
25 sentencing sheet and what else?

1 A The sentencing sheet, one side is the front page of
2 the warrant, an indictment and then a front and back of a
3 warrant.

4 Q Okay. I hand you what has been marked as State's
5 exhibit number 3, another sentencing sheet for lewd act on
6 a minor again here in Fairfield County. Indictment
7 98-GS-20-350, the previous one was 98-59. Is this a
8 document that you looked at also regarding Mr. Hendricks?

9 A Yes, I have seen copies of these.

10 Q Okay. And again what are we looking at right there.
11 What are you holding in your hand?

12 A It is the sentencing sheet, an indictment and the
13 warrant.

14 Q Now, is lewd act on a minor, we have two counts of
15 lewd act on a minor here in Fairfield County, is that
16 right?

17 A That's correct.

18 Q Is lewd act on a minor, at the time it happened was
19 it a sexually violent crime under the SVP sexually violent
20 predator law in South Carolina?

21 A Yes, it is.

22 MR. BOGLE: I would like to introduce these, Your
23 Honor, as exhibits 2 and 3 for the State.

24 THE COURT: Without objection, Mr. Spong?

25 MR. SPONG: No objection.

1 THE COURT: 2 and 3 is in evidence without objection.
2 May I see those also.

3 (Whereupon, State's Exhibits 2 and 3 were admitted
4 into evidence.)

5 MR. BOGLE: May I refer these to the jury, Your
6 Honor.

7 THE COURT: Yes, sir.

8 Q Now, Dr. Gehle, again did you review law enforcement
9 records on these Fairfield County charges?

10 A Yes, I did.

11 Q And again are these the type of records that you
12 talked about earlier when you told the jury what you
13 looked at?

14 A Yes.

15 Q And the type of records was relied upon by experts in
16 your field?

17 A Yes.

18 Q What underlying details about these particular crimes
19 under Fairfield County did you find and explain to us how
20 they were submitted, what happened?

21 A Well those two convictions, the two lewd acts
22 involved an 11-year-old boy who was an acquaintance of Mr.
23 Hendricks, I think he was friends with the boy's mother or
24 was involved with the family in some way. He actually
25 sold his computer to a family member of this victim and

1 they found some sexually explicit materials on the
2 computer. That raised suspicions, they knew Mr. Hendricks
3 had spent time with the victim, the 11-year-old boy. And
4 that boy alleged that Mr. Hendricks fondled him on several
5 occasions and that on one occasion he came over to his
6 house when he was hanging out with several friends in his
7 bedroom, that Mr. Hendricks came over, kicked the friends
8 out of the house and proceeded to anally rape him which
9 lasted just a short time because there was people in the
10 house and apparently the assault got interrupted. The
11 victim also stated that Mr. Hendricks said that if he told
12 anybody he would kill him and his family.

13 Q How old was that boy?

14 A That boy was 11.

15 Q As part of this investigation into the crimes in
16 Fairfield County, you mentioned a computer. Now were
17 there also convictions in Richland County where they found
18 and analyzed that computer?

19 A Yes.

20 Q Again back in 1998, is that correct?

21 A That's correct.

22 Q Now, Doctor, was it necessary for you, in order to
23 get a correct analysis of Mr. Hendricks to review the
24 types of things found on that hard drive?

25 A Yes.

1 Q And as a result of that did you come to our office
2 pursuant to a court order and sit down with the
3 investigating police officer and go through the hard
4 drive?

5 A Yes, there was several people and I looked at the
6 images that were the basis of subsequent convictions.

7 Q And my understanding is you did about a twenty page
8 report on exactly what it was you found, is that right?

9 A Yes.

10 Q I would like to hand you exhibits 4, 5, 6, 7, 8, and
11 9. The reason I am doing them all at once is they are for
12 the same crime and the same place. I would like to hand
13 you these and ask you if you have seen these in
14 preparation for doing your evaluation. Are these part of
15 the records you looked at?

16 A I have seen copies of these, yes.

17 Q If I may, approach the witness, just to make a record
18 here. The first one, indictment 98-GS-40-29461, is that a
19 conviction for sexual exploitation of a minor in the third
20 degree in Richland County?

21 A Yes, it is.

22 Q And again you have got the sentencing sheet and the
23 indictment, is that correct?

24 A That's correct.

25 Q And that is exhibit number 4. Exhibit number 5, same

1 crime, same place, indictment 98-GS-40-26204. Again, is
2 this something that you have seen and exactly what are you
3 holding?

4 A Yes, I have seen a copy of this and it is again the
5 sentencing sheet, the indictment and there is a warrant.

6 Q And what is the sentencing date on these at the lower
7 right hand corner of the sentence sheet?

8 A November 12th of 1998.

9 Q And are these guilty pleas that he plead to?

10 A Yes.

11 Q Indictment 98-GS-40-30000, is this another indictment
12 for the same crime, same sentencing date, same county,
13 Richland County?

14 A Yes, it is.

15 Q And again, you reviewed copies of these?

16 A Yes.

17 THE COURT: Did you say 30000?

18 MR. BOGLE: That is how, five digit number, 30000,
19 Your Honor, a busy year.

20 Q I hand you a copy of indictment 98-GS-40-26209, same
21 crime, same place, same conviction, same date, is that
22 correct?

23 A That's correct.

24 Q Is that also a copy of the sentencing sheet, the
25 indictment and the warrant?

- 1 A Yes, it is.
- 2 Q Again, is this a guilty plea by Mr. Hendricks
- 3 according to what you are looking at?
- 4 A Yes, it is.
- 5 Q Are these records you reviewed?
- 6 A Yes, it is.
- 7 Q The next one, that was exhibit number 7. Exhibit
- 8 number 8, indictment number 98-GS-40-26208. A document
- 9 you have looked at?
- 10 A A copy of, yes.
- 11 Q Consisting of what?
- 12 A It is a sentencing sheet, the indictment and a
- 13 warrant.
- 14 Q Against Mr. Hendricks?
- 15 A Yes.
- 16 Q A guilty plea?
- 17 A Yes.
- 18 Q In 1998?
- 19 A Yes.
- 20 Q And finally exhibit number 9, indictment
- 21 98-GS-40-26192. Is this another one of the same types of
- 22 things that I have been showing you so far?
- 23 A Yes.
- 24 Q What is the crime?
- 25 A Sexual exploitation of a minor in the third degree.

1 Q And who is the defendant?

2 A Larry Edward Hendricks.

3 Q Date of sentencing?

4 A November of 1998.

5 Q And, again, is this a document you reviewed in
6 preparation for developing an opinion about Mr. Hendricks
7 risk to reoffend?

8 A Copes of that.

9 Q Copies of that, okay.

10 MR. BOGLE: I move to introduce State's exhibits 4
11 through 9 into evidence, this being the Richland County
12 convictions.

13 THE COURT: Without objection?

14 MR. SPONG: Your Honor, we have reviewed those and
15 there will be no objection.

16 THE COURT: Thank you. 4 through 9 is in evidence
17 without objection.

18 (Whereupon, State's Exhibits 4, 5, 6, 7, 8 and 9 were
19 admitted into evidence.)

20 Q Doctor, let's talk for a minute about the computer
21 records you examined. Would you tell us a summary of what
22 it is you saw on the hard drive or computer that had been
23 seized from Mr. Hendricks that led to his convictions for
24 sexual exploitation of a minor in the third degree?

25 A Sure. Essentially there were 20 digital images or

1 digital image files and 65 pages of print images. Some of
2 the image files had multiple images on, so they were like
3 photo collages, things of that nature. So there was, you
4 know, well over 100 pictures. Primarily they were
5 prepubescent and pubescent males. So, you know, little
6 kids all the way up to teenage kids. And they were
7 primarily of men or, I am sorry, of males, many of them
8 were involved in sexual acts.

9 Q What is the significance of this type of collection
10 of pornographic material, how does that play into your
11 review of this case?

12 A Well, at this point there are convictions for
13 offenses against kind of a mix of victims. So I want to
14 know, you know, what is he looking at. You know,
15 collecting child pornography is a big risk especially in
16 this day and age. So I want to see what he is risking,
17 what does he want to look at, what kind of images is he
18 collecting. What are the ages of those victims, is he
19 interested in very young kids, is he interested in teenage
20 boys, is he interested in girls, things like that. So it
21 was interesting that there was also a mix of victim ages
22 in the files, there were kids that were quite young, you
23 know, toddlers, sort of age, very young. Maybe six, seven
24 years old all the way up to what I would say, you know,
25 were boys that you could tell were teenagers but that had

1 started sexual development. So maybe 16 or so.

2 Q Is it safe to say if a person is going to be
3 collecting pornography like this, are they going to be
4 collecting pornography because they are sexually aroused
5 by it?

6 A I would guess so, yes.

7 Q But, Doctor, what was the significance of, you have
8 now seen several conviction records for several hands on
9 offenses, directly touched me. Now you have seen the
10 computer files showing a wide variety of ages. How does
11 this all play, what is the significance of what you have
12 seen so far?

13 A Well, it is really just fitting into a pattern. He
14 has offended against young boys and he is looking at
15 pornography involving young boys. So I would say it is
16 safe to say that he is sexually aroused by young boys,
17 both pubescent and who had started puberty.

18 Q If it is pubescent, you are talking about what age,
19 more or less?

20 A Well, his youngest victim, that I know for a fact is
21 11. There is allegations that the crimes in Georgia, that
22 one of the victims was younger than 11 but I couldn't tell
23 the birthdate from the copies of the records that I had.
24 So I know for a fact that his youngest victim was 11 and
25 that his oldest that he was convicted for was 16.

1 Q Did some of the victims on the child pornography that
2 was his that you looked at look even younger than that?

3 A Absolutely.

4 Q You said toddlers?

5 A Yes.

6 Q Okay. Now, is the crime, if I didn't ask it I will
7 ask it again. I apologize for doing it twice. Is sexual
8 exploitation of a minor in the third degree, these six
9 convictions in Georgia, is that a sexually violent crime
10 under the law in South Carolina?

11 A The six convictions here in Richland County?

12 Q Yes.

13 A You said Georgia.

14 Q Richland County, down the road?

15 A Yes, they are sexually violent offenses for the
16 Sexually Violent Predator Act.

17 Q Now, I have skipped over Illinois, was he arrested
18 and charged with a sexual crimes against little boys in
19 Illinois back in the mid 1990's?

20 A Yes, that kind of happened in the midst of the
21 conviction with 16-year-old boy here in South Carolina.
22 He was charged with two counts of aggravated criminal
23 sexual assault in Illinois. Those were against his
24 step-son when he was between 12 and 13 years old. He was
25 acquitted of those by a jury.

1 Q Now, why was it necessary to look at something where
2 he was found not guilty of the crime?

3 A Well, it is just again another allegation. I want to
4 see if that fits in with his MO. I defiantly want to ask
5 him about that. Sometimes people are not convicted of
6 things that they will admit they did. So it just gives me
7 another data point.

8 Q What was Mr. Hendricks response to you about these
9 crimes in Richland County on the computer and about the
10 stuff in Fairfield County. You interviewed him about
11 these crimes, the Richland County crimes, the computer
12 crimes?

13 A Yes.

14 Q And the pornography. What was his response to you
15 about that?

16 A He told me that he had looked at child pornography at
17 times in the past. He was very careful to say that he
18 found those arousing previously but not now. At one point
19 of the interview he admitted that he, he also wrote or
20 there were a couple of pornographic stories that he either
21 wrote or substituted some names in including his own and a
22 victim's name. He admitted that those were arousing but
23 then was careful to say, I meant back then, not now. So
24 he admitted to some of those things. I think that he
25 downplayed the age. He said he mostly looked at

1 pornography, that was like child pornography involving
2 teenage boys.

3 Q Now you mentioned stories, were there some stories,
4 some written stories, sexual stories that you found on the
5 record either on the computer or was seized by the police
6 in regard to these convictions?

7 A Yes, there was two stories in the records. One was a
8 20 page type written story that was retrieved from his
9 computer. Another was a 15 page story that was retrieved
10 from his computer.

11 Q And when you say story, what are these stories about?

12 A They were erotic stories, you know, of child
13 pornography is how I would describe them.

14 Q You mean a child having sex with an adult?

15 A Yes. I mean, they were very explicit. One involved
16 an 11-year-old boy and the name of the boy was the name of
17 his victim with the lewd acts, the 11-year-old boy here.
18 So either he wrote this story with the victim's name in it
19 or he told me that he downloaded the story and then
20 replaced the victim's, like replaced the name that was in
21 the story with the victim's name. So that story involved
22 him involved in sexual acts with this 11-year-old boy and
23 another 12-year-old boy and basically they seduce Uncle
24 Larry which is the Respondent's name. Themes included
25 prostitution of the boys, incest between one boy and his

1 father. Them viewing pornography involving an adult male
2 and a minor male, sex between Uncle Larry and the
3 11-year-old boy while the 12-year-old boy watched and sex
4 between the minor boys while Uncle Larry watched. That
5 was one story. The second story involved a minor male, he
6 didn't have a specific age but he seemed to be on the dust
7 of puberty, probably 12 or so, 12 or 13 is what I would
8 estimate. And a 2-year-old male who was named Larry which
9 also the name of the Respondent. Several other minor
10 males who weren't named and an adult male. Basically the
11 character, Jamie, seduces Larry, the 2-year-old. And
12 there is kind of that whole Jamie introducing the
13 2-year-old into sex. There is a description of sort of a
14 gang rape of a boy in the locker room at school in which
15 Jamie watches. And there is full sex between Jamie and
16 the 2-year-old and an adult male watches this and is very
17 aroused by it and proud of Jamie for, you know, having sex
18 with the 2-year-old. Those were the themes of the story.

19 Q Why did Mr. Hendricks, what did he say, why would he
20 say these kind of stories, write them or take them and
21 insert his own name or his victim's name into the, did he
22 offer an explanation for this?

23 A He said that he downloaded them and changed the
24 names. He didn't give necessarily an explanation and he
25 denied being aroused by them for the most part. At one

1 point, like I said before, he did admit that they were
2 arousing and then clarified that he meant back then, not
3 now.

4 Q Doctor, you mentioned earlier actuarial thing and I
5 called it the Static-99R. Did you score a Static-99R on
6 Mr. Hendricks?

7 A Yes, I did.

8 Q What is the Static-99R?

9 A The Static-99R is an assessment that can be used to
10 predict or estimate somebody who has been convicted or
11 accused of a sexual offense, what their likelihood is to
12 reoffend in the future.

13 Q What was, the 99, what is it based upon, is it based
14 on the study of offenders?

15 A It is based on analysis of tens of thousands of
16 offenders from various countries including the United
17 States. So there is many, many offenders that were
18 included in this study.

19 Q Is this an instrument that was part of the basis for
20 your opinion about Mr. Hendricks?

21 A Yes.

22 Q Is this an instrument that is commonly used by
23 experts in your field?

24 A Yes, it is the most widely used risk assessment
25 measurement for sexual offending.

1 Q Can you give the jury an analogy of what this is
2 like, how compared to something that we might run into in
3 an every day life?

4 A Most of the times you don't run into actuarial
5 measures in every day life. But some way to think about
6 them is if you have had a heart attack, so you have
7 already had an episode, you have had an attack. You go to
8 your doctor and you ask your doctor what are my chances of
9 having another heart attack. Your doctor is probably
10 going to ask you questions about, you know, do you smoke,
11 how much do you drink. Are your parents still alive, have
12 your parents had heart attacks, do you have any other
13 history, do you exercise, how much red meat do you eat,
14 stuff like that and then your doctor is going to be able
15 to give you an idea of if you continue these behaviors
16 this is your chance to have another heart attack. That is
17 similar because the Static 99 is only used with people who
18 have already kind of one episode of sexual offending and
19 they look at factors from their history that are
20 associated with sexual offending, people who have been
21 convicted of sexual offenses after the first one.

22 Q And basically you developed a score for the
23 Respondent on the scoring sheet for the Static 99, is that
24 correct?

25 A Yes.

1 Q And this score has to do with prior convictions,
2 right?

3 A Well, there are ten questions on the assessment. It
4 has to do with age, whether they have a violent conviction
5 in their past, whether they were convicted of a violent
6 offense this last time, how many times they have been
7 accused of sexual offenses, how many times they have been
8 convicted of sexual offenses, what their relationship
9 history is, what kind of victims they have offended, have
10 they offended male victims, have they offended stranger
11 victims, have they offended non-family victims, how many
12 times have they been convicted of any kind of criminal
13 offense, things of that nature. So there is ten questions
14 that have to do with those things.

15 Q And what is the range of scores, the lowest score you
16 can get, the highest score you can get, depending on your
17 background on this thing when you score, this Static-99R?

18 A The scores range from negative 3 to 12.

19 Q And is one of the things that can make a person go
20 negative might be of their age, if they are real old for
21 example?

22 A That is the only thing that can make them go negative
23 is their age.

24 Q If they are in their 70's they may lose a point or
25 two, is that right?

1 A If they are in their 70's they will lose three
2 points.

3 Q Now, in this particular situation did you score Mr.
4 Hendricks when you ran this actuarial test, this
5 Static-99R?

6 A Yes, I scored that on him.

7 Q And what score did he get, what score did you get on
8 him?

9 A A score of 7.

10 Q What does a 7 mean as far as percentages or risk of
11 reoffending, reoffending sexually?

12 A A 7 corresponds with, basically individuals in the
13 sample, in those tens of thousands of individuals that
14 they looked at, when somebody scores a 7, 30.6 percent of
15 that group will have another sexual offense within 5 years
16 and 39.7 percent of that group will have another sexual
17 offense within 10 years.

18 Q Is there another way to state those numbers, for
19 example, by scoring a 7 did he score worse than a certain
20 percentage of the sample, of the thousands of people that
21 they would have studied to get this background sample?

22 A Yes, you can also look at how common a 7 is, that
23 score and basically people in this sample score an average
24 of 2. That is just the average score. So the score 7 is
25 quite a bit higher than 2. And approximately 94.9 percent

1 score under 7, 2.9 percent score a 7 and then 2.2 percent
2 score an 8 or above. So a score of 7 puts you in almost
3 the 98 percentile meaning your score will be at or above
4 98 out of 100 people.

5 Q 100 people, we are talking about the thousands of
6 people already convicted of sex offenses in multiple
7 countries that they base this study on, is that right?

8 A Yes.

9 Q In looking at these types of things, Doctor, you look
10 for risk factors?

11 A Yes.

12 Q What type of risk factors would you find in regard to
13 Mr. Hendricks offending in these cases?

14 A Well, in addition to the risk factors that are
15 highlighted on a Static 99 I also look at another set of
16 risk factors that have been associated with sexual
17 offending but that are not included in the instrument.
18 And those have to do a lot with deviant sexual interest,
19 sexual history, some sexual preferences and also they are
20 kind of antisocial, outlook or attitude. So in regard to
21 Mr. Hendricks, he had the risk factor, sexual preference
22 for prepubescent and pubescent children just by evidence
23 of his criminal history and self-reported history. He
24 also appeared to lack emotionally intimate relationships
25 with adults, so he lacked that history. He had many

1 romantic relationships but they didn't last very long and
2 there was a lot of cheating with these boys in these
3 relationships. He also exhibited some antisocial
4 personality traits.

5 Q Looking at page 19 of your report, the bottom of that
6 page, one of the things that I think you need to tell this
7 jury, we have to show, does Mr. Hendricks have serious
8 difficulty in controlling his sexual urges. Could you
9 identify some risk factors, look at the bottom of page 19
10 of your report, it is a conclusion he had serious
11 difficulties in controlling his sexual urges.

12 A Yes, that is one thing that I consider in the
13 analysis as to whether he is a sexually violent predator.
14 Whether he has impairment. And in that regard he offended
15 children who were known to him which increases his
16 likelihood of being detected. So when you offend somebody
17 who knows you you are more likely to get caught, it is
18 riskier. So that was present. He offended in high risk
19 situations. He offended when he kicked those boys out of
20 the 11-year-old boy's room and offended him there when
21 people were in very close proximity. That was very risky
22 so he was increasingly likely to get caught. He also took
23 that 16-year-old boy out of his home without the
24 permission of the parents. That is something that boy is
25 going to be questioned about when he gets home. His

1 parents are going to want to know where he is at. That
2 also increases his likelihood of being detected. So
3 essentially he is offending in situations that are high
4 risk and people do that because they often can't control
5 their arousal and their actions. He offended multiple
6 victims over a period of 13 years indicating a long
7 history of not being able to control his sexual urges. He
8 offended after going to prison, he offended after he went
9 to sex offender treatment. And he told me that being
10 alone with a minor male would be a trigger for him to
11 sexually offend. So that again tells me that he is
12 recognizing triggers, that he has difficulty controlling
13 his behavior if he is in close proximity to a young male.

14 Q Did you find, the Department of Corrections records
15 in getting sex offender treatment there?

16 A He told me that he refused sex offender treatment in
17 Corrections.

18 Q Is there any evidence that you have seen about him
19 getting sex offender treatment anywhere else. You
20 mentioned it just a minute ago and I am trying to figure
21 out where that might have been?

22 A He told me that he went to treatment but I did not
23 find a record of that in the general places. He didn't
24 get it in Corrections, and as far as I know, and I don't
25 think he told me where the treatment came from or where

1 the treatment was, it might have been in Georgia, I am not
2 sure. So it was not something that I could get a record
3 of. I have to know names and places and dates and things
4 like that.

5 Q He didn't give you a treatment place or a clinic or a
6 doctors name or anything like that?

7 A I have to look at my notes to be sure but I believe
8 that was the case. Even so, if he had treatment after the
9 1985 offenses, records of those probably would not exist
10 anymore.

11 Q And if he did have treatment after offenses so long
12 ago and then reoffended again in 1994 and 1998, what does
13 that tell you about the risk to reoffend?

14 A It would tell me that that treatment didn't work.

15 Q Doctor, based upon your examination of Larry Edward
16 Hendricks, based upon your review of his records, based
17 upon the assessment you conducted, the Static-99R that you
18 scored him on, and all the factors we were talking about
19 today do you have an opinion to a reasonable degree of
20 psychological certainty as to whether or not Larry Edward
21 Hendricks has a mental abnormality or a personality
22 disorder?

23 A Yes.

24 Q What mental abnormality does he have based on your
25 diagnosis?

1 A I diagnosed him with paraphilia, not otherwise
2 specified.

3 Q What does that mean?

4 A Well, a paraphilia is recurrent intense sexual
5 arousing fantasies, urges or behaviors that are kind of
6 outside of what is considered normal. So it can involve a
7 specific class of victims, it can involve non-human
8 objects, it can involve different sexual acts. In this
9 case I found a history of offending pubescent,
10 prepubescent males over a period of at least 13 years.

11 Q Does this fall in the definition of paraphilia not
12 otherwise specified?

13 A Yes.

14 Q For example, we hear about pedophilia?

15 A Yes.

16 Q That is a specified type of paraphilia, would it not?

17 A Yes.

18 Q Were you able to diagnose pedophilia with this case?

19 A I think that he probably meets criteria for
20 pedophilia but given that there was unclear dates or
21 birthdates of some of the victims and that he had that
22 history of offending adolescent males, he had a history of
23 coercive sexual behavior, things weren't just consensual
24 with the victim who was not old enough to consent, he
25 described his sexual behavior as coercive. So I have

1 coercive behavior with sort of that 10, 11 to 16-year-old
2 victim group. So I thought the best way to describe his
3 deviant sexual interest was paraphilia not otherwise
4 specified.

5 Q Is this a lifelong condition?

6 A Yes, it is considered a chronic condition that occurs
7 over the lifetime.

8 Q Did you also diagnose him with a personality
9 disorder?

10 A Yes.

11 Q What?

12 A I diagnosed him with narcissistic personality
13 disorder.

14 Q What does narcissistic personality disorder mean, can
15 you tell the jury what that means?

16 A Narcissistic personality disorder is essentially a
17 pattern of grandiosity, need for admiration, a lack of
18 empathy. And a personality disorder in general is just
19 kind of a way somebody views the world that is outside of
20 what is considered normal or acceptable, it is considered
21 abnormal because it causes problems in their life or in
22 their relationships.

23 Q Dr. Gehle, do you also have an opinion, again to a
24 reasonable degree of psychological certainty as to whether
25 Mr. Hendricks paraphilia not otherwise specified and his

1 narcissistic personality disorder affect his emotional or
2 volitional capacity so that he is predisposed to commit
3 sexually violent crimes in the future.

4 A Yes.

5 Q What is that opinion and why?

6 A I think in particular the paraphilia not otherwise
7 specified, that is addressing his deviant sexual interest
8 that he has repeatedly acted on. And I think that that
9 makes him likely to commit acts of sexual violence.

10 Q Do you have an opinion also to a reasonable degree of
11 psychological certainty as to whether he has the
12 propensity to be dangerous and commit future sexually
13 violent offenses?

14 A Yes, I do.

15 Q Do you have an opinion, again, to a reasonably degree
16 of psychological certainty as to whether this propensity
17 to commit sexually violent crimes in the future is of such
18 a degree that it poses a menace to the health and safety
19 of others?

20 A Yes, I believe it does.

21 Q And why is that?

22 A Essentially the best way that I can estimate his risk
23 or predict his risk is from the Static-99R, it has the
24 best research foundation behind it. And on that
25 instrument he is considered a high risk to reoffend. He

1 has offended multiple times, very risky situations, he has
2 offended after being caught and that in conjunction with
3 the Static-99R, his score on that indicates to me that he
4 is likely to commit acts of sexual violence.

5 Q Now a few mintues ago I asked you about risk factors
6 and I ask you this question now and you may have already
7 covered it there and if so let me know if you have. Do
8 you have an opinion to a reasonable degree of
9 psychological certainty as to whether or not he has
10 serious difficulty of controlling his behaviors and his
11 propensities to be dangerous?

12 A Yes. I talked about that in regard to volitional
13 impairment and it is my opinion that he does have serious
14 difficulty controlling his behavior.

15 Q Did you illustrate that by going through the
16 different risk factors we talked about a few minutes ago?

17 A Yes.

18 Q Finally, do you have an opinion to a reasonable
19 degree of psychological certainty as to whether the
20 paraphilia and the personality disorder that he has make
21 him likely to engage in acts of sexual violence if not
22 confined in a secure facility for long-term control, care
23 and treatment?

24 A Yes.

25 Q What is that opinion?

1 A Well, the narcissistic personality disorder is not
2 necessarily the basis of my belief that he is a sexually
3 violent predator. That is maybe something that helps him
4 see the world in a way that he can continue to offend and
5 to maybe not be as bothered about getting caught. But the
6 basis of the opinion is that the paraphilia, not otherwise
7 specified is a relevant abnormality in that it makes him
8 likely to engage in sexually violent offenses. It is
9 addressing his deviant sexual interests which he has
10 repeatedly acted on and when he has acted on those he has
11 been convicted of sexually violent offenses.

12 Q Doctor, again, to a reasonably degree of
13 psychological certainty do you have an opinion as to
14 whether or not Larry Edward Hendricks meets the criteria
15 to be found as a sexually violent predator at this time?

16 A Yes, my opinion is that he does meet the criteria.

17 Q If the jury finds that he is a sexually violent
18 predator and he is committed to a secured facility would
19 his case be reviewed after he is committed?

20 A Yes.

21 Q How often would that happen?

22 A That review is annual.

23 Q And after being committed would he have the right to
24 petition to get out if he thought--

25 MR. SPONG: Objection, Your Honor.

1 THE COURT: I sustain the objection.

2 Q Doctor, that is all the questions that I have. Thank
3 you very much.

4 THE COURT: Madam Forelady and ladies and gentlemen
5 of the jury, we will take a fifteen minute recess. Do not
6 discuss the case during this brief recess.

7 (Whereupon, the jury was excused from open court for
8 a break.

9 THE COURT: We will take about fifteen minutes.

10 (Whereupon, a short break was taken.)

11 THE COURT: Let's bring in our jury.

12 (Whereupon, the jury came into open court at
13 approximately 5:10 p.m.)

14 THE COURT: Mr. Spong, you may cross-examine.

15 CROSS-EXAMINATION

16 By Mr. Spong:

17 Q Dr. Gehle, how are you doing?

18 A Good. Thank you.

19 Q I have just got a few questions to ask you. Do you
20 have your July 8th report in front of you?

21 A Yes.

22 Q If I could get you to go to page three and you have
23 got a quote in there at the top for Mr. Hendricks and I
24 want to ask you a couple of questions about that. Before
25 I do can I get you to read it for me, the one that starts

1 with, well, it was. And this is Mr. Hendricks.

2 A Yes. Well, it was, I guess you could say it was
3 difficult. I grew up in New Jersey during the two riots
4 they had from 1965 to 1968, it was tough. We lived in
5 apartments, I always had neighbors, I had no yard. Me and
6 my brother shared a room probably until I was 11 or 12.
7 When I say difficult, people would break into your house,
8 people would fight in your neighborhood. If you walked
9 down the street and you don't know if someone is going to
10 jump you. My dad was a truck driver, my mom, she was a
11 domestic.

12 Q Why did you solicit that sort of information?

13 A Well, I just ask a lot of questions about their
14 childhood, things like that I want to know. How they saw
15 themselves as a child. I want to know if they had child
16 behavioral problems. Kind of just to get a better sense
17 of who they are.

18 Q What does that statement say to you?

19 A That he saw that he had a tough childhood, things
20 like that.

21 Q And just, you also took some of his educational
22 history?

23 A Yes.

24 Q On that same page. Just to give the jury an idea of
25 his educational history, would you mind reading that first

1 paragraph? Mr. Hendricks completed.

2 A Mr. Hendricks completed the tenth grade before
3 discontinuing formal education. He earned his GED shortly
4 after leaving school. The reason he left school, he said,
5 I got a job, I wanted to work more than I wanted to go to
6 school. As a young child he liked going to school, he
7 especially enjoyed math, english and history. He said he
8 was a good student in elementary school and an average in
9 high school. He denied ever failing a grade or being
10 enrolled in special education. He said he was not a
11 trouble maker, but said he was involved with physical
12 altercation with his peers. He said kids fight, you had
13 to fight. Kids would pick on you. I also grew up in a
14 rough neighborhood and all the kids had to learn to fight.
15 He said he was never suspended or expelled from school.

16 Q I am sorry to ask you to read all of this but could
17 you go ahead and finish that section, read that next
18 paragraph, short paragraph as well.

19 A Mr. Hendricks said he attended Brewton-Parker College
20 from 1986 to 1988 and earned an Associate Degree in
21 general studies. He attended Iowa State University from
22 1986 you 1988 and earned a Bachelor's Degree in
23 telecommunications. He attended Graduate School in
24 telecommunications at Southern Illinois State University
25 from 1990 to 1991. He did not earn a degree. Between

1 2002 and 2004 he took a correspondence course from
2 Blackstone Career Institute and earned a paralegal degree.

3 Q And then the last thing I would ask you could read,
4 if you could flip to page six. Under sexual history, you
5 asked him about masturbation, didn't you ask about
6 something else, the sentence that begins with, he said, he
7 first engaged. Could you read that, the rest of that
8 paragraph.

9 A Are you talking in the first paragraph?

10 Q Under sexual history, yes ma'am. He said he first
11 engaged in.

12 A He said he first engaged in sexual intercourse when
13 he was between 12 and 13 years old. He said he had sex
14 with a 21-year-old female on two occasions.

15 Q I am sorry, can I just ask you a question about that.
16 What do you make of that. Him being 12 years old and his
17 first relationship being with an adult female.

18 A What do you mean, what do I make of that?

19 Q How does that affect a person?

20 A Well, the next question that I asked him when he told
21 me that was, how he viewed it and he didn't view it as
22 harmful. So one thing that is important is to look at his
23 sexual experience and his interpretation of that sexual
24 experience. He didn't see it as harmful, he saw it as
25 more of a normal thing. But it is not normal for a 12 or

1 13-year-old boy to have sex with a 21-year-old girl.

2 Q Right, but it was normal for him though?

3 A That is how he viewed it. And I would say that that
4 is unfortunate that he is viewing it that way.

5 Q That is what he learned is being normal?

6 A Well, I don't know if that is what he learned as
7 being normal but he saw it as a normal non-abusive
8 situation at that time and that is how he saw it at the
9 present time as well.

10 Q Okay. You referred in your testimony to a Static-99R
11 coding form, to a Static-99R assessment?

12 A Yes.

13 Q And there is ten questions?

14 A That is correct.

15 Q And basically you gathered data and then you answered
16 those ten questions based on the data that you gathered,
17 correct?

18 A That's correct.

19 Q And you come up with a score?

20 A That's correct.

21 Q And then after that form, once you got your score all
22 of these risk factors are generated from that score?

23 A No. The risk factors are generated from the
24 interview, from his history, those things are apart from
25 that score. That score will give me some categories in

1 regard to him, his score of 7, said that he was in the
2 high risk category. And then it will correspond to some
3 percentages of people with that score.

4 Q And that is what I am asking you. Once you get that
5 score it does put him in a category, right. It puts him
6 like, like 7 puts him in a high risk category, correct?

7 A That's correct.

8 Q And then you take that high risk category, that is
9 further used in your additional calculations to determine
10 what his risk is. So it matters what your score is,
11 correct?

12 A Yes, the score matters.

13 Q That is why you use this, correct?

14 A That's correct.

15 Q And some of the questions are, well, I am sorry. Let
16 me and I apologize for jumping around a little bit. But
17 going back to your report under relationship history, page
18 five, second paragraph under relationship history. Your
19 report contains information about a Ms. Bowens,
20 (phonetic). That was his first wife?

21 A Yes.

22 Q And he was married to her?

23 A That is what he told me.

24 Q And what did he tell you, how long did he tell they
25 were married for?

1 A He said that they were married in 1985 and they
2 divorced in 1988.

3 Q And then he got married again in 1991 to Teresa
4 Ihonde.

5 A I am not sure how you pronounce that. It is a
6 Nigerian name or, I believe. Yes, that he got married
7 again in 1991.

8 Q If I can just spell that for the record. It is
9 I-H-O-N-D-E.

10 A Yes.

11 Q So he was married twice and the marriages lasted at
12 least several years each, the marriages themselves?

13 A Well, the marriages themselves before divorce, yes, I
14 don't know if, it doesn't appear that those were full
15 relationships at that time. For example, in the first
16 one. He was married in 1985 and he was arrested shortly
17 thereafter and imprisoned. And then in the other one they
18 separated shortly after getting married and lived in
19 separate houses, I think in separate states for a while as
20 well.

21 Q But in the process of your evaluation, you make a
22 judgment as to whether or not these are long-term
23 relationships?

24 A Yes, I look for dates and the quality of the
25 relationship during that time, yes.

- 1 Q One of the questions on Static-99R has to do with
2 ever lived with a lover for at least two years. You made
3 a judgment, I assume and correct me if I am wrong, that
4 the answer to that was no.
- 5 A Well, I asked--
- 6 Q Is that correct?
- 7 A I don't think it is as simple as saying yes or no.
- 8 Q Well, you can explain it but just answer first
9 whether or not you gave him a point or not for that
10 particular answer?
- 11 A I had to figure whether he had been involved in--
- 12 Q I am asking you if you, did you give him. On
13 question number two, which is ever lived with, it is a
14 risk factor called, ever lived with and it was coded, ever
15 lived with lover for at least two years. Yes or no. What
16 did you give Mr. Hendricks, yes or no?
- 17 A I gave him a no.
- 18 Q So he got a point for that, correct?
- 19 A That's correct.
- 20 Q And this is one of his points out of 7, right?
- 21 A That's correct.
- 22 Q Let's get--
- 23 THE COURT: Explain that answer, please.
- 24 A Well, I was having difficulty answering your question
25 because of the word, judgment. I asked Mr. Hendricks

1 specifically had he ever lived with anybody for two years
2 so that I could score that item and he said that the only
3 person he thought he had lived with for two years was Ms.
4 Bowens. He said that they lived together for a year
5 before they got married so that would be about 1984 and
6 that they lived together until he was arrested. And he
7 was arrested in 1985.

8 Q You still gave him a point then though?

9 A Right, because with my calculations that wasn't two
10 years.

11 Q Right. Well isn't the purpose of the question, to
12 decide if the person has the ability to maintain a
13 intimate relationship with someone?

14 A The question is, whether they have lived together
15 consistently with a lover for two years.

16 Q Okay.

17 A And I think what you might be reading is more of why
18 that is applicable.

19 Q Well, but it doesn't change the fact that you gave
20 him a point for that. And your report is what it is and
21 you have testified as to what you were aware of his
22 relationships being. You agree that he was married for
23 four years and agree that he was married for two years,
24 correct?

25 A I agree that he told me that. I don't know if it is

1 a fact.

2 Q Well, other things that he told you you don't have
3 any trouble believing though, correct?

4 A I don't know that I would say that, it would depend
5 on what it was. I couldn't find records of these
6 marriages.

7 Q Let's talk about number nine. Let me just ask you a
8 yes or no question. That question, number nine, is any
9 stranger victims. Did you give him a no or a yes?

10 A I gave him a no, no stranger victims. No point for
11 that one.

12 Q So none of his 7 points came from stranger victims?

13 A That's correct.

14 Q How long have you been testifying for the Attorney
15 General's Office?

16 A How long have I been testifying for the Attorney
17 General's office?

18 Q Correct.

19 A I have worked for the State for four years, probably
20 three of those I have been doing, I don't know exactly
21 when I made my first court appearance but between three
22 and four years I would say I have been testifying in
23 court. I am often called by the Attorney General's office
24 but I am sometimes called by the other side.

25 Q You have testified for defendants as well in court?

1 A Respondents in these proceedings, we call them, yes.

2 Q Thank you. What would you say the ratio is?

3 A Well, it is difficult to say. In regard to jury
4 trial I have testified primarily for the State. I have
5 been called by the State and testified primarily, you
6 know, testimony that would help the State commit somebody.
7 But many of the proceedings are adjudicated through or
8 handled or dismissed through a hearing, that they call
9 summary judgment hearings. And I am often subpoenaed by
10 the State but my testimony is that the person doesn't meet
11 criteria so my testimony helps the Respondent.

12 Q All right. And I will preface this question. I am
13 not questioning your integrity. But how, are you paid
14 individually for being here or is it just part of your job
15 with the Department of Mental Health?

16 A I am just paid a salary by the Department of Mental
17 Health to do these evaluations. I think I can probably
18 give you a percentage of people that I have recommended
19 for commitment versus people that I have not recommended.

20 Q Well, I am not really so much interested in that as I
21 am, as your courtroom proceedings. You come to court for
22 Respondents. When was the last time you came to court for
23 a Respondent?

24 A The last time I came to court before today was a jury
25 trial that was to help the Respondent and it resulted in a

1 hung jury. So my last time in court was to help the
2 Respondent.

3 Q Were you subpoenaed for that or were you hired by the
4 Respondent?

5 A I was subpoenaed. I am court appointed and I am
6 suppose to give an objective opinion and my opinion helps
7 whoever it helps. It is not my intention to help the
8 State. It is not my intention to help the Respondent. It
9 is my intention is to just help the Court, answer the
10 question that they have asked me, whoever my testimony
11 might help.

12 Q And, again, I am not questioning your integrity but I
13 am curious about the procedure here. You said you are
14 court appointed, how does that come about. I mean, the
15 Court doesn't just get up in the morning and appoint you.
16 Doesn't the Attorney General present your name to the
17 Court and the Court signs an order appointing you?

18 A Well, it is my understanding that the reason that I
19 am appointed is because the law, the sexual violent
20 predator law says or I don't think that it explicitly says
21 but it says that the Court will appoint an expert and they
22 will transport them to the Department of Mental Health for
23 that evaluation. So that has been interpreted that the
24 Department of Mental Health will do the evaluation. The
25 Department of Mental Health then hires people to do these

1 evaluations. They have hired me to do these evaluations
2 so my supervisor and the forensic evaluations service
3 tells the Attorney General who they can appoint in those
4 proceedings. Up until a few weeks ago it was myself and
5 another psychologist. She is resigning so as of now I am
6 the person that they will appoint, I am the only person
7 that has been assigned these duties by the Department of
8 Mental Health currently.

9 Q Okay. Dr. Gehle, you certainly seem like a fair
10 person and I would like to ask you about, as an expert, is
11 it part of your job or part of what you do is to keep up
12 the field, this part of psychology, this part of your
13 expertise including the Static-99R and what the
14 developments are in the field and that sort of thing?

15 A Yes.

16 Q Okay. Is there concern by qualified people in your
17 field about the Static-99R, that it tends to overestimate
18 risks?

19 A There are concerns about risk assessment in general
20 and there are concerns about the Static-99 in particular,
21 yes. It is an area, you know, essentially it is
22 prediction and prediction is a very hard thing to do. So
23 there are definitely concerns.

24 Q And can you elaborate any on those concerns?

25 A I think the concerns that you are saying, whether it

1 overestimates, there have been debates as to whether it
2 overestimates or whether it underestimates. Because it
3 just, the Static-99 only looks at historical factors,
4 there is concern that it underestimates risks, that it is
5 not as broad as it could be or that these dynamic risks
6 factors affect risks quite a bit. And those aren't
7 accounted for. There are concerns, I have had concerns
8 with the Static-99R because it is a risk assessment that
9 is meant to predict any sexual offending. And that
10 doesn't mean sexually violent offending. So it could also
11 speak to risk of, you know, indecent exposure, things like
12 that. So that is a limitation on the instrument.

13 Q Is there a newer version of the Static-99R, is there
14 a 2002 version?

15 A The Static-99R is the most current version. It
16 started out with the Static-99 and then it went to the
17 Static 2002 and then they went back to the Static-99 and
18 put the R with the revised. I am not sure exactly why
19 they did that.

20 Q You said somewhere in your report, I think on the
21 last page that the Static-99R and I suppose it may be true
22 for all of these diagnostic tools, can only speak to the
23 behavior, that you can't and you will get a chance to
24 respond to this obviously, but you can't take this
25 Static-99R or all of the other stuff that you did and say,

1 Larry Hendricks is going to reoffend. I am sorry, let me
2 break that question up. The Static-99R is designed to
3 analyze, statistically analyze groups, correct?

4 A That's correct.

5 Q It is not designed to predict what an individual
6 might do, correct?

7 A It is designed to predict in so far as you take the
8 person in front of you and compare it to the group.

9 Q And the end result, the risk factor that you came up
10 with was, was it 30 percent?

11 A I would say the risk estimate, not the risk factor.
12 Risk factor is a different term in my world.

13 Q You are most precise about this than I am. But it
14 was 30 percent?

15 A Well, it means that individuals with the score of 7,
16 if you look at that whole group, 30.6 percent of that
17 group reoffended in five years and 39.7 percent reoffended
18 in ten years. It doesn't mean that he has a 30 percent
19 chance. It means that when you compare him to people with
20 the same score this is their rate of reoffending.

21 Q So if 36 percent of those people will reoffend then
22 64 percent of the people that have Mr. Hendricks score
23 will not reoffend, correct?

24 A I think your math is a little bit, I don't want to do
25 math on the stand here.

1 Q Please feel free, well you said 36 percent, right?

2 A No, 30.6 in five years and 39.7 in ten years. So you
3 are talking about, I guess, 69.4 percent were not detected
4 for another sexual offense in five years.

5 Q So almost 70 percent of the people who would have Mr.
6 Hendricks score, almost 70, I know that is not exactly
7 precise, will not reoffend?

8 A They will not be detected, yes, that is correct.

9 Q But 30 percent is good for saying that they will
10 offend and I don't see why 70 percent is good for saying
11 they won't reoffend. Anyway, I just don't understand how
12 you reconcile that with likely to commit. 70 percent
13 chance is not going to do that, how is that likely. When
14 I say, likely, that is the term that the statute says,
15 likely to commit another act of sexual violence. How does
16 70 percent chance that he won't do it equate to likely?

17 A Well, likely has been defined as to such a degree
18 that the person poses a menace to the health and safety of
19 others. It is not, you know, likely meaning more likely
20 than not. It is not that high of a bar according to the
21 law.

22 Q And it is still 70 percent that he won't do whatever
23 it is as opposed to 30 percent that he will?

24 A It is roughly 70 percent per your math, that he won't
25 be detected for another offense in five years. That is

1 correct.

2 Q All of these court documents that you have been
3 reviewing and the jury has been looking at, every one of
4 them is 15 years or older, correct?

5 A You mean the convictions are?

6 Q Yes, the dates on them, correct.

7 A Again, math. Yes, they are. I think the last one
8 was in '98 if I am not mistaken, yes, 1998, that's
9 correct.

10 Q And the focus of your investigation as I understand
11 it, just of kind of a fair assessment of all the things
12 that you were talking about up here today. Almost, not
13 completely, but almost completely focus on that part of
14 Mr. Hendricks past 15 years ago and further back?

15 A Much of my evaluation does focus on that, yes.

16 Q You didn't go out and correct me if I am wrong. You
17 didn't go out and try to interview people that have known
18 him in the last 15 years, did you?

19 A No.

20 Q You didn't go to the prison and try to find out what
21 kind of prisoner he was?

22 A I looked at records but no, I didn't interview
23 anybody in particular, no.

24 Q But you did get his disciplinary records from the
25 prison, didn't you?

1 A Yes.

2 Q Tell us about that.

3 A He hardly had any disciplinary infractions. He was
4 convicted in 2004 for use, possession of narcotics,
5 marijuana, unauthorized drug or inhalant. That is the
6 name of the behavioral infraction but is just one
7 behavioral infraction. And that was in 2004. So, just
8 one.

9 Q Over 15 years. He was a pretty well behaved
10 prisoner, wasn't he?

11 A Yes, it would appear so.

12 Q That is all I have.

13 THE COURT: Redirect, Mr. Bogle?

14 MR. BOGLE: Yes, Your Honor, briefly.

15 REDIRECT EXAMINATION

16 By Mr. Bogle:

17 Q Dr. Gehle, the manual of Static-99 which tells you
18 how to do it. You have read that and have been trained on
19 that so you know how to score these things, right?

20 A Yes. I use that every day, I pull it out, it is on a
21 shelf right above my desk, I use it all the time, I have
22 read it numerous times.

23 Q Does the manual say, to base your opinion on whether
24 or not a person is going to sexually reoffend again solely
25 on the score of the Static-99R?

1 A No, not necessarily, no.

2 Q In fact, in this case, turn to page 19 of your
3 report. The very last page, the next to the last
4 paragraph. When you talk about serious difficulty and
5 controlling sexual behavior, you list a number of risk
6 factors you talked about on your direct examination, do
7 you remember that?

8 A Yes.

9 Q Examples include offending children who are known to
10 him, correct?

11 A Yes.

12 Q And doing things in the victim's home in close
13 proximity to other people that could discover it, right?

14 A Yes.

15 Q And none of these risk factors are on the sheet of
16 paper where you score this Static-99R, are they?

17 A No, they are not.

18 Q Okay. One other question, the number of
19 precommitment evaluations have you done, about what
20 percentage of the time do you come back and recommend to
21 the Court, that the person not be committed as a sexually
22 violent predator?

23 A You guys are asking me to do too much math today. I
24 calculated this before court. I have completed 60
25 evaluations, offered 23 opinions that the person met

1 criteria, offered 37 opinions that the person did not meet
2 criteria. So it is a little, it is around two-thirds but
3 a little bit off of that.

4 Q Okay. Thank you.

5 THE COURT: Recross?

6 MR. SPONG: Nothing further, Your Honor.

7 THE COURT: You may step down. Any objection to the
8 Doctor being excused?

9 MR. BOGLE: We would request that she be excused,
10 Your Honor.

11 MR. SPONG: No objection.

12 THE COURT: Thank you very much. All right. You may
13 call your next witness, Mr. Bogle.

14 MR. BOGLE: Your Honor, at this point the State would
15 rest.

16 THE COURT: Thank you very much. Any motions?

17 MR. SPONG: Your Honor, I make a motion for a
18 directed verdict, Your Honor.

19 THE COURT: Your motion is noted. Based on the
20 standard I would respectfully deny that motion. Do you
21 have any evidence or testimony you intend to present?

22 MR. SPONG: Yes, Your Honor.

23 THE COURT: Call your first witness.

24 MR. SPONG: Your Honor, I call Mr. Hendricks to the
25 stand.

1 LARRY HENDRICKS, being
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 By Mr. Spong:

5 Q Mr. Hendricks, how long were you in prison?

6 A 15 and a half years.

7 Q When you were in the Department of Corrections were
8 you ever offered sexual offender treatment?

9 A I was offered sexual offender treatment a week
10 before, excuse me, the week after I went to the evaluation
11 by Dr. Gehle.

12 Q And the testimony is I believe was that you refused,
13 is that correct?

14 A Yes, I did refuse.

15 Q And can you tell the jury why you refused, is that
16 correct?

17 A I went to see Dr. Gehle for the first time in
18 November of 2012. I was due to be released in April of
19 2013 which was approximately six months later. As far as
20 I knew the sex offender treatment program was at Broad
21 River Correctional Institution. And it was meant that I
22 would have to move from Ridgeland where I was on the
23 Representative Committee, (phonetic), and go to Broad
24 River which was in Columbia. I did not want, with only
25 six months left to do prison I did not want to go from

1 Ridgeland to Broad River and knowing that the program
2 there only had approximately three hours worth of classes
3 per week. I mean, let me explain a little. During the
4 years that I was incarcerated I had been involved in some
5 different actions in their Richland County Court of Common
6 Pleas. The way SCDC does it, when you have a court case
7 pending they will send you to an institution and have that
8 institution transfer you to the court. The institution
9 was Broad River, the same unit where they had the sexual
10 offender treatment program is the unit they use for
11 transitional inmates who are going to what is called
12 Regional Court. So they are going to court in Richland,
13 Lexington or in Kershaw County then they would go to Broad
14 River.

15 Q And why was that a problem with you, participating in
16 the sexual offender program?

17 A Well, see since 2006, as I said I had been doing
18 litigation, where they house the transitional people was
19 downstairs in the same building which used to be where,
20 near where--

21 Q Let me cut to it. Okay. Do you have a problem?

22 A Yes.

23 Q Can you tell the jury a little bit about what your
24 problem is?

25 A My problem was that I was attracted to young boys.

1 Q And in what way has that changed?

2 A Well, since, I think I would have to back up to, as I
3 said, about the sexual offender treatment program. During
4 the time that I was going to Broad River for the civil
5 cases I would wind up spending the weekend there. And
6 during the time I was there, you know, nothing to do other
7 than, you know, when you go into court is the way to go to
8 court and then come back and get ready to go back to your
9 institution. So I talked to many people that were there
10 and they explained to me what their program was, they even
11 showed me some of their material they had. And the gist
12 of the material was pretty, I want to say pretty, it
13 didn't really go into any great detail of what, you know,
14 what causes an individual to be in the situation that they
15 are in.

16 Q And you wanted more detail?

17 A I wanted more detail. So this is going back to your
18 question about why I didn't go to the sex offender
19 treatment program, I felt because I was a member of the
20 institutions, which is an organization inside of the
21 institution and I could do more work there and stay busy
22 there. I would rather stayed at Ridgeland than get
23 transferred to Broad River. Now, as far as sexual
24 treatment program is concerned, if you go there for three
25 hours of week worth of some sort of groups possibly, I

1 didn't see where that would be any benefit.

2 Q Well, you are talking about a particular treatment
3 program?

4 A Yes, that treatment program.

5 Q You had a terrible history with a sexual problem,
6 correct?

7 A Yes.

8 Q Is it your opinion that you could benefit from
9 treatment?

10 A Oh, yes, yes. Of course.

11 Q And is it your intention to get treatment?

12 A Yes, it is. Where I plan to be moving to a very, the
13 Department of Mental Health there and they tell me they
14 have several different group programs that meet twice a
15 week and the County charges a base fee, like \$5.00, \$10.00
16 dollars, depending on how much your income is, based on
17 income.

18 Q So you could benefit from treatment and you know how
19 to get it, is that correct?

20 A I made inquiries into that, yes.

21 Q Why in 1988 did you plead guilty to two counts of
22 lewd act upon a minor?

23 A That was 1988, yes. The reason why was because I was
24 guilty of a lewd act, I wasn't guilty of anything else.

25 But when the Solicitor brought the lewd acts charges to me

1 I was guilty, I didn't want to take the boys, the boy
2 through the trauma of going through a court hearing and
3 have to testify and go through the details.

4 Q Well, did the lewd act charge include having sex with
5 the boy or threatening to kill him?

6 A No. Because that didn't happen. The lewd act charge
7 only had to do with touching him. As far as kissing him
8 or touching his butt or something of that nature.

9 Q But you never threatened to kill him?

10 A No. I never had sex with him. Originally it was an
11 indictment for that charge but they threw that indictment
12 out because there was, because something to do with SLED's
13 investigation versus Fairfield County's investigation.

14 Q But you are not denying you did something wrong?

15 A Yes, of course, I admit that.

16 Q Didn't your interviews with Dr. Gehle, were you asked
17 about your sexual relationships while you were in South
18 Carolina Department of Corrections?

19 A Yes. And I didn't have any sexual relations while I
20 was in SCDC.

21 Q Why is that significant to you?

22 A Well, because I guess the stereo type is that sex
23 offenders have sex while they are locked up. There is a
24 lot of convenient avenues to have sex and they take and
25 use those avenues. Myself, because as Dr. Gehle said, I

1 had a one charge involved with a 16-year-old. I had
2 exposure to a lot of young teenagers in SCDC but no
3 relationships whatsoever with any of them. And that was
4 mainly because I tried to discipline myself not to do it.

5 Q And you did?

6 A And I did, yes, I didn't want to have relationships
7 with them.

8 Q Did you anticipate being able to maintain that same
9 discipline if you are not committed to a long-term
10 involuntary treatment program?

11 A I think so. I think, as a scenario, one thing you
12 did for discipline, in 1999 I quit smoking and I had been
13 smoking since I was, before I went to the Marine Corp. in
14 '73, so I had been smoking for 20 something years. And
15 quit smoking cold turkey with cigarettes. I had
16 cigarettes, I had them on top of my locker. I told my
17 roommate I was going to quit and I was doing it because I
18 wanted to prove to myself that I could do it, first and
19 foremost. And because being healthy, that I should try to
20 practice.

21 Q What have you learned in the last 15 years about what
22 is wrong with having sex with minors?

23 A It is wrong, it is just wrong.

24 Q I need you to elaborate on why is it wrong?

25 A You know, what I did was wrong. I mean, when the

1 situation occurred, I don't need to get involved. I
2 shouldn't have gotten involved in those situations. In
3 retrospect, it is kind of hard to explain because this is
4 over 15 years ago. I don't really know the exact, now as
5 far as not wanting to get involved in that kind of
6 situation and trying to be more disciplined and focus.

7 Q What about the people you hurt?

8 A Well, yeah. I just didn't hurt the boys themselves,
9 I hurt their family members too. There is a couple of the
10 victims actually, I have had contact with as far as with
11 the family over the years and my emphasis was trying to
12 find out, it is okay, not as far as not doing some of the
13 crazy stuff that so many people do.

14 Q Can you tell us a little bit about, this is kind of
15 backing up a little bit, about your relationships with the
16 two women you were married to?

17 A I was married, the first time I got married was in, I
18 think it was around 1984 and married to a young lady name
19 Cequol, (phonetic). I lived in Tallahassee and she lived
20 in Tallahassee and she was, she just graduated from
21 Florida State University and I was working for
22 Westinghouse. And we got together. She went into the
23 Marine Corp., we didn't actually get married until she was
24 in the Marine Corp. We got married in Jacksonville, North
25 Carolina which is where Camp Lejeune is at.

1 Q And just so we are clear to the jury. You committed
2 some bad acts even during that period, right?

3 A Yes. One of the victims, the Georgia case, was
4 living with me. There was a misunderstanding about how
5 long the relationship had lasted but he--

6 Q But you did have a relationship?

7 A I did have a relationship. And I was his guardian.

8 Q I mean with your wife?

9 A Oh, yes, yes, of course, yes.

10 Q Was that a normal relationship?

11 A I think so other than when she was, in basic and she
12 had to go for her training but it was a normal
13 relationship. I mean, I took her to work every day and
14 then I got her home, I would go to work.

15 Q You are aware you did not get a point on your
16 Static-99R because Dr. Gehle felt that you did not have
17 any long-term relationship?

18 A I think what happened was, Dr. Gehle didn't get the
19 proper information. One of the problems with, my
20 interview with her was that I got up at 3:00 o'clock in
21 the morning. Didn't know where I was going or what was
22 getting ready to go on, I had to drive, they drove us two
23 hours, me, excuse me, two hours to Columbia and then I had
24 to sit in a holding cell for about 45 minutes before I
25 find out I am going to be interviewed by Dr. Gehle. She

1 asked different questions and I answered them based on the
2 fact, I was still kind of like in a fog I guess you could
3 say. Sometimes you have coffee in the morning to get
4 started. So I don't know if I told her the dates wrong or
5 she wrote the dates wrong, I am not sure.

6 Q Well, we don't need to belabor that too much. Let's
7 talk about your time, the last 15 years. Okay. And I
8 understand that you had limited opportunities to achieve
9 things while you were in prison. But nevertheless you did
10 achieve some things, didn't you?

11 A Yes, sir.

12 Q I have got several things here and I just want to
13 show them to you one at a time and I would ask you to tell
14 us what that is. This is Defendant's exhibit number 2.

15 A This is my scores from the Work Keys Program. It is
16 a program that is designed for people who are getting out
17 of prison to show employers that they are able to excel in
18 certain areas so when they make a decision on who they
19 should hire, they look at hiring people who have certain
20 skills. And the test is a lot like SAT test, you take a
21 class that last about six weeks, once a week. And then
22 you take your test. This is a gold certificate which is,
23 this equated to a gold certificate which is one of the
24 highest that you can get in the Work Keys Program.

25 Q Okay. Let me show you Defendant's exhibit 1 and ask

1 you to tell us what that is?

2 A This certificate was given to me at the South
3 Carolina Department of Corrections Richland facility for
4 being the Chairman for the IRC. I was the chairman for
5 two years, 2009 and 2010. What I oversee is, is the
6 Inmate Representative Committee, each unit on the yard is
7 broken down into a A and a B side and each side has a
8 representative who can talk to the Warden, who can talk to
9 different staff people about situations that may need to
10 be addressed. And the staff people have different people
11 on the committee that they can go to and bring to their
12 attention areas that are a problem inside the inmate
13 population. And I was the Chairman for two years, I was
14 the Vice-Chairman before that and I was the Secretary in
15 2008. And I was a member of the IRC since 2004.

16 Q So you were able to get along with people?

17 A Yes, yes. I got along with the Warden. The Warden
18 actually allowed me to enact with him on a one-to-one
19 basis without extra security. I was allowed in areas in
20 the institution where you have, normally you have an
21 officer, uniformed officer I should say because the Warden
22 is an officer too, but a uniformed officer in, with no
23 problem. We conducted food sales, I had access to a
24 computer so I could do different bookkeeping records.

25 Q Let me show you Defendant's exhibit 3.

1 A This is my diploma from Blackstone's Career
2 Institution from where I got my Paralegal Degree. I had,
3 used my own money and went and ordered this course and I
4 paid for it. And I got credits from SCDC for this too
5 because I asked for credits and they approved it so I got
6 credits for it. Back here, it is a program that I was
7 involved in in 2005 called Personal Growth for Finance.
8 It basically teaches you how to manage your money, how to
9 plan. Some simple things as learning how to use a
10 checkbook properly but a lot of more harder things like
11 bookkeeping and different types of ways to handle the
12 finances. And as far as personal growth was concerned.
13 It basically kind of helped you understand more about you
14 and it was ran through the Jasper County School.

15 Q And it is important to you to understand more about
16 you?

17 A Yes, very much so.

18 Q How about Defendant's exhibit 5, especially the
19 backside?

20 A Well, this one side is a Certificate of Appreciation,
21 it is basically participating as a coach for the big
22 league basketball. But on the other side it is a program
23 that SCDC has started up called the Character Code. What
24 it is, every morning they, over the intercom you have
25 someone say the pledge of allegiance and then they will

1 talk about the particular character for the month. The
2 character for the month could be your personality, it
3 could be discretion. But I won two certificates. One for
4 enthusiasm versus apathy and the other one for loyalty.
5 And this was June of 2010 and July of 2010. One was
6 signed by the Warden and the highest, the Chief of
7 Security. And the other one was signed by the Medical
8 Director and the Warden.

9 Q So, it occurs to me while you are talking that, a lot
10 of people may think this is sort of trivial but was this
11 significant to you to get these?

12 A Yes. When you are in an institution with over 1,300
13 people and you are picked to get a certificate. Most of
14 the time as far as the certificates, they don't tell you
15 in advance you are going to get them. You just, it comes
16 out one month and you receive the certificate in front of
17 the staff. And you have a cup of coffee and a doughnut.

18 Q That is a big deal?

19 A That is a big deal, yeah.

20 Q How about exhibit 6?

21 A This is Anger Management Certificate I got for
22 completing the class that was headed by a psychologist at
23 SCDC. This was a very important class because it is
24 dealing with anger management. And the things that I
25 learned in anger management also helped me deal with some

1 of the things that I had to deal with life, when I leave
2 being incarcerated. When you leave and you are a sex
3 offender you, there is a lot, all types of things thrown
4 at you. You have to deal with a lot of different things
5 and you have to keep your anger in check, you have got to
6 keep yourself in check.

7 Q Right.

8 A And on the other side is a gold certificate from the
9 Work Keys Program and it is dated March 9th of 2011. And
10 what this certificate is, basically, when I get out and
11 they will help me get a job.

12 Q I am glad you mentioned that about sex offender
13 registration, you are aware that you have to register no
14 matter where you are, you are going to register?

15 A Yes. Fifteen years when I came in, when I was on the
16 street I had to register once a year. Now I get to
17 register four times a year.

18 Q So anybody in the public is going to be able to know
19 where you are and what you are doing?

20 A Yes, yes.

21 Q And you intend to comply with that law?

22 A Of course. I don't plan to do anything to bring me
23 back into this type of situation.

24 Q Anything else you would like to tell the jury?

25 A I want to tell the jury that I know after you heard

1 the last testimony that, you know, I mean, if I was on
2 your side and I was listening to testimony, you heard some
3 crazed person who is a sex maniac and I am not that
4 person. I may have been that person but now, you know, I
5 mean, all I want to do is have the opportunity to get on
6 the street and to try to get a job, try to get a house.
7 Sixteen years I lost everything. My dad died, my
8 grandmother died, my aunt died. Outside of my older
9 brother I really don't have anybody out there now. I have
10 got to start all over again from scratch. And I
11 understand what I did was wrong and I plead guilty to it
12 because it was wrong. I accepted the responsibility, I
13 did the time. They gave me, I did 15 years, they gave me
14 30 years. I had good time because I never got into any
15 trouble. Every time I done something that was wrong I
16 plead guilty because it was true. I plead not guilty to
17 the one charge that y'all heard about, well you didn't
18 really hear about, they said a little bit about it. I
19 wasn't guilty and the jury found me not guilty. It was a
20 different set of facts in that case. The thing I am
21 trying to say is that, all I want to do now is just move
22 on and if I get out that is what I want to do. I have
23 already went and searched for, the best way I could
24 because I don't have a computer, I have done the best I
25 could by writing and trying to get information about

1 programs out there, what is available. If you guys
2 believe me I am going to be able to open up a business, I
3 have an idea for a business and I want to concentrate on
4 that. I will be 58 years old in June so I don't have a
5 lot of time before I will be, right now my focus is to get
6 out and do the right thing.

7 Q If you will answer any question that Mr. Bogle has.

8 MR. SPONG: Your Honor, I would like to introduce
9 Defendant's 1 through 7. One of them is the copy of the
10 Static-99R, a blank copy of the coding form which was
11 testified, I used on my cross-examination.

12 THE COURT: Any objection?

13 MR. BOGLE: We would not object to the prison
14 records. I am not sure what the relevancy of the blank
15 Static-99 form is. But no objection on the prison, no
16 objection to them coming in.

17 THE COURT: I don't think there was a proper
18 foundation found.

19 MR. SPONG: I am past the point of giving a
20 foundation. I used it in my cross-examination with Dr.
21 Gehle.

22 THE COURT: Do you object?

23 MR. BOGLE: Yes, Your Honor.

24 THE COURT: What number is it?

25 MR. SPONG: 7.

1 THE COURT: Respondents's 1 through 6 is in evidence
2 without objection. And 7 is not admitted.

3 (Whereupon, Respondent's Exhibits 1 through 6 were
4 admitted into evidence.)

5 (Whereupon, Respondent's Exhibit 7 was marked for
6 identification only.)

7 CROSS-EXAMINATION

8 By Mr. Bogle:

9 Q Let me just take it from the top. We have got the
10 two charges in 1985 in Atlanta, convicted, did prison
11 time, right?

12 A Yes.

13 Q That makes two. We have the one charge in Lexington,
14 assault with intent to commit CSC in '94, convicted. So
15 that makes three, right?

16 A Yes.

17 Q With two charges in Illinois in 1995, found not
18 guilty?

19 A Yes, sir.

20 Q So that makes, two, three, four, five. We have two
21 charges in Fairfield County, lewd act, plead guilty,
22 right?

23 A Yes.

24 Q Now we are up to seven. And then we have the six
25 computer exploitation charges with the images found on

1 your computer in Richland County. Convicted of those,
2 that makes thirteen, right?

3 A Yes.

4 Q So thirteen crimes involving children, eleven of
5 which you were found guilty or pleaded guilty to, correct?

6 A Yes.

7 Q And nine of those are in South Carolina. Fairfield,
8 Lexington and the Richland are all in South Carolina. Are
9 you with me?

10 A Yes.

11 Q Okay. Now, I think I heard you say to your attorney
12 that you have looked into sex offender treatment on the
13 outside if you are released by the jury, is that right?

14 A Yes, sir.

15 Q Where?

16 A In Mecklenburg County.

17 Q That is Charlotte?

18 A Yes.

19 Q Is there a name of the clinic?

20 A Yes, sir. But I don't have it with me.

21 Q Is there a name of the commission or the therapist or
22 the doctor?

23 A Yes, sir.

24 Q You know who that is?

25 A I don't have it with me.

1 Q Is there a time and a date, if the jury finds you are
2 not a sexual predator and the Judge releases you today or
3 tomorrow, whenever we finish this thing, is there an
4 appointment already made?

5 A No, sir. Let me say why there is no appointment if
6 you bear with me.

7 Q Go ahead.

8 A The reason why there is no appointment made is
9 because first and foremost, I don't know when I will be
10 released. Initially when I made the contact with these
11 people I was in SCDC. And in April 24th of 2013 I was
12 removed from SCDC and brought to Fairfield County. I did
13 not know in advance that I was going to Fairfield County.
14 So since I didn't know, I had already made arrangements at
15 that time, it was in Mecklenburg County, set that up for
16 May 1st. There was a program called Crisis Assistance
17 which is in North Trion in Charlotte. I had talked with
18 them, they were going to assist me in getting into the
19 mental health program that they had in Mecklenburg County
20 because they, it is a United Way County Program. And
21 since I have been locked up I don't have access, I don't
22 know I am getting ready to make any type of move so I
23 can't just plan and say, could you hold this spot open for
24 me or is there a spot. Once I am there I know where to go
25 and people to talk to but I don't know exactly when I can

1 get started on any type of outpatient treatment.

2 Q But we don't know who and we don't know where except
3 just Mecklenburg County, right?

4 A I know basically the address but I don't know, no.

5 Q And there is four or five exhibits, maybe six or so
6 of awards given to you in recognition in completing
7 certain courses, serving certain offices, accomplishing
8 certain tasks while in prison. For example, the diploma
9 of Legal Assistance Paralegal from Blackstone, that was in
10 2004 and that wasn't something you earned over night.
11 That took several months to get, right?

12 A It was 18 months.

13 Q 18 month program. Okay. And the Certificate of
14 Appreciation for Three on Three Basketball for the year of
15 2012, that would have been a basketball season, not just
16 one game but probably 8 or 10 or 12 games, right, or
17 several months worth of games?

18 A Several months worth of games.

19 Q So you have got all the time for these things but no
20 time to seek out sex offender treatment while in prison,
21 right?

22 A As I said, I did seek out sex offender treatment
23 program when I was going to different courts and was a
24 transit at the Broad River Institution. One of the
25 reasons why I didn't seek out sex offender treatment

1 program because in 2001, after 911 the SCDC closed their
2 sexual offender treatment program. Thereafter a fellow
3 named Chuck Sullivan was invited to go into the program
4 through Phase I, I guess at that time they had two phases
5 because from what I understand before I left SCDC was only
6 one phase of the sex offender treatment program.

7 Q Actually they had four, Mr. Hendricks. Are you aware
8 of that, there were four phases. Phase I, Phase II, Phase
9 III and Phase IV.

10 A No, they have changed case managers so many times I
11 don't know which one is which. But what I was getting
12 ready to say was that Sullivan who I happen to know took
13 SCDC to court because he wanted to get into Phase II and
14 when he went to court in 2003 they said that sex offenders
15 have no right to sex offender treatment program.

16 MR. BOGLE: Your Honor, I think what he is getting
17 into is not responsive for questions. I would ask that
18 the testimony be stricken and his answers be made
19 responsive for questions.

20 THE COURT: I think the question was, why didn't you
21 seek out sex offender treatment.

22 MR. BOGLE: All the time for this but no time for sex
23 offender treatment and now he is talking about a court
24 case which we don't know happened or didn't happen. I
25 just think it is not responsive to the question, Judge.

1 THE COURT: Y'all step up here.

2 (Whereupon, a bench conference was held in the
3 presence of the jury but out of the hearing of the
4 jury.)

5 THE COURT: All right, you may answer the Attorney
6 General's, why you didn't seek counseling in sex offender
7 treatment while you were incarcerated.

8 A As I was saying, when I found out that the case had
9 went to the Supreme Court and they said that sex offender
10 treatment is not a right to any sex offender in SCDC. It
11 is offered to them by someone in Columbia who comes around
12 and offers. I seen different people get offered the
13 treatment but I was never on the list. When I did come up
14 on the list it was in November of 2012.

15 Q About six months before you were suppose to get out,
16 back when the program was less than six months, right?

17 A I don't know what the time was in the program. I
18 know that two of the people that I know personally that
19 was in the program that worked with me in the law library,
20 they were in the program for almost a year and a half. So
21 if it shifted from a year and a half, because one of the
22 problems they were having from what I understand is they
23 kept changing case managers and they didn't, that made it
24 hard to figure out who they were going to get and who they
25 weren't. When the lady came to talk to me in November of

1 2012 about the sex offender program I asked her, why did
2 y'all not come years ago and invite me into the program.

3 Q So, you were waiting for an invitation?

4 A No.

5 Q You just said, you asked her, why didn't you come
6 years ago and invite me into the program?

7 A Yes. I did say that.

8 Q Instead of waiting for them to invite you into the
9 program?

10 A I told her that because I was told that we had no
11 right to sex offender treatment program and it is in the
12 law books as part of that case I just mentioned, Sullivan
13 versus SCDC. And because we had no right I couldn't just,
14 who was I going to ask.

15 Q Wasn't the Sullivan case decided fairly recently?

16 A No, Sullivan was decided in 2003.

17 Q In 2003. You have been in prison since 1998?

18 A Actually I went to prison, yeah, about then. But
19 even then, how would I know that that is what you do.

20 THE COURT: I think you responded to the question.

21 MR. BOGLE: Let me go to my next question.

22 Q You said and I wrote this down. The problem was, I
23 was attracted to young boys, right?

24 A Yes.

25 Q But in the years since you have been in prison you

1 said you were exposed to teenagers in prison. Any
2 teenagers in prison would be 18 years or older, would they
3 not.

4 A 17.

5 Q 17 or older, anything younger than that is at the
6 Department of Juvenile Justice?

7 A Yes, sir.

8 Q So, there has been no exposure to 11 and 12 and 14
9 and 16-year-old boys while you have been in prison, has
10 there?

11 A No sir, it has not.

12 Q Now, when Dr. Gehle issued a report back in July of,
13 I think, 2013?

14 A Yes, sir. July 9th of 2013.

15 Q Did you get a copy pretty soon after it came out?

16 A Yes, sir.

17 Q And did your attorney arrange for you to see an
18 independent psychiatrist or psychologist?

19 A Yes, sir.

20 Q Did you go to see that person?

21 A Yes, sir.

22 Q Is that person here today?

23 A No, sir.

24 Q Thank you. No further questions, Your Honor.

25 THE COURT: Redirect?

1 MR. SPONG: Nothing, Your Honor.

2 THE COURT: Thank you, Mr. Hendricks, you can step
3 down. Can I see the lawyers for just a moment.

4 (Whereupon, a bench conference was held in the
5 presence of the jury but out of the hearing of the
6 jury.)

7 THE COURT: Madam Forelady and ladies and gentlemen
8 of the jury panel, there is no evidence or testimony in
9 reply, correct?

10 MR. BOGLE: I am sorry, Your Honor?

11 THE COURT: No evidence of testimony in reply?

12 MR. BOGLE: Have they rested?

13 THE COURT: You have rested?

14 MR. SPONG: Yes, Your Honor.

15 MR. BOGLE: Nothing in reply, Your Honor.

16 THE COURT: You have heard all the evidence and all
17 the testimony you are going to hear in the trial of this
18 case. There is some issues y'all need to talk about
19 before we move forward. During your last break we got an
20 email from Columbia through the Chief Justice that we are
21 not to hold court tomorrow in any of the counties in
22 central South Carolina, among those of course would be
23 Fairfield. We can press on tonight. What we have to do
24 is two closing arguments, a closing argument by each of
25 the attorneys, instruction on the law by the Court and

1 then the case is submitted to you for your deliberations.
2 Now, I don't want to rush y'all, I don't want to rush the
3 attorneys. It is an important case, the stakes are high,
4 the hour is late. So we can press on tonight, I am going
5 to let you, Madam Forelady, during the break kind of talk
6 with your fellow jurors just about the element of time.
7 If y'all are willing to press on tonight we will do so.
8 If not, we could be back here Wednesday, we could be back
9 here Thursday. I don't know, all I know is that the Chief
10 Justice has said courts in South Carolina will not be open
11 for business in the following counties. One of them being
12 Fairfield County. And we could probably have the case to
13 the jury after the break, by, I would say between 7:30 or
14 quarter to 8:00. We will take a fifteen minute break.
15 Talk about it, just scheduling issues and let me know.

16 (Whereupon, the jury was excused from open court for
17 a break.)

18 THE COURT: Any motions?

19 MR. SPONG: Yes, Your Honor, I think I do have a
20 motion. If I can think of what it is.

21 THE COURT: Do like a fellow told a Judge one time.
22 Said, Judge, I don't know if I have got any more motions
23 but I will take any of them you will grant.

24 MR. SPONG: Well, there is one that comes after the
25 end of the trial that kind of renews my directed verdict

1 which I know I need to make. We don't get it a lot in
2 Municipal Court. But I would like to make that motion.

3 THE COURT: Certainly. And I would renew,
4 respectfully my rulings based on both the evidence in the
5 State's case-in-chief and in addition the testimony of Mr.
6 Hendricks, the Respondent, I would respectfully deny that
7 motion. Now, what is the issue on the charge?

8 MR. SPONG: I know one thing, there is a line in
9 there about being an annual review opportunity. I felt
10 like that is inappropriate.

11 THE COURT: What about that, Mr. Attorney General.

12 MR. BOGLE: There is a line that talks about, this is
13 his copy, it does talk about anger review. We are not
14 trying to ask him about that, you excluded it. Again, we
15 do these arguments about, in my motion in limine, we get
16 into these arguments about life sentence and all that sort
17 of thing.

18 THE COURT: I don't think it is relevant in this
19 case. I will exclude the annual review. Is there another
20 one, Mr. Spong?

21 MR. SPONG: I did want to give the Court a heads up
22 in case you are reading it. There is a typo in there.

23 MR. BOGLE: I tried to change the name throughout and
24 I missed that one on the first page.

25 THE COURT: I saw that. What page is that annual on.

1 MR. BOGLE: Here it is. On page three of the State's
2 charge, the first new paragraph, starting at the top of
3 the page where it says under South Carolina law. You have
4 the right to petition annually for review.

5 THE COURT: Yes. I would just strike that paragraph.

6 MR. BOGLE: Right, that would take care of it.

7 MR. SPONG: Well, Your Honor, there is one other
8 thing. I think the Court probably would have difficulty
9 coming to my way of thinking on it. But in the charge I
10 submitted to the Court I added the word, future acts of
11 sexual violence. I did it all throughout the reference, I
12 think Mr. Bogle has sexually violent predator likely to
13 engage in acts of sexual violence. It is all throughout.
14 And that is the language of the statute. My concern that
15 I was trying to address was that, I wanted the jury to be
16 absolutely clear, they are not trying to find whether he
17 did what he has done in the past but that, what they are
18 determining is sexual acts in the future. So I had put in
19 the future.

20 MR. BOGLE: Look on page 13, Your Honor, on page 13
21 of the State's charge, the bottom of the page where we
22 define mental abnormality.

23 THE COURT: And you want in the future there.

24 MR. BOGLE: Well, we quote the statute, you are
25 saying put, where it says commit sexually violent

1 offenses, you want future sexually violent offenses?

2 MR. SPONG: Yes. I was actually trying to, was
3 trying to get it everywhere it mentions likely to engage
4 in acts of sexual violence. I was trying to argue that it
5 should be changed to likely engage in future acts of
6 sexual violence. I just want to make sure the jury
7 understands that it is future acts. I don't know that
8 they would have to say every time we mention that
9 statutory language.

10 THE COURT: Do you object?

11 MR. BOGLE: I think we have to stay by the statute.

12 THE COURT: I will tell them it is not based on
13 criminal acts that he has committed.

14 MR. SPONG: I think as long as we get that then we
15 are satisfied.

16 THE COURT: Let's bring the jury in.

17 (Whereupon, the jury came into open court at
18 approximately 6:40 p.m.)

19 THE COURT: Madam Forelady and ladies and gentlemen
20 of the jury, welcome back. Have y'all made a decision.

21 MADAM FORELADY: We have made a decision.

22 THE COURT: And what is that to.

23 MADAM FORELADY: We are asking to come back.

24 THE COURT: All right. Well, I will tell you how we
25 are going to handle it. We are going to give you the

1 phone number to call, I understand the Chief Justice's
2 email, she will notify the Judicial Department by 1:00
3 o'clock tomorrow on whether or not we work Wednesday. So
4 I am bound by the order of the Judicial Department. Once
5 I get out from under the order of the Judicial Department
6 then I am bound by the order of the Clerk of Court of
7 Fairfield County. We won't be here tomorrow for sure, we
8 may or may not be here Wednesday, could be Thursday.
9 Please remember my instructions to you, do not discuss
10 this case with others including your fellow jurors,
11 family, friends or anyone else. Do not read, watch or
12 listen to any news reports about the case should there be
13 any. Do not use your computers, cellular phone or any
14 other electronic device with communication capabilities or
15 any other method to obtain or disclose information about
16 the case. Information about the case which is prohibited
17 includes but is not limited to the following, information
18 about a party, a witness, an attorney or court officer,
19 news accounts of the case, information collected through
20 juror research on any topics raised or testimony offered
21 by any witness or information collected through juror
22 research on any other topic the juror might think would be
23 helpful in deciding the case. Remember you decide the
24 case based on the evidence, testimony you have heard from
25 this witness stand, from the witnesses testifying under

1 oath, any exhibits that have been introduced and the law
2 as I tell you the law is. Now, Madam Clerk, will you give
3 us instructions as to when we should call this number.

4 CLERK OF COURT: Wednesday morning, 8:00 in the
5 morning.

6 THE COURT: I will call you earlier in case the Chief
7 Justice tells me I am not going to be here. Any
8 questions? I hope to see you Wednesday. Thank you.

9 (Whereupon, the jury was excused from open court for
10 the day.)

11 (Whereupon, due to weather conditions the trial will
12 resume January 30th, 2014.)

13 January 30, 2014

14 THE COURT: Let's bring our jury in.

15 (Whereupon, the jury came into open court at
16 approximately 11:30 a.m.)

17 THE COURT: We have a juror not here at this time.
18 We are looking for this juror. Y'all want to press on?
19 You want to put the alternate on?

20 MR. BOGLE: That will be fine.

21 MR. SPONG: Yes, sir.

22 THE COURT: We will put the alternate on, Michelle
23 Burns. Bring our jury in.

24 (Whereupon, the jury came into open court at
25 approximately 11:23 a.m.)

1 THE COURT: Madam Forelady, ladies and gentlemen of
2 the jury, good morning. I see all of you survived the
3 blizzard of '14. I am having one of the officers check on
4 our missing juror now. But I thought we will press on.
5 As you recall, you have heard all of the evidence, all the
6 testimony in the case you are going to hear from the
7 parties. The procedure we follow now is there will be a
8 closing argument presented by the Attorney General, Mr.
9 Bogle, on behalf of the State. Followed by a closing
10 argument by Mr. Sprong on behalf of his client, Mr.
11 Hendricks. Thereafter the party, the State with the
12 burden of proof has the opportunity to, as they call it,
13 close and reply to any new matter that may have been
14 brought up by the defense during the course of their
15 closing arguments. After the closing arguments I will
16 instruct you on the law that you are to apply to the facts
17 of the case as you find the facts to be. Thereafter the
18 case will be submitted to you for your deliberations and
19 for your verdict. With that being said if you will please
20 give the parties your complete and undivided attention as
21 you have done throughout the trial of this case. With
22 that being said, Mr. Bogle.

23 MR. BOGLE: Thank you, Your Honor, may it please the
24 Court.

25 THE COURT: Yes, sir.

1 MR. BOGLE: Good morning, ladies and gentlemen.
2 Forgive me, I have got to refer to notes so I am going to
3 have to refer to this when I talk. First off, I would
4 like to thank you for doing your job. Okay. What you are
5 doing this last week, Monday and today, is you are
6 standing in for Fairfield County. Your job is to
7 represent your community and make a decision of what is a
8 very important case, both for Mr. Hendricks and to the
9 State. Now, like the Judge mentioned to begin with, there
10 are certain things we have to prove. The State has to
11 prove and we have to prove them to you beyond a reasonable
12 doubt. The Judge will explain what that burden of proof
13 means. I would submit to you that burden has been met.
14 When I am putting together a case like this I am thinking
15 about, like building a house. Okay. The foundation of
16 the house, the first thing you do, you either clear the
17 land or you lay the concrete or you build the foundation
18 with concrete blocks and then comes the flooring and then
19 the framing and all of the stuff above that. But all of
20 that work you do above the ground level is not going to
21 matter a bit if that foundation is not there. So a case
22 like this has to have a solid foundation and I would
23 submit to you that it does. The first thing we have to
24 prove, has Larry Hendricks been convicted of a sexually
25 violent crime. Well, he has, he has been convicted of

1 lots of them, a total of nine. You will have these
2 exhibits back in the jury room. First we have the crime
3 of assault with intent to commit criminal sexual conduct,
4 a Lexington County charge. And then we have the two lewd
5 act charges here in Fairfield County which is why the case
6 is brought in Fairfield County. That is why we are here
7 instead in another county. Two lewd act charges, just a
8 few years later. Then at the same time these were
9 discovered, they searched his computer, like Dr. Gehle
10 testified about the images she found on his computer,
11 images of young boys, even toddler age engaged in sexual
12 acts. And when we have these six indictments out of
13 Richland County convicting him of that crime, nine
14 convictions all sexually violent. But I think the history
15 is even larger because in addition to proving the crimes
16 we also have to prove that he has the requisite mental
17 abnormality or personality disorder and that that mental
18 condition makes him likely to commit acts of sexual
19 violence, future crimes of this nature unless he is
20 confined for treatment by the Department of Mental Health.
21 And that is what the case turns on. And I think to figure
22 that out you have got to look at the history. We have a
23 man who offended in California, sexual advances on a
24 shoeshine boy, no record of conviction. But like Dr.
25 Gehle testified, it is something she has got to consider

1 to get the whole picture of a person's makeup. We then
2 have Virginia offenses that weren't sexual in nature at
3 all. Just DUI's and driving under suspension but still
4 something to look at as to what the pattern is here. We
5 have the Atlanta convictions, aggravated molestation of
6 children, two convictions. He plead guilty to those, the
7 boys were under age 14. We had the Lexington charge I
8 mentioned a few minutes ago over here. We have Illinois
9 charges where he went to trial and was acquitted on two
10 charges of molesting young boys. The fact that he was
11 acquitted, that is a good thing for him. But still a part
12 of his total picture that Dr. Gehle had to look at. Then
13 we have the Fairfield County charges in 1998, the lewd act
14 on young boys and we have the Richland County charges
15 involving the computer. I count 13 times he was charged
16 with sex offenses. Forget the DUI and stuff, 11
17 convictions, 9 in South Carolina. And I guess that is
18 where you have to wonder whether or not and this is
19 something that you also have to understand and we have to
20 prove, does he have serious difficulty in controlling his
21 behavior. And I would submit that looking at this total
22 picture, he does. Now, what have you heard from the
23 witness chair. Because what you have got to decide this
24 case on is the facts. You decide what the facts are and
25 the facts came from this witness chair and the facts come

1 from these documents here. The State called Dr. Marie
2 Gehle, she is a psychologist employed by the Department of
3 Mental Health. According to statute the Department of
4 Mental Health does the evaluations. So she was appointed
5 by a Judge in this courtroom, Circuit Judge up here in
6 Winnsboro to do the evaluation. She examined all of the
7 documents, she asked for additional documents to find out
8 about the stuff in Atlanta, she also asked for his
9 military records which we had to get a separate court
10 order to get those. And eventually she came up with a
11 report. Now, during cross-examination it was suggested
12 she had some kind of biased because she worked for the
13 State. But then you know what she said, two-thirds of the
14 times she does these evaluations she recommends the guy
15 does not qualify as a sexually violent predator. And she
16 testifies at hearings for those cases to get dismissed.
17 She testifies on behalf of the guy that he is not a
18 predator and those cases get dismissed. So two-thirds of
19 the time she is saying no, this is one of those one-third,
20 this is one of those people that the statute had in mind.
21 She diagnosed with a mental abnormality called paraphilia
22 not otherwise specified. Sexually interest on people
23 involving lack of consent. She couldn't diagnose
24 pedophilia because his victims were such a wide range of
25 ages, they weren't all prepubescent children. Some were

1 14 or 15 or even 16. But she came up with a diagnoses.
2 She also found a personality disorder called narcissistic
3 personality disorder. And frankly, and when she described
4 that and when I heard Mr. Hendricks testify I thought,
5 yes, a narcissistic personality disorder. Someone who
6 thinks it is all about me. And that is what I was hearing
7 and you heard the same thing. But the important thing to
8 consider is her diagnosis, her testimony about what she
9 found about his mental abnormality, I don't believe it was
10 seriously challenged. She was qualified as an expert, she
11 can issue an opinion, she is allowed to do that. Like the
12 Judge said, you as the jurors, you can accept as much of
13 her opinion as you want to, as much of her testimony as
14 you want to. You can disbelieve it, you can believe it,
15 that is totally up to you. The same thing with the
16 testimony from Mr. Hendricks. You can believe it all, you
17 can believe part of it. It is totally your decision. But
18 I would submit that Dr. Gehle was qualified, she had the
19 training and expertise, she has done lots of these
20 evaluations and she was qualified to give an opinion as to
21 whether or not he met the definition, she said that he
22 does. One of the techniques that she also used in her
23 analysis was something called the Static-99R. And like
24 she said, think of a person, if you had a heart attack, go
25 to the hospital, go see the doctor. The doctor asked you

1 a series of questions about your lifestyle, about your
2 family history, do you smoke, are your parents still
3 living, did they have heart attacks, that kind of thing.
4 And based on all of that information the doctor then can
5 give you a prediction as to whether or not you are likely
6 to have a heart attack again. It makes sense. How is
7 that based. The doctor is not, that doctor is not
8 examining thousands of people in making that decision. He
9 is relying on past studies of thousands of people with the
10 same kind of symptoms who had had heart attacks. That is
11 what the Static was, a study of thousands of sex
12 offenders, people who have already been convicted of sex
13 offenses and then do again, thousands of people in
14 multiple countries, not just the U.S. And they came up
15 with a series of questions and based on that she came up
16 with a number, a ranking of him, a ranking of Mr.
17 Hendricks that put him in the high risk category. She
18 talked about it being 36 percent chance of offending in
19 five years. That doesn't seem like much but that is 36
20 percent chance of committing a sexual offense in five
21 years. That is serious stuff. In fact another way to
22 look for the same numbers is, he scored worse than 97
23 percent of people that were studied to come up with this
24 program. So 97 percent is a high level and that is what
25 he is. I listened to Mr. Hendricks and you will have in

1 the jury room these documents here. These are
2 certificates, diplomas, things like that showing that
3 basically Larry Hendricks has been a good inmate and that
4 is what we want. We want the guy to behave in prison, I
5 think he had one disciplinary thing that was kind of
6 minor. Well, this is good and this is fine. But my
7 question is, with the problem he has got and the issues he
8 has had in the past, all of these convictions, state after
9 state after county after county, if he had all the time to
10 do this some where along the line you think he would have
11 signed up for sex offender treatment or somehow tried to
12 get it while he was in the Department of Corrections and
13 we don't have that. We have him instead promise to get it
14 when I get out. To close with, the key is, even admitted,
15 I had a problem with young boys. He used the word, had,
16 back then he did. The question now, does he still and I
17 would submit to you the evidence shows he does. He had no
18 chance to be exposed to young boys while in prison. And
19 what really bothered me the most was, and this is
20 something you have got to figure out, has the State shown
21 he has serious difficulty in controlling his behavior.
22 Look at the factors that she found, Dr. Gehle found in her
23 report. He offended against children who were known to
24 him. That is really risky. If you offend against someone
25 who knows you they can tell the police who did it. That

1 is very risky behavior. He offended in high risk
2 situations. In one case in the victim's home with other
3 family members present which increase the chance he could
4 have been detected. Now, I would like to think if you are
5 going to offend you are going to try to do it in such a
6 way that you can't get found, you can't get caught. This
7 is pretty reckless behavior. He offended multiple victims
8 over a period of 13 years which is a chronic pattern of
9 offending. He offended after being convicted. He got
10 convicted in Georgia and went to jail and yet he comes to
11 South Carolina and does it again. So I suggest that that
12 prison thing didn't teach him a lesson and I suggest that
13 is serious difficulty in controlling his behavior. So, he
14 even said to her that being alone with a minor would be a
15 trigger for sexual offender, something that might make him
16 do it again. So, where are we. The State has proven
17 beyond a reasonable doubt that he has been convicted of
18 the right kind of crimes, he has got nine of them. The
19 next thing is, we have shown without any dispute he has
20 the mental abnormality, the paraphilia that she talked
21 about on Monday. He has a personality disorder that also
22 factors in and based on the risk that he took to offend
23 and the fact that he has offended again, even after being
24 in prison it shows that he has serious difficulty in
25 controlling his behavior. I would submit to you the

1 burden of proof required by the State has been met. Thank
2 you for what you are doing. I notice that everyone is
3 paying attention, you are watching what is going on, that
4 is good. You go back to the jury room, you will have
5 these exhibits, have that verdict form, listen carefully
6 to the Judge's instructions because he will tell you about
7 the law to apply in this case. Again, thank you very
8 much.

9 THE COURT: Thank you, Mr. Bogle. Mr. Spong.

10 MR. SPONG: Good morning, everyone. I appreciate you
11 being back. Between the weather and some of the stressful
12 nature of this case, I know this has been a stressful time
13 for everybody. It is not an easy case for anybody in this
14 courtroom. And I understand that. When Mr. Hendricks
15 stood right there 15 years ago and took responsibility for
16 what he did and plead guilty and accepted the sentence of
17 the Court of 30 years, without a trial, he did so under
18 the belief that he would go do his time, he would be
19 incarcerated in the Department of Corrections. And I ask
20 you to note the name of that facility, the Department of
21 Corrections. The purpose of the Department of Corrections
22 is to correct, he was there 15 years. So he plead guilty,
23 he did his time under the belief that when he got out that
24 he would have an opportunity to spend the last days of his
25 life outside. Well, while he was in prison the State of

1 South Carolina passed a law called a Sexually Violent
2 Predator's Act which allowed the State of South Carolina,
3 and I am not being critical, I am just saying while he was
4 in prison this happened and that under certain conditions,
5 particularly with people like Mr. Hendricks who had been
6 convicted of these sexually based crimes that they could
7 be involuntarily committed, means against their will, into
8 a secure facility for an indefinite period of time. Well,
9 in order for the State to do that, as I said in the
10 beginning, they have to prove in our view basically three
11 things which we admit two of them, we admit all of this.
12 We don't contest that he has broken the law, we don't
13 contest that he served his time. And quite frankly I got
14 up here in opening and told you that we don't really
15 contest that he has got a problem, that he has got a
16 mental disorder, I mean he does. He has told you he did.
17 What we do contest, what Mr. Hendricks does contest is the
18 claim by the State based solely on what he did 15 and 30
19 years ago with no consideration of the past 15 years and
20 based almost exclusively on this test that they claim can
21 predict what you are going to do, that he is likely to
22 recommit these acts of sexual violence. And that is where
23 we stand, that is where Mr. Hendricks stands. He said,
24 yes, I did all of this other stuff. Yes, yes, yes. But
25 the State has not proven beyond a reasonable doubt that he

1 is going to do it again. According to these horrible
2 things and my God, they are horrible things. But Dr.
3 Gehle nor anyone else has stood up here and has said
4 anything about what Mr. Hendricks has done for the last 15
5 years while he is in the Department of Corrections, a
6 facility whose purpose is to rehabilitate. Dr. Gehle, she
7 is an expert and she is a good expert and she concedes
8 that this Static-99R that they use as a tool to predict
9 people's behavior, that even in her own field there are
10 experts who say that overestimates the risk, there are
11 experts who say it underestimates the risks both of which
12 combine to be is unreliable in predicting what people will
13 do. And she said that. She also, I asked her about the
14 form, Static-99R Form and on it there are ten questions
15 and each question gives you points. And she said on his,
16 she valued all of the data that she had and answers those
17 questions and he is up to seven points. One of the
18 questions was how old are you. Well for that you get
19 negative points. In other words, the older you are the
20 less likely you are to recommit. Well, and she gave him
21 his points on that because he is 57 years old. The one
22 that I think that kind of sticks is he got a point for not
23 having a live-in relationship that lasted more than two
24 years. Well, this man was married twice, one for two
25 years and once for four years. And I asked Dr. Gehle how

1 come she gave him a point for that. Quite frankly, I am
2 going to depend on your memory on what she said but I
3 don't think she really answered. And I think there is
4 some doubt, some reasonable doubt as to whether or not he
5 should have gotten that point. Well, one point, that
6 sounds pretty insignificant but you are talking about one
7 out of seven. And we don't really know what six points
8 would have done for his risk factor. But I think it is
9 fair to assume it would have been less. But more than
10 that is what she said about the 30.6 risk factor. We got
11 a little confused about the .6 and decided we would just
12 call it 30 percent because neither one of us wanted to do
13 the math. But I asked her, isn't that the same as a 70
14 percent chance that he won't recommit, you know 30 percent
15 chance that he will but equals 70 percent chance that he
16 won't. I mean, it seems like a really legitimate question
17 and, again, I will have to rely on y'all's recollection on
18 what she said about that. But I asked her, how in the
19 world is 70 percent chance that you won't do something,
20 the language of the statute requires you to prove beyond a
21 reasonable doubt that you likely will again. I don't
22 remember an answer but I don't remember being satisfied.
23 And that is really the heart of it, how do you equate a 70
24 percent chance that you will not recommit to a statutory
25 definition that you likely will commit an act of sexual

1 violence. The other thing that I think bothers or
2 releases a concern is this really total absence of any
3 investigation on the part of Dr. Gehle about the past 15
4 years. She did review Mr. Hendricks incarceration records
5 and she did, I think state that given that he was there
6 for 15 years his record was very minimal. I don't think
7 there is really any serious argument that he wasn't a good
8 prisoner, that he did take, participate in their programs.
9 And these programs are designed to rehabilitate. He
10 participated in them. Dr. Gehle, she didn't talk to the
11 Warden, she didn't ask anybody and I want to be careful
12 not to overstate it, I don't recollect her asking anybody
13 anything about Mr. Hendricks life for the last 15 years.
14 The State wants you to look at what he did 15 and 30 years
15 ago and it was horrible. But they are also asking you to
16 ignore the fact that none of their evidence about his
17 likelihood to do anything is any more recent than 15
18 years. Mr. Hendricks testified, I will leave it to you to
19 evaluate Mr. Hendricks. I would ask you to consider, Mr.
20 Bogle seems to think he was sincere, that he didn't make
21 any attempt to rehabilitate himself. I do recall during
22 cross-examination, a couple of questions from Mr. Bogle
23 about his attempt to reach out and to get some treatment.
24 And my recollection what Mr. Hendricks said was that the
25 Department of Corrections has no problem having adequate

1 programs available for sexual offenders and that the
2 programs are really hard to get into and that he did try
3 to get into them. I also want to point out to you from
4 his cross-examination Mr. Hendricks testified to and it
5 wasn't really disputed that before all of this started,
6 all this being the procedure for having committed through
7 the Sexually Violent Predator Act, he was making his plans
8 to be released. And at that point before he even knows
9 that this is going to be going on he contacted a sexually,
10 a sexual counseling place up in Mecklenburg County I think
11 it was. The reason that is significant is obviously he
12 didn't, he didn't know the name of it, what is significant
13 about it is that he did that before he knew he was coming
14 to court. And he is asking you to believe that it is his
15 intention because he acknowledges that he has a problem
16 and that his intention is to always be a part of some sort
17 of counseling. The other thing that I would ask you to
18 take notice of is that Mr. Hendricks will be required to
19 register with the sexual offender program. Anybody in the
20 world can go on the internet and find where Mr. Hendricks
21 is. Law enforcement can go on the internet and find where
22 Mr. Hendricks is. And I think that is important for you
23 to consider because in order to decide if someone is
24 dangerous, one you have to evaluate how dangerous they
25 are. The Sexual Offender Registration Program I don't

1 think was not in effect when Mr. Hendricks went to jail,
2 it is now. It is a lot harder for people with this
3 problem to go hide somewhere, it is hard for them to
4 reoffend. Now, I am not saying that if somebody is
5 committed to doing it they can't do it just because they
6 don't, because they have to register. But it is hard and
7 you should consider it and you should evaluate whether or
8 not you believe Mr. Hendricks when he says, I am going to
9 register. And of course if you don't register you are
10 going to go back to jail. And I think you should consider
11 that in deciding whether or not, what the risk is. Mr.
12 Hendricks got on the stand and I don't know, this is the
13 first case I have done like this, I don't know how often
14 someone gets on the stand and says I have got a problem.
15 I guess it is kind of unusual, he is not here telling you
16 they have got the wrong guy. He is not here telling you
17 all of those victims were lying. He said I did it and I
18 know I hurt people. So I would ask you to consider that
19 in determining whether or not you think that this is a
20 person who can admit that. That is what you are being
21 asked to determine and in our view that is the only
22 question. You are being asked to predict based on the
23 State's opinion about whether or not Mr. Hendricks is
24 likely to recommit a future act of sexual violence. After
25 hearing everything you have heard in this trial, I

1 understand it is difficult. I just, I think all Mr.
2 Hendricks can do is to ask you to be fair about it. You
3 have heard some powerfully emotional things about what Mr.
4 Hendricks did. And wouldn't be unexpected that you might
5 have a really deeply felt emotional reaction of disgust
6 and distaste and that might, even if not intentionally,
7 unintentionally come into your decision of the process of
8 evaluating the evidence. I am not telling you to
9 disregard your emotions or not to feel the disgust and
10 distaste for what happened, I am just asking you to not
11 let it overwhelm your decision. Other than just going
12 back, not just going back there in that jury room and
13 sitting there and saying he is a bad person, he is
14 disgusting, let's send him away. At least go through the
15 process and decide what the evidence is. There is lots of
16 evidence that is 15 to 30 years ago that he has done.
17 That is what the State is asking you to do basically
18 solely on the fact that he did all of this stuff 15 to 30
19 years ago and that he is going to do it again. They
20 attempted to put a scientific spin on it with these
21 Static-99R reports but even that doesn't say that he is
22 likely to do it again. That just says if you have a
23 layman's interpretation of what 70 percent is it actually
24 says he is not likely to reoffend. That is all I have to
25 say. I appreciate y'all being here, you paid really close

1 attention to this and I know you are taking it seriously.

2 So thank you again.

3 THE COURT: Thank you, Mr. Spong. Mr. Bogle?

4 MR. BOGLE: Nothing in reply, Your Honor.

5 THE COURT: Thank you very much. Madam Forelady,
6 ladies and gentlemen of the jury, it now becomes my duty
7 to instruct you on the law that you will apply with the
8 facts of this case as you find the facts to be. The way I
9 do it, I generally give you a caption of the paragraph I
10 am fixing to cover. When I change from one subject-matter
11 to the next I will generally give you the caption also at
12 that point and time. Towards the end of my charge I will
13 give you kind of a general law that applies to all cases
14 of this type. And then the specific elements of and
15 definitions of Sexually Violent Predator Act. And finally
16 the form of the verdict. So if you will please give me
17 your complete and undivided attention.

18 Under my duty as the trial Judge, under the
19 constitution of this State I have the responsibility to
20 charge you and instruct you on the law that applies to
21 this case. It is your duty as jurors, and you have sworn
22 to accept and apply the law exactly as I now state it to
23 you. The State, as you know, has brought this case under
24 the Sexually Violent Predator law of South Carolina. The
25 State seeks civil commitment of Larry Edward Hendricks,

1 the Respondent for long-term control, care and treatment
2 in a secure facility. This is not a criminal proceeding
3 seeking incarceration but rather is a proceeding seeking
4 civil commitment. The State alleges or claims that Larry
5 Edward Hendricks, the Respondent is a sexually violent
6 predator under the law. Mr. Hendricks denies that he is a
7 sexually violent predator and the burden of proof is
8 therefore on the State to prove by evidence sufficient to
9 satisfy each of you beyond a reasonable doubt that Mr.
10 Hendricks is a sexually violent predator. If the State is
11 unable or fails to meet that burden of proof as to one or
12 more of the elements of this claim Mr. Hendricks, the
13 Respondent, is entitled to a finding that he is not a
14 sexual violent predator. Again, ladies and gentlemen, I
15 want to make sure that you understand that Mr. Hendricks
16 is not accused of committing a crime in this proceeding.
17 As you heard from the testimony he did have previous
18 charges for which he was sentenced by the Court. Mr.
19 Hendricks has now completed his sentence for those charges
20 and the State is now alleging that Mr. Hendricks is a
21 sexually violent predator. The State has the burden of
22 proof in this case and must prove its case beyond a
23 reasonable doubt. If you find that the State has not met
24 this burden Mr. Hendricks, the Respondent, will be
25 released. If you find the State has met its burden of

1 proof and find that the Respondent is a sexually violent
2 predator he will not be released but will be committed to
3 a secured treatment facility in Columbia operated by the
4 South Carolina Department of Mental Health.

5 Duties of Judge and jury. I remind you that during
6 this trial you and I have certain duties to perform. As
7 the trial Judge it is my responsibility to preside over
8 the trial and I also have the duty to rule upon the
9 admissibility of the evidence that has been offered during
10 the progress of this trial. In that regard you are to
11 consider only the competent evidence before you. You are
12 to consider only the testimony which has been presented
13 from this witness stand together with any exhibits
14 admitted into the record of this case. Further I have the
15 additional duty to charge or instruct you on the
16 applicable law of this case and in that regard I am the
17 sole Judge of the law of this case. It is your duty to
18 accept and apply the law as I now state it to you. If you
19 have any preconception or preconceived idea as to what the
20 law is or what the law ought to be and it does not agree
21 with what I tell you the law is, you must set aside or
22 abandon your idea because you are under your oath to
23 follow the law and accept the law precisely as I state it
24 to you. In this trial you, the jury, are the sole and
25 exclusive judge of the facts of this case. I am the Judge

1 of the law. Do not infer that I have any opinion about
2 the facts of this case or anything that I have said during
3 the course of this trial or in ruling upon the
4 admissibility of evidence or otherwise from anything I now
5 say to you in the course of this charge to you. In this
6 regard the law simply does not permit me to have an
7 opinion about the facts in a case. As jurors it is your
8 duty, your duty alone to determine the effect, the value,
9 the weight and the truth of the evidence presented during
10 the course of this trial.

11 Burden of proof. Ladies and gentlemen, in most civil
12 cases and this is a civil case tried in the Court of
13 Common Pleas, I am sitting in the Court of Common Pleas
14 this week, the burden of proof, proving a claim is by a
15 preponderance or a greater weight of the evidence.
16 However, in this type of civil case under this particular
17 statute the State's burden is greater than that. Here it
18 is proof beyond a reasonable doubt. As I have already
19 stated to you many times the State has the burden of
20 proof. Under the law of this State, according to the
21 Sexual Violent Predator statute the State must prove its
22 case to the standard of proof beyond a reasonable doubt.
23 If the State fails to meet that standard you must find
24 that Mr. Hendricks is not a sexually violent predator.
25 What is a reasonable doubt in the law. Proof beyond a

1 reasonable doubt is proof that leaves you firmly convinced
2 that the Respondent is a sexually violent predator.
3 Ladies and gentlemen, there are very few things in this
4 world that we know with absolute certainty. And in this
5 type of case the law does not require proof that overcomes
6 every possible doubt. If based on your consideration of
7 the evidence you are firmly convinced that Mr. Hendricks
8 is a sexually violent predator then you must return a
9 verdict for the State. If on the other hand you think
10 there is a real possibility that he is not a sexually
11 violent predator you must give him the benefit of that
12 doubt and return a verdict for the Respondent, Mr.
13 Hendricks. Reasonable doubt may arise from evidence that
14 is in this case or from the lack of evidence in this case.
15 It is up to you using your good judgment individually and
16 collectively, your common sense individually and
17 collectively to determine whether or not reasonable doubt
18 exist in this case.

19 Direct and circumstantial evidence. We hear these
20 terms often and I am going to define them for you under
21 the law of our State. There are two types of evidence
22 that are generally presented during a trial, direct
23 evidence and circumstantial evidence. Direct evidence is
24 the testimony of a person who claims to have actual
25 knowledge of a fact such as an eyewitness or an ear

1 witness or even a nose witness. I saw something, I heard
2 something, I smelled something. It is evidence from
3 which, which immediately establishes the main fact to be
4 proved. Circumstantial evidence is proof of a chain of
5 facts and circumstances indicating the existence of a
6 fact. It is evidence which immediately establishes
7 collateral facts from which the main fact may be inferred.
8 Circumstantial evidence is based on inference and not on
9 personal knowledge or observation. Lawyers used to be
10 great at giving examples of circumstantial evidence and I
11 always thought it was somewhat, not that I think the law
12 is humorous, but I always thought it was somewhat
13 humorous. Many of them would use the idea about going to
14 sleep at night, looking out and it was clear and bright
15 and all. And you wake up the next morning and you open
16 your blinds and you see a blanket of snow. Well, you
17 didn't hear it snow or you didn't hear the wind blow or
18 you didn't see it snow. But you know it snowed. That is
19 circumstantial evidence. And I used to think good gosh,
20 why do you use that example in South Carolina. Why don't
21 we use something else, you know, I didn't hear it thunder.
22 But you see what circumstantial evidence can be now
23 firsthand in that regard. The law, our law makes
24 absolutely no distinction between the weight or the value
25 to be given to either direct or circumstantial evidence.

1 Direct evidence would be, I see it snowing.
2 Circumstantial evidence could be, well I went to sleep at
3 a certain time and when I woke up it was covering the back
4 yard and my dog wouldn't go outside and this and that and
5 the other. That is the inference, that is not personal
6 knowledge. But that is based on inference. Again, our
7 law makes absolutely no distinction between the weight or
8 the value to be given to either direct or circumstantial
9 evidence nor is there a greater degree of certainty
10 required of circumstantial evidence than of direct
11 evidence.

12 Credibility of the witnesses and this is really the
13 crux of the jury system. In determining what the facts
14 are in this case you must judge the credibility which as
15 you all know simply means the believability of the
16 witnesses that have testified in this case and the value
17 or weight to be given to their testimony or any documents
18 that were presented. You alone must decide the force, the
19 effect, and the truth of the testimony. In making this
20 decision there are many things that you may and should
21 take into consideration such as and these are just
22 examples, this isn't an exhaustive list. But first you
23 could take into consideration the appearance and the
24 manner of the witness while on the witness stand. The
25 characteristic that is often referred to as the demeanor

1 of the witness, how did the witness appear, how did the
2 witness present himself or herself before you while on the
3 witness stand. Second, was the witness forthright or
4 hesitant. And these are factors that we may use every day
5 in determining peoples believability or credibility.
6 Third, was the witnesses testimony consistent within the
7 testimony itself or did it contain inconsistencies or
8 discrepancies within the testimony. What was the ability
9 of the witness to know the facts about which he or she
10 testified. Was there some reason a witness would want to
11 give testimony which would help or hurt one side or the
12 other. In other words, was the witness biased or
13 prejudiced or in favor of one side or the other. Was the
14 testimony of the witness reasonable when considered in
15 light of all the evidence in the case and in light of your
16 own experience, your good judgment and your common sense.
17 Was the testimony of the witness corroborated or made
18 stronger by other testimony or evidence or was it made
19 weaker or impeached by such other testimony and evidence.
20 As jurors, please understand you also have the right to
21 believe a small portion of a witnesses testimony and
22 disregard the larger portion or vice versa. You may
23 believe all of the testimony of a witness or none of the
24 testimony of the witness. You may believe the testimony
25 of a single witness against that of other witnesses or the

1 other way around. And of course, you do not determine the
2 truth merely by counting the number of witnesses, there
3 wasn't a great number in this case, two witnesses in this
4 case. One presented by each side. The fact that
5 testimony is not controverted does not mean you must
6 accept it as true and undisputed. You still must gauge
7 credibility of the witness to determine the believability
8 or the truth of the facts offered through the testimony of
9 that witness. In exercising your mental processes and
10 attempting to decide the truth the law simply requires
11 that you exercise your good judgment, your common sense,
12 your sense of logic and reason and your experiences in
13 life individually and collectively. You then apply these
14 attributes to the evidence and to the law as I have and am
15 going to continue to explain to you and thus arrive at a
16 true and just verdict.

17 Expert witnesses and you have heard a condensed
18 version of that charge during the course of the trial.
19 During the course of this trial you also heard the
20 testimony of an expert witness. The rules of evidence
21 ordinarily do not permit a witness to testify to opinions
22 or conclusions. However, an exception to this rule exist
23 for witnesses that we call expert witnesses. A witness
24 who has special knowledge, skill, experience, training or
25 education in a particular field may state an opinion as to

1 relevant and material matters in which the witness claims
2 to have an expertise and may also state the basis for
3 holding the opinions. In determining the weight to be
4 given to such an opinion you should likewise consider the
5 qualifications, the credibility of the expert and the
6 reasons given for holding the opinions. You are not bound
7 by such opinion rather you should give it the weight, if
8 any, which you think it deserves. The value and effect of
9 expert testimony is a matter to be solely determined by
10 you, the jury. No opinion of an expert can be accepted in
11 and of itself as truthful or reliable but must be weighed
12 by you and convince your judgment beyond a reasonable
13 doubt and with the same force and effect as any other fact
14 proved in this case before you can rely on it. You must
15 consider expert testimony in the same manner as you do
16 other testimony in the case. Give it the weight that you
17 believe it is entitled to when considered with all the
18 other evidence. Such testimony is given for the purpose
19 of helping you and not for the purpose of controlling your
20 judgment.

21 Ladies and gentlemen, that is the general law that
22 applies to all cases of this type. The introduction, the
23 duties of Judge and jury, the burden of proof, beyond a
24 reasonable doubt, definition of reasonable doubt, direct
25 and circumstantial evidence, credibility of witnesses and

1 expert witness. I am now going to specifically speak to
2 the Sexual Violent Predator statute. The elements which
3 the State must prove beyond a reasonable doubt are, 1.,
4 That the Respondent has been convicted of a sexually
5 violent offense. I instruct you that lewd act on a child
6 or minor, and sexual exploitation of a minor in the third
7 degree are sexually violent offenses.

8 2. The State must prove that the Respondent suffers
9 from a mental abnormality or personality disorder that
10 makes him likely to engage in acts of sexual violence in
11 the future if not confined in a secure facility for
12 long-term control, care and treatment.

13 Inherent in these two elements is that the State must
14 prove the requirement that the Respondent's mental
15 abnormality or personality disorder causes him serious
16 difficulties in controlling his behavior. In other words,
17 the State must prove beyond a reasonable doubt that the
18 individual it seeks to commit suffers from a mental
19 illness which he cannot sufficiently control without the
20 structure and care and control provided by a mental health
21 facility rendering him otherwise likely to commit a
22 dangerous sexually violent act in the future. In order
23 for you to better understand the elements of the State's
24 cause of action I am going to define for you some of the
25 terms that I have used and these are definitional within

1 the statute.

2 First, mental abnormality. Mental abnormality means
3 a mental condition affecting a person's emotional or
4 volitional capacity that predisposes the person to commit
5 sexually violent offenses. This mental abnormality or
6 personality disorder must cause Mr. Hendricks serious
7 difficulty in controlling his behavior for sexual violent
8 acts in the future.

9 Second, the term and you have heard this term
10 throughout the course of the trial, likely to engage in
11 acts of sexual violence. That means the person's
12 propensity to commit acts of sexual violence is of such a
13 degree as to pose a menace to the health and safety of
14 others so that he is dangerous to others.

15 Again, I remind you that the burden of proof is on
16 the State to prove to your satisfaction beyond a
17 reasonable doubt that the Respondent has been convicted of
18 a sexually violent offense as I have instructed you and
19 also suffers from a mental abnormality or personality
20 disorder that makes him likely to engage in acts of sexual
21 violence if not confined in a secure facility for
22 long-term control, care and treatment under the Department
23 of Mental Health.

24 If the State meets its burden of proof and convinces
25 you beyond a reasonable doubt as to each of the two

1 elements of its cause of action it is entitled to a
2 finding that Mr. Hendricks is a sexually violent predator.
3 If the State does not meet its burden of proof as to one
4 or both of these elements the Respondent is entitled to a
5 finding that he is not a sexually violent predator.

6 In conclusion, Madam Forelady, ladies and gentlemen
7 of the jury, I am drawing near the end of my charge. I do
8 want you to clearly to understand again that you are not
9 partisans or advocates for the State of South Carolina or
10 for the Respondent. As jurors you are not here to reward
11 friends or punish enemies. In this regard you have been
12 selected by both the State and the Respondent to be fair
13 and impartial jurors in this case. It is your duty by
14 your joint deliberations to determine the truth in this
15 case, giving the Respondent the benefit of every
16 reasonable doubt on each and every issue. Then to the
17 facts which you determine the facts to be true, you should
18 take those facts and apply the law which I have given to
19 you and thus arrive at a verdict that speaks the truth in
20 this case. In fact, the word verdict which has a Latin
21 derivative simply means a true saying. Thus when you have
22 accomplished these responsibilities you will have
23 satisfied your oath as jurors and you have discharged your
24 duty to this Court. There are two possible verdicts which
25 you may find in this case. And Madam Forelady, you will

1 have a verdict form in the jury room with you along with
2 all of the exhibits that were introduced into evidence.
3 The two possible verdicts is that the Respondent is a
4 sexually violent predator or the Respondent is not a
5 sexually violent predator. There is absolutely no
6 significance whatsoever in the order in which I just
7 stated those possible verdicts. It is simply that one
8 must be stated first. All twelve of you must agree on the
9 verdict. Your verdict must be a unanimous one. Your
10 verdict cannot be based on sympathy, passion, prejudice,
11 emotion or any other consideration not in evidence in this
12 case. Madam Forelady, when the jury agrees on the
13 verdict, after you determine the facts, you determine the
14 facts and apply them to the law as I have told you the law
15 is, if the State has met its burden of proving its case
16 beyond a reasonable doubt I would ask you to please to
17 check to the left of yes, Larry Edward Hendricks is a
18 sexually violent predator. Check to the left, circle
19 both, of your checkmark and all of those words and sign as
20 presiding juror as Foreperson and the date. If after your
21 determination of the facts in the case, applying them to
22 the law as I have told you the law is, the State has
23 failed to meet its burden of proving the case beyond a
24 reasonable doubt I would ask you to check to the left, no,
25 Larry Edward Hendricks is not a sexually violent predator.

1 I would ask you to circle that checkmark and circle all of
2 those words and sign as the foreperson and date it. Once
3 the jury as agreed on the verdict, Madam Forelady and you
4 have properly completed the verdict form if you would then
5 knock on the jury room door and inform the bailiff that
6 you have reached a verdict we will then bring you back out
7 to the courtroom to accept that verdict. I am going to
8 ask you to retire to your jury room momentarily but do not
9 begin your deliberations until you are instructed to do so
10 by the Clerk. The law requires that I must consult with
11 the attorneys one final time outside of your presence if
12 there are any matters that must be discussed before your
13 deliberations. If I do not have to bring you back out the
14 verdict form will come to you along with the exhibits and
15 then you will be instructed to begin your deliberations.
16 If during the course of your deliberations you have any
17 questions, if you will write me out a note and knock on
18 the jury room door and the bailiff will bring that to me
19 and I will respond to that note. With that being said you
20 are excused to your jury room, do not begin your
21 deliberations until instructed to do so.

22 (Whereupon, the jury was excused from open court.)

23 THE COURT: Any exceptions from the State, Mr. Bogle?

24 MR. BOGLE: Just one, Your Honor, in the part where
25 you were charging them the elements you charged what,

1 charge for sexually violent crimes. I would like you to
2 bring them back in and also charge them that assault with
3 intent to commit criminal sexual conduct is a sexually
4 violent charge. You got it on the lewd act, you got it on
5 the computer crimes but that one was missing. That is
6 partly my fault for not typing in the post charge that I
7 sent to you but since it is a sexual violent crime I think
8 they need to be told that as well because that is an
9 exhibit they will have back in the jury room.

10 MR. SPONG: Your Honor, I think we stipulated to that
11 part anyway. I don't think we have an objection.

12 THE COURT: And I did add in numerous times, in the
13 future per your request at different times. Bring the
14 jury back out, please.

15 (Whereupon, the jury came into open court at
16 approximately 12:21 p.m.)

17 THE COURT: Ladies and gentlemen, in part of my
18 charge when I first addressed the sexually violent
19 predator act, the first element of course is that the
20 Respondent has been convicted of a sexually violent
21 offense. And I instructed you that lewd act on a child,
22 sexual exploitation of a minor in the third degree are
23 sexually violent offenses. I neglected to inform you
24 additionally that assault with intent to commit criminal
25 sexual conduct third degree is a sexually violent offense

1 also. So that just goes with that first element. The
2 Respondent has been convicted of a sexually violent
3 offense. And therefore I did want to bring you back out
4 and make sure I had clearly addressed all the issues.
5 Please take that additional charge and capsule it in the
6 total charge I have given you both on the general law that
7 applies, the burden of proof, all of that and the statute
8 itself. With that being said you can go to your jury
9 room. Do not begin your deliberations until you are
10 directed to do so by the Clerk. Hopefully I will get
11 these exhibits to you and the verdict form momentarily.
12 Thank you very much.

13 (Whereupon, the jury was excused from open court.)

14 THE COURT: Anything further, Mr. Bogle?

15 MR. BOGLE: No, Your Honor. Thank you.

16 THE COURT: Mr. Spong?

17 MR. SPONG: No, Your Honor.

18 THE COURT: Check the exhibits and here is the
19 verdict form.

20 MR. SPONG: Your Honor, while we are on the record if
21 we can substitute the Respondent's exhibits?

22 THE COURT: I think it will be more appropriate to
23 have the original in the jury room and upon the return of
24 the verdict we can do that.

25 (Whereupon, the jury started deliberations at

1 approximately 12:26 p.m.)

2 THE COURT: We have a jury question. Bring the jury
3 in, please.

4 (Whereupon, the jury came into open court at
5 approximately 1:20 p.m.)

6 THE COURT: Madam Forelady and ladies and gentlemen
7 of the jury, I received this note, could we see the page
8 with the description of the sexual violent predator. It
9 is a page with the two points criteria he had to meet.
10 You are talking about that part of my jury charge, my
11 instruction, is that right?

12 MADAM FORELADY: That is correct.

13 THE COURT: I have it, the attorneys, no objection.

14 MR. BOGLE: No, sir.

15 MR. SPONG: No, Your Honor.

16 THE COURT: The attorneys do not object so we will
17 give this to the jury foreperson. You may take that with
18 you to your jury room and continue your deliberations.
19 And if you need anything else please respond. Thank you.

20 (Whereupon, the jury continued deliberations at
21 approximately 1:23 p.m.)

22 THE COURT: We have a verdict, please bring the jury
23 in.

24 (Whereupon, the jury came into open court with the
25 verdict at approximately 2:40 p.m.)

1 THE COURT: Madam Forelady, has the jury reached a
2 verdict?

3 MADAM FORELADY: Yes, we have.

4 THE COURT: Is that verdict unanimous?

5 MADAM FORELADY: It is.

6 THE COURT: If you will pass it to the bailiff,
7 please. Case number 2012-CP-20-00358, in the Matter of
8 the Care and Treatment of Larry Edward Hendricks,
9 Respondent. We, the jury, unanimously answer the question
10 as to whether or not Mr. Hendricks is a sexually violent
11 predator. Yes, Larry Edward Hendricks is a sexually
12 violent predator. Signed, Foreperson, dated today's date.
13 Madam Forelady and ladies and gentlemen of the jury, if
14 this be your verdict so indicate by raising your right
15 hand.

16 (Whereupon, all jurors raised their hand.)

17 THE COURT: Thank you. Let the record reflect that
18 all hands are raised. You can lower your hands. Anything
19 additional for the jury from the Respondent, Mr. Spong?

20 MR. SPONG: No, Your Honor.

21 THE COURT: From the State?

22 MR. BOGLE: No, Your Honor. Thank you.

23 THE COURT: Thank you very much. Momentarily I am
24 going to release you from your jury service for the
25 remainder of the week. Obviously it has been somewhat of

1 an unusual week with a two day break that we had and the
2 late start this morning. Again, I will go back and tell
3 you how much I appreciate your service during this week.
4 It has been an honor for me to be a South Carolina Circuit
5 Court Judge because of the wonderful people that I get to
6 work with, court staff, security, members of the bar,
7 bailiffs, so many wonderful people and citizens of various
8 counties. Thank you again for your hard work. You are
9 excused and thank you very much.

10 (Whereupon, the jury is excused from court at
11 approximately 2:45 p.m.)

12 THE COURT: Anything further for the Court from the
13 Respondent?

14 MR. SPONG: Your Honor, motion notwithstanding the
15 verdict.

16 THE COURT: You want to make an argument in that
17 regard?

18 MR. SPONG: I am protecting the record, I think.

19 THE COURT: Thank you. I would respectfully deny the
20 motion. I think a reasonable jury could reach the verdict
21 they did. I think there was adequate evidence and
22 testimony and the verdict is consistent with that.
23 Anything that you would like to add, Mr. Bogle?

24 MR. BOGLE: No, Your Honor. If I may approach I have
25 a suggestive order for your consideration.

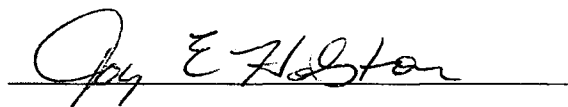
1 THE COURT: Yes, sir. All right, any response to the
2 order, Mr. Spong?

3 MR. SPONG: No, Your Honor.

4 THE COURT: I would indicate and I realize having had
5 the opportunity to converse on the record with Mr.
6 Hendricks and having heard his testimony that he appears
7 to be a very intelligent young man. And, of course, I
8 would advise him, you do have the right obviously to an
9 annual review and I believe he is aware of that but I did
10 want to state that for the record. I have signed this
11 today's date. Mr. Hendricks is committed to the
12 Department of Mental Health for long-term control, care
13 and treatment. He is to be detained at the Fairfield
14 County Detention Center and transported as soon as
15 possible to a secured facility at the South Carolina
16 Department of Mental Health at 4400 Broad River Road,
17 Columbia, transport of Respondent is to take place on such
18 scheduled date as the detention center coordinates with
19 the Department of Mental Health. I do not want him
20 lingering, of course, in the Fairfield County Detention
21 Center. Thank you very much. Good luck to you, Mr.
22 Hendricks.

23 (Whereupon, Court's Exhibit 1 was marked for
24 identification only.)

25 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

1 CERTIFICATE OF REPORTER
2
34 State of South Carolina)
5 County of Newberry)
6
78 I, Joy E. Holston, Official Court Reporter for the
9 Eighth Judicial Circuit of the State of South Carolina, do
10 hereby certify that the foregoing is a true, accurate and
11 complete transcript of record of the proceedings had and
12 evidence introduced in the trial of the captioned case,
13 relative to appeal, in the County of Fairfield, Winnsboro,
14 South Carolina on the date of January 27, 2014.15 I do further certify that I am neither of kin,
16 counsel nor interest to any party hereto.
17
1819 June 1, 2014
2021 
2223 Joy E. Holston, Court Reporter
24

25 My Commission expires: March 13, 2016

184

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

IND# 94 -GS-32- 1875)A.W.# D947500)Assault w/ Commit
CSC 3rd

IN THE COURT OF GENERAL SESSIONS

ARRAIGNMENT

STATE'S
EXHIBIT#1 CLUBTHE DEFENDANT Larry Edward Herdicks IS PUT TO THE
BAR AND ARRAIGNED, AND UPON HIS/HER ARRAIGNMENT PLEADS GUILTY AS CHARGED.

ATTEST:

Thomas H. Comerford
THOMAS H. COMERFORD, CLERK OF COURT
LEXINGTON COUNTYCSC 3rd Attorney
R. H. [Signature]
DEFENDANT
DATE SIGNED 8-12-94

... SENTENCE ...

THE DEFENDANT Larry Edward Herdicks IS COMMITTED TO
THE STATE DEPT. OF CORRECTIONS/COUNTY FOR A TERM OF 3 MONTHS/YEARS
AND/OR TO PAY A FINE OF \$ _____; PROVIDED UPON THE SERVICE OF _____
MONTHS/YEARS AND/OR PAYMENT OF \$ _____ PLUS PAY/WAIVE COST AND
ASSESSMENTS AS APPLICABLE*, THE BALANCE IS SUSPENDED WITH PROBATION FOR
_____ MONTHS/YEARS.RESTITUTION THIS SENTENCE RECOMMENDED
YES / NO IN OPEN COURT BY
TO BE PAID SOLICITOR AND _____FOR PHYSICAL INJURY \$ _____
PROPERTY DAMAGE \$ _____TO THE CLERK OF COURT FOR
OTHER CONDITIONS _____I request mental health
counseling. no credit for jail timeDATE Aug. 12, 1994

*COST AND ASSESSMENTS

NON-WAIVABLE \$ _____

NOT WAIVED \$ _____

PRESIDING JUDGE

Thomas H. Comerford
THOMAS H. COMERFORD, CLERK OF COURT
LEXINGTON COUNTYTOTAL A TRUE COPY \$ 100.00

**PAY TO VICTIM'S COMPENSATION FUND IF SUBROGATED.

122 CC, CCCP, GS & FC DATE 8-12-94

WHITE (CLERK OF COURT) YELLOW (JAIL) PINK (PROBATION) GOLD (DEFENDANT)

LCF 652

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)

INDICTMENT FOR

ASSAULT WITH INTENT TO COMMIT CRIMINAL
 SEXUAL CONDUCT IN THE THIRD DEGREE

At a Court of General Sessions, convened on July 18, 1994,

the Grand Jurors of Lexington County present upon their oath:

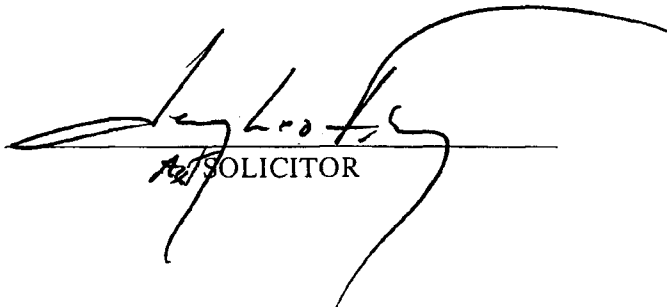
**ASSAULT WITH INTENT TO COMMIT CRIMINAL
 SEXUAL CONDUCT IN THE THIRD DEGREE**

That **LARRY EDWARD HENDRICKS** did in Lexington County on or about April 3, 1994, attempt to engage in sexual battery upon and with the body of Minor , a 16-years male, said defendant being older than the victim. Said assault occurring under the following circumstances: In that the defendant did forcibly grab the victim and attempt to engage in sexual battery by putting his hands down the pants of said victim and grabbing his penis, testicles and buttocks, in violation of § 16-3-656 and punishable as per § 16-3-655(3) and § 16-3-653 of the Code of Laws of South Carolina, 1976, as amended.

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

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.


 SOLICITOR

Jul *Mark Hall*
Lex. Co. C.C. C.C. G.S. & H.C.
WITNESSES
TRUE COPY
LCSA, Singleton

ARREST WARRANT NO. D-947500

ACTION OF GRAND JURY
TRUE BILL

Dynda T. Hickerson
Foreman of Grand Jury *7-14-94*

VERDICT

Foreman of Petit Jury _____ Date: _____

DOCKET NO. 94-GS-32-1875

The State of South Carolina,

County of LEXINGTON

COURT OF GENERAL SESSIONS

July _____ TERM 1994

THE STATE

vs.

B LARRY EDWARD HENDRICKS *38*

CDR 253

Indictment for

ASSAULT WITH INTENT TO COMMIT
CRIMINAL SEXUAL CONDUCT IN THE
THIRD DEGREE

csc 320
attempt to commit

Donald V. Myers, Solicitor

ARREST WARRANT

D-957500 D- 957500

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
LexingtonTHE STATE
against**LARRY EDWARD HENDRICKS****MBIA, SC 29210**

Phone: **M** **B** **6-0** SSN: **185**
 Sex: **M** Race: **B** Weight: **185**
 DL State: **SC** **PL** **0001**
 DOB: **0001** Agency OBI #: **0001**
 Prosecuting Agency: **COUNTY OF LEXINGTON**
 Prosecuting Officer: **SINGLETON**
 Offense: **CSC ASS.W/INT. TO COMMIT**

Offense Code: **16-3-656**
 Code/Ordinance Sec. **16-3-656**

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

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

 Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant **LARRY EDWARD HENDRICKS**
 on **4-8-94**

Signature of Constable/Law Enforcement Officer

A TRUE COPY

RETURN WARRANT TO:

CAM CRAWFORD G.S. & F.C.
108 HARBINSON BLVD.
COLUMBIA, SC 29212
803-781-7584

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

Personally appeared before me the affiant **PAYNE, Willie** who
 being duly sworn deposes and says that defendant **LARRY EDWARD HENDRICKS**
 did within this county and state on **04/03/1994** violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars:
 DESCRIPTION OF OFFENSE: **CRIMINAL SEXUAL CONDUCT: ASSAULTS WITH INTENT TO COMMIT.**

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

**THAT ON APRIL 3, 1994 THE DEFENDANT GRABBED THE VICTIM BY THE ARM
 AND PULLED HIM ONTO THE BED. THE DEFENDANT THEN FORCIBLY BEGAN
 ATTEMPTING TO ENGAGE IN SEXUAL BATTERY AGAINST THE VICTIM A 16
 YEAR OLD BY PUTTING HIS HANDS DOWN THE PANTS OF THE VICTIM
 GRABBING HIS PENIS AND TESTICLES AND BUTTOCKS AGAINST THE
 VICTIM'S WILL. THE INCIDENT TOOK PLACE AT 846 BEACON HILL ROAD
 THE SUSPECT'S RESIDENCE IN THE IRMO AREA OF LEXINGTON COUNTY, SC.**

Sworn to and subscribed before me
 on **04/07/1994**

Signature of Affiant

Affiant's Address

3124 WINDWOOD DRIVE
COLUMBIA, SC 29204

Affiant's Telephone

Signature of Issuing Judge

THOMAS H. RAWL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
 on **04/03/1994** defendant **LARRY EDWARD HENDRICKS**
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: **16-3-656**
CRIMINAL SEXUAL CONDUCT: ASSAULTS WITH INTENT TO COMMIT.

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

 Signature of Issuing Judge (L.S.)

Judge's Address

304 SOUTH LAKE DRIVE
LEXINGTON, SC 29072

Judge's Telephone

803-359-8221

Signature of Issuing Judge

Judge Code: **683**

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit☐ Circuit

ORIGINAL

Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

BYP202

BAIL set by

Judge _____

on _____

Type and Amount _____ 10,000

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence _____

JURORS

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA
VS.

COUNT NO: 189
CASE NO: 98 GS-20- 59
WARRANT NO: F424268
CHARGE: Lewd Act Upon
A Child

HARRY EDWARD HENDRICKS #2468
STATE'S EXHIBIT
#2

The sentence of the Court is that HARRY EDWARD HENDRICKS, the defendant named in this indictment be confined to the State Board of Corrections/Fairfield County Detention for a term of 15 years (and) (or) pay a fine of \$ _____ : provided that upon the service of _____ (and) (or) payment of \$ _____ plus (pay) (~~waive~~) cost and assessments as applicable *, the balance is suspended and the defendant is placed on probation for _____ (months) (years).
RESTITUTION: (Yes) (No) PHYSICAL INJURY \$ _____
HEARING HELD OR WAIVED ON: _____ (and) (or)
PROPERTY DAMAGE \$ _____
PAYABLE TO CLERK FOR (VICTIM) _____ TOTALS \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: Consecutive to
98-350 - Credit for time served
since Aug. 19, 1997.

DATE: Aug. 31, 1998
WINNSBORO, S.C.

Paul E. Short, Jr.
Presiding Judge

*COST AND ASSESSMENTS: FINE \$ _____
NON WAIVABLE \$ _____
NOT WAIVED \$ _____
TOTAL \$ 105.00

Narcissa Anderson
Clerk of Court
Date of Birth 6.1.56
Social Security 151.06.7015
Drivers License _____
ATTORNEY FOR DEF: P.P.
ADDRESS: Rt. 1 Box 341
Pelasko Va

COPY RECEIVED BY: _____

Defendant Betty Jo Beckham, Clerk of Court,
Fairfield County, South Carolina, do
hereby certify this is a true copy of
the original on file in this office.

Betty Jo Beckham
Clerk of Court

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

COUNT NO. _____

CASE NO. _____

WARRANT NO. _____

CHARGE _____

Harvey Edward Hendrick

The sentence of the Court is that *Harvey Edward Hendrick* the defendant named in this

indictment be confined to the State Board of Corrections (Field County Detention for a term of

and pay a fine of \$ _____ provided that upon the service of

and payment of \$ _____ plus (pay) (waive) cost and assessments as applicable. The balance

assessed and the defendant is placed on probation for _____ (to be served) (years)

RESTITUTION: (Yes) (No) _____ PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON _____ (and) (or)

PROPERTY DAMAGE \$ _____

TOTAL \$ _____ (ABLE TO CLERK FOR VICTIM)

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE _____

Harvey Edward Hendrick
311993

John S. Porter
Presiding Judge

[Signature]
Clerk of Court

Date of Birth _____

Social Security _____

Drivers License _____

ATTORNEY FOR DEFENDANT _____

ADDRESS _____

ASSESSMENTS: FINE \$ _____

NON WAIVABLE \$ _____

NOT WAIVED \$ _____

TOTAL \$ _____

DEFENDANT'S AFFIDAVIT TO RECOVER CLERK OF COURT

Field County, South Carolina, do

hereby certify that a true copy of

the original on file in this office

[Signature]
Clerk of Court

FILED - Clerk of Court

WITNESSES

Greg Boney (FSD)

FRM 21 on Craig

ARREST WARRANT NO. F424268

ACTION OF GRAND JURY

True Bill

Reester Dinkins
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-GS-20-59 ¹⁰

The State of South Carolina,

County of FAIRFIELD

COURT OF GENERAL SESSIONS

JANUARY TERM 1998

THE STATE

vs.

X
Larry Edward Hendricks

juil (Richland)

**Indictment for Lewd Act
Upon Child**

10-27-97 estes

NOW COMES THE DEFENDANT(S) Larry Edward Hendricks
IN his OWN PROPER PERSON TO THE BAR OF THIS COURT
AND ENTERS THE FOLLOWING PLEA he PLEAD GUILTY
Lewd Act upon a Child

THIS 31ST DAY OF August 1998
DEFENDANT Larry Edward Hendricks
ATTEST Alison K. Anderson
CLERK OF COURT, FAIRFIELD COUNTY, S.C.

STATE OF SOUTH CAROLINA)

INDICTMENT FOR LEWD ACT UPON CHILD

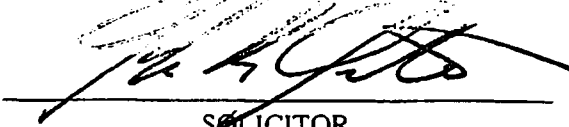
COUNTY OF FAIRFIELD)At a Court of General Sessions, convened on January 26, 1998the Grand Jurors of Fairfield County present upon their oath:

COUNT ONE — LEWD ACT UPON CHILD

That Larry Edward Hendricksbeing over the age of fourteen years, did in FairfieldCounty on or about, April 3, 1997 willfully and lewdly commit or attempta lewd and lascivious act upon or with the body of one Minor, age ¹¹12 a child

under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of himself or such child.

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


SOLICITOR

6-25-98
Judge Mc...

BAIL set by

Judge

82
05
1

Type and Amount:

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defense Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

ХҮҮҮ: 94/7149

STATE OF SOUTH CAROLINA
VS.

Edward
LARRY Hendricks

STATE'S
EXHIBIT

#3 *END*

COUNT NO: 195 ✓
CASE NO: 98 GS-20- 350
WARRANT NO: E 497939
CHARGE: Lewd Act

upon a child

The sentence of the Court is that LARRY Hendricks *Edward*, the defendant named in this indictment be confined to the State Board of Corrections/Fairfield County Detention for a term of 15 years (and) (or) pay a fine of \$ _____ : provided that upon the service of _____ (and) (or) payment of \$ _____ plus (pay) (~~waive~~) cost and assessments as applicable *, the balance is suspended and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (Yes) (No)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PROPERTY DAMAGE \$ _____

PAYABLE TO CLERK FOR (VICTIM) _____

TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE:

Consecutive to
98-59- Credit for time served since
Aug. 19, 1997.

DATE: August 31 1998
WINNSBORO, S.C.

Paul E. Short Jr.
Presiding Judge

*COST AND ASSESSMENTS: FINE \$ _____
NON WAIVABLE \$ _____
NOT WAIVED \$ _____
TOTAL \$ 103.00

Forca S. Anderson
Clerk of Court
Date of Birth 6-1-56
Social Security 151.06.701
Drivers License _____

COPY RECEIVED BY: _____

ATTORNEY FOR DEF: P.D.
ADDRESS: Rt 1 Box 3414
Delaski, Va.

Defendant Betty Jo Beckham, Clerk of Court,
Fairfield County, South Carolina, do
hereby certify this is a true copy of
the original on file in this office.

1-16-14 Betty Jo Beckham
Clerk of Court

M/F
B/W

24301

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

COUNT NO. _____
CASE NO. 99-00-330
WARRANT NO. 99-00-330
CHARGE: Child

STATE OF SOUTH CAROLINA
County of Horry

and provided that upon the service of _____
plus (pay) (waive) cost and assessments as applicable, the balance is _____
suspended and the defendant is placed on probation for _____ (months) (years).
RESTITUTION: (Yes) (No) _____
PROPERTY DAMAGE \$ _____ (and) (or) _____
TOTAL \$ _____
PAID TO CLERK FOR VICTIM _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: _____
12 years

Residing Judge _____
Clerk of Court _____
State of Birth _____
Social Security _____
Driver License _____
ATTORNEY FOR DEFENDANT _____
Address _____

DATE: March 31, 1999
COUNTY: Horry
TOTAL \$ 0.00
NOT WAIVED \$ _____
FROM WAIVER \$ _____
FINE \$ _____
RECEIVED BY: _____
Clerk of Court _____
Notary Public _____
Notary Public _____
Notary Public _____

STATE OF SOUTH CAROLINA)

INDICTMENT FOR LEWD ACT UPON CHILD

COUNTY OF Fairfield)

At a Court of General Sessions, convened on _____
the Grand Jurors of Fairfield County present upon their oath:

COUNT ONE — LEWD ACT UPON CHILD

That Larry Edward Hendricks
being over the age of fourteen years, did in Fairfield
County on or about May 25, 1997 willfully and lewdly commit or attempt
a lewd and lascivious act upon or with the body of one Minor age 11 a child
under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
sexual desires of himself or such child.

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

[Signature]
Asst. SOLICITOR

WITNESSES

Greg Bonex

ARREST WARRANT NO. E-497939

ACTION OF GRAND JURY

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-65-20-350

The State of South Carolina,

County of Fairfield

COURT OF GENERAL SESSIONS

August TERM 1998

THE STATE

vs.

Larry Edward Hendricks

Indictment for Lewd Act
Upon Child

I hereby waive presentation of the
within indictment by the Grand Jury.
Defendant Larry Edward Hendricks
Attest W. Hendricks

HENRY GRANT THE DEFENDANT Larry Edward Hendricks
(1) 413 OWN PROPER PERSON TO THE BAR OF THIS COURT
AND ENTERS THE FOLLOWING PLEA be PLEAD GUILTY
Lewd Act upon a Child
THIS 31 DAY OF August 1998
DEFENDANT Larry Edward Hendricks
ATTEST: W. Hendricks
CLERK OF COURT, FAIRFIELD COUNTY, S.C.

ARREST WARRANT

E- 497939

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Fairfield County

 THE STATE
against

LARRY EDWARD HENDRICKS

Address: [REDACTED]
COLUMBIA, SC 29210

Phone: 8037721136 [REDACTED]

Sex: M Race: B Height: 5'11" Weight: 185

DL State: SC DL #: 00245167A

DOB: [REDACTED] Agency ORI#: 00245167A

Prosecuting Agency: Fairfield County Sheriffs Dept

Prosecuting Officer: ANY

Offense: CRIMINAL SEXUAL CONDUCT 1ST DEGREE

Offense Code:

Code/Ordinance Sec.

This warrant is CERTIFIED FOR SERVICE in the

☒ County/ ☐ Municipality of
[REDACTED]

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

 [Signature]
(L.S.)

Signature of Judge

Date: 8/18/97

RETURN

A copy of this arrest warrant was delivered to

defendant LARRY E. HENDRICKS

on 8-19-97

[Signature]

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 W. M. ESTES, JUDGE
Post Office Box 423
Winnsboro, SC 29180
803-625-4525

STATE OF SOUTH CAROLINA)

☐ County/ ☐ Municipality of
Fairfield County)

AFFIDAVIT

 Personally appeared before me the affiant GREG SONEY who
being duly sworn deposes and says that defendant LARRY EDWARD HENDRICKS
did within this county and state on June 18, 1997 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Fairfield County)
in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT 1ST DEGREE

 I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
ON OR ABOUT 061597 ABOVE NAMED DEFENDANT DID SEXUALLY ASSAULT ONE [REDACTED] AGE 12 AND DID
THREATEN TO KILL VICTIM AND HIS BROTHER IF HE TOLD ANYONE DURING AND AFTER THE ASSAULT. THIS IS BASED ON
STATEMENT BY THE VICTIM AND INVESTIGATION BY FAIRFIELD COUNTY SHERIFF OFFICE. THIS OCCURED AT THE VICTIMS
RESIDENCE ON SMALLWOOD RD. IN FAIRFIELD COUNTY.

 Sworn to and subscribed before me)
on 08/18/97)

 [Signature]
Signature of Issuing Judge)

 [Signature]
Signature of Affiant)
Affiant's Address 509 387/400 W WASHINGTON)
Winnsboro, SC 29180)
Affiant's Telephone 803-635-4141)

STATE OF SOUTH CAROLINA)

☐ County/ ☐ Municipality of
Fairfield County)

ARREST WARRANT

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

 It appearing from the above affidavit that there are reasonable grounds to believe that
on June 18, 1997 defendant LARRY EDWARD HENDRICKS
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Fairfield County) as set forth below:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT 1ST DEGREE

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

 [Signature]
Signature of Issuing Judge)
Judge Code: 810)

 Judge's Address Post Office Box 423)
Winnsboro, SC 29180)
Judge's Telephone 803-625-4525)
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

E-497939

Jref #: 97-7045

 Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

160

 AUG 23 3 43 PM '97
FAIRFIELD COUNTY
CLERK OF COURT

BAIL set by

*must not
contact
Victim*

Judge

WJ

on

8-20-97

Type and Amount:

NO Bond

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defense Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

vs.

Lamy Edward Hendricks

AKA:

Race: BSex: MDOB: [REDACTED]Age: 42SSN: [REDACTED]

DL#

SID#

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

98 -GS- 40 - 29461

A/W#:

DP98056

Date of Offense:

8/19/97

S.C. CODE §:

16-15-410

CDR Code #:

0383STATE'S
EXHIBIT

SENTENCE

☒ PLEA☐ TRIAL#4 EUJIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Sexual Exploitation of Minor 3rd Degreein violation of § 16-15-410of the S.C. Code of Laws, bearing CDR Code # 0383☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation☒ Negotiated Sentence

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, or ☐ Under Youthful Offender Act for a term of 5 days/months/years and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance suspended with probation for _____ months/years. AND SUBJECT TO SCDPPPS STANDARD CONDITIONS OF PROBATION WHICH ARE INCORPORATED BY REFERENCE.

☐ CONCURRENT or☒ CONSECUTIVE to sentence on: all other indictments of

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____

Pay Terms: _____

Recipient: _____

*Fine: _____ \$

§14-1-206 - Assessments 100% _____ \$

§14-1-211 - Surcharge _____ \$

(Exceptions: See §14-1-211)

§56-5-2995 (DUI) _____ \$

TOTAL _____ \$

Clerk of Court/Deputy Clerk

Court Reporter: Carol Lefebvre☐ 1

PTUP

☐ 2

_____ days/hours Public Service Employment

☐ 3

Obtain GED

☐ 4

Attend Voc Rehab. or Job Corps

☐ 5

May serve W/E beginning

☐ 6

Substance Abuse Counseling

☐ 7

Random Drug/Alcohol Testing

☐ 8

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning

☒ 9Other: Credit for time served as from☐ 10Other: Aug. 14, 1997

PRESIDING JUDGE

Sentence Date:

Judge Code:

161

SCCA/217 (12/97)

CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 10 1998
C.C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

Special Agent Buddy Wilkes, SLKD

S/A Buddy Wilkes

ARREST WARRANT NO.

DP98056

DIRECT PRESENTMENT INDICTMENT

ACTION OF GRAND JURY

TRUE BILL

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date

DOCKET NO. 98-63-40-29461

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92 FEBRUARY TERM 1998

THE STATE

vs.

LARRY HENDRICKS

Indictment for

SEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)S. C. Code Section 16-15-410 Class F-Felony
383

CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 12 1998
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

The Prisoner *Larry Edward Hendricks*
is put to the bar and arraigned and upon his arraignment
pleads Guilty as charged.

Attest:

Barbara A. Smith
C.C.P. & G.S.

8/21/11

20
FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT FOR
SEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)

At a Court of General Sessions, convened on February 18, 1998,
the Grand Jurors of RICHLAND County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)

That LARRY HENDRICKS did in Richland County on or before August 19, 1997,
unlawfully and with knowledge of its character or content, possess material
containing a visual representation of a minor engaging in sexual activity, as
shown in the attachment.

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

Walter B. Hege
SOLICITOR

CERTIFIED TRUE COPY
OF ORIGINAL FILED
J. C. C. P. & G. S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE vs.

AKA: Larry Edward HendricksRace: B Sex: MDOB: [REDACTED] Age: 4SSN: [REDACTED]DL# [REDACTED]SID# [REDACTED]STATE'S
EXHIBIT
#5

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

98 -GS- 40 - 26204

A/W#: F540038Date of Offense: 8/19/97S.C. CODE §: 16-15-410CDR Code #: 0383

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Sexual Exploitation of Minor 3rd Degreein violation of § 16-15-410 of the S.C. Code of Laws, bearing CDR Code # 0383☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation ☒ Negotiated Sentence

ATTEST:

Solicitor [Signature]Defendant [Signature]Attorney for Defendant [Signature]WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, or ☐ Under Youthful Offender Act for a term of 5 days/months/years and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance suspended with

probation for _____ months/years. AND SUBJECT TO SCDPPPS STANDARD CONDITIONS OF PROBATION

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: all other indictments of 11/2/98

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____

Pay Terms: _____

Recipient: _____

*Fine: \$
 §14-1-206 - Assessments 100% \$
 §14-1-211 - Surcharge \$
 (Exceptions: See §14-1-211)
 §56-5-2995 (DUI) \$
 TOTAL \$

Barbara A. Scott

Clerk of Court/Deputy Clerk

Court Reporter: Carol LeFebvre

- ☐ PTUP
☐ _____ days/hours Public Service Employment
☐ Obtain GED
☐ Attend Voc Rehab. or Job Corps
☐ May serve W/E beginning _____
☐ Substance Abuse Counseling
☐ Random Drug/Alcohol Testing
☐ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

☒ Other: Credit for time served as of Aug. 19, 1998
☐ Other: _____

PRESIDING JUDGE

Sentence Date: 11-6-98Judge Code: 61

SCCA 21 (12/97)

CERTIFIED TRUE COPY
 OF ORIGINAL FILE.
[Signature]
 C.C.C.P. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

WITNESSES

Inv. R. Gaymon, RCSD

Inv. R. Gaymon

ARREST WARRANT NO. F540038

ACTION OF GRAND JURY

TRUE BILL*W. L. Thompson*
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-65-40-26204**The State of South Carolina,**County of RICHLAND

COURT OF GENERAL SESSIONS

#92 JANUARY TERM 1998

THE STATE

vs.

LARRY EDWARD HENDRICKS

Indictment forSEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)S. C. Code Section 16-15-410 Class F-Felony
383The Prisoner Larry Edward Hendricks
is put to the bar and arraigned and upon his arraignment
pleads Guilty as charged.

Attest:

Barbara A. Scott
C. C. P. & G. S.
11/21/98CERTIFIED TRUE COPY
FILED
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT FOR
SEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)

At a Court of General Sessions, convened on January 21, 1998,
the Grand Jurors of RICHLAND County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR (THIRD DEGREE)

That LARRY EDWARD HENDRICKS did in Richland County on or before
August 19, 1997, unlawfully and with knowledge of its character or content,
possess material containing a visual representation of a minor engaging in
sexual activity, as shown in the attachment (44-1-A) to this indictment.

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

Walter B. McLean
SOLICITOR

CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 21 1998
C.C. CP & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

ARREST WARRANT

F- 540038

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 RICHLAND COUNTY

THE STATE

against

OCT 01 1997

LARRY E. HENDRICKS

Address: [REDACTED]
COLA SC 29210 - 0000

Phone: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 170

DL State: SC DL [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: RICHLAND COUNTY SHERIFF

Prosecuting Officer: REGINALD GAYMON

Offense: SEXUAL EXPLOITATION

OF MINOR, 3RD Offense Code: 16-15-

Code/Ordinance Sec. 16-15-410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
 is to be arrested and brought before me to be
 dealt with according to law._____
 Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant LARRY EUGENE HENDRICKS
 on 100297_____
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 RICHLAND COUNTY

AFFIDAVIT

Personally appeared before me the affiant REGINALD GAYMON who
 being duly sworn deposes and says that defendant LARRY EUGENE HENDRICKS
 did within this county and state on 8/19/97 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

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

ON AUGUST 19, 1997 AT [REDACTED] IN RICHLAND COUNTY
 ONE LARRY E. HENDRICKS DID COMMIT THE CRIME ABOVE IN THAT HE WAS
 FOUND TO BE IN POSSESSION OF MATERIAL, WHICH CONTAINS A VISUAL
 REPRESENTATION OF A MINOR ENGAGING IN SEXUAL ACTIVITY (44-1-A)
 AFTER A LAWFUL EXECUTION OF A SEARCH WARRANT. AFFIANT AND
 OTHERS ARE WITNESS TO PROVE SAME.

RCSD CASE # 082797 6203 ASOL. STACEY HAYNES

Sworn to and subscribed before me)
 on 9/04/97)
 _____ (L.S.)
 Signature of Issuing Judge

Signature of Affiant _____
 Affiant's Address 5623 TWO NOTCH RD.
 COLUMBIA SC 29223 - 0000
 Affiant's Telephone 803 691-9000

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
 RICHLAND COUNTY)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY
 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/19/97 defendant LARRY EUGENE HENDRICKS
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:
 DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

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

 Signature of Issuing Judge (L.S.)
 Judge's Address DUTCH FORK MAGISTRATE
 COLUMBIA SC 29210 - 0000
 Judge's Telephone 803 772-6464
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
 Judge Code: 463

ORIGINAL

CERTIFIED TRUE COPY
 OF ORIGINAL FILED
 J. C. [REDACTED]
 RICHLAND COUNTY
 SOUTH CAROLINA

RECEIVED

OCT 17 1997

CLERK OF COURT
 CLERK OF COURT
 CLERK OF COURT

STATE OF SOUTH CAROLINA

COUNTY OF

Richland

STATE

vs.

Larry Edward Hendricks

AKA:

Race:

B

Sex:

M

DOB:

Age:

42

SSN:

DL#

SID#:

STATE'S
EXHIBIT

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

98 -GS- 40 - 30000

A/W#:

F540042

Date of Offense:

8/19/97

S.C. CODE §:

16-15-410

CDR Code #:

0383

SENTENCE



PLEA



TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Sexual Exploitation of Minor 3rd Degree

in violation of § 16-15-410

of the S.C. Code of Laws, bearing CDR Code #

☐☐☐☐☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation☒ Negotiated Sentence☐ Recommendation by the State

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, or ☐ Under Youthful Offender Act for a term of 5 days/months/years and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance suspended with probation for _____ months/years AND SUBJECT TO SCDPPPS STANDARD CONDITIONS OF PROBATION WHICH ARE INCORPORATED BY REFERENCE.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: all other indictments of 11/12/98

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____

Pay Terms: _____

Recipient: _____

*Fine: \$
 §14-1-206 - Assessments 100% \$
 §14-1-211 - Surcharge \$
 (Exceptions: See §14-1-211)
 §56-5-2995 (DUI) \$
 TOTAL \$

Clerk of Court/Deputy Clerk

Court Reporter:

Barbara A. Smith
Carol LeFebvre☐

PTUP

☐

_____ days/hours Public Service Employment

☐

Obtain GED

☐

Attend Voc Rehab. or Job Corps

☐

May serve W/E beginning

☐

Substance Abuse Counseling

☐

Random Drug/Alcohol Testing

☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning

☒

Other Credit for time served

☐

Other

☐

PRESIDING JUDGE

Sentence Date:

Judge Code:

611

SCCA217 (12/97)

CERTIFIED TRUE COPY
 ORIGINAL FILED
 11/12/98
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

WITNESSES

Inv. R. Gaymon, RCSD

Dave R. Gaymon

ARREST WARRANT NO. F540042

ACTION OF GRAND JURY

TRUE BILLW. J. Chambers
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-65-40-30000**The State of South Carolina,**County of RICHLAND

COURT OF GENERAL SESSIONS

#92 JANUARY TERM 1998

THE STATE

vs.

LARRY EDWARD HENDRICKS

Indictment forSEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)S. C. Code Section 16-15-410 Class F-Felony
383CERTIFIED TRUE COPY
OF ORIGINAL FILED,
JAN 13 1998
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINAThe Prisoner Larry Edward Hendricks
is not to the bar and arraigned and upon his arraignment
stands Guilty as charged.

Attest:

Barbara A. Smith
C.C.P. & G.S.

11/12/98

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

INDICTMENT FOR
 SEXUAL EXPLOITATION OF A MINOR
 (THIRD DEGREE)

At a Court of General Sessions, convened on January 21, 1998,
 the Grand Jurors of RICHLAND County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR (THIRD DEGREE)

That LARRY EDWARD HENDRICKS did in Richland County on or before August 19, 1997, unlawfully and with knowledge of its character or content, possess material containing a visual representation of a minor engaging in sexual activity, as shown in the attachment (44-5-A) to this indictment.

CERTIFIED TRUE COPY
 OF ORIGINAL FILED,
[Signature]
 C.C.P. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

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

W. B. Giesi
 SOLICITOR

ARREST WARRANT

F- 540042

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

THE STATE

against

OCT 02 1997

LARRY EUGENE HENDRICKS

Address: [REDACTED]
COLA SC 29210 - 0000

Phone: [REDACTED] SS [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 170

DL State: SC DL [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: RICHLAND COUNTY SHERIFF

Prosecuting Officer: REGINALD GAYMON

Offense: SEXUAL EXPLOITATION

OF MINOR, 3RD Offense Code: 16-15-

Code/Ordinance Sec. 16-15-410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant LARRY EUGENE HENDRICKS
on 10/02/97

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

AFFIDAVIT

Personally appeared before me the affiant REGINALD GAYMON who
being duly sworn deposes and says that defendant LARRY EUGENE HENDRICKS
did within this county and state on 8/19/97 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:ON AUGUST 19, 1997 AT [REDACTED] IN RICHLAND COUNTY
ONE LARRY E. HENDRICKS DID COMMIT THE CRIME ABOVE IN THAT HE WAS
FOUND TO BE IN POSSESSION OF MATERIAL, WHICH CONTAINS A VISUAL
REPRESENTATION OF A MINOR ENGAGING IN SEXUAL ACTIVITY (44-5-A)
AFTER A LAWFUL EXECUTION OF A SEARCH WARRANT. AFFIANT AND
OTHERS ARE WITNESS TO PROVE SAME.

RCSD CASE # 082797 6203 ASOL. STACEY HAYNES

Sworn to and subscribed before me
on 9/04/97

Signature of Issuing Judge

Signature of Affiant

Affiant's Address 5623 TWO NOTCH RD.

COLUMBIA

Affiant's Telephone 803 691-9000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
RICHLAND COUNTY

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on 8/19/97 defendant LARRY EUGENE HENDRICKS
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

Now, therefore, you are empowered and directed to arrest the said defendant, and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant by the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: 463

Judge's Address DUTCH FORK MAGISTRATE

COLUMBIA

Judge's Telephone 803 772-6464

Issuing Court:

☐ Magistrate ☐ Circuit

ORIGINAL

TRUE COPY
OFFICE OF THE
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA
Form Approved by
S.C. Attorney General
July 28, 1996
SOCA 31RECEIVED
OCT 11 1997
CLERK OF COURT
RICHLAND COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE vs.

LARRY EDWARD HENDRICKS

AKA:

Race: BSex: M

DOB: [REDACTED]

Age: 42

SSN: [REDACTED]

DL#

SID#: [REDACTED]

STATE'S
EXHIBIT

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

98 -GS- 40 . 26209A/W#: F540043Date of Offense: 8/19/97S.C. CODE §: 16-15-410CDR Code #: 0383

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Sexual Exploitation of Minor 3rd Degreein violation of § 16-15-410 of the S.C. Code of Laws, bearing CDR Code # 0383☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation ☒ Negotiated Sentence

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, or ☐ Under Youthful Offender Act for a term of 5 days/months/years and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance suspended with probation for _____ months/years. AND SUBJECT TO SCPPPS STANDARD CONDITIONS OF PROBATION WHICH ARE INCORPORATED BY REFERENCE.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: all other indictments of 11/12/98

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____

Pay Terms: _____

Recipient: _____

*Fine: \$
 §14-1-206 - Assessments 100% \$
 §14-1-211 - Surcharge \$
 (Exceptions: See §14-1-211)
 §56-5-2995 (DUI) \$
 TOTAL \$

Clerk of Court/Deputy Clerk

Court Reporter: Carol LeFebvre☐ PTUP☐ _____ days/hours Public Service Employment☐ Obtain GED☐ Attend Voc Rehab. or Job Corps☐ May serve W/E beginning _____ C.C.C.P.&G.S.☐ Substance Abuse Counseling☐ Random Drug/Alcohol Testing☐ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____☒ Other: Credit for time served as of☐ Other: Aug. 19, 1997

PRESIDING JUDGE

Sentence Date: _____

Judge Code: [REDACTED]

SCCA/217 (12/97)

WITNESSES

Inv. R. Gaymon, RCSD

Inv. R. Gaymon

ARREST WARRANT NO. F540043

ACTION OF GRAND JURY

TRUE BILL*W. F. Chissey*
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-65-40-26209**The State of South Carolina,**County of RICHLAND

COURT OF GENERAL SESSIONS

#92 JANUARY TERM 1998

THE STATE

vs.

LARRY EDWARD HENDRICKS

Indictment forSEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)S. C. Code Section 16-15-410 Class F-Felony
383

CERTIFIED TRUE COPY
 OF ORIGINAL FILED,
 The Prisoner *Larry Edward Hendricks*
 is out to the bar and arraigned and upon his arraignment, *Larry Hendricks*
 pleads Guilty as charged. C.C.P. & G.S.
 Arrest: *Barbara A. Smith, Larry R. Hendricks*
 RICHLAND COUNTY
 SOUTH CAROLINA

C.C.P. & G.S.

11/21/98

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT FOR
 SEXUAL EXPLOITATION OF A MINOR
 (THIRD DEGREE)

At a Court of General Sessions, convened on January 21, 1998,
 the Grand Jurors of RICHLAND County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR (THIRD DEGREE)

That LARRY EDWARD HENDRICKS did in Richland County on or before
 August 19, 1997, unlawfully and with knowledge of its character or content,
 possess material containing a visual representation of a minor engaging in
 sexual activity, as shown in the attachment (44-6-A) to this indictment.

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

CERTIFIED TRUE COPY
 OF ORIGINAL FILED

James W. McSide
 C.C.C.P. & G.S.

RICHLAND COUNTY
 SOUTH CAROLINA

Warren B. Meese
 SOLICITOR

ARREST WARRANT

F- 540043

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 RICHLAND COUNTY

THE STATE

against

LARRY EDWARD HENDRICKS

OCT 02 1997

Address: [REDACTED]
COLA SC 29210 - 0000

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 170

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: RICHLAND COUNTY SHERIFF

Prosecuting Officer: REGINALD GAYMON

Offense: SEXUAL EXPLOITATION

OF MINOR, 3RD Offense Code: 16-15-

Code/Ordinance Sec. 16-15-410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
 is to be arrested and brought before me to be
 dealt with according to law._____
 Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant LARRY EUGENE HENDRICKS
 on 10/02/97_____
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
 RICHLAND COUNTY)

AFFIDAVIT

Personally appeared before me the affiant REGINALD GAYMON who
 being duly sworn deposes and says that defendant LARRY EUGENE HENDRICKS
 did within this county and state on 8/19/97 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
 in the following particulars:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

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

ON AUGUST 19, 1997 AT [REDACTED] IN RICHLAND COUNTY
 ONE LARRY E. HENDRICKS DID COMMIT THE CRIME ABOVE IN THAT HE WAS
 FOUND TO BE IN POSSESSION OF MATERIAL, WHICH CONTAINS A VISUAL
 REPRESENTATION OF A MINOR ENGAGING IN SEXUAL ACTIVITY (44-6-A)
 AFTER A LAWFUL EXECUTION OF A SEARCH WARRANT. AFFIANT AND
 OTHERS ARE WITNESS TO PROVE SAME.
 RCSD CASE # 082797 6203 ASOL. STACEY HAYNES

Sworn to and subscribed before me)
 on 9/04/97)
 _____ (L.S.)
 Signature of Issuing Judge

 Signature of Affiant
 Affiant's Address 623 TWO NOTCH RD.
 COLUMBIA SC 29223 - 0000
 Affiant's Telephone 803 691-9000

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
 RICHLAND COUNTY)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY COUNTY OF THIS STATE
 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/19/97 defendant LARRY EUGENE HENDRICKS
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of) as set forth below:
 DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

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

 Signature of Issuing Judge (L.S.)
 Judge's Address DUTCH FORK MAGISTRATE
 COLUMBIA SC 29210 - 0000
 Judge's Telephone 803 772-6464
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
 Judge Code: 463

ORIGINAL

TRUE COPY
 ORIGINAL FILED
 RICHLAND COUNTY
 SOUTH CAROLINA

Form Approved by
 S.C. Attorney General
 July 28, 1990
 SCCA 518

RECEIVED
 OCT 17 1997
 CLERK OF COURT
 CRIMINAL RECORDS

STATE OF SOUTH CAROLINA

COUNTY OF

Richland

STATE

vs.

Larry Edward Hendricks

AKA:

Race:

B

Sex:

M

DOB:

Age:

42

SSN:

DL#

SID#:

STATE'S
EXHIBIT

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

98

-GS-

40

26208

A/W#:

F540044

Date of Offense:

8/19/97

S.C. CODE §:

16-15-410

CDR Code #:

0383

SENTENCE



PLEA



TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Sexual Exploitation of Minor 3rd Degree

in violation of § 16-15-410

of the S.C. Code of Laws, bearing CDR Code #

0383



NON-VIOLENT



VIOLENT



SERIOUS



MOST SERIOUS

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation

☒ Negotiated Sentence



Recommendation by the State

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, or ☐ Under Youthful Offender Act for a term of 5 days/months/years and/or to pay a fine of \$; provided the sentence be suspended upon the service of days/months/years and/or payment of \$ plus costs and assessments as applicable*; the balance suspended with probation for months/years. AND SUBJECT TO SCOPPS STANDARD CONDITIONS OF PROBATION WHICH ARE INCORPORATED BY REFERENCE.



CONCURRENT or



CONSECUTIVE to sentence on: 98-GS-40-26192

SPECIAL CONDITIONS:

RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$

Pay Terms:

Recipient:

*Fine:

§14-1-206 - Assessments 100%

§14-1-211 - Surcharge

(Exceptions: See §14-1-211)

§56-5-2995 (DUI)

TOTAL

Barbara A. Scott

Clerk of Court/Deputy Clerk

Court Reporter:

Carol LeFebvre



PTUP



days/hours Public Service Employment



Obtain GED



Attend Voc Rehab. or Job Corps



May serve W/E beginning



Substance Abuse Counseling



Random Drug/Alcohol Testing



Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning



Other: Credit for 8/19/97



Other: Time served from

PRESIDING JUDGE

Sentence Date:

11-12-98

Judge Code:

--	--	--	--

SCCA/217 (12/97)

CERTIFIED TRUE COPY
ORIGINAL FILED
98-GS-40-26192
S.C. P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

217

WITNESSES

Inv. R. Gaymon, RCSD

Inv. R. Gaymon

ARREST WARRANT NO. F540044

ACTION OF GRAND JURY

TRUE BILL

W. J. K. K. K.
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-65-40-26208

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92 JANUARY TERM 1998

THE STATE

vs.

LARRY EDWARD HENDRICKS

Indictment for

SEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)

S. C. Code Section 16-15-410 Class F-Felony
383

The Prisoner *Larry Edward Hendricks*

is put to the bar and arraigned and upon his arraignment

pleads Guilty as charged

Attest:

Barbara A. Smith

C. C. P. & G. S.

11/12/98

CERTIFIED TRUE COPY
OF ORIGINAL FILED
James H. Smith
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

INDICTMENT FOR
 SEXUAL EXPLOITATION OF A MINOR
 (THIRD DEGREE)

At a Court of General Sessions, convened on January 21, 1998,
 the Grand Jurors of RICHLAND County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR (THIRD DEGREE)

That LARRY EDWARD HENDRICKS did in Richland County on or before
 August 19, 1997, unlawfully and with knowledge of its character or content,
 possess material containing a visual representation of a minor engaging in
 sexual activity, as shown in the attachment (44-7-A) to this indictment.

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

CERTIFIED TRUE COPY
 OF ORIGINAL FILED
[Signature]
 C.C.C.P.&G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

Warren B. Giese
 SOLICITOR

ARREST WARRANT

F- 540044

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 RICHLAND COUNTY

THE STATE

against

OCT 02 1997

LARRY EDWARD HENDRICKS

Address: [REDACTED]
COLA SC 29210 - 0000

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 170

DL State: SC DL # [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: RICHLAND COUNTY SHERIFF

Prosecuting Officer: REGINALD GAYMON

Offense: SEXUAL EXPLOITATION

OF MINOR, 3RD Offense Code: 16-15-

Code/Ordinance Sec. 16-15-410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
 is to be arrested and brought before me to be
 dealt with according to law._____
 Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant LARRY EUGENE HENDRICKS
 on 100297_____
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 RICHLAND COUNTY

AFFIDAVIT

Personally appeared before me the affiant REGINALD GAYMON who
 being duly sworn deposes and says that defendant LARRY EUGENE HENDRICKS
 did within this county and state on 8/19/97 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

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

ON AUGUST 19, 1997 AT [REDACTED] IN RICHLAND COUNTY
 ONE LARRY E. HENDRICKS DID COMMIT THE CRIME ABOVE IN THAT HE WAS
 FOUND TO BE IN POSSESSION OF MATERIAL, WHICH CONTAINS A VISUAL
 REPRESENTATION OF A MINOR ENGAGING IN SEXUAL ACTIVITY (44-7-A)
 AFTER A LAWFUL EXECUTION OF A SEARCH WARRANT. AFFIANT AND
 OTHERS ARE WITNESS TO PROVE SAME.
 RCSD CASE # 082797 6203 ASOL. STACEY HAYNES

Sworn to and subscribed before me)
 on 9/04/97)
 _____ (L.S.)
 Signature of Issuing Judge

 Signature of Affiant
 Affiant's Address 5623 TWO NOTCH RD.
 COLUMBIA SC 29223 - 0000
 Affiant's Telephone 803 691-9000

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 RICHLAND COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that
 on 8/19/97 defendant LARRY EUGENE HENDRICKS
 did violate the criminal laws of the State of South Carolina for ordinance of

☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

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

 Signature of Issuing Judge (L.S.)
 Judge Code: 463

 Judge's Address DUTCH FORK MAGISTRATE
 COLUMBIA SC 29210 - 0000
 Judge's Telephone 803 772-6464
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

 TRUE COPY
 CERTIFIED
 ORIGINAL FILED
 OCT 02 1997
 C.F. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

 RECEIVED
 OCT 17 1997
 CLERK OF COURT
 CRIMINAL RECORDS

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

STATE VS.

Larry Edward Hendricks

AKA:

Race: B

Sex: M

DOB: [REDACTED]

Age: 42

SSN: [REDACTED]

DL#

SID#: [REDACTED]

STATE'S EXHIBIT #9

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #:

98 -GS- 40 - 26192

A/W#:

F540039

Date of Offense:

8/19/97

S.C. CODE §:

16-15-410

CDR Code #:

0383

SENTENCE

☒ PLEA

☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Sexual Exploitation of Minor 3rd Degree

in violation of § 16-15-410

of the S.C. Code of Laws, bearing CDR Code # 0383

☐ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation

☒ Negotiated Sentence

☐ Recommendation by the State

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, or ☐ Under Youthful Offender Act for a term of 5 days/months/years and/or to pay a fine of \$; provided the sentence be suspended upon the service of days/months/years and/or payment of \$

plus costs and assessments as applicable*; the balance suspended with probation for months/years, AND SUBJECT TO SCRPSS STANDARD CONDITIONS OF PROBATION WHICH ARE INCORPORATED BY REFERENCE.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: all other indictments of 11/12/98

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$

Pay Terms:

Recipient:

*Fine: \$

§14-1-206 - Assessments 100% \$

§14-1-211 - Surcharge \$

(Exceptions: See §14-1-211)

§56-5-2995 (DUI) \$

TOTAL \$

Barbara A. Scott

Clerk of Court/Deputy Clerk

Court Reporter: Carol LeFebvre

☐ PTUP

☐ days/hours Public Service Employment

☐ Obtain GED

☐ Attend Voc Rehab. or Job Corps

☐ May serve W/E beginning

☐ Substance Abuse Counseling

☐ Random Drug/Alcohol Testing

☐ Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

☒ Other: Credit for time served from 8/19/97

☐ Other:

PRESIDING JUDGE

Sentence Date:

Judge Code:

[REDACTED]

SCCA/217 (12/97)

CERTIFIED TRUE COPY OF ORIGINAL FILED, 8/22/97, RICHLAND COUNTY SOUTH CAROLINA

WITNESSES

Inv. R. Gaymon, RCSD

R. Gaymon

ARREST WARRANT NO. F540039

ACTION OF GRAND JURY

TRUE BILL*[Signature]*
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 98-GS-40-26192**The State of South Carolina,**County of RICHLAND

COURT OF GENERAL SESSIONS

#92 JANUARY TERM 1998

THE STATE

vs.

LARRY EDWARD HENDRICKS

Indictment forSEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)S. C. Code Section 16-15-410 Class F-Felony
383

the Prisoner Larry Edward Hendricks
is put to the bar and arraigned and upon his arraignment
pleads Guilty as charged.

Test:

Barbara A. Smith, Larry R. Hendricks

C.C.P. & G.S.

11/12/98

CERTIFIED TRUE COPY
OF ORIGINAL FILED*[Signature]*
C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)INDICTMENT FOR
SEXUAL EXPLOITATION OF A MINOR
(THIRD DEGREE)At a Court of General Sessions, convened on January 21, 1998,
the Grand Jurors of RICHLAND County present upon their oath:SEXUAL EXPLOITATION OF A MINOR (THIRD DEGREE)

That LARRY EDWARD HENDRICKS did in Richland County on or before August 19, 1997, unlawfully and with knowledge of its character or content, possess material containing a visual representation of a minor engaging in sexual activity, as shown in the attachment (44-2-A) to this indictment.

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

Walter B. Lese
SOLICITOR

CERTIFIED TRUE COPY
OF ORIGINAL FILED
James H. Lese
C.O.C.R.S.S.
RICHLAND COUNTY
SOUTH CAROLINA

223

ARREST WARRANT

F- 540039

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

RICHLAND COUNTY

THE STATE

against

LARRY EDWARD HENDRICKS

OCT 02 1997

Address: [REDACTED]
COLA SC 29210 - 0000

Phone: [REDACTED] SSN [REDACTED]

Sex: M Race: B Height: 5 9 Weight: 170

DL State: SC DL [REDACTED]

DOB: [REDACTED] Agency ORI #: [REDACTED]

Prosecuting Agency: RICHLAND COUNTY SHERIFF

Prosecuting Officer: REGINALD GAYMON

Offense: SEXUAL EXPLOITATION

OF MINOR, 3RD Offense Code: 16-15-

Code/Ordinance Sec. 16-15-410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant LARRY EUGENE HENDRICKS
on 100297

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

RICHLAND COUNTY

AFFIDAVIT

Personally appeared before me the affiant REGINALD TNY RCSD GAYMON
being duly sworn deposes and says that defendant LARRY EUGENE HENDRICKS
did within this county and state on 8/19/97 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of
in the following particulars:

DESCRIPTION OF OFFENSE: SEXUAL EXPLOITATION OF MINOR, 3RD

I further state that there is probable cause to believe that the defendant named above
the crime set forth and that probable cause is based on the following facts:ON AUGUST 19, 1997 AT [REDACTED] IN RICHLAND COUNTY
ONE LARRY E. HENDRICKS DID COMMIT THE CRIME ABOVE IN THAT HE WAS
FOUND TO BE IN POSSESSION OF MATERIAL, WHICH CONTAINS A VISUAL
REPRESENTATION OF A MINOR ENGAGING IN SEXUAL ACTIVITY (44-2-A)
AFTER A LAWFUL EXECUTION OF A SEARCH WARRANT. AFFIANT AND
OTHERS ARE WITNESS TO PROVE SAME.

RCSD CASE # 082797 6203 ASOL. STACEY HAYNES

Sworn to and subscribed before me

on 9/24/97

Signature of Affiant

Affiant's Address 5623 TWO NOTCH RD

COLUMBIA SC 29223 - 0000

Affiant's Telephone 803 691-9000

Signature of Issuing Judge

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

RICHLAND COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE

It appearing from the above affidavit that there are reasonable grounds to believe that

on 8/19/97 defendant LARRY EUGENE HENDRICKS

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Judge's Address DUTCH FORK MAGISTRATE

COLUMBIA SC 29210 - 0000

Judge's Telephone 803 772-6464

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Judge Code: 463

ORIGINAL

CERTIFIED TRUE COPY
 OF ORIGINAL FILED
 OCT 2 1997
 C.C. HEGGS
 RICHLAND COUNTY
 SOUTH CAROLINA

DEFENDANT'S
EXHIBIT

#1

EDD Eby

224

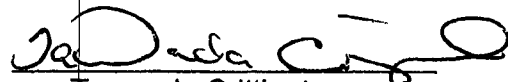
South Carolina Department of Corrections
RIDGELAND CORRECTIONAL INSTITUTION
INMATE REPRESENTATIVE COMMITTEE

We, the IRC of 2009/2010, desire to show our appreciation to

Chairman Larry Edward Hendricks

*for outstanding service to the inmate community
at Ridgeland Correctional Institution*

This 11th Day of May 2010



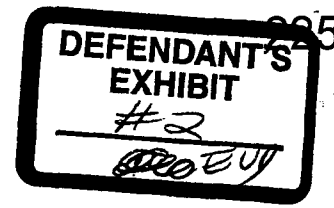
Tawanda Crittington
IRC Coordinator



Luther Pearson
IRC Vice-Chairman

E0369991-418122-2

WorkKeys®
Summary



Report for: LARRY HENDRICKS
Test Site: Jasper/Hampton Adult Education

Test Date: 03/2011
Report Date: 03/01/2011

Applied Mathematics (Levels range from 3 to 7) Level: 5 Scale Score: 80

This person scored at Level 5. Individuals with Level 5 skills can set up and solve problems involving multiple-step calculations on a mixture of whole numbers, fractions, decimals, or percentages, when the information is presented in a logical order.

Locating Information (Levels range from 3 to 6) Level: 5 Scale Score: 80

This person scored at Level 5. Individuals with Level 5 skills can correctly use complicated workplace graphics, such as complex forms and tables, multivariable graphs, and detailed diagrams, to compare trends and main points, and/or summarize information within a single graphic or across more than one graphic representing related information.

Reading for Information (Levels range from 3 to 7) Level: 6 Scale Score: 83

This person scored at Level 6. Individuals with Level 6 skills can understand reading materials with a substantial amount of detail about a topic, such as excerpts from straightforward regulatory and legal documents, a memo outlining procedures to be followed in the case of injuries, or a rental agreement. They can correctly apply complex instructions from such reading materials.

We hope you find this WorkKeys information useful. If you have questions about these scores or about the WorkKeys system or skills, please contact WorkKeys (96), ACT, 2201 North Dodge Street, P. O. Box 168, Iowa City, IA 52243.

LS=Level Scores:

Use for selection, promotion, or other individual high-stakes purposes. For more information on Level Scores go to: <http://www.act.org/workkeys/pdf/forms/interp.pdf>

SS=Scale Scores:

Use to show growth over time and provide group comparisons in outcome measurement. Not intended for selection and hiring. Scale Score range: 50-90. For more information on Scale Scores go to: http://www.act.org/workkeys/pdf/scale_score_interp_guide.pdf



Blackstone Career Institute

Established  A.D. 1890

U.S.A.

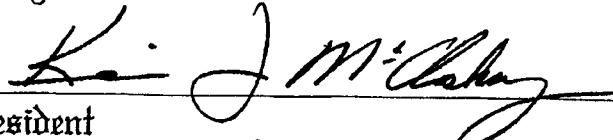
Confers this Diploma of
Legal Assistant/Paralegal
upon

Larry Hendricks

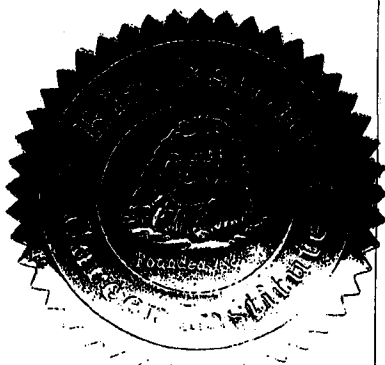
*who has fulfilled all the requirements prescribed by the School and is entitled
 to all of the honors rights and privileges thereunto appertaining.*

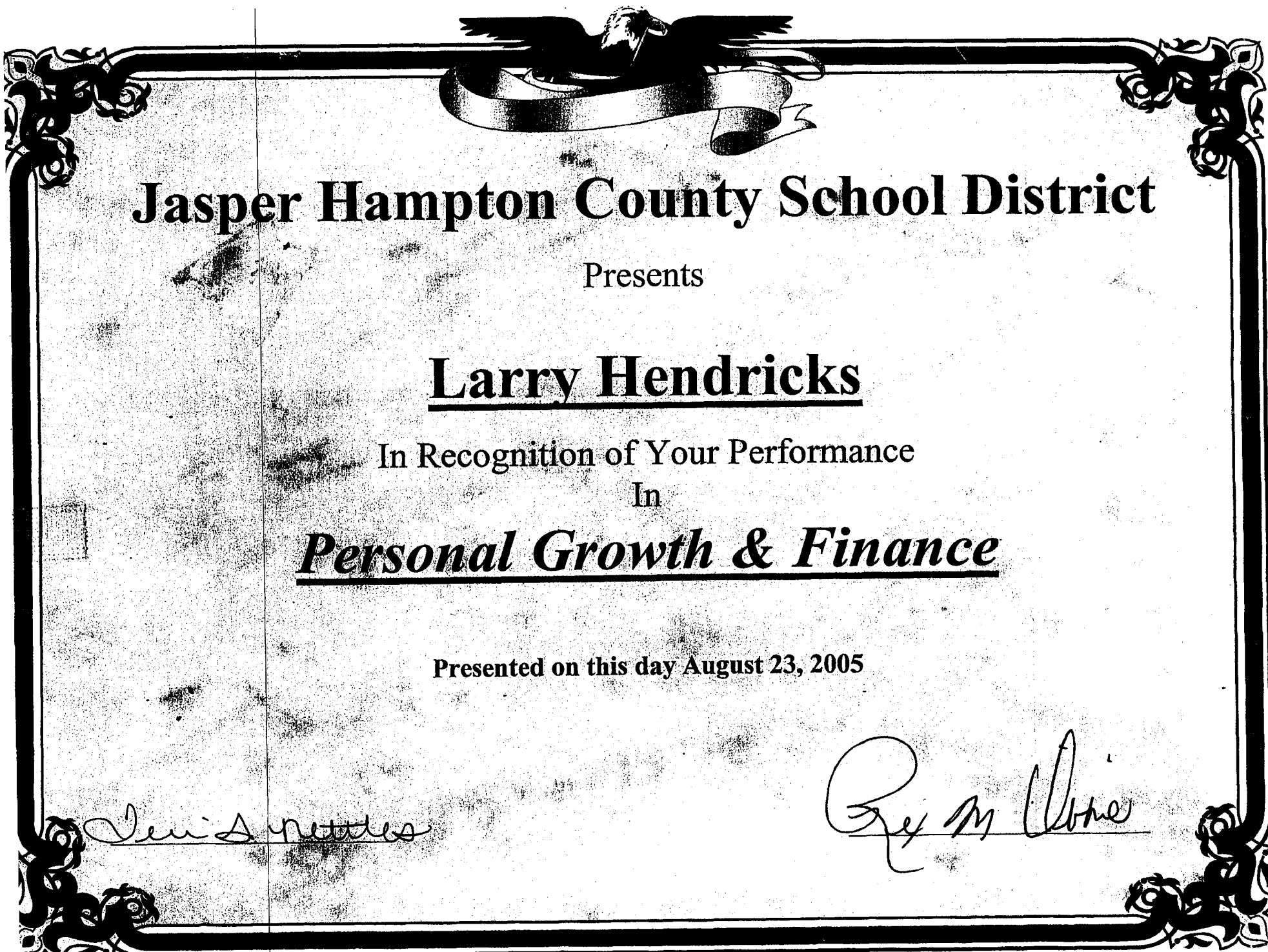
In Testimony Whereof this recognition of achievement is

Given this 27th day of July A.D. 2004


 President

 Valerie L. Behrle B.S., M.Ed.
 Director of Education





Jasper Hampton County School District

Presents

Larry Hendricks

In Recognition of Your Performance
In

Personal Growth & Finance

Presented on this day August 23, 2005

Devi S. Nettles

Ray M. Cloner

Certificate of Participation

DEFENDANT'S
EXHIBIT

#4

2012 E4

LARRY "WAHEED" HENDRICKS #254256

**Is Hereby Awarded
This Certificate of Participation
For Outstanding Accomplishment In**

3 ON 3 BASKETBALL

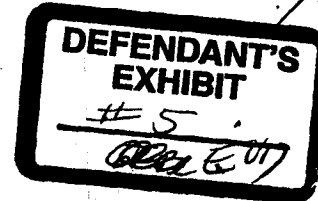
For The Year Of 2012

T. CRITTINGTON

Recreational Specialist III

Chief Recreational Services Branch

Certificate of Participation



LARRY "WAHEED" HENDRICKS #254256

**Is Hereby Awarded
This Certificate of Participation
For Outstanding Accomplishment In**

BIG LEAGUE BASKETBALL

For The Year Of 2012

T. CRITTINGTON

Recreational Specialist III

Chief Recreational Services Branch

• ALERTNESS • ATTENTIVENESS • AVAILABILITY • BENEVOLENCE • BOLDNESS • CAUTIOUSNESS • COMPASSION •
 • HONOR • HOSPITALITY • HUMILITY • INITIATIVE • JOYFULNESS • JUSTICE • LOYALTY • MEEKNESS •

South Carolina Department of Corrections Character Club

Recognizes

LARRY HENDRICKS #254256

For exhibiting the character quality of
ENTHUSIASM VS APATHY

By

MAINTAINING A GOOD ATTITUDE AND GIVING EACH TASK MY BEST EFFORT

Date **JUNE 10, 2010**

Consonya Washington, Lt.
 AWARDED BY

Gregory Cohen
 WARDEN

• THOROUGHNESS • SINCERITY • SENSITIVITY • SELF-CONTROL • SECURITY • RESPONSIBILITY • RESOURCEFULNESS •
 • FAITH • ENTHUSIASM • ENDURANCE • DISCRETION • DISCERNMENT • DILIGENCE • DETERMINATION •

FLEXIBILITY • FORGIVENESS • GENEROSITY • GENTLENESS • GRATEFULNESS •
 THRIFTINESS • TOLERANCE • TRUTHFULNESS • VIRTUE • WISDOM

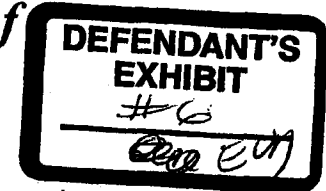
• CONTENTMENT • CREATIVITY • DECISIVENESS • DEFERENCE • DEPENDABILITY •
 • OBEDIENCE • ORDERLINESS • PATIENCE • PERSUASIVENESS • PUNCTUALITY •

South Carolina Department of Corrections

RIDGELAND CORRECTIONAL INSTITUTION

This Certificate Attests to the Attendance of

Hendricks, Larry

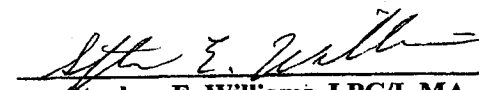


For the Successful Completion of 12 Hours of

Anger Management

Dates: May 5 – May 26, 2009


LeVern Cohen
Warden


Stephen E. Williams, LPC/I, MA, CAC III
Instructor

S.C. Certification: #0803051

WORK READY SC

SOUTH CAROLINA

GOLD

LARRY HENDRICKS

In recognition of profied skills in
**Applied Mathematics,
 Locating Information, and
 Reading for Information**

Certificate # 17330DJQ91B7

Issue Date March 09, 2011

The Governor
 Governor Mark Sanford

Joe E. Taylor, Jr.
 Secretary of Commerce Joe E. Taylor, Jr.

WorkKeys®

ACT

GOLD



could we see the page with the
description of a Sexually Violent Predator?
(The page with the two points/criteria
he had to meet.)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF FAIRFIELD)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 LARRY EDWARD HENDRICKS,)
)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 SIXTH JUDICIAL CIRCUIT
 CASE NO. 2012-CP-20-00358

ORDER OF COMMITMENT

2011 JAN 30 PM 2 59
 FAIRFIELD COUNTY
 CLERK OF COURT
 BETTY JO BECKHAM

The jury trial of this case was held in the County of Fairfield in the Court of Common Pleas the week of January 27, 2014. Senior Assistant Attorney General James G. Bogle, Jr. represented the State. Ernest M. Spong III, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Larry Edward Hendricks, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

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

(b) Respondent is to be detained in the Fairfield County Detention Center and transported, as soon as possible, to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. Transport of Respondent is to take place on such scheduled date as the Detention Center coordinates with the Department of Mental Health;

AND IT IS SO ORDERED.

30 JAN, 2014
 Winnsboro, South Carolina

Jim M. Madsen
 Judge for the Sixth Judicial Circuit
 Court of Common Pleas

I, Betty Jo Beckham, Clerk of Court,
 Fairfield County, South Carolina, do
 hereby certify this is a true copy of
 the original on file in this office.

1/30/14 *Betty Jo Beckham*
 Clerk of Court

CERTIFICATE OF COUNSEL FOR APPELLANT

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

December 12, 2014



Carmen V. Ganjehsani
Appellate Defender

RECEIVED

DEC 12 2014

SC Court of Appeals

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Fairfield County

R. Knox McMahon, Circuit Court Judge

IN THE MATTER OF THE CARE AND TREATMENT
OF LARRY HENDRICKS,

APPELLANT

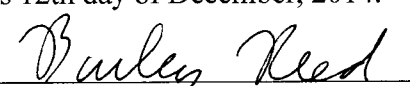
CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 12th day of December, 2014.



Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 12th day of December, 2014.



(L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021.

RECEIVED

DEC 12 2014

SC Court of Appeals