

STATE OF SOUTH CAROLINA

In The Court of Appeals

ORIGINAL

APPEAL FROM ANDERSON COUNTY

Alexander S. Macaulay, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF
DEWEY CHADWICK,

APPELLANT

APPELLATE CASE NO. 2014-002139

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF ANDERSON	)	
State of South Carolina,	)	
	)	
	)	
IN THE MATTER OF CARE AND	)	
TREATMENT OF DEWEY	)	
CHADWICK,	)	Case No. 13-CP-04-0511
	)	
Respondent.	)	

TRANSCRIPT OF HEARING

The within jury trial in the above-captioned matter was held on October 6-7, 2014, before The Honorable Alexander S. Macaulay in the Court of Common Pleas for Anderson County, South Carolina; attended by counsel as follows:

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VIVIAN CROSS, COURT REPORTER

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1

2

(RESPONDENT PRESENT)

3

(JURY PANEL IN @ 11:51 A.M.)

4

THE COURT: All right. Is the

5

State ready?

6

ATTORNEY GENERAL WETHERTON: Yes,

7

Your Honor.

8

THE COURT: Is the Defense ready?

9

MR. WELBORN: Yes, Your Honor.

10

THE COURT: All right. Ladies and

11

gentlemen of the jury, we are about to begin

12

the trial of the case In the Matter of the

13

Care and Treatment of Dewey Chadwick, 2013-

14

CP-04-511. Now, this is a term of Common

15

Pleas Court, sometimes called civil court.

16

It's a civilized method of determining

17

disputes between citizens.

18

Our purpose here is to resolve in an

19

orderly manner the disputes between the

20

citizens and the State of South Carolina in

21

this particular case, in a fashion which will

22

ensure that justice under the law is

23

accomplished between the parties to the

24

lawsuit.

25

Now, the trial of the case begins

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1 with the selection of a jury. Because all
2 parties to a lawsuit are entitled to jurors
3 who approach their case with an open mind. I
4 will be asking certain questions of the jury,
5 petit jury panel.

6 The trial jury must be as free as
7 humanly possible from any vice, prejudice or
8 sympathy for each side or any party. They're
9 free from any preconceived ideas on the facts
10 of the case or the law of the case.

11 The questions which will be asked
12 are designed to ensure each side a fair and
13 impartial jury. Now, I might mention that if
14 any person should talk to you or attempt to
15 talk with you about any case scheduled this
16 term of court, it would be your solemn duty
17 to report that matter to the Court.

18 We will now, as I say, begin the
19 trial of the case of In the Matter of the
20 Care & Treatment of Dewey Chadwick.

21 The State is represented by Ms.
22 Wetherton. If you'd please stand and
23 introduce anyone -- yourself and anyone who
24 might be assisting you in the trial of this
25 case.

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1 ATTORNEY GENERAL WETHERTON:

2 Thank you, Your Honor. Good mooring. My
3 name is Nicole Wetherton and I'm Assistant
4 Attorney General in the South Carolina Office
5 of the Attorney General. And today we will
6 be calling one witness to trial. Her name is
7 Dr. Ana Gomez with the Medical University of
8 South Carolina.

9 THE COURT: Very good, thank you,
10 ma'am.

11 MS. WETHERTON: Thank you, Your
12 Honor.

13 THE COURT: And the Defendant --
14 or excuse me -- the Respondent, Dewey
15 Chadwick, is represented by Mr. Welborn.

16 Mr. Welborn if you'd please stand
17 and introduce yourself, your law practice and
18 your client.

19 MR. WELBORN: May it please the
20 Court. Ladies and gentlemen of the jury, my
21 name is Hugh Welborn. I've practiced law
22 here in Anderson, have for nearly thirty
23 years. I represent, my client here, this is
24 Dewey Chadwick.

25 And, Your Honor, I believe we plan

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1 on calling one witness, Kimberly Harrison,
2 who is also in the courtroom.

3 THE COURT: All right. Very good.
4 Thank you. Now, Mr. Chadwick, if you would
5 please stand and look upon the jury, please.

6 RESPONDENT: (Standing).

7 THE COURT: Just turn around.

8 RESPONDENT: (Complies).

9 THE COURT: There we are. Thank
10 you. Thank you, sir, you may be seated.

11 RESPONDENT: (Complies.

12 THE COURT: Now, the reason I do
13 that is, of course -- what is it -- today we
14 seem to might know somebody by how they look
15 or who they are without knowing their names.
16 So, therefore, whenever I do call any
17 potential witnesses or people in this case,
18 if they would please stand and look upon the
19 jury. All right.

20 Now, as any member of the jury panel
21 related by blood or marriage now or formerly
22 or close personal friend or business
23 associate of the Respondent, Dewey Chadwick?
24 If you'd please stand at this time. (No
25 response).

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1 Is there any member of the jury
2 panel or members of their immediate family
3 ever been represented by or employees of any
4 of the attorneys involved in this case or
5 their law firms? Now, that would, of course,
6 include the Attorney General, Assistant
7 Attorney General Ms. Wetherton, as well as
8 the Attorney General's Office of South
9 Carolina, the Attorney General named Alan
10 Wilson. (No response).

11 Any member of the jury panel or
12 members of the immediate family ever been
13 represented by or employees of the Attorney
14 General's Office or any of the attorneys
15 involved in this case? (No response).

16 That would also include Mr. Welborn.
17 (No response).

18 Any member of the jury panel
19 involved in this case been represented by or
20 employed by any of the firms? (No response).

21 Well, Mr. Welborn's Firm or the
22 Attorney General's Office of South Carolina?
23 If so, please stand? (No response).

24 Now, as I understand it we've got --
25 you know, actually there's certain other

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1 questions I need to ask you before we
2 complete the qualification on this particular
3 case. And these are all required by the
4 State of South Carolina and the law.

5 (STATUTORY QUALIFICATION)

6 THE COURT: Now back to this
7 particular specific case. There are
8 potential witnesses who might be called in
9 this case. Now, they do not have to be
10 called but they could be called. So as I
11 call their names.

12 I understand that Dr. Gomez and Dr.
13 Harrison -- Dr. Ana Gomez and Dr. Kimberly
14 Harrison are potential witnesses in this case
15 who might be called, but they do not have to
16 be called. But is there any member of the
17 jury panel who is related by blood or
18 marriage, close personal friend or business
19 associate of either Dr. Ana Gomez or Dr.
20 Kimberly Harrison? If you would please --
21 let's see, one of the Doctors is here? (No
22 response).

23 CLERK: Both of them.

24 THE COURT: Oh, both of them. All
25 right if you would please stand.

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1 (WITNESSES STOOD AND FACED JURY PANEL)

2 THE COURT: Very good. Thank you
3 very much.

4 (WITNESSES ARE SEATED)

5 THE COURT: Is there any member of
6 the jury panel who is related by blood or
7 marriage, close personal friend or business
8 associate of either Dr. Ana Gomez or Dr.
9 Kimberly Harrison? If so, please stand at
10 this time. (No response).

11 Or have any been treated by Dr. Ana
12 Gomez or Dr. Kimberly Harrison, if you would
13 please stand as well? (No response).

14 Now, I'm going to have a series of
15 questions for the jury panel and do listen
16 carefully.

17 Does any member of the jury panel
18 know anything about the sexual offenses Dewey
19 Chadwick was convicted of? If so, please
20 stand? (No response).

21 Would the fact that Dewey Chadwick
22 has been convicted of a sexual offense and
23 has completed his criminal sentence related
24 to that conviction in any way prevent you
25 from being able to be a fair and impartial

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1 juror in this case or the trial in this case?

2 If so, please stand? (No response).

3 Is there any member of the jury
4 panel or any of your close personal friends
5 or relatives ever been the victim of a sexual
6 assault? If so, please, stand.

7 JUROR NUMBER 13: (Stands).

8 THE COURT: All right. If you
9 would, please come forward and I would like
10 to speak privately with you.

11 (OFF RECORD SIDEBARS WITH VARIOUS JURORS)

12 THE COURT: All right. Anyone
13 else?

14 Is there any member of the jury
15 panel or any of your close friends or
16 relative been charged with or convicted of
17 a sexual offense? If so, please stand?
18 (No response).

19 Does any member of the jury panel
20 have any training or experience in the fields
21 of psychiatry, psychology or the law? If so,
22 please stand? (No response) Any member of
23 the jury panel have any training or
24 experience in the fields of psychiatry,
25 psychology or the law? If so, please stand?

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1 (No response).

2 Does any member of the jury panel
3 know or have any member of -- excuse me.
4 Does any member of the jury panel know or has
5 any member of the jury panel ever been
6 involved in the case where you or another
7 person was -- Oh, excuse me. I've already
8 asked about Mr. Welborn.

9 And also the Attorney General.

10 In other words, is there a member of
11 the jury panel ever been represented by Mr.
12 Welborn or his firm or the Attorney General
13 of South Carolina? (No response).

14 Is there any member of the jury
15 panel involved in prison ministry, prison
16 outreach program or any other program
17 involving contact with incarcerated persons?
18 If so, please stand?

19 JUROR NUMBER 100: (Stands)

20 THE COURT: Yes, sir, your name,
21 please?

22 JUROR NUMBER 100: Gordon Mann.

23 THE COURT: Yes, sir. Also your
24 jury number if you have that?

25 JUROR NUMBER 100: Number 100.

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1 THE COURT: Yes, sir.

2 JUROR NUMBER 100: I'm involved in
3 a ministry, a couple of prison ministries at
4 our church.

5 THE COURT: Well, let me ask you
6 this, sir, would that in any way interfere
7 with your ability to give both the State and
8 the respondent a fair and impartial trial in
9 this case?

10 JUROR NUMBER 100: I could not, no.

11 THE COURT: Very good. And that's
12 the reason I ask that question. So I'm going
13 to excuse you. You may be excused.

14 (JUROR NUMBER 100 EXCUSED)

15 THE COURT: But as I say, these
16 questions I ask have a two-fold purpose.

17 The first, of course, is that the
18 parties are entitled to fair and impartial
19 jurors.

20 But the second part of it is that
21 none of you asked to be here. And in order
22 to do your duty as jurors I want to be sure
23 that you're completely comfortable with doing
24 whatever is required of you in the trial of a
25 case.

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1 And, therefore, if you have any
2 reservations about performing that duty, I
3 want to be sure that you are comfortable in
4 what you are doing.

5 And, therefore, that's the second
6 part of the question, could you be fair and
7 impartial. Not only could you, but you would
8 not be in any way compromised. And that's
9 the reason I ask that. And in your case,
10 sir, I'm going to excuse you. Thank you for
11 being here and I appreciate your response.

12 JUROR NUMBER 141: (Stands)

13 THE COURT: Yes, sir, your name,
14 please?

15 JUROR NUMBER 141: I'm the same, I
16 do prison ministry.

17 THE COURT: All right. And your
18 name please for the record?

19 JUROR NUMBER 141: Oh, -- yes, sir.
20 Robert Walker.

21 THE COURT: Yes, sir.

22 JUROR NUMBER 141: Juror 141.

23 THE COURT: Number 141?

24 JUROR NUMBER 141: Yes, sir.

25 THE COURT: All right. Yes, sir.

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1 And you do prison ministry as well?

2 JUROR NUMBER 141: Yes, sir.

3 THE COURT: All right. I'm going
4 to excuse you for the same reason.

5 JUROR NUMBER 141: Okay.

6 THE COURT: All right. Very good.
7 Thank you, sir.

8 JUROR NUMBER 141: Uh-huh, thank you.

9 (JUROR NUMBER 141 EXCUSED)

10 THE COURT: Anyone else? Is any
11 member of the jury panel or any member -- or
12 close personal friends or relatives ever been
13 subject to civil commitment proceedings or
14 have been voluntarily or involuntarily
15 civilly committed? If so, please stand? (No
16 response).

17 Any member of the jury panel or any
18 of their close -- any of your close personal
19 friends or relatives ever been subject to
20 civil commitment proceedings or been
21 voluntarily or involuntarily civilly
22 committed? If you'd please stand at this
23 time?

24 JUROR: Can you explain that? I
25 don't know what that means?

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1 THE COURT: That is a process
2 usually done for mental health evaluations.

3 Is that correct Madam Attorney
4 General?

5 ATTORNEY GENERAL WETHERTON: Yes,
6 sir.

7 THE COURT: Is that correct, Mr.
8 Welborn?

9 MR. WELBORN: Yes, Your Honor.

10 THE COURT: That's the context
11 that it's intended. Therefore, has any
12 member of the jury panel or any member of
13 their immediate families or close personal
14 friends ever been subject to civil commitment
15 proceedings or been voluntarily or
16 involuntarily civilly committed? If so,
17 please stand at this time? (No response).

18 Now, has any member of the jury
19 panel formed or expressed an opinion about
20 any issue or matter that might be involved
21 in this case? If so, please stand? (No
22 response).

23 Is any member of the jury panel
24 aware of any bias, prejudice towards either
25 the Petitioner or the Respondent in this

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1 case? If so, please stand. (No response).

2 Does any member of the jury panel
3 know of any reason whatsoever why he or she
4 should not serve as a juror in this case? If
5 so, please stand? (No response).

6 Any additional questions from the
7 Attorney General's Office?

8 ATTORNEY GENERAL WETHERTON: None
9 from the State, Your Honor.

10 THE COURT: From the Respondent?

11 MR. WELBORN: No, Your Honor.

12 THE COURT: Very good. Now,
13 ladies and gentlemen, in Common Pleas Court
14 the way we draw a jury is that the Clerk of
15 Court is going to be preparing a list of
16 jurors and it'll be twenty names on that
17 list. And each side will be able to strike
18 four, which will leave twelve people to serve
19 as jurors on the case. And in this case, I
20 am going to suggest at least one alternate or
21 two? From the State?

22 ATTORNEY GENERAL WETHERTON: From
23 the State, one would be fine.

24 THE COURT: From the Defense?

25 MR. WELBORN: One is fine.

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1 THE COURT: All right. And then
2 one alternate with each side to strike one.
3 That takes just a few minutes with the
4 computers that we have now so we'll stand at
5 ease while the Clerk is performing that
6 function.

7 I might note that -- what is it --
8 now we do it with computers, but in the old
9 days -- I don't know if we still have one in
10 this courtroom -- but the clerk would have to
11 take all the jurors' names from the list that
12 was printed out for each term of court and
13 cut the names up individually and put them in
14 little white capsules. And then put the
15 capsules in a drum. And then they'd turn the
16 drum and mix all the capsules up. And then
17 they would have an individual, either a child
18 who could not read a write or a person who
19 was legally blind, to reach in the drum --
20 now they did this every term of court. So, I
21 mean, as you can see now, it's only taken a
22 few minutes -- and then reach into the drum
23 and pull out a capsule and open the capsule,
24 take out the name and write the name down on
25 this list. And the list is then given to the

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1 attorneys for them to select the jurors -- in
2 the same step -- what is it -- these would be
3 the strikes.

4 Now, of course, what is it, the
5 strikes on this list that we have will be
6 from the first twenty for the jurors and then
7 on the last three names will be the
8 alternate.

9 All right. And fortunately, you
10 know, we don't have to do that anymore. And
11 it takes a little time to do this.

12 How much time do you think you might
13 need, Ms. Wetherton?

14 ATTORNEY GENERAL WETHERTON: I'd say
15 maybe ten minutes, Your Honor.

16 THE COURT: Let's say fifteen
17 after if that would be all right.

18 So you can either stay in place but
19 be back in this part of the courtroom that
20 you're in now and we'll strike the jury for
21 the first trial of the case.

22 Again, I appreciate your patience
23 with the Court particularly -- what is it --
24 in preparing for this particular trial. And
25 I thank you for it. You can stay but if you

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1 would be back at 12:15 in this part of the
2 courtroom.

3 (BRIEF RECESS)

4 (JURY PANEL IN @ 12:15 P.M.)

5 THE COURT: Madam Clerk, we are
6 ready to select a jury.

7 CLERK: If it pleases the Court.
8 Ladies and gentlemen, as the Judge told you,
9 we have taken your names and we have -- the
10 computer has jumbled them up. The numbers
11 that the attorneys are going to be using now
12 to strike the jury is not your number. We
13 have got a sheet here of number 1 through 23.
14 So if you're juror number ten and you hear
15 "10" struck, that's not you. We'll go back
16 to your old numbers in just a minute, okay?

17 So I would ask that the attorneys
18 use the numbers on the left-hand side and we
19 will start with the State?

20 ATTORNEY GENERAL WETHERTON: The
21 State strikes 6.

22 CLERK: State strikes 6.

23 MR. WELBORN: Defense strikes number
24 3?

25 CLERK: Number 3.

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1 ATTORNEY GENERAL WETHERTON:

2 State strikes 11.

3 CLERK: 11.

4 MR. WELBORN: Defense strikes number
5 12.

6 CLERK: 12.

7 ATTORNEY GENERAL WETHERTON:

8 State strikes 14.

9 CLERK: 14.

10 THE COURT: Well, I think 14 has
11 been struck.

12 CLERK: No, I put them in here.

13 THE COURT: Oh, you added, okay.

14 CLERK: Yes, sir.

15 THE COURT: Very good.

16 MR. WELBORN: The Defense strikes
17 number 4.

18 CLERK: 4.

19 ATTORNEY GENERAL WETHERTON:

20 State strikes 2.

21 CLERK: 2.

22 MR. WELBORN: Defense strikes 5.

23 CLERK: 5. Now for our alternate,
24 you may strike 21, 22, or 23.

25 ATTORNEY GENERAL WETHERTON: The

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1 State strikes 22.

2 MR. WELBORN: Defense strikes 21.

3 CLERK: Let's recap. I have that
4 the State struck number 2, 6, 11, 14, and
5 alternate 22.

6 ATTORNEY GENERAL WETHERTON: Yes,
7 sir. That's correct.

8 CLERK: And I have the Defense
9 struck number 3, 4, 5, 12, and alternate 21.

10 MR. WELBORN: That's correct.

11 CLERK: All right. Your Honor, if
12 it pleases the Court?

13 THE COURT: If you would, please?

14 CLERK: All right. Now we'll go
15 back to the numbers that you do have, ladies
16 and gentlemen.

17 Our first juror is number 111,
18 Kimberly M. Overmyer;

19 Next is Juror 51, Christopher E.
20 Dobbins;

21 Next is number 7, Aaron K. Batson;

22 Next is 136, Sonya R. Taylor;

23 Next is 148, Gary L. Wilson;

24 Next is number 82, Richard W.

25 Howard, Jr.;

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1 Next is number 15; Ricky A. Boyce;
2 Next is number 123, Daryl A. Rampey;
3 Next is number 50, James L. Dixon;
4 Next is number 32, Christopher W.

5 Clinkscates;

6 Next is 117 David W. Pearson;

7 Next is number 58, Andrew J.

8 Ferguson; and,

9 Our alternate is number 37, Stanley
10 L. Compton.

11 THE COURT: All right. Is there
12 any reason this jury cannot be sworn for the
13 trial of this case? From the State?

14 ATTORNEY GENERAL WETHERTON: None
15 from the State, Your Honor.

16 THE COURT: From the Respondent?

17 MR. WELBORN: No, sir.

18 THE COURT: Very good. Very good.
19 Mr. Batson?

20 JUROR NUMBER 8: Yes, sir.

21 THE COURT: I'm going to ask you
22 to serve as Foreman of this jury. So when
23 you come back into the courtroom ---

24 JUROR NUMBER 8: Yes, Your Honor.

25 THE COURT: --- I want you to sit

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1 on the front row in the first seat.

2 JUROR NUMBER 8: Yes, Your Honor.

3 THE COURT: Very good. Thank you,
4 sir. Now everyone else, except for you, Mr.
5 Alternate, you'll always sit on the last row
6 in that back seat, the end of the row in the
7 back seat there.

8 Everyone else can sit wherever they
9 want to.

10 Those are the only two reserved
11 seats you might see because I need to know
12 where the foreman is and where the alternate
13 is during the trial of the case.

14 Now, I'm going to excuse you for
15 lunch at this time. I need to take up
16 something with the attorneys before we start
17 the trial of the case. And so I'm going to
18 ask you to go with the bailiff and he'll show
19 you ---

20 Now, are we going to try it in this
21 courtroom?

22 CLERK: Yes, sir, if that suits
23 you. Or we can do it in three.

24 THE COURT: I would just as soon
25 try it in three. The acoustics in the third

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1 floor courtroom is a little bit better than
2 this large courtroom here. So Mr. Bailiff or
3 whoever, if you would, please, take them to
4 the jury room on the third floor because
5 that's where we'll be trying this case, on
6 the third floor.

7 So with that, I'm going to excuse
8 you now. The thing is, you have not heard
9 anything about this case, other than the
10 preliminary questions and all that, but
11 you're not to discuss this case among
12 yourselves in any way. Even, as I say, among
13 yourselves or as I said earlier, permit
14 anybody to discuss it with you.

15 If anybody should attempt to discuss
16 any case, particularly this case with you,
17 you should immediately report them so I might
18 take appropriate action.

19 And as you understand, this is an
20 important case to everybody involved and it
21 needs to be resolved in the proper fashion.
22 So, therefore, please do not undertake
23 discussion of the case until it is finally
24 given to you at the end of the case after
25 you've heard everything about the case,

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1 including the arguments by counsel and the
2 examination of the witnesses and the closing
3 arguments by counsel and the charge on the
4 law. That's at the very end. Only then
5 after it's given to you are you even to
6 discuss the case. You can discuss anything
7 else you want to, ball games, weather,
8 anything else, but not this case. Very good.
9 If you would, please, go with the bailiff.

10 And, let's see, we'll start back --

11 I'm going to ask you to come back at 2:00.

12 As I say, I've got to take some things up
13 with the attorneys first before they'll be
14 able to go to lunch. All right. Very good.

15 I look forward to working with you
16 and do go with the bailiff and he'll show you
17 the jury room you're going to be using.

18 (JURY OUT @ 12:26 P.M.)

19 THE COURT: All right. Ladies and
20 gentlemen of the jury that were not called on
21 in the trial of this case, I've got good news
22 and bad news for you. We'll start off with
23 the bad news. The bad news is that all of
24 the cases have been settled. I'm not saying
25 anything about me. But we had some, I think,

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1 that have been resolved. I've gotten a list
2 that had thirteen at 9:30 this morning. And
3 all have been resolved.

4 Now, that doesn't mean that the
5 cases that do need to be tried, that's why we
6 have juries. But I also can tell you this --
7 and the good news is that you will not have
8 to sit on any case.

9 The fact that jurors report for jury
10 duty and are ready to be called for jury
11 service has a remarkable effect on parties.
12 In other words, we have a tendency, as human
13 beings, to put off tomorrow what we might
14 have to do today because it might go away.
15 Unfortunately, lawsuits don't, until they are
16 resolved, don't go away. And so usually we
17 wait until the last minute. But once a jury
18 panel is there to be drawn to sit on a trial
19 of a case, then the parties usually decide,
20 maybe they could reach some sort of agree-
21 ment. And so you actually have settled
22 twelve cases. You might say just by being
23 here.

24 I hate to take credit for it by my
25 being here. They said, "Oh, this Judge

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1 Maccaulay is here. We've got to settle this
2 thing.' I have to give you credit for it
3 because the fact that you were available to
4 be called to sit on the case sometimes brings
5 people together. And I do want to thank you
6 for that.

7 So even though you did not sit on a
8 trial, you have done a real work for Anderson
9 County and our judicial system and I thank
10 you. If we had to try every case, it would
11 be impossible, the time as well as the cost
12 of doing that. So your willingness to serve
13 has a very real effect on us today. And I
14 thank you for it.

15 That will complete your service.
16 But I do thank you for being here today and I
17 appreciate your patience with the Court. And
18 I will regret that I won't have the
19 opportunity to work with you but I thank you
20 for your efforts. You've done good. Thank
21 you very much.

22 Mr. Clerk, do you have anything --
23 by the way, it was the Clerk of Courts thing
24 to be able to excuse you early. So y'all all
25 remember that when the time comes.

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1 CLERK: Morgan does a real good job
2 of getting out letters to you. So if you
3 need a letter that says you were here today
4 for your employer, she will mail it to you.
5 It will probably go in the mail this
6 afternoon, first thing in the morning. So
7 you'll have it Wednesday or Thursday.

8 And then they don't let us have the
9 money. We send a letter to the Treasurer's
10 Office saying that you were here. And
11 they're going to send you a nice check of \$12
12 and a little bit of mileage. So don't spend
13 it all in one place, okay? And you are
14 excused. Thank you.

15 THE COURT: All right. Thank you
16 again. And y'all do have a good week.

17 (JURY PANEL OUT @ 12:30 P.M.)

18 THE COURT: All right. I
19 understand that we have some matters to take
20 up as far as the record is concerned. All
21 right, Madam Attorney General?

22 ATTORNEY GENERAL WETHERTON: Thank
23 you, Your Honor, may it please the Court.
24 Just a few things. First, I was going to ask
25 for a motion to sequester the two fact

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1 witnesses, Brandon Lee Chadwick and Sergeant
2 Reid. It is my understanding that they will
3 not be testifying so basically I am going to
4 withdraw that motion to sequester.

5 MR. WELBORN: That is correct.

6 THE COURT: On the fact witness

7 ATTORNEY GENERAL WETHERTON: The
8 two fact witnesses.

9 THE COURT: All right. That is my
10 understanding there were potential fact
11 witnesses of Sergeant Reid with Anderson
12 County Sheriff's Office and Brandon Lee
13 Chadwick, who were witnesses proposed by the
14 Respondent. And that they will not be
15 testifying; is that correct, Mr. Welborn?

16 MR. WELBORN: That's correct. Our
17 witness will be our expert. Their witness
18 will be their expert.

19 THE COURT: All right. And so, of
20 course, being expert witnesses, they are
21 entitled to be in the courtroom during the
22 testimony of any other fact witnesses. All
23 right. Very good.

24 ATTORNEY GENERAL WETHERTON: And
25 then the next issue is regarding a filed

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1 motion *in limine* regarding if Mr. Chadwick
2 would go into the Sexually Violent Predator
3 treatment program, exclude all testimony as
4 to what's the treatment that he would
5 receive. Basically, it would just be
6 speculative. And so I'm asking for a motion
7 *in limine* as to all future treatment he would
8 receive while housed at that unit. And I
9 spoke to Defense counsel and we've agreed
10 that we were not going to go ---

11 THE COURT: All right. Now, do
12 the expert witnesses also understand that
13 that would not be an issue?

14 ATTORNEY GENERAL WETHERTON: I
15 have spoken with my expert, that would be Dr.
16 Gomez. It's my understanding she understands
17 that.

18 THE COURT: Does Dr. Harrison
19 understand that as well?

20 MR. WELBORN: I have not mentioned
21 it to her. I think she's in the courtroom
22 and I think she's heard what the Court just
23 said. And she's just nodding her head that
24 she understands.

25 THE COURT: In other words, this

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1 is a determination, a factual determination
2 rather than any sort of issue or question of
3 treatment?

4 ATTORNEY GENERAL WETHERTON: Of
5 actual treatment, yes.

6 MR. WELBORN: That's correct.

7 THE COURT: All right.

8 ATTORNEY GENERAL WETHERTON: It's
9 whether he meets the criteria of sexually
10 violent predator.

11 THE COURT: Exactly. All right.
12 And as I understand from the expert witnesses
13 they understand there are limitations. And
14 that's what -- it's a motion *in limine*. All
15 right. Anything else?

16 ATTORNEY GENERAL WETHERTON: One
17 final thing that I discussed with Defense
18 counsel this morning, Mr. Chadwick had a
19 polygraph examination. WE will not be
20 bringing that at all at trial. We will not
21 be bring up the word polygraph.

22 And, also, we might ask Dr. Gomez
23 what tests were conducted on Mr. Chadwick.
24 She will not bring up the fact that he had a
25 polygraph examination. And I have spoken to

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1 her about that previous to this.

2 THE COURT: All right. Is that
3 understood, Doctor?

4 DOCTOR GOMEZ: Yes, sir.

5 THE COURT: Very good. Thank you.

6 ATTORNEY GENERAL WETHERTON: And
7 that's all that the State has.

8 THE COURT: All right. Anything
9 from the Respondent?

10 MR. WELBORN: No, Your Honor.

11 THE COURT: All right. So I look
12 forward to seeing you at 2:00 in Courtroom 3.

13 ATTORNEY GENERAL WETHERTON: All
14 right. Thank you.

15 THE COURT: Very good.

16 MR. WELBORN: That's on the 3rd
17 Floor.

18 THE COURT: Third floor, yeah.
19 3-A or something I think it is.

20 ATTORNEY GENERAL WETHERTON: I
21 have some exhibits I need to get marked.
22 Should we ---

23 THE COURT: Oh, yes. If you do
24 have any exhibits do. Either now or before
25 we start the trial that you get them marked.

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1 MR. WELBORN: She's already shown me
2 those.

3 ATTORNEY GENERAL WETHERTON: I've
4 shown him ---

5 THE COURT: All right. So you're
6 -- so in other words are they agreed to as it
7 were?

8 ATTORNEY GENERAL WETHERTON: Yes,
9 Your Honor.

10 THE COURT: All right. Very good.
11 Mark them as exhibits not for identification.
12 As I understand they're to be admitted
13 without objection.

14 ATTORNEY GENERAL WETHERTON: Yes,
15 Your Honor.

16 COURT REPORTER: You want them
17 admitted on the record or off the record?

18 THE COURT: Well, we need to do it
19 ---

20 COURT REPORTER: In front of the
21 jury or outside the jury?

22 THE COURT: Oh, outside the jury.
23 I usually do that. Do we need to do it now?
24 How many?

25 ATTORNEY GENERAL WETHERTON: We

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1 have three. I usually -- in these cases,
2 I'll go ahead and get them marked before and
3 then I'll admit them during trial, if that's
4 ---

5 THE COURT: Oh, during the trial?

6 ATTORNEY GENERAL WETHERTON: Yes.

7 THE COURT: Well, let's do this
8 then. I would rather go ahead and put on the
9 record that they are admitted and that would
10 be State's Exhibit 1, 2, and 3?

11 ATTORNEY GENERAL WETHERTON: Yes,
12 Your Honor.

13 THE COURT: Without objection.
14 And now you can, of course, proffer them at
15 any time.

16 ATTORNEY GENERAL WETHERTON: Okay.

17 THE COURT: But it would just not
18 need to *voir dire* or anything like that then?

19 ATTORNEY GENERAL WETHERTON: Okay.

20 THE COURT: All right. So do put
21 it on the -- once they are marked, mark for
22 admission.

23 ATTORNEY GENERAL WETHERTON: Okay.

24 THE COURT: And what is it, then
25 you can use it later. All right. Yes, sir.

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1 Oh, okay. All right. I'll see you at 2:00.

2 (SO MARKED AS STATE'S EXHIBIT 1)

3 (SO MARKED AS STATE'S EXHIBIT 2)

4 (SO MARKED AS STATE'S EXHIBIT 3)

5 (LUNCH RECESS)

6 (RESPONDENT PRESENT)

7 THE COURT: We've had to reconsti-
8 tute, whatever you say, the new technology
9 that we have, moved from upstairs to
10 downstairs. All right. Is there anything
11 from the State before we get started?

12 ATTORNEY GENERAL WETHERTON: No,
13 sir. Nothing from the State, Your Honor.

14 THE COURT: All right. From the
15 Defense?

16 MR. WELBORN: No, Your Honor.

17 THE COURT: All right. Mr. Clerk,
18 of course, we need to swear the jury when we
19 get them here.

20 CLERK: Yes, sir, Your Honor.

21 THE COURT: All right. Thank you.
22 All right. Ask the jury to join us, please?

23 (JURY IN @ 2:04 P.M.)

24 THE COURT: All right. Let the
25 record reflect the jury and the alternate are

1 in the jury box. Mr. Clerk ---

2 CLERK: Yes, sir.

3 THE COURT: If you would, please
4 swear the jury.

5 (WHEREUPON JURY SWORN)

6 THE COURT: Mr. Foreman, ladies
7 and gentlemen of the jury, before the case
8 begins, I'd like to tell you a little bit of
9 how we proceed.

10 While the status of the foreperson
11 is the same as any other juror, the
12 foreperson does act as a spokesperson for the
13 jury. It is the responsibility of the
14 Foreman to preside over the trial jury's
15 deliberations when you retire to reach a
16 decision on the issues of the case.

17 As the jury deliberates its verdict,
18 the Foreman has a duty to see that each juror
19 has a full and fair opportunity to express
20 his or her opinions, reviews on aspects of
21 the case.

22 Now, from time to time, it may be
23 necessary to send you out to take care of
24 certain legal matters. When you return to
25 the courtroom, the foreman will please make

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1 sure that all members of the jury come back
2 together.

3 Now, the reason for that is, from
4 this point on you must make your decision,
5 ultimate decision in this case based on the
6 sworn testimony from the witness stand as
7 well as other exhibits that are introduce
8 into evidence in this courtroom. So in order
9 to ensure that everybody has the same
10 opportunity to hear and see the same evidence
11 at the same time, just be sure that
12 everybody's ready to come back. And if
13 somebody's indisposed or they're not exactly
14 ready, then, of course -- what is it -- wait
15 until all are ready to come back together.

16 Now, as for the trial, the first
17 thing that will happen is that the attorney
18 for the Petitioner, that being the State of
19 South Carolina who brought this action or
20 lawsuit, the Petitioner's attorney will make
21 an opening statement, which will be followed
22 by a similar statement by the Defendant's or
23 Respondent's attorney.

24 Now, these opening statements are
25 not arguments. The arguments will come at

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1 the conclusion of the case. The purpose of
2 the opening statement is for each part to
3 state the facts they intend to prove and the
4 theory of their case.

5 Following the opening statement,
6 each side will present evidence, with the
7 Petitioner, once again, going first. The
8 evidence may take many forms. It may be
9 testimony, stipulations, documents, models,
10 photographs, and the like. You should pay
11 close attention to all of the evidence which
12 is presented by each party because you, the
13 jury, are the sole finders of the facts in
14 this case.

15 No one else will be permitted to
16 weigh the evidence and render a verdict
17 except you.

18 Now, after all the evidence has been
19 presented, the attorneys will make their
20 closing arguments. Now, unlike opening
21 statements, these final remarks will be true
22 arguments. That is, each side will emphasize
23 their portions of the evidence and try to
24 persuade you to agree with their version of
25 the facts.

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1 After the arguments are finished,
2 I'll explain to you the law which applies to
3 this case. You will then retire to the jury
4 room to consider the facts and law.

5 And once you have done so, you will
6 return a verdict in favor of one side or the
7 other.

8 Now, there are a few other things I
9 need to mention before we begin the case.
10 First, as I said earlier, although I am the
11 only person who can tell you what the law is,
12 you, and you alone, are the only ones who can
13 determine the facts. I do not have the right
14 to indicate how I may feel about the evidence
15 presented. And throughout this trial my
16 intention will be to act impartially towards
17 each party.

18 Second, from time to time, an
19 attorney may object to some bit of testimony
20 or evidence which the other side is seeking
21 to introduce. As in sports, business or any
22 other structured activity, there are certain
23 rules that both sides must obey when
24 presenting the evidence. And these rules
25 have a definite purpose. They ensure that

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1 the information you receive is the most
2 trustworthy and reliable evidence available.
3 An objection is procedurally used when an
4 attorney to call a possible violation of the
5 rules to the Court's attention. And for this
6 reason, you should not hold an attorney's
7 objection against her or his client, nor
8 should you conclude from my ruling on the
9 objection that I favor one side or the other.

10 Finally, I would ask that you play
11 closest attention possible to the evidence
12 presented to you. And I'll ask that you not
13 take notes. If the note taker makes an
14 error, those notes can be more detrimental
15 than helpful during the deliberations. The
16 time tested system is you to listen carefully
17 and I'm confident each of you will.

18 Now, as I suggested, do not take
19 notes. The reason for that is, it's been my
20 experience if we take notes we have a
21 tendency to concentrate on the note. In
22 other words, we're trying to be sure that we
23 accurately reflect what we think we heard.
24 And if we miss something, we might make an
25 error. More importantly, when we're

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1 concentrating on the note, we're not paying
2 attention to what's happening in the
3 courtroom, and particularly from the witness
4 stand with the testimony. And, as I say, if
5 we make error we could miss something. And I
6 use the word not. In other words, if the
7 testimony includes the word not or does not
8 include the word not, and we think it does
9 and we write the not down. Then, of course,
10 that changes the testimony entirely. So I
11 would suggest that we do not take notes but
12 we concentrate on the testimony as it's
13 presented in exhibits and other evidence, as
14 they are presented.

15 And if there is a question about
16 what the testimony was, do the same thing you
17 will ultimately do when you're reading a
18 verdict on this case. You'll rely on the
19 recollection and memory, and how each of you
20 perceived what was happening at the time.
21 And in that way decide what was the true
22 testimony.

23 Otherwise, we end up with a
24 statement, because we all know, somebody
25 holds up their statement and says, 'Well,

1 I've got it written down right here.' Well,
2 it's good if it's written exactly what was
3 said, rather than what we think we hear. So,
4 therefore, I suggest we do not take notes.

5 Now, having said all of that, I do
6 take notes. It's not do as I say rather as I
7 do. The fact is, as I explained to you
8 earlier, we have entirely different positions
9 or purposes in this courtroom. You are to
10 determine the facts. You are the only ones
11 in this courtroom that can weigh the
12 evidence, in other words, the value of the
13 evidence to determine where the truth lies.

14 I am not concerned with the value or
15 the merit or whatever or anything else of the
16 testimony or evidence. I'm only jotting down
17 what happens. The reason I do that is there
18 are certain procedures we have to follow and
19 I'm just being sure that those procedures are
20 met as required by rules of law.

21 So, therefore, we have different
22 purposes. And so I would suggest you do
23 concentrate on what is being done as far as
24 the weight and the value of the testimony and
25 the evidence. I am only jotting down what

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1 occurs. And with that, I will now
2 recognize the Attorney General for her
3 opening statement.

4 ATTORNEY GENERAL WETHERTON: Yes,
5 sir. Thank you, Your Honor. May it please
6 the Court, Judge Macaulay, Mr. Welborn, Mr.
7 Chadwick.

8 BY MS. WETHERTON: Ladies and
9 gentlemen of the jury. Good afternoon. My
10 name's Nicole Wetherton and I'm an Assistant
11 Attorney General and one of two attorneys in
12 the State of South Carolina that try these
13 types of cases.

14 So -- it's after 2:00, so why don't
15 we get started this way. Why are we here?
16 Well, it's our position that man seated at
17 that table over there, Mr. Dewey Chadwick, is
18 a sexually violent predator.

19 So what is a sexually violent
20 predator? I imagine we all in our mind have
21 a preconceived notion of what a sexually
22 violent predator is. But in the laws of the
23 State of South Carolina what does that mean?
24 Well, about sixteen years ago our representa-
25 tives over in Columbia passed a law with two

1 things in mind:

2 First, there were certain
3 individuals that suffer with what is referred
4 to as a mental abnormality or a personality
5 disordered that makes them likely to commit
6 acts of sexual violence.

7 And, two, those individuals need
8 treatment and they need treatment in a secure
9 facility during that process because they're
10 considered extremely dangerous individuals.

11 It is our position that those
12 representatives when they passed that law
13 that day, had someone like Mr. Chadwick in
14 mind when they passed the sexually violent
15 predator act.

16 So how do we know? What I'm going
17 to do is I'm going to quote to you the
18 statute and what my burden of proof is, and
19 then we'll break it down and we'll apply it
20 to the case.

21 In this case I have to prove first
22 that he was convicted of what's referred to
23 as a qualifying sexually violent offense.
24 And, two, he suffers what is referred to as a
25 mental abnormality or personality disorder

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1 that makes him likely to reoffend if not
2 confined to a secured facility for long-term
3 control, care and treatment.

4 So let's break that down. First, I
5 have to prove that he was convicted of a
6 qualifying sexually violent offense. In this
7 case, he was convicted of a qualifying
8 sexually violent offense. In fact, he's been
9 convicted on four qualifying sexually violent
10 offenses. You will see during testimony.
11 I'm going to admit certified copies of
12 convictions. They're going to be admitted as
13 evidence. And they're going to go back with
14 you while you deliberate in the jury room.
15 And probably the Defense is going to really
16 contest the fact that I have the required
17 qualifying sexually violent convictions. But
18 you're going to also hear about those
19 convictions. And you're going to hear about
20 the offenses and you're going to hear about
21 those victims.

22 You're going to hear how Mr.
23 Chadwick sexually assaulted three little
24 girls and then he tried to lure another
25 child, while he was still on probation for

1 two of the previous sex offenses.

2 Now, the sexually violent predator
3 act also says I have to show him to suffer
4 from a mental abnormality or a personality
5 disorder that makes him likely to commit
6 future acts of sexual violence if not
7 committed to a secure facility for long-term
8 control, care and treatment.

9 In this case, Mr. Chadwick has been
10 diagnosed as a pedophile. And he's been
11 diagnosed as a pedophile, not by only the
12 doctor that's going to testify for the State,
13 but also the doctor that's going to testify
14 for him. And, again, I don't think the
15 Defense is really going to contest the fact
16 that I have the required mental abnormality.
17 Mr. Chadwick is, in fact, a pedophile.

18 But you're also going to hear
19 testimony from which you can decide whether
20 Mr. Chadwick lacks control over his
21 pedophilia and whether he is likely to commit
22 acts of sexual violence.

23 You're going to hear testimony from
24 a Board Certified Forensic Psychiatrist and
25 Medical Doctor -- she's sitting in the front

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1 row -- with the Medical University of South
2 Carolina. Her name is Dr. Ana Gomez. She
3 will tell you that she spent close to seven
4 months reviewing Mr. Chadwick's case, which
5 included reviewing multiple files, conducting
6 several test on Mr. Chadwick and interviewing
7 with Mr. Chadwick for close to twelve hours
8 and taking a closer look at Mr. Chadwick's
9 plans to avoid re-offense.

10 And she's also going to tell you --
11 and this is really interesting. This has
12 never actually happened in any one of my
13 cases -- that during the course of her
14 evaluation, Mr. Chadwick actually broke down
15 and he confessed to seven additional children
16 victims that the State wasn't even aware of.

17 In addition, he further broke down
18 and he admitted to her that he has had sex
19 with cows, twenty to twenty-five female dogs
20 and a goat.

21 MR. WELBORN: Your Honor, I am going
22 to object at this point. That is not part of
23 this particular offense that he's ---

24 THE COURT: All right. Let's do
25 stay within the record as it's going to be

1 established.

2 ATTORNEY GENERAL WETHERTON:

3 Well, she actually diagnosed him with
4 another mental abnormality.

5 THE COURT: Well, let's just stay
6 with what we have, all right. Once it's
7 introduced and we have a record then of
8 course -- what is it -- based on ---

9 ATTORNEY GENERAL WETHERTON:

10 Okay.

11 MR. WELBORN: And, Your Honor, I
12 would ask the Court to instruct the jury
13 accordingly to ignore that part they just
14 heard.

15 THE COURT: Very well. Again,
16 remember, opening statements are not
17 arguments and they're not anything more than
18 just an outline of what is to be produced.
19 It's not evidence or anything of that nature.

20 In fact, argument of counsel is
21 never evidence. You depend on the evidence
22 that's introduced according to the rules of
23 evidence in the courtroom as to how you're
24 going to decide this.

25 Let's not argue your case. Just

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1 stay with what you intend to prove not --
2 what is it -- you would seek to have
3 introduced, all right?

4 ATTORNEY GENERAL WETHERTON: Okay.
5 That's fine.

6 THE COURT: Thank you, ma'am.

7 OPENING STATEMENT CONTINUED

8 BY ATTORNEY GENERAL WETHERTON:

9 But based on her evaluation, her
10 thorough evaluation, she believes he is going
11 to commit another act of sexual violence.
12 And you'll also hear that Mr. Chadwick has
13 significant risk factors to reoffend, such as
14 he has reoffended after taking sex offender
15 treatment. And he also admitted to her that
16 he believes he still has a problem.

17 And you're also going to hear
18 testimony today from a psychologist who
19 evaluated Mr. Chadwick in this case, Dr.
20 Kimberly Harrison. In these cases, when a
21 petition is filed pursuant to this Sexually
22 Violent Predator Act, she was one of the
23 doctors that used to be appointed by a court
24 to evaluate individuals. And she evaluated
25 Mr. Chadwick. She's also one of the

1 individuals that diagnosed him with being a
2 pedophile. However, she claims that he is
3 not likely to reoffend.

4 Now, when she did not -- someone in
5 her position doesn't recommend commitment,
6 under the statute, our office has the option
7 of requesting a second opinion when we have
8 issues with her report. Now, automatically
9 we don't do that in every single case but we
10 did that here.

11 And so the question that we will be
12 presenting to you is after comparing these
13 two experts that will testify during this
14 trial in assessing their credibility and
15 thoroughness of their evaluation, whether Mr.
16 Chadwick's pedophilia will make him likely to
17 commit another act of sexual violence.

18 So in other words, is Mr. Chadwick
19 without ever taking any additional sex
20 offender treatment, going to be safe out in
21 the community and not commit another act of
22 sexual violence?

23 Knowing these cases, despite the
24 fact that they are civil in nature, I am
25 still required to prove my case beyond a

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1 reasonable doubt, similar to that of a
2 criminal case. And the Judge is going to
3 explain to you, as he's done previously, what
4 that really means. Essentially, what that
5 means is I have to leave you firmly convinced
6 that Mr. Chadwick is a sexually violent
7 predator.

8 And I want you to know that in this
9 case I embrace that burden. And I will prove
10 to you beyond a reasonable doubt, I will
11 leave you firmly convinced that Mr. Chadwick
12 is a sexually violent predator.

13 These case, and I am sure you have
14 figured out, by their very nature, tend to
15 contain some very graphic information. And I
16 will promise you this case will be no
17 different in that regard.

18 But I'm going to ask you to do one
19 thing that's listen to the evidence, and not
20 just the State's evidence, listen to all the
21 evidence that's presented. And I believe as
22 you sit here and you listen to the evidence,
23 the verdict in this case you will render will
24 be very clear that Mr. Chadwick is, in fact,
25 a sexually violent predator who must be

1 committed to the Department of Mental
2 Health to get that treatment he so
3 desperately needs and to protect the children
4 of the County of Anderson and the State of
5 South Carolina from him.

6 THE COURT: Mr. Welborn.

7 MR. WELBORN: May it please the
8 Court.

9 OPENING STATEMENT

10 BY MR. WELBORN: Ladies and gentlemen
11 of the jury, first of all, I'm going to
12 apologize to some extent, and explain what I
13 mean by that. I've got a little bit of a
14 hoarse voice. And I was talking with the
15 court reporter and she said that I have a
16 soft voice, so I can shout. She said I talk
17 too softly. So I'm going to shout a little
18 bit. But there's a problem with that, I'm
19 hoarse. And I'm hoarse because I cough a
20 lot. And I cough a lot because I take some
21 medicines that make me cough. So of y'all
22 know what I'm talking about, blood pressure
23 medicines. And I've changed them and I still
24 cough. So if I go into a coughing jag today,
25 and that may happen, please understand I'm

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1 not catching. I don't have Ebola. I have no
2 diseases. I'm fine. And I'll tell you -- I
3 might even actually do my hand like that,
4 like just give me a moment, and I'll catch my
5 breath and start over. But I do want you to
6 hear me so I'm going to speak up a little bit
7 and hopefully we'll all be able to go
8 forward. Again, I'm Hugh Welborn.
9 I've been practicing law here in this town
10 for around twenty-eight years. I am
11 representing Dewey Chadwick today.

12 And, folks, let me say a few things
13 at the outset. These cases of this nature by
14 their very definition are highly offensive
15 immediately to everybody. Everybody. Let's
16 just be honest about that. It's like
17 throwing a rattlesnake in the jury box and
18 hoping that the snake doesn't bite you.

19 All of us have read cases of
20 pedophiles and we all think that, 'gosh if
21 they've reoffended once, they'll do this
22 forever.' We're here to show you today that
23 that is not true.

24 As a matter of fact, this law in the
25 State of South Carolina says that you're not

1 necessarily going to reoffend and that's why
2 we have a jury system that will either agree
3 or disagree with that. And sometimes these
4 cases don't ever make it to a jury. They're
5 dismissed on a summary judgment motion and
6 I've had those happen. So that's the nature
7 of this case.

8 Now, evidence today is going to show
9 the following things. First of all that
10 we're not going to disagree that my client
11 has convictions and he's a pedophile.

12 Now, I may have some objections,
13 very strong objections we'll talk about when
14 you're not in here about going into all the
15 gory details. That's not before you at this
16 moment. But I'm going to tell you my
17 client's a pedophile. He's admitted that.
18 He's been incarcerated on a few occasions and
19 he's never denied any of that.

20 But the evidence is also going to
21 show that he has a good disciplinary record.
22 He doesn't have any other tendencies or
23 antisocial behavior anywhere. Both of the
24 experts are going to tell you. They're going
25 to tell you that this is, you know, there's a

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1 lot of other factors that actually kind of
2 work in his favor in that regard.

3 But they're going to focus on the
4 fact of 'is he going to reoffend?'

5 Well, I'm here to tell you that I
6 didn't go and hire my expert. She was
7 appointed by the State, by law. If I saw,
8 well, I want an expert, they give you one.
9 Our expert, whom I met today for the first
10 time, says that he's not likely to reoffend.
11 And that's going to be the evidence that you
12 hear from an expert who has no axe to grind,
13 no one to punish, no one to reward, just
14 telling the truth.

15 And she's going to tell you
16 basically what we've already admitted. He's
17 a pedophile. He's had some treatment but is
18 not like to reoffend. She'll talk about her
19 various testing in that regard. And after we
20 had that for the first time in my years of
21 doing this all of a sudden the State says,
22 'well, we don't like that so we want our own
23 expert this time.' And they did that. They
24 can do that by statute.

25 And as you might imagine, their

1 expert understandably says, 'no, we don't
2 agree with that assessment and so we're
3 saying he's likely to reoffend.'

4 Now, you're going to have dueling
5 experts today. You get to decide. Is an
6 independent person that I never met until
7 today, is that person the one that you can
8 really believe her report as being completely
9 unbiased? Or are you going to believe
10 someone the State hired and says we don't
11 like that first report. So see what you can
12 do. That's where we are folks.

13 Now, I'm asking you to please listen
14 very carefully to this evidence. Please
15 don't have any preconceived ideas or notions.
16 You're in here today to hear all the evidence
17 and not have an idea of how you're going to
18 find in this case until everything is
19 submitted to you. Everything the Judge says
20 that you are to hear. So today I'm simply
21 asking you to be fair. And I know you will
22 because that's the oath that you took in
23 here.

24 And, again, if I start coughing,
25 just bear with me folks. I will get over it.

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1 Thank you so much.

2 I think you're going to find that my
3 client here is not likely to reoffend. And
4 that's the issue.

5 THE COURT: Madam Attorney
6 General.

7 ATTORNEY GENERAL WETHERTON:

8 Thank you. The State would call Dr. Ana
9 Gomez to the stand.

10 (WITNESS TAKES STAND)

11 (WITNESS DULY SWORN)

12 MR. WELBORN: Your Honor, before Dr.
13 Gomez begins, I would really like to have a
14 motion outside the presence of the jury.

15 THE COURT: All right. Very well.
16 Mr. Foreman, ladies and gentlemen of the
17 jury, I'm going to ask you to retire to the
18 jury room so I may take up a matter of law
19 with the attorneys. Again, do not undertake
20 the discussion of the case among yourselves
21 or anyone.

22 (JURY OUT @ 2:28 P.M.)

23 THE COURT: All right. Mr.
24 Welborn.

25 MR. WELBORN: Your Honor, if it

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1 please the Court. I'm trying to help this
2 move forward as quickly as we can. The only
3 thing I want to bring to the Court's
4 attention that I have some possible concerns
5 about is, there was some opening statements
6 about going into some of the details of the
7 crimes of my client to which he pled guilty.
8 And there was some discussion about some
9 other admissions that he's never been found
10 guilty of or charged with. And my concern is
11 number one is that if it's considered to be
12 relevant is it unduly prejudicial. And my
13 position would be that not only with stuff
14 that he's never been found guilty of, not
15 only would that be irrelevant but it would be
16 highly prejudicial and as for the facts of
17 going into all the gory details of his crimes
18 to which he pled guilty. Again, I think that
19 that is going to be unduly prejudicial
20 because he's pled guilty. And we're not
21 having a trial on the facts of the case that
22 he pled guilty of. I think that the court
23 record should reflect yeah, we pled guilty to
24 that. And that crime consisted of the
25 following elements without all the gory

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1 details that would, in my opinion, be highly
2 prejudicial and not -- will be highly
3 prejudicial and cumulative, that exceed the
4 relevancy. That is what I'm trying to say.
5 So I'd ask that we just stick to the
6 convictions and move forward with those
7 elements, but none of the details, none of
8 this other stuff that he's not been found
9 guilty of in court.

10 THE COURT: All right. Ms.
11 Wetherton, what do you say?

12 ATTORNEY GENERAL WETHERTON: In
13 these cases, this is going to be become
14 directly relevant. First off, there's seven
15 additional children that he admitted to.
16 These are civil cases, civil rules of
17 admission by party opponent that he made
18 in ---

19 THE COURT: Well, again, you know,
20 you did violate the rules as far as opening
21 statements are concerned. You argued facts
22 that apparently that you seek to introduce.
23 And we don't have a record as yet. That does
24 cause the Court some -- what is it -- concern
25 because now we've got something out there

1 that -- what is it -- we don't know -- have a
2 proper foundation for an admission. Of
3 course, you know, first of all things have to
4 be relevant as well as material. So I see
5 it's something of a dilemma. I don't feel
6 that, of course, it was done intentionally as
7 much as -- what is it -- perhaps kind of a
8 certain intent to be complete. The only
9 thing is you wait until your argument at the
10 end of all of the testimony into evidence and
11 we know what the record is at that time.

12 I'm not exactly sure, Mr. Welborn.
13 Again, I can't rule in advance as to what
14 might be admissible until -- what is it --
15 proper foundation is established. But I
16 would suggest that as we proceed that both
17 counsel and both parties stay within the
18 rules.

19 ATTORNEY GENERAL WETHERTON: Okay.

20 THE COURT: In other words, until
21 we have something in evidence that
22 establishes something as being, not only
23 relevant material but also admissible under
24 some of the rules that might apply to hearsay
25 or something to that nature, that -- what is

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1 it -- we satisfy that. And also -- what is
2 it -- I don't have to remind you, but 403,
3 even though it's relevant material if it's
4 probative is outweighed by its prejudice, of
5 course, then that's also not admissible. And
6 we need to meet all those criteria and
7 threshold.

8 ATTORNEY GENERAL WETHERTON: And I
9 just want to add, Your Honor, under Rule 702
10 if an expert relies on the information and it
11 becomes relevant to their opinion, which I
12 will lay that foundation before she explains
13 that information as to why it was relevant,
14 it otherwise comes in because again -- if the
15 issue was the animals and all that type of
16 thing, I do apologize. It was all laid forth
17 in her report and she will testify consistent
18 to her report.

19 THE COURT: Well, again, I'm not
20 sure that in the context of this special
21 proceeding that such -- that all -- what is
22 it -- conduct is relevant.

23 ATTORNEY GENERAL WETHERTON: Well,
24 the issue would be animals. She also further
25 diagnosed him zoophilia, which is also a

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1 mental abnormality. But also she will
2 explain that as deviant behavior.

3 THE COURT: Well, let's do that
4 before we present it to the jury. As I say,
5 that is one of my responsibilities and that
6 is to see what testimony or evidence or
7 information that's available to the jury is
8 not only trust worth ---

9 ATTORNEY GENERAL WETHERTON: Uh-huh.

10 THE COURT: --- but it's of some
11 benefit for them to reach -- in making their
12 ultimate determination and decision in the
13 case.

14 ATTORNEY GENERAL WETHERTON: Yes,
15 sir.

16 THE COURT: Not outweighed by the
17 prejudice.

18 ATTORNEY GENERAL WETHERTON: Okay
19 Right. Because it also further goes to a
20 diagnosis, which increases the risk.

21 THE COURT: Well, let's find out.
22 I don't pretend to be an expert myself so I'm
23 going to listen and find out ---

24 ATTORNEY GENERAL WETHERTON:
25 Okay.

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1 THE COURT: --- about her
2 qualifications as well as her -- what is it
3 -- professional opinion.

4 ATTORNEY GENERAL WETHERTON: Okay.

5 THE COURT: Yes, sir, Mr. Welborn?

6 MR. WELBORN: Your Honor, I've been
7 trying to clarify where we are.

8 THE COURT: Do you want me to give
9 a curative instruction to the jury at this
10 point?

11 MR. WELBORN: No.

12 THE COURT: All right. I didn't
13 think so. That's what I'm just trying to,
14 like you say, sort of lay down the ground
15 rules.

16 MR. WELBORN: What I'm trying to do,
17 Your Honor, is stay within the confines of
18 what we're here for. We're not here for the
19 jury to go home and talk about well, maybe my
20 guy did some bad things to animals. We're
21 here about pedophilia. That's what he's
22 diagnosed with. He's not diagnosed ---

23 ATTORNEY GENERAL WETHERTON: He is,
24 though.

25 THE COURT: Also the rules say one

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1 attorney at a time.

2 MR. WELBORN: Well, if he's been
3 diagnosed with something beyond that, that is
4 not within the scope of pedophilia. That's
5 not why we're here.

6 Is he likely to reoffend as a
7 pedophile?

8 And going into these other lurid
9 allegations of sex with animals and that sort
10 of stuff is candidly going to be highly
11 prejudicial to this jury. I can't imagine
12 that they wouldn't let that inflame their
13 passions in some way. And I'm asking --
14 that's why I'm asking now to kind of have
15 these ground rules of we don't bring these
16 things up.

17 I have no objections to the fact
18 that he's pled guilty. I have no objections
19 to the elements of those crimes. But when
20 you go into all the details, that goes behind
21 what he's pled guilty of and is inflaming the
22 jury as to well, here's what actually
23 happened. It ain't a whole lot worse to what
24 he just pled guilty to and that's the whole
25 thing I'm concerned about, Judge. Is it's

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1 just going to be unfairly prejudicial. I
2 just ask it be confined to his elements and
3 we move right on.

4 THE COURT: Well, again, I can't
5 control what the expert, who is permitted to
6 give their opinion, would base that opinion
7 on, because, again, he's the expert. Subject
8 to the voir dire, and, again, I have no
9 problem with -- what is it -- you'll be
10 making your voir dire of the expert before
11 the opinion is given, or particularly the
12 ultimate opinion is given, that you do
13 examine to see if it is relevant. But I --
14 in other words, when you get to that point in
15 the testimony that the witness might be
16 seeking to introduce acts that are not
17 necessarily against the health and safety of
18 others -- I use that -- I think that is sort
19 of a -- "others" meaning not creatures.

20 ATTORNEY GENERAL WETHERTON: Your
21 Honor, if I could?

22 THE COURT: Yes, ma'am.

23 ATTORNEY GENERAL WETHERTON: There's
24 no question here he's a pedophile. Everyone
25 agrees.

1 THE COURT: Well, that's just it.
2 Well, I mean, isn't that the basis that the
3 first instance you have to establish here,
4 that he's a pedophile. All right. You have
5 to establish in the first instance that
6 that's what he is, that he has violated one
7 of the subject offenses.

8 ATTORNEY GENERAL WETHERTON: The
9 case will turn on whether or not there's a
10 likelihood that he will reoffend. And it's
11 considered, the entire case, like you said
12 what he did. And so the zoophilia and the
13 instance with the animals, these are things
14 that he admitted to Dr. Gomez, that she will
15 testify he said directly to her.

16 THE COURT: Well, I ---

17 ATTORNEY GENERAL WETHERTON: And it
18 goes towards -- I'm sorry. But it goes
19 towards sexual deviance. And if someone has
20 sexual deviance, that increases their
21 likelihood to reoffend.

22 THE COURT: Reoffend what?

23 ATTORNEY GENERAL WETHERTON: To
24 reoffend sexually, period.

25 THE COURT: Well, is it sexually

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1 to anything? I mean, I guess -- I'm not
2 quite sure if I understand.

3 ATTORNEY GENERAL WETHERTON: If
4 someone has a sexual deviance, they will
5 reoffend. I mean ---

6 THE COURT: Reoffend whom?

7 ATTORNEY GENERAL WETHERTON: I would
8 say since he has the underlying mental
9 abnormality ---

10 THE COURT: Again, reoffend whom?

11 ATTORNEY GENERAL WETHERTON: I would
12 say ---

13 THE COURT: If you're bringing up
14 something about some sort of bestiality or
15 whatever, it looks like he would reoffend a
16 beast.

17 ATTORNEY GENERAL WETHERTON: If it
18 is ---

19 THE COURT: And I'm not sure if
20 that's what this provision's about.

21 ATTORNEY GENERAL WETHERTON: No,
22 we're not interested in ---

23 THE COURT: Well, very good.
24 Well, you establish that. You can argue with
25 me all day, but you're really not going to

1 get anywhere because I don't know.

2 ATTORNEY GENERAL WETHERTON: Okay.

3 THE COURT: I'm not an expert at
4 all. What is it, if anything, I'm probably
5 the one that knows the least about everything
6 you're talking about.

7 ATTORNEY GENERAL WETHERTON: Okay.

8 THE COURT: All right. So let's
9 do that. In other words -- again, I don't
10 want to -- well, the first duty is to provide
11 information that will be helpful to the jury
12 in reaching its ultimate determination. And
13 everything in the world that might effect
14 that determination that is not relevant and
15 material to the actual allegations under the
16 statute is not admissible, particularly if
17 it's more prejudicial than it's worth. Very
18 good. All right. Anything else, Mr.
19 Welborn?

20 MR. WELBORN: Aa I understand we're
21 going to move along and she's going to ---

22 THE COURT: If she gets to a point
23 that she wants to introduce something other
24 than that is based upon the findings of the
25 General Sessions Court then -- what is it --

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1 you will -- what is it -- have to qualify
2 this witness not only for her knowledge of it
3 but also how it is relevant to the elements
4 of the -- not offense -- the statute.

5 ATTORNEY GENERAL WETHERTON: Sure.
6 Okay.

7 THE COURT: All right. Very good.
8 Anything else? In other words, it's going to
9 be done outside the jury.

10 MR. WELBORN: That's what I'm trying
11 ---

12 THE COURT: Yeah. That's what I'm
13 saying.

14 MR. WELBORN: I'm trying to keep us
15 from sending them in and out every ten
16 minutes because there's going to be a lot of
17 objections.

18 THE COURT: Well, the thing is
19 before she gets to that little segment of the
20 testimony she's seeking to introduce -- in
21 other words -- all right, well, I'm not -- I
22 don't know how to try your case, so I'm not
23 telling you how. But let's just have an
24 understanding I'm going to be sensitive.

25 ATTORNEY GENERAL WETHERTON: Okay.

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1 THE COURT: I don't want to hear
2 something from a witness that has not been
3 "sanctioned" by the Court or the Rules of
4 Procedure and Evidence.

5 ATTORNEY GENERAL WETHERTON: All
6 right. When we start moving into it, I guess
7 I'll just ask for a sidebar.

8 THE COURT: Very good. Very good.
9 One more to the sidebar. All right. Thank
10 you. Do you understand that?

11 WITNESS: Not exactly. But if I
12 have a question I'll look to you.

13 THE COURT: Excuse me. Again, I
14 heard things in the opening statement that I
15 didn't read in the record. In other words,
16 the record that I have is one of proceedings
17 in the Court. And, you know, I didn't see
18 anything about bestiality, I'm sorry. And
19 that is a separate offense, of course.

20 WITNESS: Yes.

21 THE COURT: I don't know if it's
22 covered by this one or not. But anyway,
23 that's the type of thing. Let's just stay
24 within, what it is, and I'm sure Mr. Welborn
25 will mention to the Court, that maybe

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1 something -- actually, I'm going to look to
2 the Attorney to tell me -- well, we're going
3 into something that's not really in the
4 petition.

5 WITNESS: Okay.

6 THE COURT: All right? Very good.
7 Or would like to go into something that's not
8 really in the petition. Yes, ma'am?

9 ATTORNEY GENERAL WETHERTON: Just
10 to clarify so we don't mess this up.

11 THE COURT: Uh-huh.

12 ATTORNEY GENERAL WETHERTON: The
13 facts, the underlying facts is what we're
14 admitting into evidence are the indictments
15 and the sentencing sheets. And so the facts
16 of the case are actually in the petition.

17 THE COURT: Right.

18 ATTORNEY GENERAL WETHERTON: So I
19 just want to make sure if that's what we're
20 going to go into. We're not going for those
21 offenses past or what's beyond in the
22 petition?

23 THE COURT: That's exactly right.
24 Right.

25 ATTORNEY GENERAL WETHERTON: Okay.

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1 Okay.

2 THE COURT: I mean, yes, ma'am.

3 ATTORNEY GENERAL WETHERTON: Okay.

4 THE COURT: You've got enough to
5 worry about without having to try every
6 matter of concern to it. All right. Are we
7 ready?

8 MR. WELBORN: Yes, sir.

9 THE COURT: Defense or Respondent?

10 MR. WELBORN: Yes, Your Honor.

11 THE COURT: Very good. Ask the
12 jury to join us, please?

13 (JURY IN @ 2:43 P.M.)

14 THE COURT: All right. Let the
15 record reflect the jury and alternate are in
16 the jury box. You may proceed?

17 ATTORNEY GENERAL WETHERTON: Thank
18 you, Your Honor.

19 (WITNESS TAKES STAND)

20 ANA GOMEZ, having been duly sworn to tell
21 the truth, and nothing but the truth,
22 testified as follows:

23 DIRECT EXAMINATION

24 BY ATTORNEY GENERAL WETHERTON:

25 Q. Dr. Gomez, what is your occupation?

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1 A. Currently I'm an instructor of the
2 Department of Psychiatry at the local
3 University of South Carolina. I'm also the
4 associate training director of the program
5 that teaches psychiatrists how to work as an
6 expert witness.

7 Q. Okay. And what degrees do you
8 possess?

9 A. I have a bachelor degree in
10 psychology from Southern University. I also
11 have a medical degree from Loma Linda
12 University School of Medicine.

13 Q. Have you any specialized training or
14 experience within the field of psychiatry
15 beyond your medical degree?

16 A. I do. I did my residency in general
17 psychiatry. I did my first two years at the
18 University of Louisville in Kentucky. And I
19 did my last two years at Loma Linda
20 University in California.

21 Q. Do you have a medical license?

22 A. Yes, I do.

23 Q. Okay. In what states are you
24 licensed in?

25 A. I'm licensed in South Carolina and

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1 in California.

2 Q. Do you have any memberships to any
3 organizations?

4 A. Yes, I do.

5 Q. Okay. What are they?

6 A. I'm a member of the American
7 Psychiatric Association, South Carolina
8 Psychiatric Association, The American Academy
9 of Psychiatry and the Law, and the
10 Professional Order of the National Alliance
11 on Mental Illness.

12 Q. Now, you mentioned you studied
13 psychiatry. What is the study of psychiatry?

14 A. Psychiatry is the study of illnesses
15 that affect the mind.

16 Q. Have you had any specialized train-
17 ing in the field of psychiatry?

18 A. I have. I did a forensic psychiatry
19 fellowship and the Medical University of
20 South Carolina.

21 Q. Are you Board Certified in Forensic
22 Psychiatry?

23 A. Yes, I am.

24 Q. And what is the process you went
25 through to become Board Certified in Forensic

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1 Psychiatry?

2 A. So to be Board Certified in Forensic
3 Psychiatry, you have to do your general
4 psychiatry residency, pass that Board exam;
5 then do the extra training in forensic
6 psychiatry and then pass that Board exam.

7 Q. And how long have you been Board
8 certified?

9 A. For a year.

10 Q. And how much of your practice is
11 dedicated to forensic psychiatry?

12 A. Eighty percent.

13 Q. Dr. Gomez, does your work as
14 forensic psychiatrist allow you to conduct
15 psychiatric evaluations on individuals?

16 A. Yes.

17 Q. Approximately how many individuals
18 have you evaluated?

19 A. About a hundred.

20 Q. And what types of evaluations have
21 you conducted?

22 A. I would put this in two categories.
23 One is criminal responsibility evaluations
24 and the other is civil. So under the
25 criminal heading I've done evaluations for

1 competency to stand trial, for criminal
2 responsibility, which is commonly called an
3 insanity evaluation and also mitigation.
4 Under the civil heading, I've done evalua-
5 tions for conservatorship and guardianship,
6 fitness of duty, psychosexual evaluations,
7 which include evaluations under the sexually
8 violent predator laws.

9 Q. And how are those evaluations
10 similar?

11 A. These evaluations are similar in
12 that you're gathering information on the
13 history of someone, trying to arrive at
14 whether they have a mental health diagnosis
15 or not, and whether that diagnosis, if they
16 have it, impacts the legal question that
17 you're being asked to give an opinion on.

18 Q. Have you been hired by defense
19 counsel to conduct evaluations?

20 A. Yes, I have. And I should clarify
21 that the majority of the evaluations that I
22 do are actually court-ordered. So it's
23 really not one side or the other.

24 Q. Now, can you briefly describe your
25 background with relation to sexually violent

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1 predator cases?

2 A. I became acquainted with this type
3 of case two years ago and I was trained at
4 the Sexual Behaviors Clinic and Lab at MUSC,
5 working closely with the founder and director
6 of that clinic, who is an expert in sexual
7 behaviors including behaviors of -- including
8 disorders of sexual interest, which are
9 called paraphilias.

10 Q. Have you previously been recognized
11 and testified as an expert witness in the
12 fields of psychiatry and forensic psychiatry
13 in a court of law in the State of South
14 Carolina?

15 A. Yes, I have.

16 Q. And about how many times?

17 A. About thirteen times.

18 Q. And how many times have you been
19 qualified as an expert in sexually violent
20 predator cases?

21 A. Three times.

22 ATTORNEY GENERAL WETHERTON: At
23 this time, Your Honor, I would move for Dr.
24 Gomez to be recognized as an expert in the
25 field of psychiatry and forensic psychiatry.

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1 THE COURT: *Voir dire?*

2 MR. WELBORN: I have none.

3 THE COURT: All right. Very well.

4 Mr. Foreman, ladies and gentlemen of the
5 jury, this witness has been presented as an
6 expert witness. An expert -- first of all,
7 you have to understand that most witnesses
8 can only testify as to what they know of
9 their own -- exercise of their own senses.
10 In other words, what they feel, see, or hear.
11 Whereas an expert witness, by reason of
12 background, training and experience, cannot
13 only testify of what they know of their own
14 knowledge, but also what they have been able
15 to learn by reason of that background
16 training and experience. And, moreover,
17 they're entitled to give their opinion based
18 on their studies and other sources that they
19 rely on. So, therefore, this witness has
20 been qualified as an expert in ---

21 ATTORNEY GENERAL WETHERTON: In
22 Psychiatry and Forensic Psychiatry.

23 THE COURT: --- psychiatry and
24 forensic psychiatry. So she will be able to
25 give her opinion on matters that are relevant

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1 and material to that particular area of her
2 expertise. All right. You may proceed.

3 Of course, always as expert or
4 factual witnesses' credibility or testimony
5 is for your evaluation.. Very good. You may
6 proceed.

7 ATTORNEY GENERAL WETHERTON: Thank
8 you, Your Honor.

9 DIRECT EXAMINATION CONTINUED

10 BY ATTORNEY GENERAL WETHERTON:

11 Q. Dr. Gomez, how did you become
12 involved in this case?

13 A. So the Attorney General hires MUSC
14 sometimes. And MUSC assigns the case to the
15 next available evaluator and in this
16 situation, it was me.

17 Q. Do you know if the Attorney
18 General's Office asks MUSC to look at every
19 single case that's denied by a court
20 appointed expert?

21 A. They do not. My understanding is
22 they don't ask every time for a second
23 opinion.

24 Q. Were you paid to conduct your
25 evaluation in this case?

1 A. I'm paid a salary through MUSC.

2 Q. Would you have been paid any
3 differently if you did not recommend
4 commitment?

5 A. I wouldn't have been paid any
6 differently if I didn't even do the evalu-
7 ation. I'm just paid my salary.

8 Q. So what type of evaluation did you
9 conduct in this case?

10 A. This is referred to as a psycho-
11 sexual evaluation or a sexual behaviors
12 evaluation. You'll hear both terms.

13 Q. Can you describe for the jury your
14 protocol in conducting an evaluation in these
15 types of cases?

16 A. So the protocol that I follow is
17 established by the Sexual Behavior Clinic and
18 Lab at MUSC. And it takes a three-pronged
19 approach.

20 One prong is information. This includes
21 records. It might include calling collateral
22 and, of course, includes talking to the
23 individual.

24 The second prong is assessments. So
25 these are like questionnaires. You might

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1 think of them in another way of gathering
2 information about the person.

3 And then the third prong is measuring
4 physiology. This is their -- measuring a
5 person's sexual arousal when they're
6 presented certain scenarios. Sometimes with
7 physiology we do more than one test. It sort
8 of depends on the individual situation.

9 Q. And how is this overall protocol --
10 who created it?

11 A. This was created by the Sexual
12 Behaviors Clinic & Lab at MUSC. And it's
13 taken from guidelines from a national
14 organization called the Association for the
15 Treatment of Sexual Abusers. It's based on
16 their guidelines for assessment.

17 Q. Now, is there more than one person
18 that assists in conducting this evaluation?

19 A. Yes.

20 Q. Is it common for experts, such as
21 yourself, to rely on test results conducted
22 by other individuals?

23 A. Yes, it is.

24 Q. And once the interviews and tests
25 have been performed, what do you do next?

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1 A. If I need to make a lot of phone
2 calls, I'll try to do those. Otherwise, put
3 the information together and write up a
4 report.

5 Q. Now, Doctor, as part of your
6 evaluation, did you meet with and interview
7 Mr. Chadwick?

8 A. Yes, I did.

9 Q. Is the man you met with here in the
10 courtroom today?

11 A. Yes, he is.

12 Q. Could you please point him out?

13 A. Yes. He is sitting with the plaid
14 shirt next to the attorney.

15 ATTORNEY GENERAL WETHERTON: Your
16 Honor, may the record reflect that Dr. Gomez
17 identified Mr. Chadwick.

18 THE COURT: So ordered.

19 ATTORNEY GENERAL WETHERTON: Thank
20 you.

21 DIRECT EXAMINATION CONTINUED

22 BY ATTORNEY GENERAL WETHERTON:

23 Q. Now, Doctor, how long did you meet
24 with Mr. Chadwick?

25 A. I met with Mr. Chadwick for a total

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1 of twelve hours and forty-nine minutes.

2 Q. Now, was this entire interview --
3 was this done in one day?

4 A. No.

5 Q. Okay. So how many days did you end
6 up?

7 A. We talked four different days.

8 Q. Can you explain why you interviewed
9 him for such a long time?

10 A. Yes. So what happened was that as
11 we got going, there were certain times when
12 I thought that we were kind of on the same
13 page. And as we proceeded, it became
14 apparent that there were some things that I
15 thought he had understood about my question
16 that it really didn't seem like he did, based
17 on how things kind of kept going. So I had
18 to go back and clarify that.

19 And the other thing, I'd say probably the
20 more significant thing, in terms of making it
21 longer, was that some of the things that came
22 up when he did the assessments were not
23 things that had been talked about during the
24 interview. There was some conflicting
25 information. There was some new information.

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1 So when I reviewed the instruments with him,
2 I really had to go back and kind of review
3 the whole thing. And so that took hours.

4 Q. Did you explain the purpose of the
5 evaluation to him?

6 A. Yes. So either myself or our tech,
7 his name is Joe, he does the testing. You
8 know, depending on the day and what he was
9 doing, that would have been explained by
10 either Joe or myself.

11 Q. Did he appear to understand the
12 purpose of the evaluation?

13 A. Yes.

14 Q. Did he consent to the evaluation?

15 A. Yes, he did.

16 Q. How did he consent to the evalua-
17 tion?

18 A. He signed after we read the consent
19 forms to him.

20 Q. Now, in addition to meeting with and
21 interviewing Mr. Chadwick, what information
22 did you receive to aid you in conducting your
23 evaluation?

24 A. I received records from the Depart-
25 ment of Corrections, his arrest record, there

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1 was law enforcement records from Anderson
2 County and Laurens County. There was medical
3 records from Palmetto Richland and AnMed.
4 And there was one other piece that I'm
5 blanking on. But basically it's a bunch of
6 records that I reviewed from different
7 sources and entities.

8 Q. How did you obtain that information?

9 A. I received that information from the
10 Attorney General's Office.

11 Q. Is this the type of information that
12 is typically and reasonably relied upon by
13 experts such as yourself in the field?

14 A. It is. And I remember that other
15 piece of information. I also received
16 records from the Probation, Parole and Pardon
17 Service. I reviewed those as well.

18 Q. Did you consider and rely on the
19 information you listed for the jury a little
20 bit ago, and upon your interview with Mr.
21 Chadwick, in rendering an opinion in this
22 matter?

23 A. Yes, I did.

24 Q. Can you explain to the jury how an
25 individual's past sexual offense behavior can

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1 relate to his future sexual offense behavior?

2 A. Past sexual offense behavior can
3 relate to future sexual offense behavior if
4 that behavior is related to a mental illness
5 and if that person hasn't been treated for it
6 or received adequate treatment.

7 Q. Now, based on your interview with
8 Mr. Chadwick and your review of this file, at
9 the time of your interview with him, had he
10 been convicted of a qualified sexually
11 violent offense?

12 A. Yes.

13 Q. Okay. And what are they?

14 A. He had been convicted of three
15 counts of lewd act on a child and one charge
16 of criminal solicitation of a minor.

17 ATTORNEY GENERAL WETHERTON: Your
18 Honor, I'd ask for permission to approach?

19 THE COURT: Certainly.

20 DIRECT EXAMINATION

21 BY MS. WETHERTON:

22 Q. I'm going to show you these
23 documents. Have you seen these documents
24 before?

25 A. I believe so. These look a lot

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1 nicer than the ones I saw.

2 Q. Okay. And what are they?

3 A. This is an affidavit for a 1986
4 offense, arrest warrant, and indictment. I
5 think this is also part of the indictment for
6 the lewd act on a child.

7 Q. Is there a sentencing sheet?

8 A. Let's see here. There's a stamp at
9 the bottom that says sentence, yeah.

10 Q. Okay. Is there anything on these
11 documents that indicates their own
12 authenticity?

13 A. There's a seal down here.

14 Q. Now, did you review these documents
15 as part of your evaluation?

16 A. Yes, I did.

17 Q. Are these the type of documents that
18 are commonly relied upon by experts in your
19 field?

20 A. Yes, they are.

21 Q. Okay. And why is it necessary to
22 review the details of the underlying facts of
23 this offense?

24 A. So the details are important because
25 you're being asked to render an opinion about

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1 a diagnosis. And you've got to understand
2 what are the details of the behavior because
3 that could really help inform your diagnosis.
4 And related to that is the risk of the
5 behavior occurring again. So if you don't
6 know all of that, you're sort of missing
7 information that you need to be able to
8 answer the question.

9 Q. What county did this occur in?

10 A. This was in Laurens County.

11 Q. Would you please describe for the
12 jury the details, the relevant details
13 underlying the specific facts?

14 A. Okay. So this involved a girl who
15 was nine years old. At that time, Mr.
16 Chadwick was thirty-eight. And ---

17 MR. WELBORN: Your Honor, at this
18 point I'm going to object. I have no
19 objection to the particular elements of the
20 offense. But, again, we're going into more
21 than just the issue. This is what we pled
22 guilty to.

23 THE COURT: All right. Restate
24 your question Madam Attorney General.

25 DIRECT EXAMINATION CONTINUED

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1 BY ATTORNEY GENERAL WETHERTON:

2 Q. Well, Dr. Gomez, is it true that you
3 just testified that it's important for you to
4 look at the underlying facts of the offense?

5 A. Yes.

6 Q. Okay. Can you please explain why
7 that is again?

8 A. Yeah. So it's important to look at
9 the details of the offense because you're
10 trying to get information about the behavior
11 and what happened. And that could be really
12 relevant for diagnosis. This would be really
13 relevant to a question that you're trying to
14 answer.

15 Q. What facts of this offense did you
16 find relevant to his diagnosis?

17 MR. WELBORN: Your Honor, again, I
18 would have an objection.

19 THE COURT: All right. Then Mr.
20 Foreman, ladies and gentlemen of the jury,
21 I'm going to have to ask you to retire to the
22 jury room so I can take up a matter of law
23 with the attorneys. Do not undertake
24 discussing the case among yourselves in any
25 way.

1 (JURY OUT @ 3:00 P.M.)

2 THE COURT: All right. State your
3 objection?

4 MR. WELBORN: May it please the
5 Court. What we're doing -- first of all if
6 we go into these underlying facts, regardless
7 of what they're saying we're doing this for,
8 it's going to unduly prejudice the jury.
9 Because quite frankly, my client pled guilty
10 to lewd act on a minor. He did not
11 necessarily plead guilty to the actual
12 allegations as set forth in the indictment.
13 Just says he pled guilty to a lewd act. That
14 could encompass any number of circumstances
15 for which we don't need to go into because he
16 pled guilty. And I think that the relevant
17 fact is he pled guilty to a lewd act. If
18 you're going behind the scenes as to well,
19 maybe he said this and maybe he didn't, we
20 can get into a -- we can go on for days on
21 how:

22 'Did you really say this?

23 Did you really do that?

24 Or did you plead guilty to a lewd
25 act because of some other particular facts

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1 here.'

2 THE COURT: All right. I under-
3 stand. All right. What was the State say?

4 ATTORNEY GENERAL WETHERTON: Your
5 Honor, there's a case that's actually on
6 point. I wish that this would have been
7 filed in a motion *in limine* so I would have
8 been prepared to argue this.

9 THE COURT: Well, it wasn't until
10 your argument, your opening statement -- I
11 don't think any of us knew what it was going
12 to be. I've looked through the Petition. I
13 don't find any allegations other than what
14 the statute -- but I'll give you the case.
15 You're probably looking for it. It's *White*
16 *v. State*.

17 ATTORNEY GENERAL WETHERTON: Okay.
18 And I believe there's also an SVP case *In the*
19 *Matter of the Care and Treatment of Corley*.
20 That says that we're allowed to get in the
21 401 and 403 analysis?

22 THE COURT: Let me find where it
23 is. You had what I wanted right there.
24 First of all, let's talk about *White v.*
25 *State*. Of course, there again, the same --

1 the Kansas Court with authority and has --
2 what is it -- approval. "The Kansas Supreme
3 Court admitted the evidence finding it was
4 either a necessary element of the charge or
5 relevant despite its prejudicial nature to
6 the ultimate issue. The Court held evidence
7 of prior conducted charged or uncharged is
8 material evidence in a sexual predator case.
9 In buttressing its conclusion, the Court also
10 stated an assessment of whether an individual
11 is a sexually violent predator, applying
12 sexual history is highly probative of his or
13 her propensity for future violence."

14 The same thing our Supreme Court has
15 stated in South Carolina, "that past criminal
16 conduct is directly relevant to proving a
17 person is a sexually violent predator.
18 That's Henry Floyd.

19 And, (reading): "Whether a person's
20 dangerous propensities are the focus of the
21 act. So it mentioned the previous offenses
22 that are similar to one another is proper and
23 directly relevant to the ultimate issue."

24 I find that -- what is it -- the
25 probative value in these under *White v. State*

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1 exceeds any prejudicial value as far as this.
2 particular matter. I think what you're
3 talking about is underlying elements or these
4 incidences of the charge. Objection
5 overruled. Now you may proceed.

6 ATTORNEY GENERAL WETHERTON: Thank
7 you, Your Honor.

8 THE COURT: Oh, by the way, I
9 might also note on another item I looked up
10 Section 16-15-120, (reading): "Whoever shall
11 commit the abominable crime of buggery,
12 whether with mankind or with beast, shall on
13 conviction be guilty of a felony and shall be
14 imprisoned."

15 And I might note that in Section 44-
16 48-30, definition for "sexually violent
17 offense" means under (k) buggery is provided
18 in section 15-120.

19 So I think that also address the
20 other matter that we were having about,
21 bestiality.

22 ATTORNEY GENERAL WETHERTON: Yes,
23 Your Honor.

24 MR. WELBORN: I would ---

25 THE COURT: All right. Well, I

1 overrule your objection to what -- unless,
2 again, it is relevant here. And apparently
3 403 kind of -- as far as the prejudice --
4 excuse me. The probative value outweighs the
5 prejudice.

6 MR. WELBORN: So I understand the
7 Court's ruling, isn't that buggery can also
8 be discussed ---

9 THE COURT: Because the statute
10 specifically says that buggery is a sexually
11 violent offense. And it would be an
12 uncharged offense under *Corley* and *White*.

13 MR. WELBORN: Thank you, Your Honor.

14 THE COURT: Yes, sir. Overruled.
15 You may proceed.

16 ATTORNEY GENERAL WETHERTON: Thank
17 you, Your Honor.

18 THE COURT: Send the jury back.

19 (JURY IN @ 3:06 P.M.)

20 THE COURT: All right. You may
21 proceed.

22 ATTORNEY GENERAL WETHERTON: Thank
23 you, Judge.

24 DIRECT EXAMINATION CONTINUED

25 BY ATTORNEY GENERAL WETHERTON:

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1 Q. Dr. Gomez, with you there's an
2 exhibit that I handed you; is that correct?

3 A. Yes.

4 Q. Could you please describe for the
5 jury the relevant underlying facts of that
6 offense?

7 A. Okay. So I think I'm just going to
8 start over, which is that the girl was nine
9 and Mr. Chadwick was thirty-eight at the
10 time. And the events were that he touched
11 her on her chest area and in her genitals.
12 And several churchgoers saw this.

13 When I talked to him during my evaluation
14 he said that these events didn't happen and
15 that he was set up.

16 Q. And what sentence did he receive
17 following his conviction?

18 A. He was sentenced to five years,
19 which was suspended to five years of
20 probation.

21 ATTORNEY GENERAL WETHERTON: Your
22 Honor, at this time, we'd move to admit the
23 certified conviction as State's Exhibit 1.

24 THE COURT: All right.

25 MR. WELBORN: I'll consent to it.

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1 THE COURT: All right. Without
2 objection, State's Exhibit 1 is admitted.

3 ATTORNEY GENERAL WETHERTON: Thank
4 you, Your Honor.

5 (SO ENTERED AS STATE'S EXHIBIT 1)

6 ATTORNEY GENERAL WETHERTON: Permis-
7 sion to approach?

8 THE COURT: Certainly.

9 DIRECT EXAMINATION CONTINUED

10 BY ATTORNEY GENERAL WETHERTON:

11 Q. I show you some documents. Have you
12 seen these documents before?

13 A. Yes, I have.

14 Q. What are they?

15 A. Okay. So this is an indictment for
16 lewd act on a child.

17 This is the sentencing sheet.

18 This is an arrest warrant.

19 I believe this is another sentencing
20 sheet.

21 Another indictment, and another
22 sentencing sheet and an arrest warrant.

23 Q. Okay. Is there anything on these
24 documents that indicate their authenticity?

25 A. Yes. There's the seal here again.

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1 Q. Did you review these documents as
2 part of your evaluation?

3 A. Yes, I did.

4 Q. And are these the type of documents
5 that are normally relied upon by experts in
6 your field?

7 A. Yes, they are.

8 Q. Now, what county did those acts
9 occur in?

10 A. This is in Anderson County.

11 Q. Okay. Would you please describe for
12 the jury the relevant details underlying the
13 specific facts?

14 A. Okay. These are two convictions for
15 lewd act on a child. Those were two sisters,
16 ages seven and eight, and Mr. Chadwick was
17 fifty-six years old at that time.

18 The events involving the eight-year-old
19 were kissing her on the mouth, unbuttoning
20 her pants and rubbing her vagina. She said
21 that this had gone on for a month and that he
22 had threatened her if she told anyone. This
23 child actually underwent a medical exam that
24 was consistent with her history of sexual
25 assault.

1 The events involving the seven year old
2 was her saying that he had kissed her on the
3 mouth, despite telling him to stop. And she
4 said that he told her not to tell her mother.

5 When I talked to him, he told me that the
6 girls were age five and nine and that he
7 didn't touch or kiss the five-year-old. And
8 that she said she was going to lie on him and
9 that he didn't threaten either girl.

10 He told me that regarding the nine-year-
11 old, he did touch her one time. He had been
12 thoughts of sexually touching her for a month
13 or two prior to doing so, and then for about
14 two or three months afterwards. And he said
15 that she kept sitting on his lap and rubbing
16 against him.

17 When I reviewed the evaluation that was
18 done by the court appointed evaluator, he had
19 denied engaging in these acts to her.

20 Q. And what sentence did he receive
21 following this conviction?

22 A. He was sentenced to ten years,
23 suspended to five years of probation. And he
24 also got credit for eighty-nine days. I
25 guess he was in custody for eighty-nine days.

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1 Q. And how many convictions do you have
2 up there just for the record?

3 A. So I have the lewd act on a child
4 and then there's -- it was initially criminal
5 sexual conduct and that was -- became lewd
6 act on a child. And then there's also
7 something here about probation; I believe,
8 because it's dated from '09.

9 Q. Was he convicted of two counts of
10 lewd act?

11 A. Yes.

12 Q. Okay. And was he also ordered to be
13 on probation?

14 A. Yes.

15 Q. Okay. And how much probation was he
16 ordered to be on?

17 A. Five years.

18 Q. Okay.

19 ATTORNEY GENERAL WETHERTON: Your
20 Honor, at this time we'd move to admit that
21 as State's Exhibit 2?

22 THE COURT: Any objection?

23 MR. WELBORN: None.

24 THE COURT: Without objection,
25 State's Exhibit 2 is admitted.

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1 (SO ENTERED AS STATE'S EXHIBIT 2)

2 ATTORNEY GENERAL WETHERTON: All
3 right. Thank you. Permission to approach
4 one more time Your Honor.

5 THE COURT: Certainly.

6 DIRECT EXAMINATION CONTINUED

7 BY ATTORNEY GENERAL WETHERTON:

8 Q. Have you seen these documents
9 before?

10 A. Yes, I have.

11 Q. And what are they?

12 A. Okay. This is the indictment,
13 arrest warrant and sentencing sheet for the
14 criminal solicitation of a minor charge.

15 Q. Is there anything on those documents
16 that indicate their authenticity?

17 A. Yes. There is a seal at the bottom
18 here.

19 Q. Did you review these documents as
20 part of your evaluation?

21 A. Yes, I did.

22 Q. Are these the type of documents that
23 are commonly relied upon by experts in your
24 field?

25 A. Yes, they are.

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1 Q. In what county did this occur in?

2 A. This is in Anderson County.

3 Q. Would you please describe for the
4 jury the relevant details underlying these
5 specific facts?

6 A. Okay. The records say that Mr.
7 Chadwick called a girl to his car. She was
8 thirteen years old. Mr. Chadwick was sixty-
9 three years old at that time. And he offered
10 her some cookies, gave her his phone number
11 and asked if he could touch her.

12 At that time he told police that the girl
13 was trying to get his phone number so that's
14 why he gave it to her.

15 During my evaluation he said that he
16 wasn't -- he was giving cookies not just to
17 her but there was other kids around. And
18 that he'd given her his phone number so that
19 she could pass it on to her grandmother so
20 her grandmother could call him and he could
21 tell on her. He said that when she was ten
22 years old this girl came over to him and said
23 that he could do anything that he wanted to
24 her. And he said that she was too young. He
25 told her that she was too young for him.

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1 Q. And how soon after being released
2 from prison did this offense occur?

3 A. It was about four months after being
4 released.

5 Q. Oka. Did you factor that into your
6 decision?

7 A. Yes.

8 Q. Okay. And why is that important?

9 A. Well, it's important because he'd
10 just been convicted. He has previous
11 convictions against children. And he's just
12 done it again. He's just been out for four
13 weeks. And ---

14 Q. I'm sorry. Was it four weeks or
15 four months?

16 A. I'm sorry. Four months. And, also,
17 he's had some form of treatment as well by
18 then, but he's sort of reoffended.

19 Q. And what sentence did he receive
20 following this conviction?

21 A. A three-year sentence.

22 ATTORNEY GENERAL WETHERTON: Your
23 Honor, at this time we'd move this in as
24 State's Exhibit 3.

25 THE COURT: Any objection?

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1 MR. WELBORN: No, Your Honor.

2 THE COURT: Without objection,

3 State's Exhibit Number 3 is admitted.

4 (SO ENTERED AS STATE'S EXHIBIT 3)

5 DIRECT EXAMINATION CONTINUED

6 BY ATTORNEY GENERAL WETHERTON:

7 Q. Did Mr. Chadwick ever have his
8 probation revoked?

9 A. Yes, he did.

10 Q. Okay. And when was that?

11 A. That was in 2009. He was seen
12 talking to children, hugging them, offering
13 them ice cream. And so his probation was
14 revoked.

15 Q. Did you find that significant to
16 your opinion?

17 A. Yes, I did.

18 Q. Okay. Why?

19 A. So once again he's under community
20 supervision as the parameters of probation
21 and he's violating those parameters.

22 Also by 2009, he had received treatment
23 of some sort addressing sexual behaviors and
24 he's being around children often. So it's
25 showing me that he's continuing to do the

1 same events, of being close to children,
2 despite having treatment, despite being under
3 probation regulations.

4 Q. Okay. And his last conviction when
5 that occurred was he on probation at the
6 time?

7 A. Yes.

8 Q. Well, did you rely solely on his
9 past criminal history in making your ultimate
10 decision?

11 A. No.

12 Q. Is it professionally acceptable to
13 do so?

14 A. It is part of our total evaluation.

15 Q. And you personally interviewed Mr.
16 Chadwick for this evaluation; is that
17 correct?

18 A. That's correct.

19 Q. And what was his version of events
20 that led to his conviction?

21 A. Well, for the first one where the
22 churchgoers saw, he said that it didn't
23 happen.

24 And then for the one with the two
25 sisters, he admitted to touching the one

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1 sister and having thoughts about that. And
2 he also basically denied that he had really
3 been trying to solicit.

4 The last conviction, which is the
5 thirteen-year-old girl. I'm not sure ---

6 Q. Did you find what he said as
7 significant to your decision?

8 A. Yes, I did.

9 Q. Okay. Can you explain why?

10 A. Okay. So I thought it was
11 significant that he told me he had sexual
12 thoughts of the girl. And that he'd acted on
13 those thoughts and continued to have those
14 thoughts after doing so.

15 I also found it significant that he had
16 told the court-appointed evaluator that he
17 had not offended these children where he did
18 admit one to me.

19 I also found it significant that he
20 appeared to believe that the children were
21 coming-on to him, like the girl asking for
22 his number. And the child sitting on his lap
23 and rubbing against him. This is -- we call
24 this a cognitive distortion. It's really
25 like a thinking error, thinking that a child

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1 would be provocative in trying to seduce you,
2 essentially.

3 Q. During the interview he did mention
4 that he had an uncharged sexual conduct
5 towards children?

6 A. Yes.

7 Q. What did he say?

8 A. Okay. So he told me about several
9 people. And this started from the mid-1960s
10 when he was about eighteen or nineteen. And
11 do you want me to say like what each event
12 was: touching, whatever?

13 Q. Basically, what he told you that you
14 found significant to your opinion?

15 A. Okay. So I found significant the
16 fact that it started when he was eighteen or
17 nineteen because that's the general age group
18 when this type of behavior would normally
19 begin anyways. I found it significant that
20 he was touching children, whether it be
21 eight-year-old, twelve-year-old, five- or
22 six-year-old. There's one attempted vaginals
23 -- two attempted vaginal sex and the rest
24 were touching, like touching -- vaginal
25 touching. Some of them were family, like

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1 niece, for example. Some of them weren't.
2 They were all people that he sort of knew,
3 were in his circle. And the last person that
4 he told me about was when he would have been
5 in his forties, which is we're talking about
6 the late 80s.

7 Q. So what exactly was the timespan
8 that he admitted that these sexual assaults
9 occurred?

10 A. Okay. So it would have been from
11 like the mid-1960s to the late 80s.

12 Q. Okay. And were all these children,
13 were they female?

14 A. They were all female.

15 Q. And what were the age ranges, the
16 youngest to the oldest?

17 A. The youngest was five or six and the
18 oldest was fourteen or fifteen.

19 Q. And did you find that significant to
20 your opinion?

21 A. Yes, I did.

22 Q. Will you explain why?

23 A. Well, this is really relevant for
24 diagnosis. And it's also relevant because it
25 shows a longstanding pattern. It shows that

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1 there's been a lot of people affected and it
2 shows that he's been -- he's had, for years,
3 about the mid-60s, difficulty in really
4 controlling this because it's been ongoing.

5 Q. During his interview did he admit to
6 any other deviant sexual activity?

7 A. Yes, he did.

8 Q. Okay. What was it?

9 A. The other thing he talked about was
10 having sexual activities with some animals.

11 Q. Okay. Can you explain what he told
12 you?

13 A. I'm sorry?

14 Q. Can you explain what he told you?

15 A. Okay. So he told me a couple of
16 different versions, shall we say. Initially,
17 it was one animal and then we interviewed him
18 later and it was five or six cows, maybe
19 twenty-five or thirty dogs and a goat. And
20 this was for like a period of years. And he
21 also had thoughts about these behaviors
22 before carrying out the behaviors.

23 Q. Is that significant to your opinion?

24 A. It's significant in that it's a
25 diagnosis. And it's another sexually deviant

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1 or sexually unhealthy behavior.

2 Q. Okay. Can you explain -- you said
3 deviant. Can you define and explain what
4 that is simply for the jury?

5 A. So that means -- usually when we
6 think about disorders of sexual interest,
7 whatever those disorders are, they're
8 considered deviant or unhealthy; in that the
9 average person wouldn't be interested in
10 engaging in those behaviors.

11 It doesn't have to necessarily be
12 something criminal. In this case it happens
13 to be. But it can also be some people are
14 really interested in like, shoes, for
15 example. They really have to have shoes or
16 else they're not sexually excited. That
17 would be considered deviant, even though it's
18 not illegal.

19 So it's whatever is outside the range of
20 the average normal thing that people are
21 sexually interested in.

22 Q. Now, what did he say to you about
23 his sexual interests?

24 A. He general minimized any sexual
25 interest, though he did report that he has

1 sexual thoughts of women and touching younger
2 girls. He also said that he was impotent.

3 Q. Okay. Did you consider the fact
4 that he claimed he was impotent in making
5 your determination?

6 A. Not very much.

7 Q. All right. Can you explain why?

8 A. Yes. So most of his behaviors don't
9 involve his penis. They're touching, hands-
10 on. So the fact that he's impotent doesn't
11 really change -- I don't even know if he is,
12 but if he were, that doesn't really change
13 it, you know, anything.

14 Q. So hypothetically, let's say in fact
15 Mr. Chadwick was, in fact, impotent. Do you
16 think it would lower his risk to reoffend
17 specifically in relation to him?

18 A. No.

19 Q. Now, did you talk to him about
20 previously taking sex offender treatment?

21 A. Yes, I did.

22 Q. Okay. What did he say about it?

23 A. He said that he was court-ordered to
24 treatment. He went every week and that he
25 went from about '05 to 2010 here in Anderson

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1 County.

2 Q. Did he, in fact, go through five
3 years of sex offender treatment?

4 A. No. I believe he actually finished
5 in '08. I believe I have papers that

6 Q. Okay. Did he reoffend sexually?
7 Did he commit a qualifying sexually violent
8 offense after taking sex offender treatment?

9 A. Yes, he did.

10 Q. Okay. Does he currently need
11 additional sex offender treatment?

12 A. Well, when I asked him about this,
13 he said -- he said that he might have a
14 little problem with sex offending. And he
15 also said that he wanted to get all the -- to
16 change his mind. Get the desire out of his
17 mind.

18 Q. Did he talk to you about any
19 substance abuse issues that he may have had?

20 A. Yes, he did.

21 Q. Okay. Why is it relevant to discuss
22 substance abuse issues with an individual in
23 these types of cases?

24 A. So if someone has a substance abuse
25 issue this can be related to reoffending. If

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1 they're actively using or if they're with-
2 drawing because when people are intoxicated
3 they can at times do things that they
4 wouldn't normally. It tends to lower your
5 inhibitions. So it can be a relevant,
6 relevant diagnosis and a relevant thing to
7 also discuss.

8 Q. Now, does alcohol or drug use in and
9 of itself make a person sexually offend?

10 A. No.

11 Q. So there's going to have to be an
12 underlying, I guess, mental abnormality,
13 mental disorder?

14 A. Right. Exactly.

15 Q. Now, were there any assessments
16 performed as part of your evaluation?

17 A. Yes.

18 Q. Can you name some of them?

19 A. Okay. So we gave him the Connors
20 Continuous Performance Test, II;

21 The Personality Assessment Screener;

22 The Able Blasingame Assessment

23 System for Individuals with Intellectual

24 Disabilities.

25 The Penile Plethysmograph, Static

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1 99-R, and the Hare Psychopathy Checklist.

2 Q. Why did you perform all these
3 assessments?

4 A. Okay. So remember I mentioned
5 earlier this sort of three-pronged approach
6 to gathering information for the assessments.
7 So these are hitting that second and third
8 prong where you're gathering information
9 through questionnaires and then the
10 physiology as to the penile plethysmograph,
11 which I will refer to as the PPG.

12 Q. Okay. Now, were these assessments
13 part of the basis of your opinion?

14 A. Yes.

15 Q. So let's start with the Static-99R.
16 Can you explain what that assessment is and
17 how it works, for the jury?

18 A. Okay. This instrument has to do
19 taking into consideration risk factors and
20 putting a person into a risk category or
21 group. So, for example, let's say we go to
22 our primary care doctor and they talk to us
23 about heart disease. And whether we're
24 exercising or how much alcohol we're drinking
25 or if we're smoking or if anybody in our

1 family has had heart disease. All right, so
2 what they're doing is they're looking at risk
3 factors that have been shown by research to
4 be potentially relevant for somebody having
5 heart disease. So based on your specific
6 situation, they'll put you in a group. Maybe
7 you're at low risk for having heart disease.
8 Maybe you're at moderate risk, maybe you're
9 at high risk. So they can't tell you as an
10 individual yes, you're going to have heart
11 disease or a heart attack or no you're not.
12 But they can say you look like this group.

13 So this is kind of the same thing with
14 the Static-99R. It cannot predict for that
15 person what they're risk is, but it puts them
16 into a risk category or group.

17 Q. Is it important for experts, such as
18 yourself, to conduct this assessment tool?

19 A. Yes.

20 Q. What did you learn from this
21 assessment?

22 A. So on this assessment Mr. Chadwick's
23 score was zero, which puts him in the low
24 risk group for sexually reoffending.

25 Q. Okay. Now, would age be one of the

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1 things that would affect his risk to
2 reoffend?

3 A. Yes. That questionnaire has an age
4 -- age is one of the questions. And it takes
5 that into account.

6 Q. Okay. And when does this score --
7 when would it actually go down, based on age.
8 I'm sorry.

9 A. I don't remember the cutoff but for
10 him, his age made that item a score of a
11 negative three.

12 Q. Okay. However, did Mr. Chadwick
13 commit qualifying sexually violent offenses
14 in his sixties?

15 A. Yes, he did.

16 Q. Concerning Mr. Chadwick's score, and
17 what's referred to in that assessment in the
18 low range, do you feel the instrument
19 accurately stated Mr. Chadwick's risk to
20 reoffend?

21 A. The instrument is accurate insofar
22 as it places people in a group based on
23 factors that the instrument accounts for.

24 There are certain factors that are not
25 accounted for by the instrument, which is,

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1 does the person have a disorder of their
2 sexual interests? That's not one of the
3 items. So in this case, yes, he does.

4 Has the person received treatment?

5 Those are important things that the
6 instrument doesn't account for and you have
7 to take into consideration.

8 Q. So the answer to my question, do you
9 feel that it accurately states his risk to
10 reoffend, that instrument?

11 A. That's kind of a trick question in
12 a way because there's factors that the
13 instrument accounts for.

14 And as far as the factors that the
15 instrument accounts for, you know, the
16 instrument can sort of only take you so far.
17 And then you have to kind of fill in the rest
18 of the picture with the information with the
19 records from the interview, etcetera.

20 Q. So do you feel that that assessment
21 gives a complete picture?

22 A. No, I do not think it is a complete
23 picture.

24 Q. And are you familiar with the people
25 that created the Static-99R?

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1 A. Yes.

2 Q. Okay. Do the creators of that
3 Static-99R believe that this checklist should
4 be used as a stand-alone tool in determining
5 a person's risk to reoffend?

6 A. They do not believe that. And they
7 do not endorse that either.

8 Q. Okay. Why is that?

9 A. Well, because that's just sort of
10 like bad practice. I mean, you really
11 shouldn't base your opinion and your decision
12 on only one anything.

13 Q. Was the information you learned from
14 the Static-99R help form part of the basis of
15 your opinion?

16 A. Yes.

17 Q. And did you rely solely on the
18 Static-99 to form the basis of your opinion?

19 A. No.

20 Q. Is it professional acceptable among
21 experts in your field to do so?

22 A. No.

23 Q. All right. So moving to the next
24 assessment. What is the Personal Assessment
25 Screener?

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1 A. Okay. This is a screening test.
2 Normally we give people what's called the
3 Personality Assessment Inventory, which is a
4 much more comprehensive instrument. But
5 because Mr. Chadwick couldn't read or write
6 the assessment was read to him and we had to
7 use the screening version. So we're
8 screening for depression, anxiety, stressors,
9 personality disorders, things of that nature.

10 Q. And is it important for experts,
11 such as yourself, to conduct these assess-
12 ments?

13 A. Yes.

14 Q. What did you learn from this assess-
15 ment?

16 A. So there are certain things for this
17 assessment that flagged for follow-up. And
18 when I reviewed these items -- so I reviewed
19 these items that flagged with Mr. Chadwick
20 and there was really nothing further to it.

21 Q. Now, was the information you learned
22 from this Personality Assessment Screener,
23 did it help form part of the basis for your
24 opinion?

25 A. It was taken into consideration.

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1 Q. Okay. And then we'll move next --
2 what is the Connors Continuous Performance
3 Test, II.

4 A. Okay. This is an assessment that
5 looks at impulsivity and attention.

6 Q. And why is important for experts,
7 such as yourself, to conduct this assessment?

8 A. Impulsivity can be related sexually
9 reoffending.

10 Q. What did you learn from this
11 assessment?

12 A. So in this assessment, his profile
13 looked more like someone who has attention
14 problems and not -- and so as we continue
15 interviewing him, that really didn't pan-out
16 so there was no further diagnosis that came
17 from that, even though initially flagged.

18 Q. Was the information you learned from
19 this -- we call it the CCPT?

20 A. Just CPT.

21 Q. CPT?

22 A. Yeah.

23 Q. Did that help form part of the basis
24 of your opinion?

25 A. It was also considered; yes.

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1 Q. Okay. All right. And next what is
2 the Able-Blasingame System for Individuals
3 with Intellectual Disabilities?

4 A. Okay. This assessment is designed
5 to assess sexual interests and collect
6 information about sexual problem or sexual
7 abusive behaviors. And this test actually
8 has a specific form for people who can't read
9 and write and so that's the one he was given.

10 Q. And Mr. Chadwick, is he able to
11 read?

12 A. No.

13 Q. So why is important for experts,
14 such as yourself, to conduct this assessment?

15 A. So because this assessment looks
16 more so at sexual interest and things related
17 to sexual problems, it's relevant for this
18 kind of evaluation.

19 Q. What did you learn from this
20 assessment?

21 A. Okay. So there's several things.
22 So during this assessment he had mentioned
23 sexual activity with like five or six cows.
24 And when I had talked to him, he had only
25 said one. So I had to review that with him.

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1 So that was thing that came up was that
2 potential inconsistency.

3 The other stuff that came up there's a
4 cognitive distortion score on this
5 instrument. So as I said earlier, cognitive
6 distortion is a thinking error. And for this
7 assessment it's on a range from zero to a
8 hundred. The higher the score, the higher
9 the likelihood of using such a distortion.
10 He scored a twenty.

11 There's another score called a social
12 desirability score and for him it is in the
13 low range, which means that he was able to be
14 truthful on this assessment.

15 And then the last portion that I'll
16 mention was there is a visual reaction
17 portion of the test, which collects infor-
18 mation about what you're sexually interested
19 in. And for him it was adult and adolescent
20 females. And that's considered normal for
21 this assessment, for this test.

22 Q. Was the information that you learned
23 from this assessment help form part of the
24 basis for your opinion?

25 A. Yes.

1 Q. Next -- and I never say this right
2 -- what is the Penile Plethysmograph, PPG?

3 A. PPG. So this is a test that
4 measures sexual arousal. It measures whether
5 somebody has an erection or not. And also it
6 measures the breathing patterns, body
7 movements. And then there's a gauge on the
8 skin as well.

9 Q. Why is it important for experts,
10 such as yourself, to conduct this assessment?

11 A. So we conduct this because we're
12 trying to learn what the person is sexually
13 interested in. And the idea is that they'll
14 respond to maybe one of the scenarios that
15 they're going to be presented.

16 Q. What did you learn from this
17 assessment?

18 A. Okay. This assessment was actually
19 invalid. But there was still information
20 that I learned. So you have to -- you're
21 shown a scenario or the tester is shown a
22 scenario and you have to rate on a scale of
23 one to five whether you find it super
24 disgusting or highly arousing. And it
25 appeared that he understood this scale, but

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1 the way he answered it was somewhat bizarre.
2 So that flagged for maybe he wasn't paying
3 attention or maybe he was purposely giving
4 inconsistent answers. Also, there was a lot
5 of irregular breathing and body movements,
6 particularly flexing his leg and back
7 muscles. Now, when I interviewed him, he
8 moved a lot, particularly the shoulders and
9 upper body. But the breathing thing, I
10 wasn't aware of any breathing problem that he
11 had. So these are indicators of maybe trying
12 to throw the test.

13 Q. Now, was the information you
14 gathered as a result of his having this test,
15 help form part of the basis of your opinion?

16 A. It was also taken into considera-
17 tion.

18 Q. Okay. And next, what is the Hare
19 test?

20 A. So it's a Hare Psychopathy Check-
21 list. This is also a screener. And it's
22 looking for whether the person has traits
23 that are consistent with psychopathy.
24 Psychopathy is a clinical condition that is
25 related to reoffending, whether it be violent

1 or sexual.

2 Q. And what did you learn from that
3 assessment?

4 A. So he didn't meet the cut-off to do
5 the full assessment. So that meant that he
6 didn't have traits commonly found in people
7 who are psychopaths, essentially.

8 Q. Was the information you learned from
9 that Hare test help form part of the basis of
10 your opinion?

11 A. Yes.

12 Q. Next, let's move away from the tests
13 and let's talk about risk factors. What are
14 risk factors?

15 A. So risk factors are traits or
16 characteristics that are related to a certain
17 event or outcome. So if we go back to that
18 example about heart disease, smoking,
19 exercising, or not exercising, diet, family
20 history. These are risk factors that can be
21 related to the outcome of having heart
22 disease or the outcome of not having heart
23 disease.

24 Q. Does Mr. Chadwick have any risk
25 factors that could cause him possibly to

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1 sexually reoffend?

2 A. Yes.

3 Q. Okay. And what are they?

4 A. So the risk factors that the Static
5 accounts for that are relevant to him are his
6 prior sex offense charges and convictions.
7 And we had an unrelated victim.

8 Other factors not considered by the
9 Static are the fact that he has pedophilic
10 disorder as a diagnosis, which is sexual
11 interest in children.

12 And the fact that he's had some form of
13 treatment but has continued to reoffend and
14 violate his community supervision.

15 Q. Okay. And were these risks factors
16 significant in regards to your opinion?

17 A. Yes.

18 Q. And, also, did Mr. Chadwick complete
19 any sex offender treatment during his last
20 incarceration at the Department of
21 Corrections?

22 A. No, he did not.

23 Q. Did that factor into your decision
24 at all?

25 A. It was also considered.

1 Q. All right. Why was it considered?

2 A. Well, he's had treatment in the past
3 and it doesn't appear to have helped. So if
4 he were to have further treatment, that might
5 have been a mitigating factor for him, but
6 it's not there.

7 Q. Was there any other information from
8 which you relied upon in rendering your
9 opinion of Mr. Chadwick?

10 A. I also reviewed the report that the
11 court-appointed evaluator did.

12 Q. Now, based on your examination of
13 Mr. Chadwick, your review of his records, the
14 assessments you conducted and all these
15 factors we've been discussing, did you render
16 an opinion as to whether Mr. Chadwick has a
17 mental abnormality or personality disorder?

18 A. Yes.

19 Q. And what is that opinion?

20 A. My opinion is that he meets the
21 diagnosis for a pedophilic disorder, non-
22 exclusive type, sexually attracted to
23 females.

24 Q. What is pedophilia?

25 A. Pedophilia is a disorder of sexual

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1 interests where the person is sexually
2 attracted to children who have not yet gone
3 through puberty.

4 Q. Is pedophilia considered a relevant
5 mental abnormality among experts, such as
6 yourself, who conduct mental health
7 evaluations on sexually violent predators?

8 A. Yes.

9 Q. What are the characteristics of
10 pedophilia?

11 A. The characteristics are recurrent
12 intense sexually arousing thoughts, urges or
13 behaviors involving sexual activity with
14 children who have not yet gone through
15 puberty. Acting on these urges or having
16 them cause great distress and having this go
17 on for at least six months.

18 Q. Is pedophilia curable?

19 A. There's a small debate in the
20 literature but generally it's not accepted
21 that it's curable, but it can be managed.

22 Q. And just to pull this all together,
23 why do you think Mr. Chadwick has pedophilia?

24 A. Because he told me that he had
25 thoughts of sexually touching a girl and that

1 he's done it. And that he's continued to
2 have thoughts. And then all the other people
3 that he told me -- all the other girls that
4 he told me that he had sexually touched.

5 Q. And based on your review of the
6 information in this case, did anyone else
7 diagnose Mr. Chadwick as being a pedophile?

8 A. Yes. The court-appointed evaluator
9 also render a diagnosis.

10 Q. Do you have an opinion as to whether
11 his pedophilia causes him serious difficulty
12 in controlling his behavior?

13 A. Yes.

14 Q. And what is that?

15 A. My opinion is that his diagnosis of
16 pedophilic disorder causes him difficulty in
17 controlling his behavior.

18 Q. And did you also diagnose him with
19 what's referred to as zoophilia?

20 A. Yes.

21 Q. And what is zoophilia?

22 A. This is when the person has thoughts
23 of sex with animals and they've also acted on
24 those urges for at least six months.

25 Q. Okay. What are the characteristics

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1 of zoophilia?

2 A. So, it's pretty much that. Sexually
3 arousing thoughts, urges or behaviors
4 involving sex with animals for at least six
5 months and acting on those or being really
6 impaired even if you don't act on them.

7 Q. Is zoophilia curable?

8 A. No.

9 Q. And just to explain again, why do
10 you think Mr. Chadwick has zoophilia?

11 A. Based on his report of thoughts
12 regarding animals and the behaviors he
13 carried out.

14 Q. Did you find that Mr. Chadwick has
15 any other relevant disorders that may affect
16 his risk to reoffend?

17 A. Yes. He also has an alcohol use
18 disorder. And I think that's relevant, as
19 well.

20 Q. Okay. Why would that affect his
21 risk?

22 A. So thinking about lowering your
23 inhibitions if you're intoxicated. And he
24 actually meets criteria for a formal
25 diagnosis. So that puts him at higher risk.

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1 Q. Now, do you have an opinion as to
2 whether Mr. Chadwick has a propensity to
3 commit future sexually violent offenses?

4 A. Yes.

5 Q. Okay. And what is that?

6 A. My opinion is that Mr. Chadwick has
7 the propensity to commit future sexually
8 violent offenses.

9 Q. Did you find evidence that Mr.
10 Chadwick has difficulty in controlling his
11 sexual behavior?

12 A. Yes.

13 Q. And can you explain to the jury what
14 emotional or emotional impulse resistance
15 incapacity is?

16 A. That's getting at somebody's ability
17 to refrain, to stop themselves from doing
18 something.

19 Q. Do you think that Mr. Chadwick lacks
20 the emotional resistance capacity?

21 A. Yes.

22 Q. Do you have an opinion whether Mr.
23 Chadwick's pedophilia makes him likely to
24 engage in acts of sexual violence if he is
25 not confined to a secure facility for long-

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1 term control, care and treatment?

2 A. Yes. It's my opinion that it does.

3 Q. Do you have an opinion as to whether
4 Mr. Chadwick meets the legal criteria to be
5 found a sexually violent predator at this
6 time?

7 A. Yes. My opinion is that he does.

8 Q. And are all these opinions based on
9 a reasonable degree of medical certainty?

10 A. Yes.

11 Q. Now, really quickly, I'd like to
12 come back to the court-appointed evaluator's
13 evaluation of Mr. Chapman. For
14 clarification, was she one of the individuals
15 that diagnosed Mr. Chadwick with pedophilia?

16 A. Yes, she was.

17 Q. Okay. What was her ultimate opinion
18 in this matter concerning whether she
19 believed Mr. Chadwick is a sexually violent
20 predator?

21 A. Her opinion was that he is not a
22 sexually violent predator.

23 Q. Now, it's apparent, based on your
24 testimony, that you disagreed with her in
25 this matter. But what lead you to a

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1 different conclusion than Dr. Harrison?

2 A. Well, her and I agree that he has a
3 disorder of sexual interest, pedophilia,
4 pedophilic disorder as it's now called, where
5 he's interested sexually in children. I
6 considered that. And I took other things
7 into consideration as well, such as the fact
8 that he told me he had sexual thoughts about
9 touching a girl sexually and that he'd done
10 that. And then all the other people that he
11 talked to me about touching sexually. I also
12 considered the fact that he'd had some form
13 of sex behavior treatment, but had reoffended
14 after doing that, and actually violated his
15 probation two times. I also considered the
16 fact that he had violated probation, meaning
17 being out and under community supervision.
18 Also, the extensive nature, meaning from the
19 mid-1960s until today, it's been
20 perpetuating. So if it could have stopped,
21 why hasn't it already stopped? I'm not aware
22 of what would. I don't know what tools he
23 has. So that I considered these factors, the
24 Static-99, that's placed him in the low group
25 for reoffending. And that's something to

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1 consider as well. I don't put all my eggs in
2 one basket, so I don't put all my stock in
3 that. I consider the rest of the picture
4 around him. Otherwise we could just fill out
5 the questionnaire, give our grade to the
6 questionnaire and call it good and don't do
7 anything else.

8 Q. Okay. So if Mr. Chadwick is not
9 committed to a program, he would be on
10 probation, right, under community
11 supervision?

12 A. No, he would not.

13 Q. And what were his plans to avoid
14 reoffending?

15 A. He was going to live in the country
16 by himself and he was not going to be around
17 kids, except kids in his family.

18 Q. As an expert, do you think that's a
19 realistic plan?

20 A. No.

21 Q. Can you explain why?

22 A. So there's avoidance there. And
23 avoidance really doesn't help anybody avoid
24 anything, particularly if you have a
25 diagnosable problem. Also, the fact that

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1 he's saying he has to stay away from children
2 to mean means there's a problem. Why would
3 you have to stay away from something you
4 don't have a problem with? Also, the fact
5 that he said he would stay away from kids,
6 but not kids in his family. Well, he's
7 offended against kids in his family so that's
8 also a concern.

9 Q. And based on your evaluation, who'd
10 be at risk if Mr. Chadwick were released?

11 A. Kids.

12 ATTORNEY GENERAL WETHERTON: Your
13 Honor, at this time I offer her for cross-
14 examination.

15 THE COURT: All right. Let's take
16 a short break. Mr. Foreman, ladies and
17 gentlemen of the jury, if you would, please
18 retire to the jury room. Have they got
19 refreshments back there? All right. Well,
20 let's do that. Take a break and when you're
21 ready to come back just knock on the door and
22 we'll come back and we'll proceed.

23 Again, do not undertake the discussion of
24 this case, though, among yourselves in any
25 way.

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1 (JURY OUT @ 3:47 P.M.)

2 THE COURT: All right. We'll take
3 a short break too. I would like to take a
4 little sidebar with the attorneys.

5 Doctor, you will obviously be able
6 to step down. But again, you're under oath
7 now so do not discuss your testimony with
8 anyone if you don't mind?

9 WITNESS: Yes, sir.

10 THE COURT: Very good. Thank you,
11 ma'am.

12 (WITNESS STEPS DOWN)

13 THE COURT: All right. If I could
14 see the attorneys.

15 (OFF RECORD SIDEBAR)

16 (BRIEF RECESS)

17 (RESPONDENT PRESENT)

18 (WITNESS RESUMES STAND)

19 THE COURT: All right. Anything
20 from the State before we bring the jury back?

21 ATTORNEY GENERAL WETHERTON: None
22 from the State, Your Honor.

23 THE COURT: From the Respondent?

24 MR. WELBORN: No, Your Honor.

25 THE COURT: Very good. Ask the

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1 jury to join us, please?

2 (JURY IN @ 4:08 P.M.)

3 THE COURT: All right. Let the
4 record reflect the jury and the alternate are
5 in the jury box. We will now proceed with
6 cross-examination of the witness.

7 MR. WELBORN: May it please the
8 Court?

9 THE COURT: Mr. Welborn.

10 CROSS-EXAMINATION

11 BY MR. WELBORN:

12 Q. Dr. Gomez, first of all, can you
13 hear me?

14 A. Yes, so far.

15 Q. So far. I have a voice problem.
16 I'm a little hoarse. So I need to know if I
17 need to -- I don't want to approach you too
18 closely, but I want you to be able to hear
19 me. So if you have problem, just tell me I
20 can't hear you and I'll try to change them
21 around; okay?

22 A. Okay.

23 Q. All right. Dr. Gomez, again, I'm
24 Hugh Welborn. And I'm going to ask you a few
25 questions this afternoon. First of all, if

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1 you have your -- I have an approximately
2 thirty-one (31) page evaluation that was sent
3 to me from your attorney, Ms. Wetherton. And
4 that's what I'll be referring to. Do you
5 have that in front of you?

6 A. I sure do.

7 Q. Okay. Now, I'm going to try to stay
8 in line with the various tests here. And I'm
9 going to jump to conclusions as well, because
10 you've got some conclusions toward the back,
11 as well as the testing, toward the center.
12 So bear with me.

13 First of all, you would agree that there
14 was also some other evaluation done of my
15 client's mental abilities. He has an IQ of
16 what, around sixty-eight (68), I believe?

17 A. Yes. There is records from the
18 Department of Corrections that gave that
19 estimate. I don't think they actually give
20 a full assessment, so it's more of an
21 estimate than something to really sort of
22 bank on. But that was the estimate.

23 Q. And just for the jury's understand-
24 ing, sixty-eight (68) is sort of mildly
25 mentally retarded, generally speaking. Is

1 that fair to say?

2 A. That's correct.

3 Q. And because of that, there could be
4 some times when my client might have
5 difficulties understanding certain things?
6 Generally speaking, people with that IQ would
7 have that problem; would that be true?

8 A. Yes, that would be correct.

9 Q. Okay. And you gave some examples
10 where he changed his stories from time to
11 time. And you would agree that that is
12 somewhat of a symptomatic problem with people
13 with those IQs; correct?

14 A. Maybe.

15 Q. Maybe, okay. And in this case you
16 really don't know because you've got
17 different, conflicting stories, but you agree
18 he's got a low IQ?

19 A. Well, I don't know that I don't
20 know. If you're covering something up and
21 later you tell me why, I think that's pretty
22 transparent that you know.

23 Q. But any way we look at it, these
24 people with IQs like this sometimes have
25 difficulty understanding?

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1 A. Yes.

2 Q. Now, let's talk test by test ---

3 A. Okay.

4 Q. --- of what you've got here. And
5 I'm looking on page twenty (20)?

6 A. I'm there.

7 Q. Okay. And the first one that I'm
8 looking at is the -- it's called the Static-
9 99R. Now, do you see that about the middle
10 of the page?

11 A. Okay. That's not on page twenty
12 (20).

13 Q. It's not on page twenty (20)?

14 A. No.

15 Q. All right. Now, I can find that in
16 ---

17 A. That's on page twenty-six (26).
18 Mine has page twenty-six (26), but I'm there.

19 Q. Well, let me ask you this so we're
20 in the same paragraph, does yours start out
21 in bold print, "Assessment Inventories and
22 Test Results", and then it goes to the
23 Static-99R?

24 A. No, my starts Assessment Inventory
25 Test Results and then it goes into the

1 Connors.

2 Q. Okay.

3 THE COURT: I tell you what, why
4 don't we approach and ---

5 MR. WELBORN: I got it. I found it.

6 THE COURT: Okay. Very good.

7 CROSS-EXAMINATION CONTINUED

8 BY MR. WELBORN:

9 Q. I see what you're talking about.
10 All right. Well, let's talk about the
11 Connors because I see Static-99 was just
12 mentioned among several tests in the middle
13 of that paragraph. That's what caught my
14 attention.

15 Let's look at the Connors Continuous
16 Performance Test. Now, I'm looking here
17 where -- well, I'm kind of quoting where
18 it says that, it's indicated a valid
19 administration regarding timing and Mr.
20 Chadwick's compliance. The results indicate
21 his profile is more like a clinical than a
22 non-clinical profile of a 92.03 out a 100
23 chance that he has a significant attention
24 problem.

25 And then I've got -- your next line is,

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1 "individual overall results measures range
2 from within average range to good
3 performance, with only two mildly atypical
4 and two marked atypical. Now, I may have put
5 the wrong note right here. So if I did, you
6 correct me. But I've got written by there,
7 that there's no real diagnosis there; is that
8 fair to say?

9 A. Yes.

10 Q. So that particular test, he didn't
11 do good or bad, it's just no real diagnosis;
12 is that fair?

13 A. Right. There is no diagnosis. So
14 there's no diagnosis added from that
15 assessment.

16 Q. So there's nothing in there that
17 indicates he's going to have a risk to
18 reoffend because there's no real diagnosis?

19 A. That's correct.

20 Q. Now. Let's look at the next test
21 you gave. And this is what I need, because I
22 wrote it down, but I might have put it in the
23 wrong place, Dr. Gomez. A zero score is a
24 low risk for reoffending. And he had a zero
25 score on something, what was that by?

1 A. That's the Static-99R.

2 Q. Now, of all the test, actually the
3 Static-99R is usually considered by experts
4 to be the most accurate form of risks
5 assessment; isn't that correct?

6 A. It's considered a test that has
7 moderate predictability for someone re-
8 engaging in a sex offense type of behavior.

9 Q. All right. How did -- there. Now,
10 on that, his score was zero and that placed
11 him -- and I'm reading what you put here --
12 in the low risk category of being charged or
13 convicted of another sexual offense; is that
14 correct?

15 A. Yes, that's correct.

16 Q. And you actually state in the next
17 paragraph there's a five-year sexual
18 recidivism rate of seven point (7.2) with a
19 ninety-five percent (95%) confidence
20 interval, of five point seven (5.7) or eight
21 point nine (8.9). And in other words you're
22 saying there is again that's a low sexual
23 recidivism rate; is that correct?

24 A. Yes. Five-year sexual recidivism
25 rate, seven point two percent (7.2%).

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1 Q. And then ten years would be twelve
2 and a half percent (12.5%) with a ninety-five
3 percent (95%) confidence level; is that
4 correct?

5 A. Yes.

6 Q. And so once again on that particular
7 test, he did real well; didn't he?

8 A. I don't know.

9 Q. Well, he has zero.

10 A. I would say he has a zero.

11 Q. Okay. And that shows a very low
12 propensity to reoffend; doesn't it?

13 A. It shows that he's in the low-risk
14 category.

15 Q. Low-risk. Thank you. Now, the next
16 one here I may need some help with, again,
17 because I had it a little bit out of order.
18 Connors Continuous Performance Test, II.

19 And I'm just reading what you've written.
20 So if I don't understand it and say it wrong,
21 you tell me.

22 It says that the seven diagnostic check
23 indicated a valid administration regarding
24 timing and Mr. Chadwick's compliance. And it
25 said that the results indicated his profile

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1 as more like a clinical than a non-clinical
2 profile, with a ninety-two point-zero-three
3 (92.03) out a hundred (100) chance that he
4 had attention problems. His individual
5 overall results measures range from -- within
6 average range to good performance of two
7 mildly atypical and two markedly atypical.

8 Now, I made a note here to get you to
9 correct me if I said this wrong because I was
10 trying to write notes verbatim. There's real
11 no diagnosis; is that fair to say?

12 A. Yes. I believe we've actually just
13 covered that.

14 Q. Okay. I'm confused then. So I
15 won't -- thank you. I'm just making sure
16 I've hit everything.

17 Let's try the next one. Maybe I haven't
18 covered this one. The Personality Assessment
19 Screen, the PA. So we haven't done that one
20 yet, have we?

21 A. No.

22 Q. All right. All right. Dr. Gomez,
23 again, I'm a little confused here, so if
24 you'd please help me out, you said he's
25 unable to read sufficiently to really

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1 complete that particular inventory ---

2 A. The inventory was read to him.

3 Q. I'm sorry?

4 A. It was read to him.

5 Q. It was read to him, yeah. Thank
6 you. And it said that a review of the
7 results confirmed that Mr. Chadwick had some
8 concerns about his health and clinical
9 functioning. It also said that he'd acted
10 impulsively when he was younger. So I'm
11 trying to find, and maybe you can help me
12 here. Maybe it's toward the end of this last
13 couple of pages. So what's the take-home
14 message? What's all that mean for my client?

15 A. So that's pretty much what I said
16 earlier that this assessment screens five
17 areas that needed to be reviewed again and so
18 we did that. We reviewed those items and
19 that was sort of the end of it.

20 Q. Well, I'm trying to understand,
21 because this is all new territory for me, Dr.
22 Gomez, I need for you to help me. Does this
23 mean that he's got -- is this bad news for
24 him or good news or no news at all about
25 reoffending?

1 A. This is not specifically looking at
2 reoffending directly. So it's more
3 information gathering, looking for, does the
4 person have depression, anxiety, do they have
5 a personality disorder. And so it's just a
6 screen for this situation..

7 Q. So the results are what for him?

8 A. So the results were that he does not
9 have depression, anxiety, a personality
10 disorder. Those were the results.

11 Q. That's pretty good results; isn't
12 it?

13 A. I think those are fine..

14 Q. All right. Now, and if we've done
15 this one, then please help me because, again,
16 this is all new territory. You've got an
17 abbreviation there. It's call ADID, and the
18 Able-Blasingame Assessment System for
19 Individuals with -- did we just do that?

20 A. We have not done that one.

21 Q. Okay. Tell me about that one.

22 A. Okay. So as I said earlier this is
23 one that assesses sexual interests and
24 collects information about a sexual problem
25 and sexually abusive behaviors.

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1 Q. And -- now, again, I'm reading what
2 you wrote. Help me if I say it wrong. It
3 says it's designed to assess the sexual
4 interests. And yet because the results
5 indicates Mr. Chadwick may not have under-
6 stood some of these items, the ABID items,
7 all the results would need to be interpreted
8 with "extreme caution," in comparing that
9 with other sources. So, basically what
10 you're saying is that's not really a valid
11 test either; is that true?

12 A. No, if it were a valid test, it
13 would reflect as invalid.

14 Q. Well, it didn't come up with a bad
15 result. Would that be fair to say?

16 A. I believe that would be fair to say.

17 Q. Okay. Now, let's ---

18 A. Well, actually, I'm going to take
19 that back.

20 Q. Okay.

21 A. Because there was some inconsistency
22 in reporting.

23 Q. And we talked about some of that a
24 little while with his IQ; right?

25 A. Yes.

1 Q. Now, let's look at -- and, again,
2 you help me with this because I may be in a
3 different test or the same one.

4 But I'm on the very next page after this.
5 I'm in the middle of it. And it said MR.
6 Chadwick's cognitive distortion score was a
7 twenty (20) on the number range of zero (0)
8 to a hundred (100). And I wrote down in your
9 words that, you know the higher is the worst.
10 So he didn't have a bad score at all; did he?

11 A. Oh that?

12 Q. Yes?

13 A. So normally this, on the regular
14 version of this test, there's a low-to-high,
15 but not on this version. It just gives you a
16 number. And the range is zero (0) to a
17 hundred (100) and his was a twenty (20).

18 Q. And a hundred (100) is bad?

19 A. A hundred (100) would be the highest
20 you could have.

21 Q. And the hundred would be bad;
22 wouldn't it?

23 A. I guess. I guess sometime I'm not
24 sure what you mean by "bad?"

25 Q. Well, let's talk about a twenty

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1 (20), what does that mean? What does this
2 score of twenty (20) -- what can I tell the
3 jury that that means in terms of him re-
4 offending?

5 A. You can't really do anything beyond
6 explain that there's a range, and that the
7 score on that range is twenty (20), and the
8 range is zero (0) to a hundred (100).

9 Q. And the higher the number the
10 greater probability of reoffending; correct?

11 A. Yes.

12 Q. Thank you. Now, this last test -- I
13 guess it's the last. We'll find out in a
14 moment. This Penile Plethysmograph, the PPG
15 examination. Can you pronounce that for me?

16 A. Penile Plethysmograph,

17 Q. Yes. Now that is where I think --
18 I'm going to try not to be too graphic here
19 -- they put something on my client's private
20 part and then y'all put pictures in front of
21 him, and if he gets an erection, it lets
22 y'all have an idea about what he's sexually
23 attracted to; is that fair to say?

24 A. Yes.

25 Q. Now, in his case he had some

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1 irregular breathing and he moved a good bit.
2 And if you've watched him some today, he
3 moves all the time; doesn't he?

4 A. (No verbal response)

5 Q. He's just got some involuntary jerk
6 at times; doesn't he?

7 A. It appears that way.

8 Q. Yes. And that could be health
9 related and that would be expected if it's
10 health related that could be an invalid;
11 would you agree with that?

12 A. That could be one reason.

13 Q. Okay. Now, in this particular test
14 you don't have -- and I wrote it down.
15 Correct me if I'm wrong -- but this was an
16 invalid assessment. So there's really no
17 assessment there at all that's valid. It's
18 invalid. You don't know really what the
19 score would be because it's invalid; is that
20 correct?

21 A. It's invalid in that we cannot say
22 he's sexually interested in X because we
23 don't have that information.

24 Q. Thank you. Now, I think I've gone
25 over -- or maybe I didn't. Here's one more.

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1 PCL-SV. Hare Psychopathy Checklist. Did

2 y'all talk about that today?

3 A. Yes, we did.

4 Q. Okay. This is new territory. Well,
5 how did he do on this?

6 A. So this is a screening measure for
7 psychopathy. So if you go above a certain
8 threshold then you sort of do the whole
9 instrument. And he did not meet that
10 threshold.

11 Q. Again, I'm reading here, and if
12 you'll help, his score was a three (3), which
13 is below, was the below the recommended cut-
14 off for consideration of completing the full
15 psychopathy checklist. But it indicated he
16 doesn't have "traits commonly found among
17 persons with psychopathy." Did I say that
18 correctly?

19 A. Yes, you did.

20 Q. So that's a good result; isn't it?

21 A. (No verbal response)

22 Q. It's not a bad one, is it?

23 A. I would say that's not bad.

24 Q. Thank you. Now, listen, I don't
25 want to start repeating things but I'm just

1 looking at my summary here. The Static-99R
2 was a zero. And I assume that's good in this
3 category; doesn't it?

4 A. Yes, it does.

5 Q. Now, I've gone over every one of
6 these tests and to hear your testimony, it
7 sounds like that overall he did -- he didn't
8 have a whole lot of bad stuff on his tests,
9 does he? Overall, does he?

10 A. So it's really not a good idea to
11 think of this as a test because tests
12 involves passing, failing, and certain grades
13 when we were all in school.

14 This is more of gathering information
15 about an individual. So thinking of it as
16 failing or passing or not doing good on a
17 test is not looking at it the way it was
18 designed.

19 Q. I got you. Now, I'm -- just so
20 you'll know where I am, I'm on page eight (8)
21 out of thirty-one (31) of his general medical
22 history. I'll let you find that if you
23 could. Have you got that?

24 A. Yes.

25 Q. It's says here he's had a twenty-

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1 year history of diabetes, high blood
2 pressure, high cholesterol. It states his
3 liver and kidneys are in poor health due to
4 toxicities from suicide attempts over years
5 ago. He's got a lot of medical problems;
6 doesn't he?

7 A. It appears that he had some medical
8 problems; yes.

9 Q. Yeah. And now he's age sixty-six
10 (66) at this time; is that correct?

11 A. Yes.

12 Q. Okay. Now, I know you've got your
13 history there in front of you, but he's not
14 had any what, I'd call, hands-on offenses for
15 the last ten years; has he?

16 A. By hands-on, you mean he touched
17 somebody?

18 Q. Yes?

19 A. That's right.

20 Q. Ten years is a long time; isn't it?

21 A. I don't know. It depends on what
22 your standard is.

23 Q. Yeah. Now, let's talk a little bit
24 in generalities. I mean, you have a fellow
25 that tells you, "I'm sixty-six (66) years

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1 old. I can't get an erection anymore. And
2 I may have been attracted, may still be
3 attracted to children, but I've got all these
4 other problems", did you take all that into
5 consideration, all those medical problems
6 when you evaluated him?

7 A. Yes.

8 Q. Okay. And when you take all of that
9 and put it together, in reality, he's got a
10 much lower risk of offending than people that
11 would blow these tests up and not do well at
12 all; doesn't he?

13 A. I don't know that I would agree with
14 that.

15 Q. Yeah. Well, we talked about the
16 tests. And I appreciate your honesty on
17 those tests. It sounds like he did pretty
18 good on them, all of them, all said and
19 spoken. But if you get into all these other
20 problems and you've had ten years with no new
21 problems, it's a pretty good track record at
22 that point; isn't it?

23 A. I wouldn't say he hasn't had no new
24 problems in ten years.

25 Q. Well, hands-on as we talked about a

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1 little while ago.

2 A. I would agree with that.

3 Q. Yeah. And you, of course agree --
4 the expert that was appointed by the State,
5 she doesn't find him to be at risk of
6 offending based on -- and you've read the
7 notes; is that correct?

8 A. That is correct.

9 Q. Okay. So isn't it fair to state
10 that obviously even experts in this
11 profession, as lawyers, can have differences
12 of opinion. That doesn't mean that either of
13 them is right or wrong; isn't that correct?

14 A. Clearly it's up to the jury.

15 Q. That's right. You're exactly right.
16 And that's my point. That even though with
17 all respect that your opinion is he's got
18 these problems, you would agree that
19 reasonable people, even today, can disagree
20 with your opinion and that's why we have this
21 jury here; is that correct?

22 A. Yeah.

23 Q. And you would respect their opinion
24 in the end; wouldn't you?

25 A. Of course.

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1 Q. Now, this is what, your third or
2 your fourth, SVP evaluation?

3 A. I'm sorry -- fourth.

4 Q. I'm sorry, which one?

5 A. Fourth.

6 Q. Fourth one. You're kind of new with
7 all this stuff in the sexual predator evalua-
8 tions, obviously; aren't you?

9 A. I would say that I disagree. I've
10 been in training for most of my life. I was
11 trained well and I don't measure by quantity.
12 I measure by quality.

13 Q. I understand that.

14 A. So I'm going to disagree with you.

15 Q. Okay. Well, I'll just say that
16 you'd have to agree that if someone's done a
17 hundred and thirty of them and you've done
18 four, then they have a lot more experience in
19 doing them; would you agree with that?

20 A. I would say that they've done more
21 than I've done.

22 Q. Yes. Now, the State also paid you
23 to come here today; didn't they?

24 A. No.

25 Q. Are you just paid a salary?

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1 A. Yes.

2 Q. How do you get chosen?

3 A. It's whoever's available in the
4 office. It all depends on workload.

5 Q. So you're just on salary when you
6 area here?

7 A. That's correct.

8 Q. And, now, again, do you know you
9 ended up getting chosen specifically or did
10 they, you know, did they call you up
11 personally or ---

12 A. No.

13 Q. --- is there a whole pool and they
14 just pull numbers out of a pool or how did
15 you end up her?

16 A. So, MUSC work whether it be from
17 here, whether it be from within the
18 University, whether it be from another
19 agency. And whoever is available and isn't
20 totally swamped by their casework, that's
21 who's going to get, you know, the case.

22 Q. Okay. Thank you.

23 THE COURT: Redirect?

24 ATTORNEY GENERAL WETHERTON: Just a
25 few questions, Your Honor.

1

REDIRECT EXAMINATION

2

BY ATTORNEY GENERAL WETHERTON:

3

4

5

Q. Dr. Gomez, if you could turn to page twenty-seven (27) of your report where it talks about the Static?

6

A. Yes.

7

8

Q. Right before the paragraph that starts with diagnostic impression ---

9

A. Yes.

10

11

12

13

Q. Can you look at that paragraph before? Could you please read that first sentence that starts, "As a reminder...", to the jury?

14

15

16

17

18

19

A. (Reading): "As a reminder, the Static-99R is an actuarial instrument. And, therefore, only indicates a person's similarity or lack thereof with members of a particular group rather than a risk specific to that individual."

20

21

22

23

24

25

Q. So is it safe to say that Mr. Chadwick when he's compared and he receives that score, he's compared to a group of individuals and not necessarily -- specifically him. He would fall in a certain group that would have that same score?

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1 A. That's correct.

2 Q. Okay. Is that correct?

3 A. Yes.

4 Q. And then also to make sure we
5 understand this, on that Able-Blasingame
6 Assessment ---

7 A. Yes.

8 Q. He fell low on the scale; is that
9 correct?

10 A. Yes.

11 Q. But based on what he told you, did
12 he state things to you that appeared that he
13 cognitive distortions about his offending?

14 A. Yes, he did.

15 Q. All right. Can you give an example
16 of that again?

17 A. For example he said the incident
18 involving the two sisters who were seven and
19 eight, he said that one of them kept coming
20 up to him and sitting on his lap, rubbing up
21 next to him, kind of indicating that the
22 child was sort of coming on to him. That's
23 a cognitive distortion or a thinking error.

24 Q. Okay. And then as far as the PPG,
25 that's the tests I think you said of sexual

1 interests; is that correct?

2 A. Correct.

3 Q. Okay. And based for reasons, for a
4 few reasons that you found it to be invalid;
5 is that correct?

6 A. Well, usually, it's hard to
7 determine why it's actually invalid; there's
8 different possibilities. And that's pretty
9 much all you can say is these are the
10 possibilities.

11 Q. Is it safe to say that there might
12 be more than one possibility that it was
13 invalid?

14 A. Yes.

15 Q. Okay. But based on what he told
16 you, it appeared that he had a diagnosis of
17 pedophilia and zoophilia; that's based on
18 what he said to you?

19 A. Based on what he told me.

20 Q. Okay. And, also, in your report you
21 stated that he had a twenty-year history.
22 He's been in bad health? I believe that's
23 page eight that you all were talking about?

24 A. Yes. The diabetes, high blood
25 pressure, is that where you're talking about?

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1 Q. Yes?

2 A. Okay. Yes.

3 Q. Was he convicted of committing
4 sexually violent offenses within that twenty-
5 year period?

6 A. Yes, he was.

7 Q. So is it safe to say any bad medical
8 history hasn't really stopped him from
9 sexually offending?

10 A. It appears that it did not

11 Q. Okay. And also the issue that was
12 raised about he did not commit a contact
13 offense in the past ten years. I believe
14 that was discussed.

15 A. (Affirmative nod).

16 Q. Can you look at the facts of the
17 most recent conviction? I believe we've
18 talked about it already, criminal
19 solicitation of a minor.

20 A. Yes.

21 Q. Okay. What year did that happen?

22 A. 2011.

23 Q. 2011. And to be clear, can you
24 briefly state what happened that made him
25 guilty of that charge? We've already talked

1 about it.

2 A. Right.

3 Q. I just want the record to be clear?

4 A. Well, what it turned on was the fact
5 that he asked to touch the girl.

6 Q. Okay. But he didn't touch the girl;
7 correct?

8 A. My understanding is he did not touch
9 her.

10 Q. And was that then reported
11 immediately by the girl to someone?

12 A. Yes.

13 Q. Okay. And then the instance before
14 where he violated his probation; correct?

15 A. Yes.

16 Q. In 2009. Do you have a reason why
17 the probation was violated?

18 A. Yes. He was hanging around with
19 children, hugging them, offering to buy them
20 ice cream.

21 Q. Okay. And was he told previously
22 not to be around children?

23 A. Yes. That was part of him
24 conditions of probation.

25 Q. Okay. And what is grooming when

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1 someone refers to "grooming"?

2 A. Okay. So ---

3 MR. WELBORN: Your Honor, at this
4 point, I'm going to object. That's outside
5 the scope ---

6 THE COURT: Well, I was going to
7 say, you know, y'all are limited to reexamine
8 to matters brought -- not in cross.

9 ATTORNEY GENERAL WETHERTON: Okay.
10 Is it okay to go forward?

11 THE COURT: Well, I'm not sure
12 restate your question.

13 ATTORNEY GENERAL WETHERTON: Well,
14 the point was that there was no contact
15 offense, prior -- within the past ten years.
16 And my explanation was that there was no
17 contact, because it was stopped in time.

18 THE COURT: All right. Overruled.

19 ATTORNEY GENERAL WETHERTON: Thank
20 you.

21 THE COURT: Limit it to those.
22 Because I ---

23 ATTORNEY GENERAL WETHERTON: I under-
24 stand. Thank you.

25 THE COURT: All right.

1 REDIRECT EXAMINATION CONTINUED

2 BY ATTORNEY GENERAL WETHERTON:

3 A. Grooming is this phenomenon ---

4 MR. WELBORN: If it please the
5 Court, I don't think grooming was part of my
6 redirect [sic]. I don't know how the Court
7 ruled on that if the court just did.

8 THE COURT: I ruled on your cross-
9 examine. That -- what is it -- you did bring
10 out hands-on.

11 ATTORNEY GENERAL WETHERTON: Right.

12 THE COURT: You did bring out
13 hands-on and she's just going into it might
14 not have been hands-on but there was some --
15 what is it -- report or contact or attempted
16 contact or something to the effect that there
17 was an overture. Go ahead. You may proceed.
18 I overrule your objection.

19 ATTORNEY GENERAL WETHERTON: Thank
20 you, Judge.

21 THE COURT: But you're limited
22 just to that.

23 ATTORNEY GENERAL WETHERTON: I under-
24 stand. Thank you.

25 REDIRECT EXAMINATION CONTINUED

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1 BY ATTORNEY GENERAL WETHERTON:

2 Q. What is grooming?

3 A. So grooming is this phenomenon where
4 people try to either draw children in or coax
5 them in so that then they can do what they
6 want to do. So offering them cookies or
7 telling them they're doing such a good job,
8 'You want to be my helper? Come over here
9 and help me with this?' Those can be
10 examples of things to say or try to do to
11 kind of get a child to come towards you,
12 maybe trust you and be in your presence.

13 Q. Okay. And based on your expert
14 opinion, is offering a child ice cream and
15 things like that, when they know that they're
16 not supposed to be around child, could that
17 be seen as an example of grooming behavior?

18 A. That could be seen that way.

19 Q. Okay.

20 ATTORNEY GENERAL WETHERTON: I have
21 nothing further.

22 THE COURT: All right. I will, if
23 you have any recross, I'll permit that.

24 Limited to what she brought out on redirect.

25 MR. WELBORN: No questions.

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1 THE COURT: Okay. Very good. All
2 right. You may step down. Thank you.

3 WITNESS: Thank you.

4 (WITNESS STEPS DOWN)

5 THE COURT: All right. Mr.
6 Foreman, ladies and gentlemen of the jury,
7 it's twenty of five. And I'll tell you a
8 little bit about how I usually approach
9 things as far as how we'll proceed. I do not
10 like to take a witness that would go beyond
11 5:00. The reason for that is that it's been
12 my experience, as I have explained to other
13 people, that we have two lives in this world.
14 We begin one early in the morning goes to
15 5:00. And then at 5:00 there are other
16 things that happen and that can go on for
17 some time. So, therefore, I usually break
18 about 5:00. And if can either work one or
19 two ways, one, if we'd been able to complete
20 a witness -- I don't take a new witness that
21 will go beyond. And as you found out, the
22 examination of a witness both has direct
23 examination, cross-examination, re-
24 examination, and on occasion recross-
25 examination. So you just -- it's not just

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1 one or two questions you have to prepare for.
2 So in this case I think we've got another --
3 well, if we have another witness -- I know
4 that we had a potential witness list. But
5 the fact is we would probably have another
6 witness and that would go beyond 5:00. So
7 what I'm saying is that we're going to recess
8 for the day.

9 Now, this will be your first duty,
10 Mr. Foreman. How about consulting with your
11 jury as to what time they'd like to start in
12 the morning. Now, I come from Oconee County.
13 I would like to suggest 9:30, 10:00 -- well,
14 9:30 or 10:00. And it's not a unanimous
15 verdict. This is just a consensus. Just ask
16 then whether 9:30 or 10:00 and see what the
17 jury says?

18 MR. FOREMAN: 9:30

19 THE COURT: 9:30.

20 MR. FOREMAN: 9:30 seems to be the
21 consensus.

22 THE COURT: All right very good.
23 And I will see you at that time. Now,
24 remember my instructions throughout the trial
25 of this case is that you're not to discuss it

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1 with anyone or permit anyone to discuss it
2 with you. Of course, I think you understand
3 that this case is important to everybody
4 that's involved and it needs to be resolved
5 in the proper fashion. And no one who is not
6 sitting in that jury box with you will be in
7 that jury room with you when you come
8 together to make your decision, will have
9 heard the first bit of testimony from the
10 witness stand or seen the first exhibit, so
11 they can't help you. All they can do is
12 confuse you and really make it impossible to
13 reach a responsible decision.

14 So, therefore, please do tell -- if
15 somebody wants --and I tell also jurors --
16 this is the most difficult time for you
17 because you're going home and somebody's
18 going to say 'what are you doing?' You say,
19 'well, I've been drawn on a jury.' And they
20 say, 'well, oh, what's it about?' And you're
21 going to have to tell them, 'I can't discuss
22 it with you.' They're going to say, 'well,
23 why not?' And you'll say 'because the Judge
24 told me so or told me that I couldn't discuss
25 it with you.' And they're probably going to

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1 say something, well, 'that's ridiculous.'

2 Well, I think as I said earlier and
3 repeatedly, this is a case that needs to be
4 resolved in the proper fashion and those
5 people cannot help you.

6 And if they don't understand and
7 they need it explained to them, I'll be here
8 at 9:30 in the morning.

9 I don't think -- but with that, I'm
10 going to excuse you and I'll see you at 9:30
11 in the morning. Everyone else remain seated
12 as the jury retires from the courtroom. And
13 just come back to the same jury room.

14 (JURY OUT @ 4:39 P.M.)

15 THE COURT: All right. How does
16 the State wish to proceed?

17 ATTORNEY GENERAL WETHERTON: Yes,
18 sir. Tomorrow morning I will rest.

19 THE COURT: All right. So y'all
20 are going to rest. Why don't we rest now?
21 We'll do it on the record in the morning in
22 front of the jury. But then I can hear any
23 Motions that can need to be made if any at
24 this time?

25 ATTORNEY GENERAL WETHERTON: All

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1 right. Your Honor, at this time I guess the
2 State would rests.

3 THE COURT: All right. Mr.
4 Welborn, anything?

5 MR. WELBORN: No.

6 THE COURT: All right. Very well.
7 All right. So be prepared in the morning to
8 go forward. But I am going to give you -- if
9 you have any Motion to make that may come in
10 the morning, I'll permit you a certain time
11 to do it. But be sure you're ready to state
12 your grounds. All right. So I'll see you at
13 9:30 in the morning.

14 And Dr. Harrison, is that right,
15 will be your witness. Is that right, Mr.
16 Welborn?

17 MR. WELBORN: Yes, sir.

18 THE COURT: All right. Very good.
19 But do remind me and I'll let you rest in
20 front of the jury.

21 ATTORNEY GENERAL WETHERTON: Okay.

22 THE COURT: Very good. See you in
23 the morning.

24 (COURT IN RECESS)

25 (TRANSCRIPT CONTINUED NEXT PAGE)

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Jury Trial of October 6-7, 2014 - Motion for Directed Verdict

Before The Honorable Alexander S. Mccaulay

1

2

OCTOBER 7, 2014

9:45 A.M.

3

4

(RESPONDENT PRESENT)

5

6

THE COURT: All right. Anything
from the State before we bring the jury back?

7

8

9

10

ATTORNEY GENERAL WETHERTON: No,
sir. Nothing from the State. I was just
asked to remind you that I need to rest in
front of the jury.

11

12

THE COURT: All right. Mr.
Welborn?

13

14

MR. WELBORN: Your Honor, it please
the Court, I'm moving for a directed verdict.

15

16

THE COURT: Okay. Now it's based
on the rests yesterday, okay.

17

18

MR. WELBORN: Yes, sir, based on
the ---

19

20

THE COURT: All right, sir.

21

MR. WELBORN: --- that particular
motion.

22

23

THE COURT: Right.

24

25

MR. WELBORN: I believe that tests
were inconclusive and I don't think they've
proven their case and I just move for

1 directed verdict.

2 THE COURT: All right. And, of
3 course -- what is it -- the Court on a
4 directed verdict is not concerned with the
5 weight of the evidence, but whether or not
6 there is any evidence. And I think this
7 would be up for the jury to determine whether
8 or not there's sufficient evidence. Very
9 good. So I deny the motion.

10 ATTORNEY GENERAL WETHERTON: Thank
11 you, Your Honor.

12 THE COURT: Very good. Anything
13 else?

14 ATTORNEY GENERAL WETHERTON: Not
15 from the State, Your Honor.

16 THE COURT: Very good.

17 MR. WELBORN: Thank you, Your Honor.

18 THE COURT: All right. Subject to
19 the directed verdict motion and the Court's
20 ruling on that, we'll go forward. Ask the
21 jury to join us.

22 (JURY IN @ 9:48 A.M.)

23 THE COURT: All right. Let the
24 record reflect the jury and the alternate are
25 in the jury box. Mr. Foreman, ladies and

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1 gentlemen of the jury, we'll continue with
2 the trial of the case. And I recognize the
3 Attorney General.

4 ATTORNEY GENERAL WETHERTON: Thank
5 you, Your Honor. At this time the State
6 would rests.

7 THE COURT: Very well. The State
8 having rested, now we'll proceed with the
9 Respondent's case. At this time, I recognize
10 Mr. Welborn.

11 MR. WELBORN: May it please the
12 Court. We call Dr. Kimberly Harrison to the
13 Stand.

14 (WITNESS TAKES STAND)

15 KIMBERLY HARRISON, having been duly sworn
16 to tell the truth, and nothing but the truth,
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. WELBORN:

20 Q. Ms. Harrison, first of all, Dr.
21 Harrison, can you hear me okay?

22 A. Yes, I can. Thank you.

23 Q. Now, as I said yesterday, I think
24 you were present. I cough occasionally. I
25 think I had a pretty good day yesterday and

1 didn't. But if I do that, then bear with me.
2 I'm not catching and I may do my hand like
3 that. That means I'm just catching my breath
4 for a minute. Don't panic. I won't panic
5 and I'll ask you more questions after my
6 cough stops, okay?

7 A. Sure.

8 Q. All right. Now, you are Dr.
9 Kimberly Harrison; is that correct?

10 A. That's correct.

11 Q. Tell me, please, ma'am, about your
12 education and your degrees if you would,
13 please?

14 A. Sure. I have a bachelor's degree in
15 psychology from Texas A&M University. I have
16 a master's degree in psychology and a Ph.D.
17 in clinical psychology. Both of those are
18 from the University of North Texas.

19 Q. Now, if you would, please, ma'am,
20 tell me about the professional experiences
21 that you have had?

22 A. Sure. As part of my training, I
23 completed a pre-doctoral internship, that's
24 a one-year full-time program at Atascadero
25 State Hospital in California, which is a

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1 maximum security forensic hospital.

2 After I received my Ph.D., I completed a
3 post-doctoral fellowship in clinical forensic
4 psychology with State Operated Forensic
5 Services up in Minnesota.

6 After that, I moved to South Carolina
7 where I was employed with the Department of
8 Mental Health as a chief psychologist with
9 the forensic evaluation service.

10 And in that capacity I've conducted
11 various types of psychological evaluations
12 for the courts, so forensic evaluations,
13 including evaluations under the Sexually
14 Violent Predator Statute.

15 Q. Now, you may have mentioned this in
16 your explanation a moment ago, but have you
17 told the jury about your clinical experience?
18 Did you cover that just then?

19 A. Yes, that would all be included in
20 what I just said.

21 Q. All right. And you also covered,
22 that's what you call your professional
23 experience as well; is that correct?

24 A. Correct.

25 Q. All right. Now, talk about if you

1 would, please, ma'am, the research experience
2 that you've had in your professional career?

3 A. Throughout graduate school and after
4 graduate school, I continued to participate
5 in a lot of research projects mostly
6 involving elements of forensic psychology.
7 So going into jails and gathering data by
8 interviewing inmates, looking at all
9 different kinds of questions and issues
10 involving psychopathy, or the effects --
11 effectiveness of different psychological
12 measures to assess various mental disorders.
13 So just a wide range of publications and
14 research projects in those areas.

15 Q. And that gets me to the last thing
16 you may have discussed because you just said
17 you'd had some publications and presenta-
18 tions, do you have any idea of how many
19 publications you've had, roughly?

20 A. I'm not sure, maybe about ten.

21 Q. About ten or twelve or more?

22 A. Sounds right.

23 Q. Okay. Now, you've made numbers of
24 presentations as well; is that correct?

25 A. That's correct.

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1 Q. Can you tell the jury a little bit
2 about those presentations, what they
3 encompass?

4 A. Sure. Those presentations were at
5 professional conferences and conventions,
6 often from the same research projects that
7 I'd published articles on. I've presented at
8 a few legal conferences as well at other
9 conferences for mental health professionals.

10 Q. And you may have covered this in
11 some of your discussion a moment ago, but
12 you've taught at a number of places; is that
13 correct?

14 A. Yes, I taught several undergraduate
15 courses when I was at the University of North
16 Texas in psychology, including a course on
17 psychology of the offender, a women's
18 psychology course.

19 And then when I was employed here in
20 South Carolina, I was also on faculty at the
21 University of South Carolina School of
22 Medicine in the Department of neuro-
23 psychiatry. And in that capacity, I helped
24 to train medical students, psychiatry
25 residents and the fellows in the forensic

1 psychiatry fellowship program; both super-
2 vising their clinical work, as well as giving
3 them lectures on various topics.

4 Q. You've had some other professional
5 activities that you're a member of. Would
6 you tell the jury about those, please, ma'am?

7 A. I'm a member of the American Psycho-
8 logy Law Society, the Texas Psychological
9 Association and the area psychological
10 association.

11 Q. Now, have you had occasion to
12 conduct sexually violent predator evalua-
13 tions?

14 A. Yes, I have.

15 Q. How many approximately have you
16 done, please, ma'am?

17 A. So when we're talking about
18 conducting sexually violent predator
19 evaluations, there are really two types.

20 The first type is what we're here for
21 today, a pre-commitment evaluation to
22 determine if someone meets criteria to be
23 committed as a sexually violent predator.
24 So that's one type.

25 The second type is an annual review

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1 evaluation. So once someone is committed
2 into this SVP Program, they undergo a yearly
3 evaluation to determine if they are -- would
4 be safe to be at large, if they were to be
5 released. So combining those evaluations,
6 I've conducted about a hundred and thirty
7 (130).

8 Q. And have you on occasion given an
9 opinion that one is a sexually violent
10 predator?

11 A. Yes, I have. So in conducting these
12 evaluations there's no quota. There's no,
13 you know, I have to see this many people or
14 sexually violent predators.

15 Each case I spend a lot of time on. I
16 evaluate all the information that's available
17 to me and I make a decision on that case.

18 And so there have been several occasions
19 where I have said that, 'yes, this person
20 does meet criteria to be committed as a
21 sexually violent predator.'

22 Q. Now, have you ever been qualified as
23 an expert in previous court proceedings?

24 A. Yes, I have.

25 Q. How many times have you been

1 qualified as an expert, totally?

2 A. Total, it would be over fifty times.

3 Fifty times were here in South Carolina, a
4 few times in the State of Minnesota and one
5 time in New Jersey; but the vast majority of
6 that fifty times in South Carolina.

7 Q. And were those qualifications as an
8 expert in the area of forensic psychology?

9 A. Yes, they were.

10 Q. Tell the jury, please, ma'am, what a
11 forensic psychology -- what that means? What
12 you do as a forensic psychologist?

13 A. Sure. So psychology in general is
14 the study of peoples' emotions and behaviors
15 and thinking. And then forensic psychology
16 means that we take those principals and those
17 methods and we apply it to the legal system.
18 So as a forensic psychologist, I help the
19 court -- meaning the Judge, the jury,
20 whatever the case may be, understand issues
21 and to answer questions that have a
22 psychological bent to them.

23 So, for example, another type of
24 evaluation that I conduct would be competency
25 to stand trial evaluations. So if you have a

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1 criminal defendant and they're worried that
2 that person might not be competent to stand
3 trial, that would also fall under the
4 umbrella of forensic psychology, or helping
5 the court determine if someone was, as we
6 say, insane at the time of the offense. That
7 would be a forensic psychology question. And
8 sexual violent predator evaluations would
9 also fall under that.

10 Q. Thank you.

11 MR. WELBORN: Your Honor, if it
12 please the Court, I would move at this time
13 that Dr. Harrison be qualified as an expert
14 in the area of forensic psychology.

15 THE COURT: *Voir dire?*

16 ATTORNEY GENERAL WETHERTON: I
17 have no objection, Your Honor.

18 THE COURT: All right. Very well.
19 Without objection the witness will be
20 qualified as an expert in forensic psychology
21 as a forensic psychologist. And this is
22 based on her background, training and
23 experience. And she will be able to give her
24 opinion based on that experience, as well as
25 any studies that she's made or information

1 she's relying on. Of course, all witnesses'
2 testimony, expert or lay witnesses, the value
3 of that testimony is for your determination.
4 You may proceed.

5 MR. WELBORN: Thank you.

6 DIRECT EXAMINATION CONTINUED

7 BY MR. WELBORN:

8 Q. Dr. Harrison, have you had an
9 opportunity to evaluate my client here, Dewey
10 Chadwick?

11 A. Yes, I have.

12 Q. And when did you do that?

13 A. I met with Mr. Chadwick on June the
14 6th, 2013.

15 Q. And when you met with my client,
16 where did you meet with him?

17 A. That was at the Department of Mental
18 Health in Columbia, at the Forensic
19 Evaluation Service. He was transported
20 there.

21 Q. And what was the purpose of that
22 meeting and evaluation?

23 A. I had been court ordered to conduct
24 an evaluation to determine if Mr. Chadwick
25 met criteria to be committed as a sexually

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1 violent predator. So that's how I came to be
2 involved in the case. I was ordered by the
3 court to do the evaluation.

4 Q. And as a matter of fact, I, as the
5 attorney for Mr. Chadwick, had asked for
6 someone to be appointed in that regard; is
7 that correct?

8 A. I believe so.

9 Q. And I did not specifically know you
10 were asked. You were simply appointed by
11 court order; is that correct?

12 A. That's correct.

13 Q. And I didn't actually meet you in
14 person until I believe yesterday; is that
15 correct?

16 A. That's correct.

17 Q. Now, over what period of time did
18 you meet with Mr. Chadwick and interview him?

19 A. I interviewed him on that day back
20 in June of last year for about an hour and
21 forty minutes.

22 Q. Did you meet with at any subsequent
23 times after that?

24 A. No, I did not.

25 Q. Now, what type of tests, if any,

1 during that period of time did you administer
2 to Mr. Chadwick?

3 A. I did not conduct any testing with
4 Mr. Chadwick. I interviewed him. I reviewed
5 all the records that were available to me.
6 These included medical records, mental health
7 and legal records. And then I completed an
8 actuarial risk assessment instrument on Mr.
9 Chadwick, which is called the Static-99.

10 Q. Now, I'm just curious. You met with
11 him for an hour and forty minutes. Is there
12 any reason why you didn't administer any
13 other tests besides the Static-99 that we've
14 referred to?

15 A. Sure. We don't have any tests that
16 will tell us if a person is a sexually
17 violent predator or not. The tests that we
18 have can help tell us if a person may be
19 experiencing things like depression or
20 anxiety, what their IQ level is, what their
21 level of intelligence, things like that. On
22 occasion it is necessary in these cases to do
23 testing. I didn't feel like in this
24 particular case that there was any testing
25 that was warranted. The other issue when it

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1 comes to psychological testing is that you
2 have to be very concerned with the validity
3 and reliability of the tests that you're
4 administering. So there are tests that
5 purport to help identify a person's sexual
6 interests or sexual deviance; moreover, there
7 are significant problems with these tests.
8 Given the fact that this is a very important
9 case, that Mr. Chadwick and others like him,
10 their freedom is basically at stake, I don't
11 feel like the validity and the reliability of
12 those tests that do purport to measure sexual
13 interests or likelihood of re-offense, that
14 they're validity and reliability are
15 sufficient to justify administering them in
16 these cases.

17 Q. And is this your standard practice
18 to interview as opposed to giving these other
19 tests?

20 A. Yes. And as I said, there are some
21 cases where, for example, you might want to
22 give an IQ test or give a test of personality
23 characteristics or things like that. So I
24 have given those tests in these cases in the
25 past. In this particular case, because these

1 cases aren't sort of a one-size-fits-all
2 approach, in this case, I had a lot of
3 records on Mr. Chadwick and I conducted the
4 interview and I had the actuarial risks
5 assessment instrument and that that was
6 sufficient.

7 Q. Is there any type of requirement
8 that there must be some other type of testing
9 besides an interview for you to have what's
10 considered a valid results?

11 A. No.

12 Q. Now, let's talk very briefly. We've
13 done this a little bit already about your
14 sources of information. You interviewed him,
15 you looked at his sexual predator referral
16 form, you looked at his criminal records that
17 was convictions, and all the allegations
18 behind that. You looked at some law
19 enforcement records. And all the stuff that
20 we've mentioned there, those were the things
21 that were given to you to look at or did you
22 request them?

23 A. Some of the were provided in a
24 packet of information that I received from
25 the Attorney General's Office. Other

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1 information, I believe, I requested
2 specifically, such as some of the hospital
3 records, things of that nature.

4 Q. And based upon your experience in
5 the past as an expert, was there anything in
6 your evaluation that you were -- any
7 materials that you were missing that you
8 normally would have used in evaluating Mr.
9 Chadwick?

10 A. The one piece of information that I
11 would have liked to have had were records
12 from his -- when he previously went through
13 sex offender treatment. I did request those
14 records and we did not receive any
15 information by the time I had completed my
16 report.

17 Q. Now, did you talk with Mr. Chadwick
18 in interviewing him about his developmental
19 and social history?

20 A. Yes, I did.

21 Q. And was there anything about that
22 that gave you some type of overriding concern
23 about his propensity to reoffend?

24 A. No. He did not have -- or he denied
25 having significant behavior problems as a

1 child, which may be an indicator of conduct
2 disorder, which may then lead into antisocial
3 personality disorder. There wasn't any
4 indication that that was an issue for him.

5 Q. And I believe you interviewed him
6 about his educational background. He didn't
7 go very far in school; is that correct?

8 A. That's correct.

9 Q. What, if anything, does that have to
10 do with his ability to reoffend?

11 A. As far as I know, there is no
12 correlation between ability to read and write
13 or how far a person has gone to school and
14 their likelihood of reoffend.

15 Q. Did you talk to him about his
16 employment history?

17 A. Yes, I did.

18 Q. And he worked, I think, in textile
19 mills and that type of thing; is that
20 correct?

21 A. Correct.

22 Q. Is there anything in that particular
23 category that gave you concern about his
24 ability or propensity to reoffend?

25 A. No, nothing in that. He, from his

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1 report, had pretty stable employment. His
2 longest job was about fifteen years in a
3 cotton mill, which didn't suggest any
4 problems with significant irresponsibility or
5 being unable to maintain a job.

6 Q. And, again, based on that employment
7 history, is there any correlation with that
8 particular history and one toward a history
9 to reoffend?

10 A. Not that I'm aware of.

11 Q. And did you interview him about his
12 medical history?

13 A. Yes.

14 Q. And I believe that he shot himself
15 accidentally when he was a younger man and
16 had some surgery on his arm; is that correct?

17 A. Yes.

18 Q. Now, did you interview him about
19 some of his problems regarding his health in
20 general right now?

21 A. Yes.

22 Q. And tell the jury very briefly about
23 his health situation. What did you find?

24 A. Well, according to -- well, he
25 informed me that he's undergone surgeries on

1 his back, his shoulder and his colon. I did
2 have records from AnMed. These were from
3 2005. And according to those records he has
4 diabetes, high cholesterol, hypertension,
5 diabetic retinopathy and diabetic peripheral
6 neuropathy. He's had incidents of shortness
7 of breath and chest pain. In 2012 he was
8 described as having acute renal
9 insufficiency, diabetes and hypertension.

10 Q. Based upon his medical history, in
11 your expert opinion, is there a correlation
12 between healthy concerns and a propensity to
13 reoffend, given that medical history?

14 A. No, I don't believe so.

15 Q. Did you talk to him about his
16 substance abuse history?

17 A. Yes, I did.

18 Q. And what did you learn from him
19 about that?

20 A. Mr. Chadwick did have a history of
21 heavy alcohol use in his thirties. He would
22 consume large amounts of alcohol pretty much
23 on a daily basis. He said he stopped
24 drinking at the age of forty-five and has had
25 some health problems as a result of that

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1 heavy drinking.

2 Q. Now, based upon the fact that he
3 says he's no longer drinking, that's been
4 over twenty years ago, does that give you
5 concern about his ability to reoffend at this
6 point?

7 A. If it was still an active problem,
8 then that could be a potential risk factor.
9 It wouldn't necessarily make him more likely
10 to reoffend. At his point, no, I cannot say
11 that that's a risk factor for him or that
12 that would increase his likelihood of re-
13 offense.

14 Q. And the fact that he's not had a
15 drink, he says, in twenty years -- what, if
16 anything, does that tell you about his
17 ability to stay away from substance abuse?

18 A. If he has, you know, abstained from
19 alcohol for the last twenty years, that would
20 show some good self-control, some abilities
21 to problem solve.

22 Q. Did you interview Mr. Chadwick about
23 his mental health history?

24 A. Yes, I did.

25 Q. Tell the jury what you found about

1 that?

2 A. Probably the most significant thing
3 was that he did attempt suicide about twelve
4 or thirteen years ago. He took an overdose
5 of various types of pills, prescription pills
6 that he had. He indicated that he attempted
7 suicide because he was having difficulty
8 providing for his family at that time. He
9 was taken to the hospital and the hospital
10 records indicated that he was also upset
11 about being accused of sexual offenses
12 against children at that time.

13 So at that time, he was diagnosed with an
14 adjustment disorder, which is basically just
15 if someone is having a significant reaction
16 to things that are going on in their life.
17 So it's not something like a depressive
18 disorder or anxiety disorder, it's more
19 context based. Something bad is happening
20 and you're reacting with symptoms of
21 depression or anxiety. And he was prescribed
22 an antidepressant medication at that time.
23 He denied any other kinds of suicide attempts
24 or any psychiatric hospitalizations and has
25 not participated in any other kind of mental

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1 health services.

2 Q. Now, based upon your experience is
3 there a propensity for someone with his type
4 of history to reoffend sexually?

5 A. I would say that there's probably no
6 correlation between that history and the
7 likelihood of reoffending.

8 Q. Did you talk to Mr. Chadwick about
9 his sexual history? And that's why we're
10 here?

11 A. Yes, I did.

12 Q. I want you to tell the jury in a
13 little bit of detail about what he said and
14 then we'll talk about some other stuff that
15 he maybe said to the other expert. What did
16 he tell you?

17 A. So I always do an in depth sexual
18 history with the people that I'm
19 interviewing, which can be uncomfortable,
20 because I ask them all sorts of questions
21 about, you know, their sexual partner
22 history, their masturbation history, all that
23 kind of information. Mr. Chadwick said that
24 he began masturbating as a teenager and that
25 he first had sex at the age of twenty or

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1 twenty-five with a woman that was a few years
2 older than him. He said he's had about ten
3 sexual partners in his life.

4 Included in the sexual history is a
5 marriage and relationship history. So he's
6 been married a total of three times.

7 He married for the first time when he was
8 twenty and his wife was thirty-five. They
9 remained married for a year until she had an
10 affair with another man and they divorced.

11 He married his second wife when he was in
12 his thirties. He and his wife, that second
13 wife divorced after five years, again,
14 because the wife was having an affair.

15 When he was forty-eight, he married his
16 third wife who was eighteen years old at the
17 time of their marriage. And, I guess,
18 evidently he knew this woman's family from
19 church. They all went to the same church.
20 They did have one son together, who is now a
21 teenager. And they divorced after ten years
22 of marriage, again after she had an affair
23 with another man.

24 And he denied any other significant long-
25 term relationships. He did tell me that he's

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1 been unable to achieve an erection for about
2 the last eight or nine years. He denied ever
3 going to strip clubs, adult bookstores,
4 watching pornography. And he denied all
5 interest in what we would consider paraphilic
6 behaviors or deviant sexual interests. So he
7 said he was not interested in sex with
8 animals, sex with children, anything like
9 that.

10 Q. Let's talk about that for a little
11 bit. You were present all day yesterday ---

12 A. Yes, I was.

13 Q. --- during Ms. Gomez's testimony; is
14 that correct?

15 A. Yes, I was.

16 Q. And if I understood correctly --
17 tell me if I'm wrong -- I think that there
18 was some testimony that he told Dr. Gomez --
19 he changed his story a time or two about what
20 he had done. And then there was some
21 testimony that he had sex with animals and
22 things. You were here during all of that; is
23 that correct?

24 A. Yes, I was.

25 Q. Did he tell you anything like that

1 when he was talking to you, sex with animals
2 and things along that line?

3 A. No, he did not.

4 Q. And assuming, since you sat in and
5 listened to that yesterday, what concerns
6 does that give you based on everything you
7 heard yesterday -- we'll talk about the
8 testimony in a little bit. What concerns, if
9 any, does that give you about his propensity
10 currently to reoffend?

11 A. Sure. I may be jumping a little bit
12 ahead of myself here, but Mr. Chadwick
13 clearly meets criteria for pedophilia, being
14 sexually attracted to children. I completely
15 agree with her testimony from yesterday that
16 he meets criteria for pedophilia given his
17 history. So the fact that he admitted to
18 having more victims than had previously been
19 identified by law enforcement doesn't change
20 that. We already know that he's a pedophile.

21 And it's sort of a rule of thumb, if you
22 will, that actually only a small percentage
23 of victims actually come forward. So when I
24 evaluate sex offenders, you can generally
25 assume that they have more victims than

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1 you're aware of. That's just standard
2 operating procedure, if you will.

3 The fact that he admitted to sex with
4 animals, that would make him eligible for a
5 diagnosis of zoophilia, which Dr. Gomez did
6 diagnose him with. I did not have that
7 information at the time of my evaluation and
8 so I did not provide that diagnosis. I have
9 no reason to believe that that's false or
10 made up or anything like that. So I would
11 agree with Dr. Gomez that that is also a
12 likely diagnosis for Mr. Chadwick.

13 The other thing about paraphilia is that
14 it's not unusual if a person has one
15 paraphilia, such as pedophilia -- in this
16 case being attracted to pre-pubescent
17 children -- it's not unusual or surprising
18 that he would have another paraphilia, such
19 as a sexual attraction or sexual behavior
20 with animals. So although I didn't have that
21 information at the time of my evaluation,
22 it's not particularly surprising nor does it
23 change my opinion.

24 Q. Thank you. Now, let's talk about, a
25 little bit about his legal issue and then

1 we'll talk about some of these tests from
2 yesterday?

3 A. Sure.

4 Q. You were here. You've got his legal
5 history. I think he's had -- he's pled
6 guilty I think four times to various
7 instances that would involve lewd acts on a
8 minor or criminal solicitation of a minor.
9 And all of that was gone into yesterday. You
10 don't disagree with any of that; do you?

11 A. No.

12 Q. That is a fact that he has been
13 found guilty or pled guilty or no contest to
14 those offenses; would you agree with that?

15 A. That's correct.

16 Q. Now, as a doctor in this area,
17 you're aware, first of all, that one has to
18 have an offense, which he has, that would
19 qualify under the statute. He does have
20 those; doesn't it?

21 A. Yes.

22 Q. And you have agreed that he is
23 indeed a pedophile; is that correct?

24 A. That's correct.

25 Q. Well, let's talk about some of the

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1 factors that you looked at in your
2 evaluation. Did you look at his, whether
3 he's had any other type of serious offenses
4 or offenses of violence besides these?

5 A. Yes, I did look at that information.

6 Q. And what did you find in that
7 regard?

8 A. According to all the information I
9 had, he had no other convictions for any kind
10 of violent offenses, property offenses, drug
11 offenses, anything like that. The entirety
12 of his criminal history record is the sex
13 offenses that we've discussed.

14 Q. And did you also look at his
15 institutional disciplinary history, whether
16 he had disciplinary infractions while
17 incarcerated?

18 A. Yes. I do review the prison
19 records. And included in those records are
20 if the person has been cited for any kind of
21 disciplinary infraction, rule violations
22 while in prison. And he had not been cited
23 for anything while in prison.

24 Q. Now, those factors we discussed, the
25 fact that he had no other serious offenses

1 and no disciplinary infractions, what
2 indications, if any, does that give you about
3 his propensity to reoffend in the future?

4 A.. Well, what we know about sex
5 offenders is that there are two main factors
6 that help us with the risk assessment of
7 determining who's most likely to reoffend.
8 Those two main risk factors are sexual
9 deviance so, in this case, pedophilia. So he
10 has that.

11 The other main risk factor is an
12 antisocial orientation. So meaning does this
13 person have a history of chronic rule
14 breaking, different types of criminal
15 offenses. So sometimes you see guys who,
16 in addition to their sex offenses, also have
17 assault charges and burglaries and drug
18 offenses. And throughout their life they've
19 -- they can't hold a job. They're
20 irresponsible. They do things very
21 impulsively. All of that is sort of captured
22 under this antisocial orientation.

23 So when you have someone who has both of
24 those factors, the sexual deviance and the
25 anti-social orientation, those are the guys

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1 that have the highest likelihood of
2 committing a sex offense in the future.

3 In Mr. Chadwick's case, it's been well
4 established he has the pedophilia. He has
5 the sexual deviance. But there's nothing in
6 his history that suggest that he has this
7 antisocial orientation. The only times that
8 he's been in trouble with the law are for his
9 sex offenses, which is captured under that
10 pedophilia. So there's not this other sort
11 of criminality, this antisocial orientation,
12 this desire to break the law just sort of for
13 the sake of breaking the law.

14 Q. Thank you. Now, did you talk to Mr.
15 Chadwick about his sex offender treatment
16 history?

17 A. Yes, I did.

18 Q. And tell the jury what you did and
19 what you found.

20 A. He told me that he'd gone through
21 sex offender treatment through the mental
22 health center here in Anderson back in 2010.
23 I tried to request -- or I did request those
24 records and there was no indication that he'd
25 ever been seen by the mental health center.

1 So I'm still not sure what that was. He did
2 therapy sex offender treatment as a condition
3 of his probation and he completed that in
4 2008. And those were the records I mentioned
5 earlier that I tried to obtain and had no
6 luck.

7 Q. Now, you listened yesterday to Dr.
8 Gomez and I think that there was some
9 offender, some treatment history. Did I hear
10 that correctly? Here locally?

11 A. Yes, I believe that she also noted
12 that he had gone through this sex offender
13 treatment.

14 Q. Now, let's talk about his current
15 mental status. Did you review that with him?

16 A. Well, his current mental status is
17 basically just how he appeared to me, how he
18 interacted with the evaluation, his thought
19 processes, his mood. And that was all
20 generally within normal limits. He did seem
21 to have some problems understanding the
22 questions and providing concise answers. He
23 tended to kind of ramble along with his
24 answers. But there were no overt symptoms of
25 mental illness that were noted.

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1 Q. Now let's talk a little bit about
2 some of the tests that Dr. Gomez gave him.
3 And you talked very generally about that.
4 Are you familiar with the Connors Continuous
5 Performance Test, CPT II. Are you familiar
6 with that?

7 A. Yes.

8 Q. What is that?

9 A. It's a computer-based test where the
10 person is shown, one at a time, different
11 letters. And they're told to press the space
12 bar each time the letter appears on the
13 screen, unless the letter is an X. And then
14 they have to withhold their response. So
15 just hitting the spacebar with a mouse for
16 each letter that pops up except an X. And
17 the letters come at different speeds, at
18 different rates. It's a test to help
19 determine if someone has Attention Deficit
20 Disorder. It's commonly used with children,
21 and sometimes with adults as well to provide
22 evidence for Attention Deficit Disorder.

23 Q. And correct me if I'm wrong, and I'm
24 sure you were here yesterday and heard this,
25 but my understanding was that that -- there

1 was no real diagnosis from that particular
2 test yesterday. Did I understand that
3 correctly?

4 A. That was my understanding that she
5 did not provide a diagnosis based on that
6 data.

7 Q. So that's certainly not a negative
8 result, and we're talking about my client who
9 took the test, based upon your observations;
10 is that correct?

11 A. I don't know if it's negative or
12 positive. It doesn't really have any bearing
13 on whether or not he's a sexually violent
14 predator.

15 Q. Okay. Were you here to listen to
16 the Personality Assessment, PAS test?

17 A. Yes.

18 Q. What's that, please?

19 A. It's a brief screening measure to
20 help determine if someone may be having
21 symptoms of depression or anxiety, psychosis.
22 So it's just a very general screener for any
23 kind of mental health problems.

24 Q. And based upon your listening from
25 yesterday, what was your understanding of the

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1 results of that test? I think that -- I'm
2 not quite sure on that. Can you tell me?

3 A. I believe -- and, again, I do not
4 administer this test. So just going off of
5 Dr. Gomez's report and what she said in court
6 -- that a few of the items sort of came up as
7 possible indicators of something. She
8 reviewed those items with him and then it was
9 determined that no further evaluation was
10 needed. So that test, I don't think really
11 contributed anything to her diagnosis or her
12 opinion.

13 Q. Were you listening when she talked
14 about the Able-Blasingame Assessment System
15 for Individuals with Intellectual
16 Disabilities, ABID. Were you listening to
17 that?

18 A. Yes.

19 Q. And, again, for the jury to
20 understand all this because it's very
21 difficult, what is it?

22 A. That test purports to help identify
23 a person's sexual interests and what they're
24 aroused by. It's Able -- there's a whole
25 collection of tests that are called Able-such

1 and-such. These tests are pretty problematic
2 in my view. And a lot of evaluators who do
3 these types of evaluations do not use the
4 Able measures. They are -- there's not been
5 very much research published on their
6 effectiveness. We don't know if they're
7 actually measuring what they say they're
8 measuring. The author of these instruments
9 hasn't released data so that other
10 researchers or clinicians can examine the
11 data that underlies what these tests say that
12 they're measuring. So there's significant
13 problems with those tests and they're not
14 generally well-regarded in this field.

15 Q. And I believe on that particular
16 test that it was -- I believe Mr. -- the
17 results would be to be interpreted with
18 extreme caution because of those factors you
19 just mentioned; is that correct?

20 A. I'm not exactly sure why. I don't
21 recall specifically why she said they should
22 be interpreted with caution.

23 Q. They also said that he had a
24 cognitive distortion score of twenty (20) out
25 of a hundred (100), with a hundred being a

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1 bad score and so he had a twenty. Were you
2 here when that was discussed?

3 A. Yes, I was.

4 Q. Did that particular score give you
5 any negative concerns about my client's
6 ability to reoffend?

7 A. Again, because we don't know if the
8 test is actually measuring what it's saying
9 that it's measuring, I can't really say one
10 way or the other what that score means.

11 Q. Okay. And you were present when
12 they talked about the PPG or the Penile
13 Plethysmograph test; is that correct?

14 A. That's correct.

15 Q. And my understanding was this was an
16 invalid assessment though because he had some
17 irregular breathing and some other moving or
18 jerking issues; is that correct?

19 A. That's correct.

20 Q. Now, let's talk about compare the
21 psychopathy checklist, PCLSB. I don't know
22 if I'm saying that right or not. What is
23 that?

24 A. Basically it's a scoring system to
25 help determine if someone meets criteria for

1 psychopathy. Psychopathy, it's sort of like
2 an antisocial orientation I was talking about
3 earlier.

4 You hear of someone described as a
5 psychopathy. That means that they're
6 callous, don't have empathy for other people,
7 only looking out for themselves, do whatever
8 they want to do regardless of who it hurts.

9 And so the psychopathy, this version that
10 was administered, is just the screening
11 version to see if a more in depth evaluation
12 needs to be conducted. And according to her
13 report, he obtained a very low score.

14 I'm not suggesting that he does not have
15 psychopathy.

16 Q. And that's good news so far as his
17 propensity to reoffend statistically; is that
18 correct?

19 A. Right. Because again that's another
20 indication that he doesn't have that anti-
21 social orientation like chronic law breaking.
22 So that would -- that would not be a risk
23 factor for him.

24 Q. Now, there's one more test that I
25 think that she gave and I think you may have

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1 given too, the Static-99R test. Did you give
2 that test?

3 A. Yes. It's not really a test. It's
4 just a checklist of factors. So it's just
5 something that I complete. It's an actuarial
6 risk assessment, so if you ever go into get
7 life insurance, they're going to rate you on
8 a number of factors to determine basically
9 how long you're going to live or whatever the
10 case may be. And so it's just a checklist of
11 risk factors.

12 Q. And how did he -- I believe that the
13 result from Dr. Gomez was a zero, which is
14 the low-risk category; is that correct?

15 A. That is correct.

16 Q. And in your opinion which one of
17 these tests is the most critical test so far
18 as actual -- actuarial risk assessment of
19 someone to reoffend? Which one of these
20 tests is the most determinative?

21 A. Well, of all the tests that Dr.
22 Gomez conducted, the Static-99R is the only
23 one that's looking specifically at the issue
24 of risk of reoffending with a sexual offense.
25 And I also conducted the Static-99R. We

1 obtained the same score. We both arrived at
2 a score of zero for Mr. Chadwick.

3 Another thing that's important to
4 understand is that research has repeatedly
5 shown that these actuarial risks measures,
6 such as the Static-99 are the best that we
7 have at predicting risk at this time. The
8 whole field of predicting sexual offense
9 behavior is new. It's still evolving. But
10 at this point in time, that's the best we
11 have.

12 And so the Static-99R is a big part of my
13 evaluation. And I do put greater weight on
14 that than I would put on something like the
15 test for Attention Deficit Disorder, which
16 really isn't relevant to this question. So
17 the Static-99R is important. And it's
18 basically saying that the score that Mr.
19 Chadwick received that was agreed upon by Dr.
20 Gomez and myself is in the low range of
21 risks. So basically if you took a hundred
22 sex offenders that had the same score as Mr.
23 Chadwick, about five of them reoffended over
24 the course of five years. And about nine out
25 of those one hundred reoffended within ten

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1 years.

2 Q. Now, were there any offenses in the
3 last ten years -- in listening to testimony,
4 were there any offenses that my client
5 committed in the last ten years that gave you
6 any major concern about his ability to
7 reoffend, such as hands-on offenses, that
8 sort of thing?

9 A. It's my understanding that his, the
10 last offense that he was convicted of, that
11 was the criminal solicitation of a minor, he
12 was talking to a girl and he asked to touch
13 her, but he did not actually put his hands on
14 her. So it's in all the records that I have
15 he has not actually touched a child
16 inappropriately or has not been accused of
17 doing so in the last ten years.

18 Q. You spent an hour and forty minutes
19 in an interview with him; is that correct?

20 A. That's correct.

21 Q. Now, you also looked at all of those
22 records and I want the jury to know well how
23 much time besides that hour and forty minutes
24 did you invest into this? Was it a whole lot
25 more than an hour and forty minutes all said

1 and done and look at all the stuff you had?

2 A. Oh, absolutely. A large part of my
3 evaluation and my opinion comes from the
4 records that I have available to review. I
5 didn't bring them all with me, but it was a
6 large stack of records. And then attempting
7 to obtain additional information, so I didn't
8 keep track of how much time I spent on the
9 whole case, but it's usually several weeks-
10 worth of work.

11 Q. So it would be fair to say that you
12 didn't just put an hour and forty minutes in
13 this and walk off?

14 A. No, that was a small, small portion
15 of it.

16 Q. Now, you have sort of answered this
17 question, but I want to ask it to make sure
18 the jury understands it. You didn't give any
19 of the diagnostic tests except for the
20 Static-99. We talked about that. That was
21 the most important test, is my understanding.
22 How important to you are those tests as
23 compared to simply the interviewing methods
24 and the records that you looked at?

25 A. The way I think of these evaluations

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1 is we're going to answer a very specific
2 question. And that is, does Mr. Chadwick
3 meet criteria to be committed as a sexually
4 violent predator. It's sort of like going to
5 your doctor because you've been having
6 headaches and that's your concern. That's
7 your question, why am I having these
8 headaches? If your doctor runs you through a
9 whole battery of tests, including x-raying
10 your ankle, doing things like that, maybe
11 you'll find something interesting. Maybe
12 you'll find that, 'oh, I have a little bit of
13 arthritis in my foot or something.' Well,
14 maybe that's interesting but that's probably
15 not going to answer the question of 'why am I
16 having these headaches?' So I tend to keep
17 my reports and my evaluations pretty focused
18 on the question that's at hand.

19 My role as a court-appointed evaluator is
20 to be as helpful to the court as I can be.
21 That's why my reports tend to be more concise
22 and why I don't subject the individuals to
23 hours and hours and hours of unnecessary
24 testing. So that is my stance on these types
25 of evaluations.

1 Q. Now, the last time Mr. Chadwick was
2 in trouble, I think was in, what, 2011 or it
3 was some other time?

4 A. Let me just refresh my memory here.
5 He pled guilty in 2012 for the offense that
6 took place in 2011.

7 Q. All right. Well, now -- so he
8 committed an offense so basically in 2011 he
9 pled guilty to it; that's three years ago.
10 Now, based upon the fact this man's three
11 years older, he's sixty-six (66) and he's
12 aging, he's got all these health problems.
13 Does that give you some idea about his
14 propensity or risk to reoffend at this stage
15 in his life and with the aging process?

16 A. We do know with sex offenders that
17 there's a pretty dramatic drop in their risk
18 to reoffend as they get older. And that's
19 one of the reasons that his score, the
20 Static-99 is in the low range because of his
21 age. As a whole, you see a pretty dramatic
22 drop usually when a person reaches their
23 fifties. And that's true for most types of
24 criminal offending, but especially for sex
25 offenders, there's a large drop usually in

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1 the fifties in a person's Fifties (50s).

2 Q. Do you have opinion based upon your
3 expert -- your expertise and having done
4 about a hundred and thirty of these, do you
5 have an opinion as to whether or not my
6 client should be considered to be a sexually
7 violent predator?

8 A. My bottom-line opinion is that no,
9 he does not meet criteria to be committed as
10 a sexually violent predator. Given Mr.
11 Chadwick's history and his diagnosis of
12 pedophilia, there's always going to be some
13 risk that he will reoffend. To say that
14 there's no risk or that he'll never reoffend,
15 nobody can say that. We're not fortune
16 tellers. I can't predict with exact
17 certainty what's going to happen in the
18 future. None of us can. It's a risk
19 assessment. So we have to rely on the data
20 that we have available using the most recent,
21 most accurate scientific methods that we
22 have, which are actuarial risk assessment
23 instruments, such as the Static-99R.

24 The statute, the SVP statute says that
25 this law is to be applied to an extremely

1 dangerous group of sex offenders. Mr.
2 Chadwick is a pedophile, absolutely. But he
3 does not have these other factors that make
4 him more dangerous or any extremely dangerous
5 group. So it's really a matter of degree.

6 If we were to commit every pedophile in
7 the state, we would be locking up tens of
8 thousands of people. This law, my under-
9 standing of this law is that it is designed
10 to be applied to the extremely dangerous
11 group of sex offenders.

12 So is Mr. Chadwick a pedophile? Yes.

13 Will he always have some risk of
14 reoffending given his history? Yes.

15 Applying the law to this case, though, do
16 I believe he's in that extremely dangerous
17 group? No, I do not have the evidence or the
18 data to say that he fits in that group.

19 Q. Having listened to the testimony
20 yesterday and having made your assessment and
21 having given your opinion, putting all of
22 that together, is that still your opinion
23 today that he is not to be considered to be
24 a sexually violent predator. Based on
25 everything you've heard, seen and listened

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1 to, do you still have that opinion even
2 today?

3 A. Yes. That is still my opinion.

4 Q. Thank you. Answer anything opposing
5 counsel may have.

6 THE COURT: All right. Mr.
7 Foreman, ladies and gentlemen of the jury,
8 let's take a short break at this time. Do
9 they have refreshments back there?

10 THE BAILIFF: Yes, sir.

11 THE COURT: All right. And if
12 you'd like to refresh yourself, do that as
13 well, but when you're ready to come back,
14 just knock on the door. Again, do not
15 undertake the discussion of the case among
16 yourselves in any way.

17 (JURY OUT @ 10:40 A.M.)

18 THE COURT: All right. Anything
19 from the State?

20 ATTORNEY GENERAL WETHERTON: No,
21 sir. Nothing from the State, Your Honor.

22 THE COURT: From the Respondent?

23 MR. WELBORN: No, Your Honor.

24 THE COURT: All right. Very good.
25 All right. You may step down if you like,

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1 but you do understand you're under oath so
2 you cannot discuss your testimony with
3 anyone. All right.

4 (WITNESS STEPS DOWN)

5 (BRIEF RECESS)

6 (RESPONDENT PRESENT)

7 (WITNESS RETAKES STAND)

8 THE COURT: And Doctor, of course,
9 you're still under oath, so you don't need to
10 be resworn.

11 WITNESS: Yes, sir.

12 THE COURT: All right. Anything
13 from the State before we bring the jury back?

14 ATTORNEY GENERAL WETHERTON: No, Your
15 Honor. Nothing from the State, Your Honor.

16 THE COURT: Anything from the
17 Defense or the Respondent?

18 MR. WELBORN: No, Your Honor.

19 THE COURT: All right. Ask the
20 jury to join us, please?

21 (JURY IN @ 10:49 A.M.)

22 THE COURT: All right. Let the
23 record reflect that the jury and alternate
24 are in the jury box. Mr. Foreman, ladies and
25 gentlemen of the jury, we will now proceed

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1 with the cross-examination.

2 ATTORNEY GENERAL WETHERTON:

3 Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY ATTORNEY GENERAL WETHERTON:

6 Q. Dr. Harrison, good morning?

7 A. Good morning.

8 Q. I will try to be organized with my
9 questions to be as clear as possible. All
10 right. To begin, are you Board Certified in
11 Forensic Psychology?

12 A. No, I am not.

13 Q. Okay. And for clarification, you're
14 no longer doing SVP precommitment evaluations
15 any more for South Carolina, are you?

16 A. No. I moved out of South Carolina
17 back to Texas at the end of February of this
18 year.

19 Q. Okay. And do you currently conduct
20 any evaluations pursuant to the Sexually
21 Violent Predator Act for any other state?

22 A. No, not right now.

23 Q. Do you currently offer any sex
24 offender treatment?

25 A. No, I don't.

1 Q. Okay. And so what is your practice
2 at this time?

3 A. I'm establishing a private practice
4 in Austin, Texas, where I live. My practice
5 consists of forensic evaluations. I do still
6 do evaluations for the courts in the county
7 where I reside, as well as just general
8 psychological evaluations.

9 Q. And you testified on direct that
10 you've done a hundred and thirty overall
11 evaluations pursuant to the SVP Act; is that
12 correct?

13 A. That's correct.

14 Q. How many of them have been for pre-
15 commitment?

16 A. For precommitment was twenty-four
17 (24).

18 Q. You've done twenty-four?

19 A. Yes.

20 Q. And out of the twenty-four, do you
21 know how many you've actually had to testify
22 for?

23 A. I don't recall. I know it hasn't
24 been all of them, maybe about two-thirds of
25 them.

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1 Q. Okay. And out of those twenty-four
2 evaluations for pre-commitment, do you know
3 what percentage you did not recommend into
4 the SVP program?

5 A. I did not recommend probably about
6 two-thirds.

7 Q. Okay, so maybe seventy-five percent
8 or is that too far?

9 A. I'm not sure. I can't do math that
10 fast in my head. Somewhere between sixty and
11 seventy percent, I would say.

12 Q. You did not recommend.

13 A. I did not recommend, yes.

14 Q. And isn't it true that all the
15 individuals you've evaluated for 2013 you
16 didn't recommend anyone for commitment?

17 A. For 2013, I believe that's right.
18 I did not recommend commitment on any of
19 them; however in 2014, I recommended
20 commitment on fifty percent of them. So it's
21 varied by year.

22 As I said earlier, I work on a case by
23 case basis, there's no quota.

24 Q. Right, but in 2014 you recommended
25 commitment for one?

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1 A. Right. I only evaluated two people
2 in 2014 before I left.

3 Q. Okay. So it was just the one person
4 in 2014?

5 A. Right, so fifty percent.

6 Q. Okay. One out of two?

7 A. Right.

8 Q. Okay. And you did diagnose him as a
9 pedophile; that's correct?

10 A. Are you talking about Mr. Chadwick?

11 Q. I'm sorry. Yes, Mr. Chadwick.

12 A. Yes, I diagnosed him with
13 pedophilia.

14 Q. Okay. And would you agree with me
15 pedophilia is considered a chronic condition?

16 A. That's correct.

17 Q. Okay. And you did hear the
18 testimony yesterday where he admitted to
19 seven additional victims? Dr. Gomez
20 testified to that?

21 A. Correct.

22 Q. Okay. And you would agree with me
23 based on those seven victims, his now length
24 of offending history is much longer than what
25 we originally thought?

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1 A. Correct.

2 Q. Okay. Because he now says that he
3 started having these feelings as early as age
4 eighteen?

5 A. Right. That's what he, I guess,
6 told to Dr. Gomez, yes.

7 Q. And when you talked to him, did he
8 take any responsibility for his sexual
9 offending?

10 A. No. With me he denied ever
11 committing a sex offense.

12 Q. Okay. And in your experience doing
13 these sex evaluations, is that common for a
14 person who pled guilty to a sex offense to
15 deny it ever happened during these
16 evaluations?

17 A. Yes, it's fairly common.

18 Q. Okay. So did you ask him about 2012
19 criminal solicitation charge?

20 A. Yes, I did.

21 Q. Okay. What did he say about it?

22 A. He told me that -- no, I'm sorry.
23 He told law enforcement at the time that he
24 gave the victim his phone number because she
25 asked him for it. Let's see. I don't recall

1 specifically what he told me. But he
2 essentially denied that there was any sexual
3 element to the offense at all.

4 Q. Okay. And just for clarification, I
5 think you talked about this, you did do the
6 interview for -- it was an hour and forty
7 minutes?

8 A. Correct.

9 Q. Okay. And then you reviewed all the
10 records, which were submitted to you?

11 A. Correct

12 Q. And then you did the Static-99?

13 A. Correct.

14 Q. Okay. Now, what's the lowest score
15 a person can get on a Static-99?

16 A. The lowest possible score on that
17 measure is a negative three (-3).

18 Q. Okay. And then based on your
19 report, I believe on page five of six, you
20 state the estimate for use by a Static-99R
21 does not directly correspond to recidivism
22 rate of an individual offender?

23 A. That's right. We're talking about
24 groups. So it's the same thing when you go
25 to get life insurance. No one can predict,

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1 you know, when you're going to die. You
2 could walk out of here and get hit by a bus
3 or you could live to be a hundred and two.
4 But based on the data we have groups and
5 people that have common characteristics,
6 that's the best way to assess the question at
7 hand.

8 Q. Now, the group he's compared to is
9 it correct that that's considered a high-risk
10 group? Is that the group that he's in?

11 A. Well, when you do the Static-99, you
12 have to choose the group that you're going to
13 compare the person against.

14 When I was employed by DMH we compared
15 people in Mr. Chadwick's position, so on
16 these pre-commitment evaluations we compared
17 them to what's called a non-routine sample.
18 So the Static-99 is based on tens of
19 thousands of sex offenders that they have
20 looked at from all over the world, US,
21 Canada, Europe. And then divided them into
22 groups based on sort of similarities. And
23 for DMH our policy essentially was to compare
24 them to what's called a non-routine group
25 because these individuals most closely

1 resembled the people in that group. So it
2 was a non-routine group, not the high risk.

3 Q. Not the high risk, but it's not
4 routine; is that correct?

5 A. Non-routine, yes.

6 Q. Okay. Now, all these people in this
7 group, they're all convicted sex offenders;
8 is that correct?

9 A. Yes.

10 Q. Are they all pedophiles?

11 A. No.

12 Q. Okay. Now, the statement you stated
13 in your report, the estimate produced by the
14 Static-99R does not directly correspond to
15 the recidivism rate of an individual
16 offender?

17 A. Correct.

18 Q. So in theory his score or his risk
19 could actually be higher?

20 A. Well, based on the Static-99 that is
21 the risk group that he's in. Outside of the
22 Static-99 we look for other risk factors. So
23 I explained earlier about the whole anti-
24 social orientation aspect of it. And Mr.
25 Chadwick doesn't have any of those risk

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1 factors.

2 Q. So it doesn't give a complete
3 picture. It just only is based on certain
4 static factors?

5 A. Correct.

6 Q. And can you explain to the jury what
7 a static risk factor is?

8 A. Sure. So when we're talking about
9 risk factors there are generally two types;
10 static risk factors and dynamic risk factors.
11 And to continue the example that was started
12 yesterday about heart disease, static risk
13 factors for developing heart disease would be
14 like a family history of heart disease, of
15 your parents or grandparents have heart
16 disease. That's considered a static risk
17 factor because that can never change. That's
18 in the past. There's nothing you can do
19 about. Also, if you have ever smoked, that's
20 a static risk factor because that's in the
21 past. You can't change it.

22 Dynamic risk factors are those things
23 that are potentially changeable, so when
24 looking at heart disease things like your
25 current level of exercise or your current

1 diet, those are dynamic because they can
2 change. You can what you eat. Can change
3 how much you exercise.

4 So I was just going to apply it then to
5 what we're talking about here. With the sex
6 offenders the Static-99 only looks at those
7 static risk factors, so it only looks at
8 things like a person's age, the char-
9 acteristics of their victims, history of
10 convictions and charges, those types of
11 things. The only thing that can really
12 change is the age. The person can obviously
13 get older. So the Static-99 only static risk
14 factors. On top of that then, we look for
15 dynamic risk factors. And these are a little
16 bit more difficult to assess because it's not
17 just yes or no. But some things that we know
18 are helpful in predicting offending, that are
19 considered dynamic risk factors would be a
20 person's level of impulsivity or their
21 inability to solve problems, their resistance
22 to rules, a sense of sort of grievance,
23 hostility, like the world has done me wrong
24 kind of thing. Those are considered dynamic
25 risk factors.

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1 Q. Okay. And you testified that a
2 person's risk to reoffend kind of lowers as
3 they get older; is that correct?

4 A. In general, yes. That's the general
5 finding from research.

6 Q. And on the Static-99 he gets a
7 reduced score because of his age; is that
8 correct? That's one of the factors on the
9 checklist?

10 A. Correct.

11 Q. Okay. Isn't it true though, he
12 committed a qualifying sexually violent
13 offense when he was sixty?

14 A. Right. The last offense occurred,
15 I guess, three years ago. So he was in his
16 sixties, yes.

17 Q. But according to the Static-99, he
18 actually would get a lower score based on his
19 age?

20 A. Based on his age.

21 Q. Okay. Despite the fact he
22 committed, specifically him, committed a
23 sexually violent offense in his sixties
24 (60s)?

25 A. Right. Well, that's included in the

1 number of charges and convictions so that is
2 taken into account. But, yes, the age does
3 drop his score.

4 Q. Okay. And also does the Static-99
5 take into account that he offended after sex
6 offender treatment?

7 A. No, it does not.

8 Q. Okay. And then you also talked
9 about the dynamic risk factors you just
10 talked about that. And you did find that he
11 had a dynamic risk factor. He has a
12 resistance to rules?

13 A. Correct. His history is consistent
14 with resistance to rules, as far as probation
15 goes. As I said earlier, he didn't have any
16 disciplinary infractions while in prison but
17 when he was on probation, his probation was
18 revoked for technical violations.

19 Q. Okay. So he did well in the prison
20 -- in an institutional setting? He didn't
21 have any disciplinaries?

22 A. That's correct.

23 Q. Okay. And so that shows evidence
24 that he can follow the rules?

25 A. Correct.

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1 Q. Because in that -- and he can
2 understand right from wrong in a prison
3 setting, an institutional setting because
4 he's never had any disciplinary infractions?

5 A. That's correct.

6 Q. However, when he's been out in
7 society, and particularly on probation, his
8 probation's been violated when he's out on
9 his own; is that correct?

10 A. Yes.

11 Q. And he's been around children?

12 A. Correct.

13 Q. Okay. Now, this is kind of a silly
14 question but are there any children in
15 prison?

16 A. Not to my knowledge.

17 Q. There's definitely not any little
18 girls in prison?

19 A. Right.

20 Q. Okay. And also you stated -- I'm
21 sorry. I had to jump around a little bit.

22 A. That's okay.

23 Q. --- that you weren't able to receive
24 any records about his sex-offender treatment?

25 A. That's right. We sent a request and

1 no information was received.

2 Q. Were you able to speak or did you
3 speak to Sonny Fieldman?

4 A. I did not.

5 Q. Did you review Dr. Gomez's report?

6 A. I did.

7 Q. Okay. Did she speak with Sonny
8 Fieldman?

9 A. I believe she did.

10 Q. Okay. And also that was indicated
11 there that there are no sex offender
12 treatment records?

13 A. That's what Dr. Gomez's report said.
14 I didn't receive word one way or the other.

15 Q. Okay. And also you said you
16 received, looked at his medical records in
17 2005?

18 A. Yes, from AnMed.

19 Q. Okay. And these medical issues, I
20 mean he had them obviously in 2005 because
21 that's when they were reported in the
22 records?

23 A. Correct.

24 Q. And since then, he's offended
25 sexually based on the case?

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1 A. Yes. He did have the criminal
2 solicitation in 2012.

3 Q. And since reviewing -- I know that
4 he told you that he hadn't drank alcohol in
5 about twenty years; is that correct, that's
6 what he told you?

7 A. That's what he told me, yes.

8 Q. And then you saw Dr. Gomez's report
9 that according to the medical records from
10 Palmetto Richland Hospital, they reported
11 that he reported to them he had been drinking
12 daily?

13 A. I don't recall that specifically.

14 Q. Do you have Dr. Gomez's report?

15 A. I do.

16 ATTORNEY GENERAL WETHERTON: I beg
17 the Court's indulgence for just a second,
18 Your Honor.

19 CROSS-EXAMINATION CONTINUED

20 BY ATTORNEY GENERAL WETHERTON:

21 Q. Okay. It will be on page twelve of
22 thirty-one.

23 A. Yes, I see it.

24 Q. Okay. So according to those records
25 does it appear that Mr. Chadwick was still

1 drinking daily?

2 A. Correct.

3 Q. Okay. And also you had stated on
4 direct examination he was married and he had
5 had throughout his multiple adult female
6 sexual partners?

7 A. Yes.

8 Q. And despite that he still offended
9 with these children; is that correct?

10 A. Correct.

11 Q. Okay. And I think you also said on
12 direct also about the zoophilia, which you
13 would agree that zoophilia is a sexually --
14 shows sexual deviance?

15 A. Yes.

16 Q. That's having sex with animals?

17 A. Correct.

18 Q. And you also, you heard Dr. Gomez
19 testify that the tests that she ran
20 yesterday, that wasn't a pass/fail type
21 situation? That the purpose of her doing all
22 those tests was to kind of gather more
23 information?

24 A. Correct.

25 Q. And you'd also agree with me that as

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1 a result of some of this testing, she then
2 discussed it with Mr. Chadwick and he made
3 some additional admissions. For example,
4 like the Able test. That showed deviance
5 with animals and so she talked to him about
6 that, and that produced more information for
7 her to go on for her diagnosis.

8 A. I wasn't there. I don't know the
9 exact sequence of how things happened so I
10 can't really say.

11 Q. And then another -- he had told you
12 previously that he had one child; is that
13 correct?

14 A. That's correct.

15 Q. And then based on testing, it showed
16 that he had additional children?

17 A. I'm not sure. I don't recall that.

18 Q. Okay. But did you see in the report
19 he said he had two children. And then he
20 actually has three children?

21 A. I don't recall.

22 Q. After reading Dr. Gomez's report did
23 you try to follow-up with Mr. Chadwick to
24 discuss anything that came out when Dr.
25 Gomez's evaluation turned ---

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1 A. No. I only received this report
2 recently. And I'm now in Texas, so...

3 Q. So you didn't have a chance to talk
4 to him?

5 A. No.

6 Q. Okay. All right. I think that's
7 all the questions that I have..

8 THE COURT: All right.. Reexamine?

9 REDIRECT EXAMINATION

10 BY MR. WELBORN:

11 Q. Based upon the questions you just
12 heard on cross-examination, what opinion do
13 you as of this time as to whether or not my
14 client meets the criteria of a sexually
15 violent predator? Has it changed any?

16 A. No. It's still my opinion that he
17 does not fall in that extremely dangerous
18 group.

19 Q. Thank you.

20 A. Thank you.

21 THE COURT: Any recross?

22 ATTORNEY GENERAL WETHERTON: Oh, no
23 redirect (sic).

24 THE COURT: Very good. All right.
25 You may step down.

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1 WITNESS: Thank you.

2 (WITNESS STEPS DOWN)

3 THE COURT: All Right. You may
4 call your next witness.

5 MR. WELBORN: If it please the
6 Court, we rest.

7 THE COURT: All right. Any reply?

8 ATTORNEY GENERAL WETHERTON: No,
9 Your Honor.

10 THE COURT: All right. Mr.
11 Foreman, Ladies and gentlemen of the jury,
12 that will conclude the testimony and evidence
13 as far as the case is concerned. Of course
14 -- what is it -- we still have the argument
15 by counsel and then, of course, the charge on
16 the law.

17 I'm going to suggest, though, that
18 you retire to the jury room and let me take
19 up some matters with the attorneys. And I
20 would think we could probably go to the jury,
21 in other words, give you the case before too
22 long. So we'll see if we can do that rather
23 than come back later in the afternoon or
24 something like that. So with that, though, I
25 would like for you to retire to the jury

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1 room. And I'll call you back in just a few
2 minutes.

3 Again, do not undertake the
4 discussion of the case among yourselves in
5 any way.

6 (JURY OUT @ 11:07 A.M.)

7 THE COURT: All right. Is the
8 State ready to proceed?

9 ATTORNEY GENERAL WETHERTON: Yes,
10 Your Honor.

11 THE COURT: Defense, Respondent?

12 MR. WELBORN: Yes, Your Honor.

13 THE COURT: All right. How long
14 do you think you'll ---

15 ATTORNEY GENERAL WETHERTON: Not
16 very long, fifteen minutes.

17 THE COURT: All right. And again
18 I'm not going to call time on you, but I'm
19 just curious to see how long. Now, of
20 course, this is a civil proceeding. So what
21 is it, you have to open ---

22 ATTORNEY GENERAL WETHERTON: Oh,
23 sure.

24 THE COURT: There's still a
25 question about it in criminal matters that

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1 the State has to open first.

2 ATTORNEY GENERAL WETHERTON: Okay.

3 MR. WELBORN: Your Honor, I want to
4 make sure I understand on that. Can you tell
5 me again who opens -- the closing?

6 THE COURT: The State has the
7 burden and you presented evidence. So what
8 is?

9 MR. WELBORN: So I go first in
10 closing?

11 THE COURT: No, no. She will open
12 fully. Then you'll argue and then she can
13 reply to any matter brought out in your
14 argument. But she has to open fully on the
15 law and the facts.

16 ATTORNEY GENERAL WETHERTON: Yes,
17 sir.

18 THE COURT: All right.

19 MR. WELBORN: Okay.

20 THE COURT: Okay. All right.
21 Y'all want to take a little break for a while
22 before we start?

23 MR. WELBORN: I'd appreciate that,
24 Your Honor.

25 THE COURT: Okay. I think so.

1 MR. WELBORN: And I'll have a very
2 short closing.

3 THE COURT: All right. Very good.
4 And you have looked at the verdict form as to
5 the possible verdicts:

6 Yes, Dewey Chadwick is a sexual
7 violent predator,

8 No, Dewey Chadwick is not sexual
9 violent predator.

10 MR. WELBORN: And, Your Honor, while
11 we're on the record, I would again renew my
12 motion.

13 THE COURT: Oh, I'm sorry. Yeah,
14 of course. All right. So you're renewing
15 your motion for directed verdict?

16 MR. WELBORN: Yes, sir.

17 THE COURT: All right. As I said,
18 I do find that there's sufficient facts to go
19 to the jury for their determination as to the
20 weight of the evidence. Very good. Thank
21 you.

22 ATTORNEY GENERAL WETHERTON: Thank
23 you, Your Honor.

24 THE COURT: All right. So when
25 you're ready to proceed let me know.

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1

(BRIEF RECESS)

2

(RESPONDENT PRESENT)

3

4

THE COURT: Is the State ready to
proceed?

5

6

ATTORNEY GENERAL WETHERTON: Yes,
Your Honor.

7

8

THE COURT: Is the Respondent
ready to proceed?

9

10

11

MR. WELBORN: Yes, Your Honor.

THE COURT: All right. Ask the
jury to join us then.

12

(JURY IN @ 11:18 A.M.)

13

14

15

THE COURT: All right. Let the
record reflect that the jury and alternate
are in the jury box.

16

17

18

19

20

Mr. Foreman, ladies and gentlemen,
as I mentioned before we took the break, the
case has now concluded as far as the
testimony and evidence. Now, we'll have the
arguments of counsel.

21

22

23

24

25

The State, having the burden of
proof in this case, and that proof must be
beyond a reasonable doubt, the State will go
first. Then the Respondent will argue and
then the State will close. With that, I

1 recognized the Attorney General for her
2 closing arguments.

3 ATTORNEY GENERAL WETHERTON: Thank
4 you, Your Honor. May it please the Court?

5 THE COURT: Ms. Wetherton.

6 ATTORNEY GENERAL WETHERTON: Mr.
7 Welborn, Mr. Chadwick.

8 CLOSING STATEMENT

9 BY ATTORNEY GENERAL WETHERTON:

10 Ladies and gentlemen of the jury, on
11 behalf of the Attorney General, Alan Wilson,
12 and our office, we would like to thank you
13 for your time.

14 I can only imagine when you get your
15 civil jury summons you think you're going to
16 hear something about a car accident or, you
17 know, a slip and fall in the grocery store.

18 I always notice when we go into jury
19 selection and we'll announce this case is
20 going to be pursuant to the Sexually Violent
21 Predator Act, is then to watch the faces of
22 all the people in the jury pool. And I know
23 that this is not quite what you were
24 expecting when you got your civil jury
25 summons. But I want to tell you thank you

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1 for your time, but this is also a very
2 important case. You know, this is a very
3 important case to Mr. Chadwick. It's a very
4 important case to the State. These cases are
5 very important to our office. And the
6 decision that you make, it's going to be very
7 important to the community. So let's go
8 ahead and get into it.

9 And, also, I apologize for having
10 notes. But I can tell you trying cases is
11 nothing like television. And I can't get up
12 and just start doing closing arguments. And
13 I'm also Type A, so I have notes that I want
14 to tell you and I want to make sure I don't
15 forget. So I have these notes. And I
16 apologize if I have to refer to them.

17 But in my opening statement, what
18 did I tell you. First off I had to prove
19 that he was convicted of a sexually violent
20 offense. These here are the certified copies
21 of the convictions. He's been convicted for
22 sexually violent offenses. Everyone pretty
23 much agrees he's been convicted. I believe
24 the Judge will end up charging you in the
25 end, during your jury charge that he has, in

1 fact, been convicted of the following crimes,
2 sexually violent offenses.

3 And then next I had to prove that he
4 was suffering what's referred to as a
5 relevant mental abnormality or personality
6 disorder. You heard testimony from both the
7 State's and the defense expert that he has
8 pedophilia. Pedophilia is considered a
9 relevant mental abnormality.

10 In addition, you also heard Dr.
11 Gomez testify that he also suffers from
12 alcohol dependence, which can increase his
13 risk to reoffend. He was drinking daily as
14 recently as 2012. And since then he's been
15 incarcerated.

16 Also -- and he was found by Dr.
17 Gomez based on what he told Dr. Gomez, that
18 he suffers from zoophilia. I want to explain
19 that we don't bring that in as we refer to
20 make this sound icky, go for the ick factor
21 to kind of gross out a jury. The reason we
22 brought the diagnosis of zoophilia in this
23 case is because it shows a whole other level
24 of sexual deviance or unhealthy sexual
25 thinking.

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1 In these cases I don't have to prove
2 like a criminal prosecutor that A and B
3 happened, so that equals C, a crime. We know
4 that those crimes have been committed.

5 We're now trying to figure out why
6 the crimes were committed. We're trying to
7 get an idea of what goes on inside his head
8 and what are his thoughts and what his
9 feelings are towards sex. And so the
10 evidence of zoophilia actually shows sexual
11 deviance. Again, it's unhealthy sexual
12 thinking. And that's why that was brought
13 into this case. It's not just for the fact
14 that he had had sex with animals in the past.
15 And I wanted to make that very clear to the
16 jury.

17 So, therefore, the crux of this case
18 lies upon whether he's likely to reoffend if
19 he does not receive any additional treatment.
20 As stated in my opening, it was very
21 important to listen to all of the evidence in
22 this case.

23 So let's deal with what I call the
24 elephant in the room. You heard two experts,
25 one brought by the Defense, one brought by

1 the State. Both experts diagnosed him with a
2 relevant mental abnormality of pedophilia.
3 And you heard the State's expert, Dr. Gomez,
4 that after her review, Mr. Chadwick is likely
5 to reoffend. Dr. Harrison said that he is
6 not. So one of the things that a juror must
7 do is decide how to consider or weigh the
8 evidence that's been brought before you.

9 So the first question that I submit
10 that you have to ask yourself, what was
11 different about these evaluations?

12 Dr. Gomez essentially took a global
13 view. She looked at the entirety of the
14 case, what he said and what he said to her
15 specifically about the additional seven child
16 victims over the course of this twelve-hour
17 interview. She looked closer at his past sex
18 offender treatment. She's the one that
19 actually contacted his sex offender treatment
20 provider in the past. And she conducted
21 numerous tests.

22 And Dr. Gomez explained to you, and
23 I want to make that clear, that tests are not
24 pass/fail tests. These tests were to help
25 her gather more information, to do a more

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1 thorough evaluation. I'm going to ask you,
2 in these cases, they're very serious
3 consequences. If someone gets out, they
4 reoffend, they end up hurting a child. So
5 what I'm going to ask you is what do you want
6 an evaluation? Do you want an hour and
7 twenty minute evaluation, one test run and a
8 review of records or do you want someone to
9 sit down like Dr. Gomez did and review the
10 entirety of the case, to talk to him for
11 twelve hours as she uncovered information
12 about his tests that he had said, that she
13 needed to follow-up with him. I believe that
14 she did a thorough evaluation. I think
15 that's what's needed in these cases and
16 that's exactly what she did.

17 And based on what I could tell from
18 the testimony, Dr. Harrison is essentially
19 basing her decision strictly on that ten-
20 question checklist, the Static-99. She ran
21 one test. As Dr. Gomez explained to you, the
22 makers of that test say never to use that as
23 the stand-alone tool for determining risk for
24 recidivism because it does not provide a
25 complete picture. In the sexually violent

1 predator program there is no other intensive
2 program that's going to get him the sex
3 offender treatment that he needs. And we all
4 know that the last time he offended was
5 within four months of being out of prison for
6 a previous sex offense, as recently as three
7 years before.

8 So after doing that thorough
9 evaluation, what did Dr. Gomez say, that Mr.
10 Chadwick does not have realistic prevention
11 tactics. He does not have insight as to why
12 he offended. He admitted to her that he
13 does, in fact, have a problem. And he also
14 admitted to seven additional female child
15 victims. And he's also offended after taking
16 outpatient sex-offender treatment, which I
17 submit to you, shows a treatment failure. So
18 based on that information it is even more
19 important that he is required to attend sex-
20 offender treatment so he can finally get an
21 understanding of his pedophilia, so as to
22 reduce the risk that he might victimize
23 another child.

24 So in conclusion, at the end of the
25 day, the ultimate question is you have to ask

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1 yourself is despite the fact that another
2 doctor came to the conclusion that Mr.
3 Chadwick should not be committed, as a juror
4 and a member of the community, are you
5 satisfied that a pedophile should be released
6 back into the community when he has offended
7 after taking sex-offender outpatient
8 treatment, admits he has a problem and shown
9 us before that he cannot follow the rules of
10 society that the rest of us have to follow.

11 And this is the one thing I want you
12 to take away. I thought about this morning.
13 If anything that I say in my opening, my
14 closing, this is the one thing that I want
15 you to hear. His offending history started
16 when he was eighteen years old. That was in
17 the 1960s and nothing has ever stopped him.
18 Nothing stops him. His health problems, any
19 type of medical limitation he had, taking
20 outpatient sex-offender treatment, multiple
21 incarcerations and even being on probation.
22 None of that has ever, ever stopped him. He
23 has had multiple chances to get out and not
24 reoffend. The State has offered him sex-
25 offender treatment and he took it and he s

1 till reoffended. As I told you before
2 the Legislature created this Act when an
3 individual needs sex offender treatment, and
4 I submit he certain does, but he has to be in
5 a confined setting during that process
6 because he's considered an extremely
7 dangerous individual. I think his entire
8 past history has proven he cannot be out on
9 the streets during this process. I think
10 he's the actual textbook definition of the
11 type of person that should be committed to
12 this program while they have treatment.

13 So based on that, I believe I've met
14 my burden of proof, meaning that I have left
15 you firmly convinced that Mr. Chadwick meets
16 the definition of a sexually violent
17 predator. Thank you.

18 THE COURT: Mr. Welborn.

19 MR. WELBORN: May it please the
20 Court.

21 CLOSING STATEMENT

22 BY MR. WELBORN:

23 I'm going to make this short and
24 sweet. This is boiling down to the question
25 that was just asked and it's the one

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1 question. Are you satisfied that a pedophile
2 should be released to the community? That's
3 playing on your fears, folks. That's what
4 this is all about today. Here's where we
5 are. This is really pretty basic. I'm not
6 going to go through this expert said that.
7 And this expert said this, which you've got
8 -- you've got two experts. One of them has
9 done a hundred and thirty evaluations. One
10 of them has done four. I never met the one
11 that was given to me. There's no reason
12 she'd come in here and not be honest with
13 you. I'm not saying the other one wasn't
14 either. I'm just saying that's a valid
15 evaluation, a hundred and thirty of these.
16 You've listened very carefully to the two
17 experts. Both of them have differing
18 opinions. What are we going to do with
19 those?

20 At the end of the day the Court is
21 going to charge you that even though this is
22 a civil case, it comes down to you have to
23 find beyond a reasonable doubt that my client
24 is at extreme risk of reoffending. Now, I
25 know what you may be thinking in the deepest

1 recesses of your mind. And I don't blame
2 you. In the deepest recesses, you're
3 thinking, you'd never admit this to anybody,
4 but I'm worried about him being out in the
5 community. After all, are you satisfied that
6 he should be released to the community?
7 It's a fear. All of us have a fear of a
8 pedophile being in the community. But that,
9 ladies and gentlemen, is not the standard in
10 this case of determining whether or not my
11 client should be found to be a sexually
12 violent predator. That's not the standard.
13 The standard is, is there reasonable doubt is
14 or is not a sexually violent predator.

15 Well, what in the world is the
16 standard. If I say criminal standard, we're
17 in a civil case. It's a criminal standard
18 because this is a very, very important case
19 and our Legislature recognized in their
20 wisdom, this is important. We're going to
21 put somebody away, whatever you want to call
22 it, away from the public. And to do that,
23 you have to have a very high standard. We
24 can't just say, well, the preponderance of
25 the evidence when you weigh the scales of

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1 justice. You've seen that on TV. That's the
2 civil standard. We don't do that in this
3 case even though it's a civil case.

4 What we do in this case is you've
5 got to find beyond a reasonable doubt that my
6 client is a sexually violent predator. It is
7 not weigh the scales slightly. It's beyond a
8 reasonable doubt.

9 Now, what's reasonable doubt. It's
10 beyond a reasonable doubt and the Court's
11 going to instruct you, it's the kind of doubt
12 that would cause you to hesitate to act.

13 What does that mean? If there is
14 some reason that you can establish that I'm
15 not quite sure about whether or not my
16 client's really a sexually violent predator.

17 In other words, I'm, you know, his
18 expert says he's not. That is reasonable
19 doubt in this case. Why do I say that
20 because you've got two witnesses, that's it.
21 You've got two experts that is it. Now, when
22 you leave and go to the jury room, you can do
23 a couple of things. You can, first of all,
24 rely on the deepest fear in the recesses of
25 your mind and say, well, I'm afraid of this

1 guy. This reasonable doubt, stuff, you know.
2 I know the expert said this and this, but do
3 we really want him in our community? I'm
4 kind of afraid about that.

5 I'm telling you that's not fair,
6 that's not legal, that's not the standard.
7 Don't do that. And I believe you won't. You
8 took a jury oath that you're going to abide
9 by what the Court tells you, what the Court
10 rules are and the standard of proof in here.

11 And the standard of proof isn't,
12 "I'm a little afraid." You don't do that to
13 people charged with DUIs. You don't say,
14 "well, I'm a little afraid. I think he's
15 probably not guilty but just in case, let's
16 put him in jail for a while." You don't
17 generally hear those cases. You don't let
18 your fears run in a criminal case, you use a
19 reasonable doubt standard.

20 The reason I'm concerned about
21 everybody's deep recesses of thought is
22 simply there's some fear about a pedophile
23 being in the community and that's not the
24 standard here. So, I'm asking you today to
25 abide by your jury oath. I'm not asking you

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1 to go back there and talk about -- I'm
2 not asking you to go back and talk about, I
3 didn't cough today and I didn't. I'm not
4 asking you to go back there and do anything
5 but apply the standard here. You can go back
6 and forth about all, well, this expert said
7 this and he said well, he made up this and he
8 changed his story.

9 All I've got to do is tell you one
10 expert of a hundred and thirty of these cases
11 says, that he doesn't meet the standard.
12 That is reasonable doubt, period. Find that
13 my client is not a sexually violent predator.
14 Don't let your fears take advantage of my
15 client. Thank you so much.

16 THE COURT: Ms. Wetherton?

17 ATTORNEY GENERAL WETHERTON: No
18 reply, Your Honor.

19 THE COURT: Mr. Foreman, ladies
20 and gentlemen of the jury, it now becomes my
21 duty to charge you, which simply means to
22 instruct you as to the law that applies to
23 this case.

24 The Petitioner, which is the State
25 of South Carolina, has brought this case

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1 under the Sexually Violent Predator Act of
2 South Carolina. The State seeks a civil
3 commitment of the Respondent for long-term
4 care, control and treatment in a secure
5 facility. This is not a criminal proceeding
6 seeking incarceration, but rather a
7 proceeding seeking civil commitment.

8 By the Constitutional Law of South
9 Carolina you, the jury, are the sole judges
10 of the facts and evidence in the case. For
11 this reason, I am not permitted to intimate
12 any opinion or feeling I may have as to the
13 facts and evidence, nor am I permitted to
14 indicate how I may feel about the merits of
15 the case or which party should prevail, nor
16 do I do so.

17 Moreover, you are the sole judges of
18 what the testimony was and not the argument
19 of counsel, which is not evidence.

20 In determining the facts in the
21 case, you must necessarily pass upon the
22 credibility, which simply means believability
23 of the witnesses and the value or weight to
24 be given their testimony. You alone must
25 decide the force and effect and the truth of

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1 the testimony.

2 In making this decision, there are
3 many things you may and should take into
4 consideration, such as the appearance and
5 manner of the witness on the stand, sometimes
6 referred to as the demeanor of the witness.

7 Was the witness forthright or
8 hesitant?

9 Was the witnesses' testimony
10 consistent with other testimony and state-
11 ments of the witness or did it contain
12 discrepancies.

13 What was the ability of the witness
14 to know the fact about which he or she
15 testified?

16 Did the witness have a cause, a
17 reason to be biased and prejudiced in favor
18 of the testimony he or she gave?

19 Was the testimony of the witness
20 corroborated or made stronger by other
21 testimony in evidence or was it made weak or
22 impeached by such other testimony in
23 evidence.

24 As jurors, you have the right to
25 believe a small portion of a witness'

1 testimony and discard the larger or vice-
2 versa. You may believe all of the witness'
3 testimony or none. You may believe all of
4 the witness' testimony or none.

5 You may believe the testimony of a
6 single witness against that of many witnesses
7 or the other way around.

8 The rules of evidence ordinarily do
9 not permit witnesses to testify to opinions
10 or conclusions.

11 An exception to this rule exists for
12 witnesses we call expert witnesses. A
13 witness who, by education, background and
14 experience has become an expert in some art,
15 science or profession, may give an opinion as
16 to the subject the witness claims to be an
17 expert in. He may also give the reasons for
18 that opinion. You should consider any expert
19 opinion given by a witness, and like any
20 other evidence, give it the weight you think
21 it deserves. If you decide that an expert
22 witness opinion is not based on sufficient
23 education and experience or if you decide
24 that the reason given in support of the
25 opinion are not sound or that the opinion is

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1 outweighed by other evidence, you may
2 disregard the opinion entirely.

3 An expert's testimony is to be given
4 no greater weight than any other witnesses
5 simply because the witness is an expert. You
6 do not accept an expert's opinion, even
7 though it is uncontradicted.

8 Throughout this entire process you
9 have but one single objective and that is to
10 seek the truth regardless from what witness
11 the testimony may have come.

12 Now, I remind you that during this
13 trial you and I have certain duties to
14 perform.

15 As the trial Judge it is my
16 responsibility to preside over the trial of
17 the case. And I also have the duty to rule
18 on the admissibility of the evidence offered
19 during this trial. You're to consider only
20 the testimony which has been presented from
21 the witness stand and any exhibits which have
22 been made a part of the record and any
23 stipulations of counsel.

24 I have the additional duty to charge
25 the law applicable to the case. It is your

1 duty as jurors to accept and apply the law as
2 I state it to you.

3 If you think you have any idea as to
4 what the law or what the law ought to ought
5 to be, and it does not agree with what I tell
6 you the law is, you must forget that idea
7 because you are sworn to accept the law and
8 apply the law exactly as I state it to you.

9 In every case tried in this court
10 before a jury, the jury becomes the sole and
11 exclusive judge of the facts.

12 A judge cannot comment on the facts
13 or make any statement about the facts in a
14 case. Since you are the sole judges of the
15 facts, do not think by anything I have said
16 during this trial that I have an opinion
17 about the facts in this case. The law does
18 not allow me to have an opinion about the
19 facts.

20 Now, there are two types of evidence
21 generally presented in a trial, direct
22 evidence and circumstantial evidence.

23 Direct evidence is the testimony a
24 person claims to have actual knowledge of a
25 fact, such as an eye witness. It is evidence

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1 which immediately establishes the main fact
2 to be proved.

3 Circumstantial evidence is proof of
4 a chain of facts and circumstances indicating
5 the existence of a fact. It is evidence
6 which immediately establishes collateral
7 facts, which the main fact may be inferred.
8 Circumstantial evidence is based on inference
9 and not on personal knowledge or observation.
10 It is the proof that does not actually
11 establish the fact in question, but asserts
12 or describes something else from which you
13 may either reasonably infer the truth of the
14 fact, or at least reasonably infer increasing
15 the probability the fact is true.

16 For circumstantial evidence to be
17 sufficient to warrant the finding of a fact,
18 the circumstances must lead to that fact with
19 reasonable certainty.

20 The facts and circumstances should
21 be considered in light of ordinary experience
22 and common sense. The existence of a fact
23 cannot be based on speculation, surmise or
24 conjecture. The law makes absolutely no
25 distinction between the weight or value to be

1 given to either direct or circumstantial
2 evidence, nor is there a greater degree of
3 certainty required of circumstantial evidence
4 than of direct evidence.

5 Now, the State of South Carolina has
6 brought this action under the Sexual Violent
7 Predator Act. The State alleges that the
8 respondent is a sexually violent predator and
9 seeks to have the Respondent involuntarily
10 committed in a secure facility for a long-
11 term care -- control, care and treatment.

12 The burden of proof is on the State
13 to prove by evidence sufficient to satisfy
14 each of you beyond a reasonable doubt that
15 the Respondent is a sexually violent
16 predator.

17 If the State is unable to meet that
18 burden of proof, you should return a verdict
19 that the Respondent is -- excuse me.

20 If the State is able to meet that
21 burden of proof, you should return a verdict
22 finding that the Respondent is a sexual
23 violent predator.

24 If the State is unable to meet that
25 burden of proof, you should return a verdict

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1 finding that Respondent is not a sexually
2 violent predator.

3 In most civil cases the Petitioner
4 has only the burden of proving that fact is
5 more likely true than not true, such as by
6 the greater weight or preponderance of the
7 evidence; however, in this type of case, the
8 State's burden of proof must be more
9 powerful. It must be beyond a reasonable
10 doubt.

11 Now, what is a reasonable doubt?
12 Under our law, a reasonable doubt is a kind
13 of doubt that would cause a reasonable person
14 to hesitate to act.

15 In order to show that a respondent
16 is a sexually violent predator, the State
17 must first prove beyond a reasonable doubt
18 that the Respondent has been convicted of a
19 sexually violent offense.

20 Now, I charge you that criminal
21 solicitation of a minor, lewd on a child
22 under the age of sixteen, and lewd act on a
23 child under the age of fourteen are sexually
24 violent offenses.

25 The State must also prove beyond a

1 reasonable doubt that the Respondent suffers
2 from a mental abnormality or personality
3 disorder that makes him likely to engage in
4 acts of sexual violence if not confined in a
5 secure facility for long term control, care
6 and treatment.

7 A mental abnormality means a mental
8 condition affecting a person's emotional
9 capacity or capacity to make conscious
10 choices that makes a person inclined to
11 commit sexual violent offenses.

12 Now, likely to engage in acts of
13 sexual violence, means a person's propensity
14 to commit acts of sexual violence is such a
15 degree as to pose a menace to the health and
16 safety of others so that he is dangerous to
17 the others.

18 Again, I remind you, that the burden
19 of proof is on the State to prove to your
20 satisfaction beyond a reasonable doubt that
21 the Respondent has been convicted of a sexual
22 violent offense, as I have instructed you.
23 And also suffers from a mental abnormality or
24 personality disorder that makes Respondent
25 likely to engage in acts of sexual violence

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1 if not confined in a secure facility for
2 long-term control, care and treatment.

3 If the State carries its burden of
4 proof and convinces you beyond a reasonable
5 doubt to each of the two elements of this
6 cause of action, it is entitled to a finding
7 that Respondent is a sexual violent predator.

8 If the State does not meet its
9 burden of proof as to one or both of these
10 elements, Respondent is entitled to a finding
11 that he is not a sexual violent predator.

12 Now, Mr. Foreman, ladies and
13 gentlemen of the jury, you have been selected
14 as fair and impartial jurors, sworn to
15 impartially try and determine the facts of
16 this case. And when you comply with your
17 oath to do so, then no one will have a right
18 to criticize your verdict and you will have
19 fully discharged your duty as jurors.

20 You should not be influenced by
21 opinions or expressions of opinions, if any,
22 which you may have heard on the outside. But
23 you are to decide this case according to the
24 testimony that you've heard from the lips of
25 the sworn witnesses, along with the other

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1 evidence that may have been introduced.

2 As I said earlier, you are the
3 judges of the facts of this case and you're
4 to determine whether the burden of proof has
5 been met as to the claims made by the
6 Plaintiff or the Petitioner as well as to the
7 defenses raised by the Defendant based upon
8 the testimony and evidence presented in the
9 trial and after applying the law as I have
10 given it to you. Under the oath you took,
11 you swore to try this case based only and
12 solely on the testimony and evidence and law
13 presented and heard in this courtroom.

14 It is your duty to lay aside
15 all bias or prejudice or sympathy you may
16 have in reaching your verdict. You have no
17 friends to reward or enemies to punish in
18 this case.

19 The verdict, if I might note, is
20 taken from the Latin term *veredicto*, which
21 means to speak the truth. Abide by your oath
22 and return a verdict which does, in fact,
23 speak the truth.

24 Now, I have prepared, Mr. Foreman, a
25 verdict form for you to use in this case. As

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1 you will note, there are two possible
2 verdicts which you may find in the case:

3 The Respondent is either a sexually
4 violent predator or Respondent is not a
5 sexually violent predator.

6 There's no significance whatsoever
7 in the order in which I have stated these
8 possible verdicts. It's simply that one must
9 become first and the other second.

10 All twelve of you must agree on the
11 verdict. It must be a unanimous verdict.
12 Your verdict cannot be based on sympathy,
13 passion, prejudice, emotion or any other
14 consideration not into evidence in this case.

15 Mr. Foreman, when the jury agrees on
16 the verdict, you will sign your name as the
17 person -- on the line above your name. And
18 knock on the door in the jury room, inform
19 the bailiff that you've reached a verdict and
20 then we will ask you to return to the jury
21 room or to the courtroom so we can receive
22 your verdict. Now, I ask you to return to
23 your jury room one more time without
24 beginning your deliberations. I need to take
25 up some matters with the attorneys. But when

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1 I -- the bailiff brings in the verdict
2 form together with the exhibits that have
3 been introduced in this case, then at that
4 time, begin your deliberations. And then
5 once, as I say, you reach a unanimous verdict
6 as to one of the possible verdicts, check
7 that verdict and then sign your name above
8 it, on the line above your name where it's
9 provided. Knock on the door and then we will
10 return and receive your verdict at that time.
11 I'm going to now excuse you to the jury room.
12 Again, do not begin your deliberations until
13 you receive the verdict form together with
14 the exhibits.

15 Mr. Alternate, if you if would,
16 remain with us, though.

17 (JURY OUT @ 11:48 A.M.)

18 THE COURT: Any exceptions to the
19 charge from the State?

20 ATTORNEY GENERAL WETHERTON: Your
21 Honor, just for a clarification, I noticed
22 when you were instructing them on reasonable
23 doubt, you did the 'what is reasonable
24 doubt?' Reasonable doubt is the kind of
25 doubt that would cause a reasonable person to

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1 hesitate to act. You did instruct them on
2 that. I did notice that you were kind of
3 looking through pages. And that full
4 paragraph that we submitted, I note that you
5 changed the language ---

6 THE COURT: Well, the only thing
7 is, that's the charge that is approved in
8 South Carolina.

9 ATTORNEY GENERAL WETHERTON: Uh-huh.

10 THE COURT: And, of course, they
11 also have adopted as an alternative as the
12 *Victor v. Nebraska* charge.

13 ATTORNEY GENERAL WETHERTON: Uh-huh.

14 THE COURT: They cited the better
15 charge is the least charge that you make on
16 reasonable doubt. So what I usually do if
17 I'm going to charge reasonable doubt and the
18 jury requests a further charge on it, then I
19 will give the *Victor v. Nebraska*.

20 ATTORNEY GENERAL WETHERTON: Okay.

21 THE COURT: But when we start
22 talking about what is a reasonable -- give
23 you a reason and all of that. In fact, I
24 think, if I'm not mistaken, our Supreme Court
25 said the best charge on reasonable doubt is

1 none. Leave it up to the jury to determine
2 what's reasonable or not. So anyway, that's
3 why I did that. So I think that's State
4 versus -- I've forgotten now it's been so
5 long. But it's the charge that is accepted.
6 If they do ask for a further charge on
7 reasonable doubt, I'll give them the Victor
8 v. Nebraska.

9 ATTORNEY GENERAL WETHERTON: Okay.
10 I just wanted to make sure you had charged
11 them reasonable doubt.

12 THE COURT: Yeah. I've charged
13 them that.

14 ATTORNEY GENERAL WETHERTON: Okay.
15 All right. Thank you.

16 THE COURT: Very good. Anything
17 from the Respondent?

18 MR. WELBORN: No, Your Honor.

19 THE COURT: Very good. All right.
20 If you would, please, see that all the
21 exhibits that are to go back do go back
22 together with the verdict form and none that
23 are not supposed to go back. I don't think
24 we have anything that was excluded. You've
25 got the verdict form there, good.

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1 (COUNSEL APPROVAL OF EXHIBITS)

2 (JURY IN DELIBERATION @ 11:51 A.M.)

3 THE COURT: All right. Well, Mr.
4 Alternate, I think you understand why you
5 were selected. This case went over to two
6 days. And always something can happen. And
7 if it had been necessary to sit in there for
8 the jury then, of course, we could have
9 proceeded with the case.

10 JUROR NUMBER 37: Yes, sir.

11 THE COURT: Now, I know it looks
12 like I'm doing everything else in the world
13 except paying attention up here, but I --
14 have you got it?

15 CLERK: I've got his jury service
16 form.

17 THE COURT: Oh, okay. We can get
18 that. All right.

19 CLERK: Are you ready?

20 THE COURT: Please, yes, sir. No,
21 I was going to say -- what is it -- when you
22 -- I do keep up a little bit with what's
23 happening in the courtroom. And I did notice
24 that you and all the other members of the
25 jury, but you particular paid very careful

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1 and close attention to what the attorneys
2 were doing and saying as well as what the
3 witnesses' testimony was. And I'm satisfied
4 you would have been an excellent juror if you
5 had to have sat. Now, the only thing is the
6 Clerk has your statement for your employer if
7 you need a work statement. And he's going to
8 tell you the check's in the mail. I think
9 you've heard that before?

10 JUROR NUMBER 37: Yes, sir.

11 THE COURT: But again, I thank you
12 for your service and I do appreciate it.

13 JUROR NUMBER 37: Yes, sir.

14 THE COURT: Thank you.

15 (ALTERNATE JUROR DISMISSED)

16 THE COURT: All right. We'll
17 stand at-ease awaiting the verdict.

18 ATTORNEY GENERAL WETHERTON: Thank
19 you, Your Honor.

20 (COURT IN RECESS)

21 (JURY NOTIFICATION @ 12:06 P.M.)

22 (RESPONDENT PRESENT)

23 THE COURT: Anything from the
24 State before we bring the jury back?

25 ATTORNEY GENERAL WETHERTON: None

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Jury Trial of October 6-7, 2014 - Verdict
Before The Honorable Alexander S. Mccaulay

1 from the State, Your Honor.

2 THE COURT: From the Respondent?

3 MR. WELBORN: No, Your Honor.

4 THE COURT: Very good. Ask the
5 jury to join us.

6 (JURY IN @ 12:07 P.M.)

7 THE COURT: All right. Mr.
8 Foreman, I understand the jury has reached a
9 verdict?

10 MR. FOREMAN: That's correct, Your
11 Honor.

12 THE COURT: If you'll hand it up
13 to the bailiff and he'll hand it to the
14 clerk, and the clerk will hand it to me.

15 MR. FOREMAN: (Tenders)

16 THE BAILIFF: (Tenders verdict form
17 to Clerk).

18 CLERK: (Tenders verdict for to
19 judge).

20 THE COURT: (Upon review), Very
21 good. Publish the verdict.

22 CLERK: If it pleases the Court.

23 THE COURT: Thank you, Mr. Clerk.

24 CLERK: This is State of South
25 Carolina, County of Anderson, in the Court of

State of South Carolina in the Matter of Dewey Chadwick

276

Case No. 13-CP-04-0511

Jury Trial of October 6-7, 2014 - Verdict
Before The Honorable Alexander S. Mccaulay

1 Common Pleas, Tenth Judicial Circuit, case
2 number 2013-CP-04-00511. This is the verdict
3 for In the Matter of the Care and Treatment
4 of Dewey Chadwick, Respondent, (reading):

5 *"Has the Petitioner, the State*
6 *of South Carolina, proven beyond a reasonable*
7 *doubt that Dewey Chadwick is sexually violent*
8 *predator under the South Carolina Sexually*
9 *Violent Predator Act?*

10 *We, the jury, unanimously*
11 *answer the question as follows: Yes, Dewey*
12 *Chadwick is a sexually violent predator."*

13 It is signed by the Foreman and it
14 is dated today, October the 7th in Anderson,
15 South Carolina.

16 THE COURT: Mr. Foreman, ladies
17 and gentlemen of the jury, is this your
18 verdict and is it still your verdict, so say
19 you all. If so, indicate by raising your
20 right hand.

21 (UNANIMOUS AFFIRMATIVE RESPONSE)

22 THE COURT: Let the record reflect
23 that the jury does affirm its verdict. Thank
24 you. Is there anything from the State for
25 the jury before I dismiss them?

State of South Carolina in the Matter of Dewey Chadwick

277

Case No. 13-CP-04-0511

Jury Trial of October 6-7, 2014 - Verdict
Before The Honorable Alexander S. McCAulay

1 ATTORNEY GENERAL WETHERTON: None
2 from the State. Thank you.

3 THE COURT: From the Respondent?

4 MR. WELBORN: I have a motion ---

5 THE COURT: All right. But
6 nothing from the jury at this time?

7 MR. WELBORN: No, sir.

8 THE COURT: All right. Very well.
9 Mr. Foreman, ladies and gentlemen of the
10 jury, the Court's never interested in a
11 verdict, only how that verdict is reached.
12 And although I had to explain to the
13 alternate, it looks like I'm doing everything
14 up here except paying attention. It's after
15 so many years or whatever that I seem to
16 acquire an instinct or ability to keep up
17 with what's going on in the courtroom. And I
18 noticed that all of you paid very careful and
19 close attention to the testimony and also the
20 argument by counsel and the presentations
21 made by the respective attorneys. And I'm
22 satisfied that you have given both the State
23 and the Respondent a fair and impartial
24 trial. Having done so, you have satisfied
25 not only your duty as jurors, but also

1 performed as the Court would want our system
2 to operate and I thank you for it.

3 I might note that we had some
4 thirteen, I think, cases down for trial this
5 week. And this is the only one we had to
6 try. And I explained to the jurors that were
7 excused yesterday that even though they did
8 not sit on a jury and you were the only ones
9 that had to sit on a jury, they performed
10 well because usually we -- at least my
11 experience has been sort of a question of
12 human nature that we don't do anything unless
13 we have to. And when a jury is drawn and
14 sits on or is available to, is qualified and
15 is available to sit on a case, a lot of times
16 the parties will get together and resolve
17 those matters themselves, which spares not
18 only your inconvenience but also the expense.
19 Now, some cases like this case needed to be
20 tried. That was the only way that it could
21 be resolved. And so that's why we have
22 juries and our jurors.

23 And you have, as I said, done your
24 service well. And no one would have any sort
25 of -- any complaint at all about that

State of South Carolina in the Matter of Dewey Chadwick

279

Case No. 13-CP-04-0511

Jury Trial of October 6-7, 2014 - Verdict
Before The Honorable Alexander S. Mccaulay

1 service.

2 Now, I wish there was something else
3 I could do for you. But if you'll remember
4 when I qualified you yesterday, the entire
5 panel, I asked if any had served in the last
6 three years. At least you won't have to
7 serve for another three years. But I do hope
8 your service has not been without some
9 educational experience and some benefit.

10 Our system of justice would not be
11 able to perform without citizen
12 participation. And I thank you for it. All
13 right.

14 Anything else, Mr. Clerk, before I
15 dismiss the jury.

16 CLERK: I will meet them outside
17 with work ---

18 THE COURT: And again, thank you
19 so much and I do appreciate your work. Thank
20 you.

21 CLERK: I'll just meet you out in
22 the hallway.

23 (JURY OUT @ 12:12 P.M.)

24 THE COURT: All right. Anything
25 from the State before...

State of South Carolina in the Matter of Dewey Chadwick

280

Case No. 13-CP-04-0511

Jury Trial of October 6-7, 2014 - Verdict
Before The Honorable Alexander S. Mccaulay

1 ATTORNEY GENERAL WETHERTON: No,
2 sir. Nothing from the State, Your Honor.

3 THE COURT: Anything from the
4 Respondent?

5 MR. WELBORN: Two things. Very
6 briefly.

7 THE COURT: Yes, sir.

8 MR. WELBORN: First of all a motion
9 for a judgment notwithstanding the verdict;
10 is the first motion I would have.

11 THE COURT: Well, normally, in a
12 criminal case -- this is not a criminal case,
13 so you're entitled to it?

14 THE COURT: All right. What does
15 the State say about the Motion?

16 ATTORNEY GENERAL WETHERTON: In
17 this Petition, that's kind of a very rare
18 remedy. As was explained and you explained
19 to the jury, that you watched them. They
20 paid attention to the evidence. There's no
21 indication that that wasn't a fair and just
22 verdict in this situation and so I'd ask that
23 it stands.

24 THE COURT: All right. I do find
25 that -- what is it -- there was sufficient

State of South Carolina in the Matter of Dewey Chadwick

281

Case No. 13-CP-04-0511

Jury Trial of October 6-7, 2014 - Sentence

Before The Honorable Alexander S. McCaulay

1 evidence to go forward and on the
2 directed verdict motions as well as that the
3 verdict was not the subject of any untoward
4 influence. I believe there was sufficient
5 evidence, so I'll deny your motion for JNOV.

6 MR. WELBORN: And the other matter,
7 Your Honor, is simply that on these cases
8 they kind of -- unfortunately that if I don't
9 have an order signed by a court relieving me,
10 they keep sending me these cases and I'm
11 working for free forever. I don't want to do
12 that.

13 THE COURT: All right. Well, I
14 can understand. And so if you would provide
15 an appropriate order, I'll order it.

16 All right. If there's nothing else,
17 I think I do need to sentence the Respondent.
18 If you would stand, please, Mr. Chadwick.

19 RESPONDENT: (Complies).

20 THE COURT: The jury having
21 determined that you are a sexually violent
22 predator, you are to be committed to the
23 custody of the Department of Mental Health
24 for control, care and treatment until such
25 time as your mental abnormality or

1 personality disorder has so changed that
2 you are safe to be at large and have been;
3 released pursuant to Chapter 48 of Title 44
4 of the Code of Laws of South Carolina, as
5 amended. And good luck to you, sir.

6 ATTORNEY GENERAL WETHERTON: Your
7 Honor, I do have a proposed order.

8 THE COURT: Very good. Does it
9 have a provision in there about the attorney?

10 ATTORNEY GENERAL WETHERTON: Not
11 relieving him as counsel.

12 THE COURT: All right. If you
13 would, submit an appropriate order, Mr.
14 Welborn. I can understand.

15 ATTORNEY GENERAL WETHERTON: And
16 the State certainly understands his position
17 and we certainly don't have any objection to
18 that, Your Honor. And, Judge, I'll take care
19 of the filing for you because I have to send
20 this to the Department of Mental Health

21 THE COURT: If you, would, please.

22 (TRANSCRIPT CONCLUDED)

23

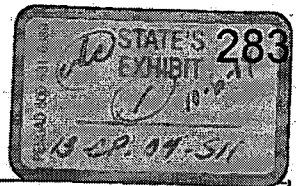
24

25

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

AFFIDAVIT



Personally appeared before me, Judge of the Court, one LT. JIM MOORE
 who being duly sworn, deposes and says that DEWEY CHADWICK (name of defendant) did within this County
 and State on DEC. 14 19 86, violate the criminal laws of the State of South Carolina [or ordinance of the municipality
 of _____] in the following particulars:

DESCRIPTION OF OFFENSE

COMMITTING OR ATTEMPTING LEWD ACT UPON A CHILD UNDER FOURTEEN

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

BY COMMITTING A LEWD ACT WHICH WAS FONDLING WITH HER BREAST OF A NINE YEAR OLD AND ALSO
 PLACING HIS HANDS ON HER VAGINIA. THIS TOOK PLACE AT THE FULL GOSPILL TABERNACKLE
 CHURCH ON ~~CANTARY~~ STREET NEAR WARE SHOALS, S.C.. WITNESSES ARE MIKE BROWN PASTOR, LIZZY
 CALHOUN, WILTON COOPER AND OTHERS.

Sworn to and Subscribed before me,

This 19TH day of DECEMBER, 19 86.

[Signature] (L.S.)
 Signature of Issuing Judge

Address P.O. BOX 925
LAURENS, S.C. 29360
 Phone: 984-4022

[Signature]
 Signature of Affiant
 Address Lauren County Sheriff's Dept.
Lauren, S.C.
 Phone: 984-2523

FILED - CLERK'S OFFICE
 LAURENS COUNTY SC
 OCT - 7 P. 4: 39
 COMMON PLEAS AND
 GENERAL SESSIONS

B 731279

STATE OF SOUTH CAROLINA

ARREST WARRANT

COUNTY OF LAURENS

[or MUNICIPALITY OF _____]

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

It appearing from the above affidavit that there are reasonable grounds to believe that DEWEY CHADWICK
 (name of defendant) did on DEC. 14 19 86, violate the criminal laws of the State of South Carolina [or ordinance
 of the municipality of _____] as set forth below:

DESCRIPTION OF OFFENSE

COMMITTING OR ATTEMPTING LEWD ACT UPON A CHILD UNDER FOURTEEN

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.

A TRUE COPY OF ORIGINAL

[Signature]
 Lynn W. Lancaster
 Laurens County CCCP & GS

Done at LAURENS, S.C.
 on DECEMBER 19, 19 86.

[Signature] (L.S.)
 Signature of Judge

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Dewey Chadwick

on the 23 day of Dec, 19 86

Signature of Constable or Law Enforcement Officer

This warrant is certified for service in
Laurens County (Circle one)
Laurens Municipality

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

Case M. Dora (L.S.)
Signature of Judge

PRELIMINARY HEARING held by

Judge _____

on _____, 19 _____

with _____
Attorney for Defendant

Decision: _____

BAIL

Date Set Dec 23, 19 86

Judge Donna Dora

Amount \$20,000

Surety _____

RETURN WARRANT TO:

ARREST WARRANT

No. B 731279

STATE OF SOUTH CAROLINA

County

LAURENS

Municipality

(Circle one)

THE STATE

against

DEWEY CHADWICK

Address: [REDACTED]

Home Path S.C.

[REDACTED]

Sex M Race A Height 5'7" Weight 190

DOB [REDACTED]

Offense COMMITTING OR ATTEMPTING A LEWD

ACT UPON A CHILD UNDER FOURTEEN

Code (or Ordinance) § 16-15-140

Date of Offense DECEMBER 14, 1986

Officer ANY LAWFUL OFFICER

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

FILED IN SHERIFF'S
CASE 13-19 1986
WILLIAM P. ROBERTSON, SHERIFF

FORM 2

The State of South Carolina

INDICTMENT FOR

County of Laurens

- 1) VIOLATION SECTION 16-15-140 AND
 2) ASSAULT AND BATTERY OF A HIGH
 AND AGGRAVATED NATURE

At a Court of General Sessions, convened on the 19th day of January,
 1987, the Grand Jurors of Laurens County present upon their oath:

COUNT ONE

That DEWEY (NMN) CHADWICK, over the age of
fourteen (14) years, and of the age of thirty-eighty (38) years,
state aforesaid
 did in Laurens County/on or about the 14th day of December,
 1986, wilfully, unlawfully and lewdly commit and attempt to commit
 a lewd and lascivious act upon and with the body and a part and member
 thereof of a child, Minor 2 under the age of fourteen (14)
 years, and of the age of nine (9) years, with the intent of arousing,
 appealing to and gratifying the lust, passions and sexual desires of the
 said DEWEY (NMN) CHADWICK and of the said child, Minor 2

COUNT TWO

That DEWEY (NMN) CHADWICK
state aforesaid
 did in Laurens County/on or about the 14th day of December,
 1986, wilfully and unlawfully commit an assault and battery upon one
Minor Minor female nine (9) years of age, accompanied
 by circumstances of aggravation.

A TRUE COPY OF ORIGINAL

Lynn W. Lancaster
 Lynn W. Lancaster

Laurens County CCCP & GS

As a true and lawful copy of the State, and contrary to the statute in such cases made and
 provided.

W. Thomas Jones
 Solicitor

Witnesses

James H. Moore

Wayne Smith

Minor

Mike Brown

Lizzy Calhoun

Wilton Cooper

Verdict

Foreman

The State of South Carolina

County of LAURENS

COURT OF GENERAL SESSIONS

JANUARY Term, 19 87
87GS30-37

THE STATE

VS.

DEWEY (NMN) CHADWICK

INDICTMENT FOR

- (1) VIOLATION SECTION 16-15-140 and
(2) ASSAULT AND BATTERY OF A
HIGH AND AGGRAVATED NATURE

W. Townes Jones SolicitorTrace Bill 1-19-87Deborah B. Kinard

Foreman of Grand Jury

McGAW PRINTERS,
B 731279

COLUMBIA, S. C. 29205

I Hereby Appear In My Own Proper Person, Waive Grand Jury Action and Plead Guilty to the Within Indictment.

SOLICITOR

JAN 3 1987

MAVER

SENTENCE

The defendant

is committed to the State Dept. of Corrections/County for a term of 5 yearsmonths/years and/or to pay a fine of \$500.00 provided with theservice of probation and/or payment of \$500.00plus pay/wake each and monthly in arrears, the totalsatisfying with probation for 5 months/yearsThe defendant is not to be held

A TRUE COPY OF ORIGINAL

Lynn W. LancasterLynn W. Lancaster
Laurens County CCCP & GS

and if sentenced
also: Do not contact victim
nor write or indirectly in any way

287

WITNESSES

HPPD/Scott

ARREST WARRANT NO. G130681

ACTION OF GRAND JURY

TRUE BILL

APR 19 2005

Foreman of Grand Jury

Robert A. Smith

Foreperson

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 2005-GS-04-674

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

APR 19 2005

TERM

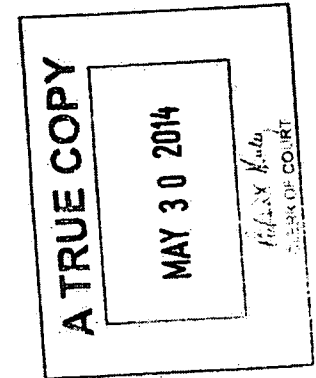
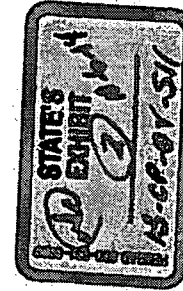
THE STATE

vs.

Dewey Chadwick

Indictment for

LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]



9-13-05/cmy

FILED IN
GENERAL SESSIONS

APR 19 2005

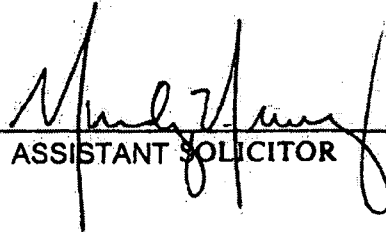
CLERK OF COURT

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)INDICTMENT FOR
LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]At a Court of General Sessions, convened on APR 19 2005,
the Grand Jurors of ANDERSON County present upon their oath:**LEWD ACT UPON CHILD UNDER SIXTEEN**

That Dewy Chadwick, who is over fourteen years of age, did in Anderson County, South Carolina, on or about December 3, 2004, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of Minor 3 whose date of birth is with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child. All in violation of Section 16-15-140, *Code of Laws of South Carolina*, (1976), as amended.

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

STATE v DEWEY CHADWICK

AKA:

Race/Sex: W M Age: 56

DOB: SSN:

Address:

City, State, Zip HONEA PATH SC 29654

DL# SID: SC00578488

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE #

20 05-GS-04-674

A/W#: G130681

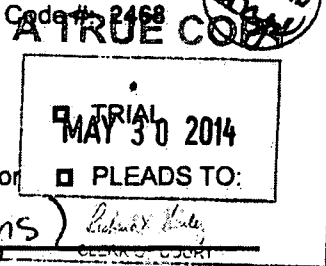
Date of Offense: 12/04/04

S.C. Code: 16-15-0140

CASE RESTORED

SENTENCE PLEA

CDR Code # 2468



In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:

Read Act Upon Child Under Sixteen

(15 yrs) Richard H. Hule

in violation of 16-15-140 of the S.C. Code of Laws, bearing CDR Code #: 21416181

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

Charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

Plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Kathy A. Hodges
Solicitor

Defendant

Attorney for Defendant (retained)

WHEREFORE, the Defendant is committed to the State Department of Corrections,

County Detention Center, for a determinate term of 10 days/month/years or

under the Youthful Offender Act not to exceed years and/or pay a fine of \$

provided that upon the service of 89 days/months/years and/or payment of \$

plus costs and assessments as applicable*, the balance is suspended with probation

for 5 months/years and subject to South Carolina Department of Probation.

Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentences on: 9/13/05 Pleas

The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered

Total: \$ plus 20% fee \$

Payment Terms:

set by SCDPPPS

Recipient:

*Fine
14-1-206 - Assessments (107.5%)
14-1-211 (A)(1) Conv. Surcharge \$100 \$100
14-1-211 (A)(2) DUI Surcharge \$100 \$
56-5-2995 (DUI Assessment) \$12 \$
35.13 (Public Def/Prob) \$500 \$
73.3, 1B TP (Law Enforce. Funding) \$25 \$25
33.7, 1B TP (Drug Court Surcharge) \$100 \$
50-21-114 (BUI Breath Test Fee) \$50 \$
56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% County(if paid in installments) \$
TOTAL \$125

Cathy M. Phillips

Clerk of Court/Deputy Clerk
SCCA/217(7/2003)

PTUP time served pursuant to S.C. Code 24-13-40 t
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 paid in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund.

Other:

No victim contact / No contact w/ child under 18

Appointed PD or other counsel, 35.13 TP

Requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 1131

Sentence Date 9/13/05

Court Reporter R. Tollison

Code #: 111

Report Friday Sept 16, 2005

Sepp
O'Heuler
Couslin

ARREST WARRANT

G- 130681

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Honea Path

 THE STATE
 against

Dewey Chadwick

 Address: Honea Path, SC 29654

 Phone: _____ SSN: _____
 Sex: M Race: W Height: 507 Weight: 190
 DL State: SC DL #: _____
 DOB: _____ Agency ORI #: SC0040300
 Prosecuting Agency: Honea Path PD
 Prosecuting Officer: Cpl. Laura F. Scott
 Offense: Lewd Act Upon Child Under
Sixteen Offense Code: 2468
 Code/Ordinance Sec. 16-15-140

 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.

 _____ (L.S.)
 Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant Dewey Chadwick
 on 12-6-04

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Honea Path

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 28, 1990
 SCCA 518

 Personally appeared before me the affiant Cpl. Laura F. Scott who
 being duly sworn deposes and says that defendant Dewey Chadwick
 did within this county and state on December 3, 2004 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Honea Path)

 in the following particulars:
 DESCRIPTION OF OFFENSE:

Lewd Act Upon Child Under Sixteen
16-15-140

 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:

 The Defendant did on 12-03-2004 kiss the Victim on the mouth. The Victim
 is under the age of sixteen years old. This being done with the intent
 of arousing, appealing to, or gratifying the lust or passions or sexual
 desires of the Defendant or child. This incident took place within Town Limits
 of Honea Path in Anderson County.
 Honea Path PD Case No. 04-15824*

 Sworn to and subscribed before me)
 on December 6, 2004)
 _____ (L.S.)
 Signature of Issuing Judge

 Signature of Affiant Laura Scott
 Affiant's Address Honea Path Police Department
Honea Path, SC 29654
 Affiant's Telephone 864-369-0580

 A TRUE COPY
 MAY 30 2014

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Honea Path

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 December 3, 2004 defendant Dewey Chadwick
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of Honea Path) as set forth below:

 DESCRIPTION OF OFFENSE: Lewd Act Upon Child Under Sixteen
Sec. 16-15-140

 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.

 Judge's Address 30 North Main Street
Honea Path, SC 29654
 Judge's Telephone 864-369-0532
 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit
 Signature of Issuing Judge John B. Ashley, Jr. (L.S.)
 Judge Code: 6387

ORIGINAL

STATE OF SOUTH CAROLINA

COMMITMENT

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

County of
STATEAnderson

VS.

2005-GS-

04

674

Probation CW#s:

W-04-08-0459

11/24/09 cm

AKA:

Race:

W

Sex:

M

DOB:

Name of Original Offense:

Lewd Act on Child Under 16

Original AWW#:

G 130681

Date of Original Offense:

12-4-04

Conviction S.C. Code §:

16-15-140

Conviction CDR Code #:

21 4 1 6 1 8

Original Sentence:

10 years on 89 days 5 yrs.

ORDER

probation

The above named defendant has been charged with violating the conditions of probation ordered on 9/13/05 in the Court of General Sessions of Anderson County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated _____.

After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

10, special conditions & condition 4 of sex offender conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 months years, the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☒ Additional Conditions ordered by the Court:

3 years and terminate. Credit for 28 days

- ☐ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 89 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

A TRUE COPY

MAY 30 2014

This 24th day of November, 2007
Anderson, SC

Presiding Judge

Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this

Day

2nd day of Nov.

Month

2007

Year

at

Anderson

City

SC

WITNESSES

HPPD/Scott, L.

ARREST WARRANT NO. G130680

ACTION OF GRAND JURY

TRUE BILL

APR 19 2005

Foreman of Grand Jury

Foreperson

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 2005-GS-04-673

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

APR 19 2005 TERM

MIN

THE STATE

vs.

Dewey Chadwick

Indictment for

CRIMINAL SEXUAL CONDUCT 1ST DEGREE
16-3-652 [0160]

A TRUE COPY

MAY 30 2014

Richard D. Kelly
CLERK OF COURT

9-13-05/comp

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

STATE v DEWEY CHADWICK

AKA:

Race/Sex: W M Age: 56

DOB: SSN:

Address:

City, State, Zip HONEA PATH SC 29654

DL#

SID:

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE #

2005-GS-04-613

A/W#: G130680

Date of Offense: 12/04/04

S.C. Code: 16-03-0652 CDR Code #: 0160

CASE RESTORED ☐

SENTENCE ☐ PLEA ☐ TRIAL



In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS TO:

Criminal Sexual Conduct 1st Degree Lewd Act with a Minor (15yrs)

in violation of 16-3-652-16-15-14B of the S.C. Code of Laws, bearing CDR Code #: 2468

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Kathy J. Hodges
Solicitor

Devin Childers
Defendant

Paul Taverne
Attorney for Defendant (retained)

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections,
☐ County Detention Center, for a determinate term of 10 days/month/years or
☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of \$ _____
provided that upon the service of 89 days/months/years and/or payment of \$ _____
plus costs and assessments as applicable*, the balance is suspended with probation
for 5 months/years and subject of South Carolina Department of Probation.
Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: 9/13/05 Pleas
☐ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied
by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____

Recipient: _____

*Fine.....	\$	_____
14-1-206 - Assessments (107.5%)	\$	_____
14-1-211 (A)(1) Conv. Surcharge	\$100	\$ <u>100.00</u>
14-1-211 (A)(2) DUI Surcharge	\$100	\$ _____
56-5-2995 (DUI Assessment)	\$12	\$ _____
35.13 (Public Def/Prob)	\$500	\$ _____
73.3, 1B TP (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
33.7, 1B TP (Drug Court Surcharge)	\$100	\$ _____
50-21-114 (BUI Breath Test Fee)	\$50	\$ _____
56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ _____
3% County(if paid in Installments)	\$	\$ _____
TOTAL	\$	\$ <u>125</u>

Cathy M. Phillips

Clerk of Court/Deputy Clerk
SCCA/217(7/2003)



PTUP _____ time served pursuant to S.C. Code 24-13-40 t
_____ 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 paid in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other:

No victim Contact / No contact

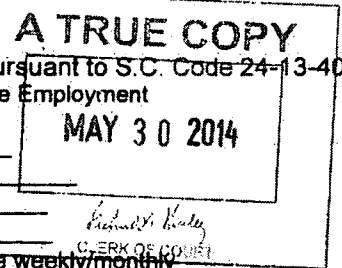
☐ Appointed PD or other counsel, 35.13 TP
Requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 111311

Sentence Date: 9/13/05

Court Reporter R. Tallison Code #: 111



Report Filed 10th, 2005

ARREST WARRANT

G- 130680

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Honea Path

 THE STATE
 against
Dewey Chadwick
 Address: **Honea Path, SC 29654**

Phone: _____ SSN: _____

Sex: **M** Race: **W** Height: **507** Weight: **190**DL State: **SC**DOB: _____ Agency ORI #: **SC0040300**Prosecuting Agency: **Honea Path PD**Prosecuting Officer: **Cpl. L.F. Scott**Offense: **Criminal Sexual Conduct -****First Degree** Offense Code: **0160**Code/Ordinance Sec. **16-3-652**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.

 _____ (L.S.)
 Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant **Dewey Chadwick**
 on **12-6-04**

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Honea Path

 FILED-CLERK'S OFFICE
 ANDERSON, SC
 2004 DEC 13

 Person appeared before me the affiant **Cpl. L.F. Scott** who
 being duly sworn deposes and says that defendant **Dewey Chadwick**
 did within this county and state on **December 4, 2004** violate the criminal laws of the
 State of **South Carolina** (or ordinance of ☐ County/ ☒ Municipality of **Honea Path**)
 in the following particulars:

 DESCRIPTION OF OFFENSE: **Criminal Sexual Conduct - First Degree**
Sec. 16-3-652

 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 12-04-2004 Defendant did engage in sexual battery upon Victim who is
 eight years old. This incident took place within town limits of Honea Path
 in Anderson County. Honea Path PD 04-15822***

A TRUE COPY

MAY 30 2014

 CLERK OF COURT

 Sworn to and subscribed before me
 on **December 6, 2004**

 _____ (L.S.)
 Signature of Issuing Judge

Signature of Affiant

 Affiant's Address **Honea Path Police Department**
Honea Path, SC 29654
Affiant's Telephone **864-369-0580**

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Honea Path

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 **December 4, 2004** defendant **Dewey Chadwick**
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of **Honea Path** as set forth below:

 DESCRIPTION OF OFFENSE: **Criminal Sexual Conduct - First Degree**
Sec. 16-3-652

 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.

 Judge's Address **30 North Main Street**
Honea Path, SC 29654

 Judge's Telephone **864-369-0532**

 _____ (L.S.)
 Signature of Issuing Judge
 Judge Code: **6387**

 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

COMMITMENT IN THE COURT OF GENERAL SESSIONS

County of Anderson
STATE VS.INDICTMENT#:
2005 -GS- 04 - 673
Probation C/W#s: W-04-09-0459AKA: Dewey Chadwick
Race: W Sex: M
DOB: [REDACTED]
SSN: [REDACTED]
SID#: [REDACTED]Name of Original Offense: Lewd Act with a Minor
Original AWW#: 6130680
Date of Original Offense: 12-4-04
Conviction S.C. Code §: 16-15-140
Conviction CDR Code #: 21 41 61 8
Original Sentence: 10 yrs on 89 days
ORDER 5 year probationThe above named defendant has been charged with violating the conditions of probation ordered on 9/13/05 in the Court of General Sessions of Anderson County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____, as set forth in the attached warrant(s) or citation(s) dated _____.

After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

10 and special conditions re 4 of sex offender conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 03 months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court:

3 years and terminate. Credit for 28 days

A TRUE COPY

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 89 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

MAY 30 2014

This 29th day of November 2009
Anderson, SC[Signature]
Presiding Judge 10 x 9 Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature] Witnessed by [Signature]
Signed this 29th day of Nov, 2009 at Anderson, SC
Day Month Year City

WITNESSES

James Taylor, Honea Path Police Dept.

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JAN 24 2012

Term

ARREST WARRANT NUMBER

J755688

THE STATE

vs.

Dewey Chadwick

COMMITMENT

10/11/12 PT

ACTION OF GRAND JURY

TRUE BILL

JAN 24 2012

Foreperson of Grand Jury

Date:

VERDICT -

KWR

Indictment for

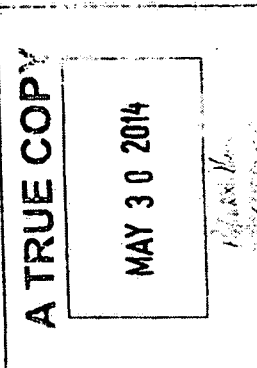
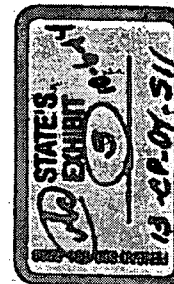
Minor/ criminal solicitation of a minor

SC Code: 16-15-0342

CDR Code: 2999

Foreperson of Petit Jury

Date:



COPIES FILED AND
GENERAL SESSIONS

12-28-07 12-28-07

12-28-07 12-28-07

STATE OF SOUTH CAROLINA)

INDICTMENT

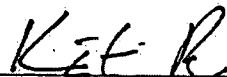
COUNTY OF Anderson)

At a Court of General Sessions, convened on JAN 24 2012, the Grand Jurors of Anderson County present upon their oath:

Minor/ criminal solicitation of a minor

That **Dewey Chadwick**, did in Anderson, South Carolina, on or about **August 16, 2011**, commit the offense of criminal solicitation of a minor by knowingly communicating or attempting to communicate with **Minor 1** whose date of birth is [REDACTED] a person under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in sexual activity. This is in violation of 16-15-342 of the South Carolina Code of Laws (1976) as amended.

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



ASSISTANT SOLICITOR

ARREST WARRANT

J-755688

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Honea Path

THE STATE

against

Dewey Chadwick

Address:

Donalds, SC 29638-9049

Phone: _____ SSN: _____

Sex: M Race: W Height: 5 7 Weight: 181

DL State: SC DL #: _____

DOB: _____ Agency ORI #: SC0040300

Prosecuting Agency: Honea Path Police Department

Prosecuting Officer: James Taylor - 0615

Offense: Minor / Criminal solicitation of a minor

Offense Code: 2999

Code/Ordinance Sec: 16-15-0342

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Dewey Chadwick on 8-29-2011

Signature of District/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Honea Path

Personally appeared before me the affiant James Taylorbeing duly sworn deposes and says that defendant Dewey Chadwickdid within this county and state on or about 08/16/2011State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

Honea Path

in the following particulars:

DESCRIPTION OF OFFENSE Minor / Criminal solicitation of a minor

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 08-16-2011 at approximately 1600 hours, the defendant did knowing communicate with and attempted to persuade the victim, who is 13 years of age, in sexual intercourse. This incident occurred at _____, located in the town limits of Honea Path, SC in Anderson County. HPPD case#11-23096

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Honea Path

Affiant's Address 30 North Main St

Honea Path, SC 29654-

Affiant's Telephone

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 or about 8/16/2011 defendant Dewey Chadwick

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

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

DESCRIPTION OF OFFENSE: Minor / Criminal solicitation of a minor

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

Sworn to and subscribed before me

on 08/29/2011Signature of Issuing Judge D W Cannon (L.S.)

Judge Code: 6821

Judge's Address 204 South Main Street
Honea Path, SC 29654-1516

Judge's Telephone (864)369-2999

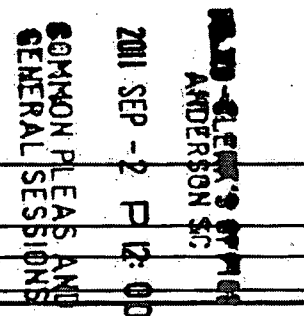
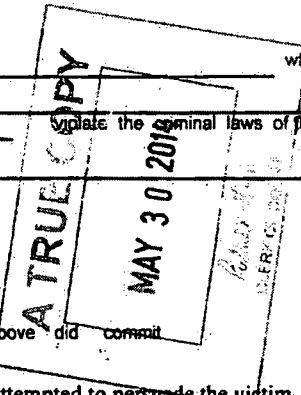
Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS 299

COUNTY OF Anderson

STATE VS.

Dewey Chadwick

AKA:

Race: Sex: M Age: 63

DOB: SS#:

Address:

City, State, Zip: Donalds, SC 29638-9049

DL#: SID#: SC00578488

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Minor / Criminal solicitation of a minor

INDICTMENT/CASE#: 2012-GS-04-00058

A/W#: J755688

Date of Offense: 8/16/2011

S.C. Code §: 16-15-0342

CDR Code #: 2999

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

3yrs (credit 408 days)

in violation of § 16-15-0342 of the S.C. Code of Laws, bearing CDR Code # 2999

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

ATTEST: Reeves, Kristin SC Bar# 69673 x Defendant Attorney for Defendant SC Bar# 12035

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation formonths/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. (408 days)☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$390
TOTAL	\$133.90

Clerk of Court/ Deputy Clerk

Court Reporter: R. TOLSON

SCCA/217 (03/2011)

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

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

Presiding Judge

Judge Code:

Sentence Date: 10-11-12

A TRUE COPY

MAY 30 2014

Richard A. Miller
CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-04-(CLC)

IN THE MATTER OF THE CARE)
AND TREATMENT OF)
DEWEY CHADWICK,)
RESPONDENT.)

PETITION PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR ACT

TRUE COPY

JUL 17 2015

Richard X. Kiley
CLERK OF COURT

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (Supp. 2008).
2. The South Carolina Department of Corrections, having determined that Respondent, Dewey Chadwick, had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40 (Supp. 2008). **Respondent's anticipated release date from custody is on or about June 30, 2013.**
3. The Multidisciplinary Team met on **February 4, 2013** and determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30 (Supp. 2008), and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 (Supp. 2008) as to whether probable cause exists to believe Respondent is a Sexually Violent Predator. **(PETITIONER'S EXHIBIT A)**. The assessment of the Multidisciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee met on **March 1, 2013** and determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute. **(PETITIONER'S EXHIBIT B)**. The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multidisciplinary Team including any information provided by the agency that prosecuted the qualifying offense.

The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30(1) (Supp. 2008), to wit:

COMMON PLEAS AND
GENERAL SESSIONS

2013 MAR 12 P 3:19

CLERK'S OFFICE
ANDERSON SC

- (a) On August 16, 2011, Respondent called **Victim 1** (13-year-old female) over to his vehicle and gave her a box of cookies and a piece of paper containing Respondent's phone number. According to law enforcement documentation, Respondent then asked if he could touch the victim, and the victim then ran and told her grandmother. Local authorities were contacted, and Respondent was found while authorities were preparing the incident report. The responding police officer then located Respondent, who then told the officer that he did provide cookies to the victim, but only offered his phone number because the victim had asked him to do so and he merely "obliged." At the time of the incident, Respondent was on probation for a previous offense (see subparagraph (b)), and had only been released from the South Carolina Department of Corrections (SCDC) for only four months. Respondent was charged with Criminal Solicitation of a Minor in violation of South Carolina Code Section 16-15-342. On or about October 11, 2012, Respondent pled guilty as charged and was sentenced to 3 years incarceration. **(PETITIONER'S EXHIBIT C).**
- (b) Prior to the offense described in subparagraph 5(a), on or about December 4, 2004, Respondent sexually assaulted **Victim 2** (8-year-old female). According to law enforcement documents, the victim's mother found blood in the victim's underwear. The victim then told her mother that the Respondent unbuttoned her pants and rubbed her vagina in a "rocking motion" and it had hurt her. She further stated that Respondent had told the victim not to tell anyone or he would assault her. Records indicate that this behavior occurred on more than one occasion over approximately one month. As a result, the victim suffered nightmares, anger, mood changes and was fearful of others. Also, on or about December 3, 2004, Respondent sexually assaulted **Victim 3** (7-year-old female) who is also Victim 2's younger sister. This victim reported that the Respondent pulled the victim onto his lap and kissed her on the mouth. She then asked him to stop and the Respondent then told her to go home and not to tell her mother about the incident. As a result of the incident, the victim had lost trust in men, and had issues with sleeping and bedwetting. Respondent was charged with one count of Lewd Act Upon a Child Under 16 in violation of South Carolina Code Section 16-15-140 and one count of First Degree Criminal Sexual Conduct with a Minor in violation of South Carolina Code Section 16-3-652. On or about September 13, 2005, Respondent pled guilty to two counts of Lewd Act on a Child Under 16 and was sentenced to 10 years of incarceration suspended to 89 days for time served and 5 years probation. **(PETITIONER'S EXHIBIT D).** While on probation for this offense, Respondent was observed hugging, talking and offering ice cream to children. Respondent's probation was then revoked in full on November 24, 2009, for failing to follow the advice and instructions of his agent, and for failing to be around minors under

the age of 18. **(PETITIONER'S EXHIBIT E)**. The multidisciplinary committee then reviewed Respondent's case to see if he qualified at that time to be a Sexually Violent Predator on September 29, 2010, but did not refer it for further action. **(PETITIONER'S EXHIBIT F)**.

- (c) Prior to the offenses described in subparagraph 5(b), on or around December 14, 1986, Respondent sexually assaulted **Victim 4** (9-year-old female). According to law enforcement documentation, the Respondent fondled the breasts and placed his hands on the victim's vagina. This assault occurred at a local church in front of the pastor and other members of the church's congregation. Respondent was charged with **Lewd Act on a Child Under 14** in violation of South Carolina Code Section 16-15-140. On or about March 2, 1987, Respondent pled *nolo contendere* as charged and was sentenced to 5 years suspended on the service of 5 years probation. **(PETITIONER'S EXHIBIT G)**.
- (d) During Respondent's incarceration at the South Carolina Department of Corrections, Respondent has had one recorded disciplinary infraction, but it was subsequently dismissed. **(PETITIONER'S EXHIBIT H)**.
- (e) Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that Respondent has serious difficulty in controlling his behavior or sexual desire impulses.
- (f) In support of the State's allegations that Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which Petitioner may present to the Court hereafter, submits the following:
 - i. According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for **Pedophilia** listed in Section 302.2 are:
 - A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
 - B. The person has acted on these sexual urges, or the

sexual urges or fantasies cause marked distress or interpersonal difficulty.

- C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. **(PETITIONER'S EXHIBIT I).**

- ii. According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for **Paraphilia**:

- A. Recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving (1) the suffering or humiliation of oneself or one's partner, or non-consenting person, (2) over a period of at least 6 months. **(PETITIONER'S EXHIBIT J).**

- iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S.Ct. 2072, 2080 (1997). Respondent's instances of violent and non-violent behavior are:

- A. Respondent's 2012 conviction for Criminal Solicitation of a Minor as set forth above. **(PETITIONER'S EXHIBIT C, supra).**

- B. Respondent's two 2005 convictions for Lewd Action on a Child Under 16 as set forth above. **(PETITIONER'S EXHIBIT D, supra).**

- C. Respondent's 2009 probation violation for failing to be around minors under the age of 18 as set forth above. **(PETITIONER'S EXHIBIT E, supra).**

- D. Respondent's 1987 *nolo* contendere plea for Lewd Act Upon a Child Under 14 as set forth above. **(PETITIONER'S EXHIBIT G, supra).**

- iv. The facts of Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual urges or behaviors involving underage children occurring over a period of at least six months.

- v. **Known risk factors** increasing Respondent's likelihood to re-offend include: 1) Not related to victim; 2) Prior sexual offenses; 3) Length of offending history 1 to 6 years; 4) Offender under supervision when the offense occurred; 5) Offense committed in a public place; 6) Force or threat of force used; 7) Multiple acts on a single victim within a single contact event; 8) 2 or more age groups victimized; and 9) Victim age 13-15.
- vi. Upon information and belief, Respondent has not completed sex offender treatment while incarcerated in the South Carolina Department of Corrections. **(PETITIONER'S EXHIBIT K).**
- vii. Attached also is Respondent's NCIC Report. **(PETITIONER'S EXHIBIT L).**

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, if he is not already in custody;
4. Counsel be appointed for Respondent, if necessary;
5. If probable cause is found at that hearing, Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
6. The Court approve a qualified expert for such an evaluation, if probable cause is found;
7. If probable cause is found, a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator, that he be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large

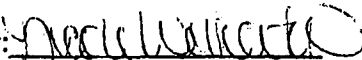
and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.* (Supp. 2008), and

8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

NICOLE T. WETHERTON
Assistant Attorney General

By: 
Attorneys For Petitioner
S.C. Bar No. 100500
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
V: (803) 734-0087
F: (803) 734-6679
nwetherton@scag.gov

March 11, 2013
Columbia, South Carolina

Petitioner's Exhibit A

SEXUAL PREDATOR REFERRAL FORM

Offender Name: DEWEY CHADWICK Offender Number: 338189 Jurisdictional Agency: SCDC
 Age: 64 County: ANDERSON Qualifying Offense(s): Guilty Plea: ____ Trial: ____
 Gender: Male No. of Incarcerations: Criminal Solicitation of a Minor
 Adult 3 years Parole Eligibility Max-Out
 Sentence: Date: Date: 06/30/2013
 Juvenile Parole SFII
 Guidelines: Release Date: Date:
 Review deferred from 11/30/12.

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment..

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
4	0	0

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

[Signature] SCDC -- CHAIRPERSON
[Signature] SCDPPS
[Signature] DMH
[Signature] JDG
[Signature] ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on January 18, 2013, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

Petitioner's Exhibit B

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

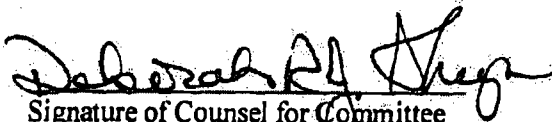
INMATE NAME:	INMATE NUMBER:	PRC REVIEW DATE:
Chadwick, Dewey	338189	March 1, 2013
		MEMBERS PRESENT:
		John McIntosh for Alan Wilson Jim Bogle for Deb Shupe Laura Hudson for Beebe James David M. Stumbo via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: February 4, 2013

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

Petitioner's Exhibit C

STATE OF SOUTH CAROLINA

COUNTY OF Anderson

STATE VS.

Dewey Chadwick

AKA:

Race: Sex: M Age: 63

DOB: SSN: [REDACTED]

Address:

City, State, Zip: Donalds, SC 29638-9049

DL#: SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Minor / Criminal solicitation of a minor

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS.04.00058

A/W#: J755688

Date of Offense: 8/16/2011

S.C. Code §: 16-15-0342

CDR Code #: 2999

SENTENCE SHEET

☐ CONVICTED OF ☒ PLEADS

3 yrs (credit 40 days)

in violation of § 16-15-0342 of the S.C. Code of Laws, bearing CDR Code # 2999

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

ATTEST:

Receiv. Kristin B.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. (408 days)☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$30	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$39.0
TOTAL		\$133.90

Clerk of Court/ Deputy Clerk

Court Reporter: R. J. JONES

SCCA/217 (03/2011)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____

\$ _____ paid to Public Defender Fund

Other: _____

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

Presiding Judge

Judge Code:

Sentence Date: 10-11-12

A copy of this return should also be submitted to
 (where required)
 on Revenue Charleston
8-22-362
Franklin F. Hays
 (Signature)
 RETURN WARRANT TO:
 General Services
 100 South Main Street
 Po Box 5002
 Anderson, SC 29622
 ORIGINAL ORIGINAL

On 08-18-2011 at approximately 1800 hours, the defendant AM knowing terminal care wife and stepsons to persuade the victim, who is 15 years of age, to sexual intercourse. This incident occurred at 1800 Chippewa Drive Lot F26, located in the town of Newburg, NY in Seneca County. (AMER, read 1.5.2012).

[illegible]

SECRET

2012 JAN 24 14:44V

V. 6989 P. 2

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JAN 24 2012, the Grand Jurors of Anderson County present upon their oath:

Minor criminal solicitation of a minor

That Dewey Chadwick, did in Anderson, South Carolina, on or about August 16, 2011, commit the offense of criminal solicitation of a minor by knowingly communicating or attempting to communicate with H. O., whose date of birth is [REDACTED] a person under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in sexual activity. This is in violation of 16-15-342 of the South Carolina Code of Laws (1976) as amended.

JIMMY DEBONDING REC'D

2-11-12 75-11-11-52

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

K. F. R.
ASSISTANT SOLLICITOR

[illegible]

P. 008

11-230086

[illegible]

SEP 2 2011 10:45 AM

V. 6939 F. 6

SEP-08-2011 THU 10:50 AM

HONEA PATH P.D.

P. 007

AGENCY I.D.
SC0040300SUPPLEMENTARY INCIDENT REPORT
Honea Path Police Department

11-23098

☐ SEARCHED	☐ INDEXED	☐ SERIALIZED	☐ FILED
☐ SUBMITTAL	☐ RECEIVED	☐ DISPATCHED	☐ RETURNED

along with a pack of (Zil Dutch Maid) chocolate chip cookies, A/O did take these items into evidence.

2) The neighbor who lives at [redacted] is a [redacted] witness. "Dorcy" call the girl to his vehicle did give her cookies and then saw the girl jump back from the vehicle and run into her grandmother house.

3) The Complainant stated that the "police" had better take care of this or he would---

SUPPLEMENT 03 Taylor, J.E. Jr., Cpl. - 607 08/20/2011 10:15

On 08-20-2011 at 10:15, Cpl. Taylor informed Dispatch that he was going to be out at 119 North Main Street in Donalds for a warrant service. Abbeville County Sheriff's Officer G. Knight did locate the Subject at his home. A/O informed Dispatch at 10:15, that the A/O had a white male in custody and is enroute to the Honea Path Police Department. Upon arriving at the Honea Path PD, the Subject did wish to have a lawyer and did not want to answer any questions that the A/O had. Officer A. Gregory did serve warrant J-758089 to the Subject. The Subject was then transported to the Anderson County Detention Center, arriving at 10:30. Nothing further.

MAINTENANCE

SEARCHED	INDEXED	SERIALIZED	FILED	AGENCY I.D.	AGENCY I.D.	AGENCY I.D.	AGENCY I.D.
607 - Taylor, J.E. Jr., Cpl.	08/20/2011	607	607 - Knight, G.E., Sheriff	08/20/2011	607	607 - Gregory, A.	08/20/2011
			FILED			FILED	
			FILED			FILED	

Petitioner's Exhibit D

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
STATE V DEWEY CHADWICK

AKA:

Race/Sex: W M Age: 56

DOB: [REDACTED]

SSN: [REDACTED]

Address:

City, State, Zip HONEA PATH SC 29854

SID: SC00575488

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE #

20 05-GS-04-674

AW#: G130681

Date of Offense: 12/04/04

S.C. Code: 16-15-0140

CDR Code #: 2468

CASE RESTORED

SENTENCE ☐ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS TO:

Revealed Act Upon Child Under Section

(15 yrs)

in violation of 16-15-140 of the S.C. Code of Laws, bearing CDR Code #: 21416181

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Kathy M. Phillips
Clerk of Court

[Signature]
Defendant

[Signature]
Attorney for Defendant (Retained)

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections,
☐ County Detention Center, for a determinate term of 10 days/month/years or
☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of \$ _____
provided that upon the service of 89 days/months/years and/or payment of \$ _____
plus costs and assessments as applicable*, the balance is suspended with probation
for 5 months/years and subject of South Carolina Department of Probation.
Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentences on: 9/13/05 Pleas
☐ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied
by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee \$ _____

As set by SCDCPPPS

Revised: 11-2-2002

NOV 2 2002

14-1-2004 (Assessments (107.5%))

14-1-2004 (DUI Surcharge)

14-1-211 (A)(2) DUI Surcharge

56-6-2995 (DUI Assessment)

35-13 (Public Def/Prob)

73.3, 1B TP (Law Enforce. Funding)

33.7, 1B TP (Drug Court Surcharge)

50-21-114 (BUI Breath Test Fee)

56-5-2942(J) (Vehicle Assessment)

3% County (if paid in installments)

TOTAL

\$125

Cathy M. Phillips

Clerk of Court/Deputy Clerk

SCCA217(7/2003)

PTUP _____ time served pursuant to S.C. Code 24-13-40 t.

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 paid in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund.

Other:

No other contact with child under age 18.

☐ Appointed PD or other counsel, 35.13 TP

Requires \$500 be paid to Clerk during probation.

[Signature]

Presiding Judge

Judge Code: 111311

Sentence Date 9/13/05

Court Reporter R. Tallis

Code #: 111

Report Friday Sept 16, 2005

Says
Olander
Cousins

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

STATE V DEWEY CHADWICK

AKA:

Race/Sex: W M Age: 58

DOB: [REDACTED]

SSN: [REDACTED]

Address:

City, State, Zip HONEA PATH SC 29654

DL# [REDACTED]

SID: SC00678498

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE #

2015-GS-04-613

A/W#: G130680

Date of Offense: 12/04/04

S.C. Code: 18-03-0652

CDR Code #: 0160

CASE RESTORED ☐



SENTENCE ☐ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS TO:

Criminal Sexual Conduct 1st Degree Lewd Act with a Minor (15 yrs)

in violation of 16-3-652-16-15-140 of the S.C. Code of Laws, bearing CDR Code #: 011606

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature]
Solicitor

[Signature]
Defendant

[Signature]
Attorney for Defendant (retained)

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections,
☐ County Detention Center, for a determinate term of 10 days/month/years or
☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of \$ _____
provided that upon the service of 89 days/months/years and/or payment of \$ _____
plus costs and assessments as applicable*, the balance is suspended with probation
for 5 months/years and subject of South Carolina Department of Probation.
Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentences on: 9/13/05 Plea

☐ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied
by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTE COPY, ☐ Waived, ☐ Ordered

Total due 30% fee \$ _____

Payment Terms:

☒ set by SCDFPPS

NOV - 2 2012

Recipient:

Fine..... \$ _____

14-1-200 Assessments (107.5%) \$ _____

14-1-211 (A)(1) Conv. Surcharge \$100 \$ 100.00

14-1-211 (A)(2) DUI Surcharge \$100 \$ _____

58-5-2995 (DUI Assessment) \$12 \$ _____

35.13 (Public Def/Prob) \$500 \$ _____

73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

50-21-114 (BUI Breath Test Fee) \$50 \$ _____

58-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% County (if paid in installments) \$ _____

TOTAL \$ 125

Cathy M. Phillips

Clerk of Court/Deputy Clerk
SCCA217(7/2003)



PTUP _____ time served pursuant to S.C. Code 24-13-40 to
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 paid in equal, consecutive weekly/monthly

prmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund.

Other:

No victim Contact / No contact

☒ Appointed PD or other counsel, 35.13 TP

Required \$500 be paid to Clerk during probation.

[Signature]

Presiding Judge

Judge Code: 111311

Sentence Date 9/13/05

Court Reporter A. Tallison Code #: 1111

[Signature]

[Signature]

[Signature]

Report Filed 10/16/05

N. 7279 37

Aug. 26 2:11:13AM

320

ARREST WARRANT

G- 130681

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
 Honea Path

THE STATE
 against

Dewey Chadwick
 Address: [REDACTED]
 Honea Path, SC 29654

Phone: [REDACTED] SSN: [REDACTED]
 Sex: M Race: W Height: 507 Weight: 190
 DL State: SC DL #: [REDACTED]
 DOB: [REDACTED] Agency Code: SC0040300
 Prosecuting Agency: Honea Path PD
 Prosecuting Officer: Cpl. Laura F. Scott
 Offense: Lewd Act Upon Child Under
 Sixteen Offense Code: 2462
 Code/Ordinance Sec. 16-15-140

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 of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
 defendant _____
 on _____

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
DATE OF Arrest 12-6-2004
Transferred TO Circuit Court

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of
 Honea Path)

AFFIDAVIT

Personally appeared before me the officer Cpl. Laura F. Scott who
 being duly sworn deposes and says that defendant Dewey Chadwick
 did within this county and state on December 3, 2004 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Honea Path)
 in the following particulars:
DESCRIPTION OF OFFENSE: Lewd Act Upon Child Under Sixteen
16-15-140

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:

The Defendant did on 12-03-2004 kiss the Victim on the mouth. The Victim
 is under the age of sixteen years old. This being done with the intent
 of arousing, appealing to, or gratifying the lust or passions or sexual
 desires of the Defendant or child. This incident took place within Town Limits
 of Honea Path in Anderson County.
 Honea Path PD Case No. 04-15524*

Sworn to and subscribed before me)
 on December 6, 2004)
 Signature of Affiant)
 Affiant's Address Honea Path Police Department
Honea Path, SC 29654
 Affiant's Telephone 864-369-0580

[Signature] (L.S.)
 Signature of Issuing Judge

STATE OF SOUTH CAROLINA)
☐ County/ ☒ Municipality of
 Honea Path)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
 I appearing from the above affidavit that there are reasonable grounds to believe that
 on December 3, 2004 defendant Dewey Chadwick
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☒ Municipality of Honea Path) as set forth below:
DESCRIPTION OF OFFENSE: Lewd Act Upon Child Under Sixteen
16-15-140

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] (L.S.)
 Signature of Issuing Judge

[Signature] Judge's Address 30 North Main Street
Honea Path, SC 29654
 Judge's Telephone 864-369-0532

Judge Code: 6387 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

AUDIT BY

Form 100-100
 SC Advisory Opinion
 July 26, 1990
 SOCA 508

ARREST WARRANT

G- 130680

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Honea Path

 THE STATE
 against

Dewey Chadwick

 Address: [REDACTED]
 Honea Path, SC 29654

Phone: [REDACTED] SSN: [REDACTED]

Sex: M Race: W Height: 507 Weight: 190

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0040300

Prosecuting Agency: Honea Path PD

Prosecuting Officer: Cpl. J. P. Scott

Offense: Criminal Sexual Conduct -

First Degree Offense Code: 0160

Code/Ordinance Sec. 16-3-652

 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 on _____

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

DATE OF ARREST 12-6-2004

Transferred TO Circuit Court

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Honea Path

AFFIDAVIT

 Form Approved by
 SC Attorney General
 3-9-08, 1050
 SCSA 5.0

 Personally appeared before me the affiant Cpl. J.P. Scott who
 being duly sworn deposes and says that defendant Dewey Chadwick
 did within this county and state on December 4, 2004 violate the criminal laws of the
 State of South Carolina for ordinance of ☐ County/ ☒ Municipality of Honea Path
 in the following particulars:

 DESCRIPTION OF OFFENSE: Criminal Sexual Conduct - First Degree
 Sec. 16-3-652

 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 12-04-2004 Defendant did engage in sexual battery upon Victim who is
 eight years old. This incident took place within town limits of Honea Path
 in Anderson County. Honea Path PD 04-15822*

 Sworn to and subscribed before me
 on December 6, 2004

Signature of Affiant

Affiant's Address: Honea Path Police Department

Honea Path, SC 29654

Affiant's Telephone: 864-369-0580

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Honea Path

ARREST WARRANT

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

 I appearing from the above affidavit that there are reasonable grounds to believe that
 on December 4, 2004 defendant Dewey Chadwick

did violate the criminal laws of the State of South Carolina for ordinance of

☐ County/ ☒ Municipality of Honea Path as set forth below:

 DESCRIPTION OF OFFENSE: Criminal Sexual Conduct - First Degree
 Sec. 16-3-652

 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.

Judge's Address: 30 North Main Street

Honea Path, SC 29654

Judge's Telephone: 864-369-0532

 Signature of Issuing Judge (L.S.)

 Judge Code: 6387

 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

AUDIT PY

Aug. 26. 2010 11:15AM

No. 7279 P. 45

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

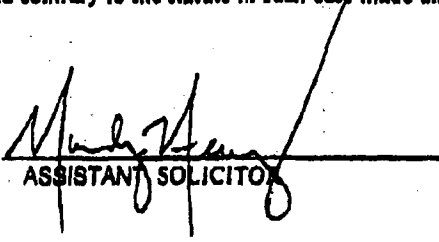
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT 1st DEGREE
18-3-652 (0180)

At a Court of General Sessions, convened on APR 19 2005,
ANDERSON
the Grand Jurors of _____ County present upon their oath:

CRIMINAL SEXUAL CONDUCT 1st DEGREE

That Dewey Chadwick did in Anderson County, South Carolina, on or between
November 4, 2004, and December 4, 2004, unlawfully engage in sexual battery with [REDACTED]
[REDACTED] by using aggravated force. All in violation of Section 18-3-652, Code of Laws of
South Carolina, (1976), as amended.

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


ASSISTANT SOLICITOR

Aug. 25. 2005 11:15AM

No. 7279 46

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
 COUNTY OF ANDERSON)

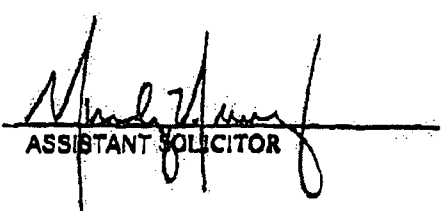
INDICTMENT FOR
 LEWD ACT UPON CHILD
 UNDER SIXTEEN
 16-15-140 (2488)

At a Court of General Sessions, convened on AUG 19 2005
 the Grand Jurors of ANDERSON County present upon their oath:

LEWD ACT UPON CHILD UNDER SIXTEEN

That Dewy Chadwick, who is over fourteen years of age, did in Anderson County, South Carolina, on or about December 3, 2004, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of [REDACTED], whose date of birth is [REDACTED] with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child. All in violation of Section 16-15-140, Code of Laws of South Carolina, (1978), as amended.

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


 ASSISTANT SOLICITOR

Aug. 26. 2010 **14AM

No. 7279 35

DOCKET NO. 2005-GS-04-674

The State of South Carolina,
County of ANDERSON

COURT OF GENERAL SESSIONS
APR 19 2005 TERM

THE STATE

vs.

Dewey Chadwick

WITNESSES

HPPD/Scott

ARREST WARRANT NO. G130681

ACTION OF GRAND JURY

TRUE BILL

APR 19 2005

Foreman of Grand Jury

Robert A. Scott
Foreperson

VERDICT

Foreman of Petit Jury

Date:

Indictment for

**LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]**

CASE NUMBER
04-15822

INCIDENT TYPE				COMPLETED		POWERED ENTRY		PRIME TYPE		UNITS		UNIT#		TYPE VICTIM	
1. 11C - CRIMINAL SEXUAL CONDUCT				☒ YES ☐ NO		☐ YES ☐ NO		20 (Residence or Home)						Individual Business Financial In Government Relig. Org. Sec./Public Other Unknown Foster Gil	
2.				☐ YES ☐ NO		☐ YES ☐ NO									
3.				☐ YES ☐ NO		☐ YES ☐ NO									
INCIDENT LOCATION (BUS STOP, APARTMENT AND HOUSE, STREET NAME AND NUMBER)										ZIP CODE 28654		WEAPON TYPE 40-Personal Weapons (Hands, Fists,			
INCIDENT DATE 12/04/2004		TIME 18:00		TO DATE 12/04/2004		TIME 20:00		REPORT DATE 12/08/2004		REPORT TIME 17:48		REPORT TIME 17:48		REPORT TIME 18:30	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				DATE OF BIRTH		AGE		SEX		ETH		HOME PHONE		EMPLOYER PHONE	
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.					
VICTIM'S NAME (LAST, FIRST, MIDDLE)				DATE OF BIRTH		AGE		SEX		ETH		HOME PHONE		EMPLOYER PHONE	
HEIGHT 4'00"		WEIGHT 75		EYES BRO - Brown		HAIR BRO - Brown		FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL IDENTIFIERS, ETC.							
ADDRESS				CITY		STATE		ZIP CODE		LOCATION NO.					
VEHICLE MAKE (MO) 1				YEAR		EXPLAN - 1 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 2				YEAR		EXPLAN - 2 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 3				YEAR		EXPLAN - 3 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 4				YEAR		EXPLAN - 4 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 5				YEAR		EXPLAN - 5 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 6				YEAR		EXPLAN - 6 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 7				YEAR		EXPLAN - 7 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 8				YEAR		EXPLAN - 8 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 9				YEAR		EXPLAN - 9 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 10				YEAR		EXPLAN - 10 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 11				YEAR		EXPLAN - 11 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 12				YEAR		EXPLAN - 12 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 13				YEAR		EXPLAN - 13 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 14				YEAR		EXPLAN - 14 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 15				YEAR		EXPLAN - 15 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 16				YEAR		EXPLAN - 16 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 17				YEAR		EXPLAN - 17 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 18				YEAR		EXPLAN - 18 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 19				YEAR		EXPLAN - 19 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 20				YEAR		EXPLAN - 20 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 21				YEAR		EXPLAN - 21 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 22				YEAR		EXPLAN - 22 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 23				YEAR		EXPLAN - 23 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 24				YEAR		EXPLAN - 24 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 25				YEAR		EXPLAN - 25 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 26				YEAR		EXPLAN - 26 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		AGE		SEX	
VEHICLE MAKE (MO) 27				YEAR		EXPLAN - 27 - Foreign Motor Vehicle		COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH					

NOTE

INC.	INTD.

INCIDENT TYPE										COMPLETED		FORCED ENTRY		PREMISE TYPE		UNITS ENTERED		TYPE VICTIM			
1. 11D - LEWD ACT ON MINOR										☒ YES	☐ NO	☐ YES	☐ NO	2D (Residence/Home)				☐ Individual	☐ Unknown		
										☐ YES	☐ NO	☐ YES	☐ NO					☐ Bodily Injury	☐ Financial Loss		
										☐ YES	☐ NO	☐ YES	☐ NO					☐ Government	☐ Other Public		
										☐ YES	☐ NO	☐ YES	☐ NO					☐ Other	☐ Policy Off.		
INVESTIGATION LOCATION (SUBJECT'S RESIDENCE & SUSPECT'S ADDRESS), STREET NAME AND NUMBER										ZIP CODE 29054		WEAPON TYPE 40-Personal Weapons (Hands, Fists, LOCATION NO.									
OFFENSE DATE		LOCAL CLOCK TO		DATE		LOCAL CLOCK		REPORTING OFFICER'S NAME		REPORTING OFFICER'S PHONE		REPORTING OFFICER'S ADDRESS		REPORTING OFFICER'S CITY		REPORTING OFFICER'S STATE		REPORTING OFFICER'S ZIP CODE			
12/03/2004		18:00		12/03/2004		18:00		12/03/2004		12:00		12:00		12:30							
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUSPECT		RACE		SEX		AGE		HTL		HOME PHONE	
[REDACTED]										NE		O		W		F		28		N	
ADDRESS										CITY		STATE		ZIP CODE		LOCATION NO.					
[REDACTED]										SC		29054									
VICTIM'S NAME (LAST, FIRST, MIDDLE)										RELATIONSHIP TO SUSPECT		RACE		SEX		AGE		HTL		HOME PHONE	
[REDACTED]										NE		O		W		P		07		N	
ADDRESS										CITY		STATE		ZIP CODE		LOCATION NO.					
[REDACTED]										SC		29054									
VICTIM'S SEX										☐ MALE ☐ FEMALE		☐ EXPLAIN		COMPLAINANT OF NON-VIOLENCE DAMAGE		☐ YES ☐ NO					
VICTIM'S RACE										☐ WHITE ☐ BLACK ☐ HISPANIC ☐ OTHER		☐ ASIAN ☐ PACIFIC ISLANDER		☐ NATIVE AMERICAN		☐ UNKNOWN					
TWO-WAY VERB										☐ CONSPIRACY ☐ OBSTRUCTION ☐ INTERVIEW ☐ LITIGATION		☐ ALIBI ☐ ASSAULT ☐ BATTERY		☐ BURGLARY ☐ ROBBERY		☐ TRAFFICKING		☐ VIOLATION		☐ OTHER	
SUSPECT'S NAME (LAST, FIRST, MIDDLE)										DOB		SEX		AGE		HTL		WEIGHT		HAIR	
Chadwick, Dewey										W		M		60		N		5'02"		180	
PHYSICAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.																					
ADDRESS										CITY		STATE		ZIP CODE		LOCATION NO.					
1000 Chippendale Dr., Lot 23										Hones Path		SC		29054							
SUBJECT (NO. 1) UNARMED ☐ ARMED ☐ YES ☐ NO ☐ UNK ☐										APPROXIMATE YEAR OFFENSE BEGAN		☐ YES ☐ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST					
DOUBT ☐ YES ☐ NO ☐ UNK ☐										TOTAL WARRANTED		12/03/2004		18:00							
On this date and approximate time, suspect did kiss the victim on the mouth in his residence. Victim stated to reporting officer that she had gone to suspects residence to play with his son. Victim stated she was sitting in suspect's lap, watching TV when this incident occurred. Investigation continues.																					
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY										JURISDICTION OF RECEIPT LAW ENFORCEMENT AGENCY											
PROPERTY EST.										TOTAL VALUE											
TYPE (GROUP)																					
STOLEN																					
DAMAGED																					
BURNED																					
RECOVERED																					
LOST																					
COUNTY EXT																					
SUBJECT IDENTIFIED										SUBJECT LOCATED											
☐ YES ☐ NO ☐										☐ YES ☐ NO ☐											
☐ ACTIVE ☐ ADM. CLEARANCE										☐ ARRESTED UNDER 18											
☐ UNEMPLOYED										☐ ARRESTED 18 AND OVER											
REASON FOR OPTIONAL CLEARANCE: 1 ☐ OFFENSE DEATH										2 ☐ NO PROSECUTION											
3 ☐ CIVILIZATION CHARGE										4 ☐ VICTIM/CLAIMS DISPUTATION											
5 ☐ JUVENILE - NO CUSTODY										6 ☐ OTHER											
APPROVING OFFICER										SAVED											
UNIT NUMBER										UNIT NUMBER											
808 - Scott, L.F., Cpl.										12/08/2004 608											
601 - King, D.B., Chief										12/08/2004 601											
FOLLOWUP INVESTIGATION										OFFICE											
☐ YES ☐ NO ☐																					

CASE NUMBER
04-15822

[illegible]

Aug 26, 2011 11:24AM

V. 7279 P 29

PAGE NO. 1 OF 1 PAGES

VOLUNTARY STATEMENT

STATE OF SOUTH CAROLINA

COUNTY OF Anderson

PERSONALLY appeared before me _____, who states:

"My name is _____ My address is _____

Date of Birth _____ Social Security Number: _____ Phone Number: _____

I completed the _____ grade in school, and I ☒ cannot read and write."Before answering any questions or making any statements Off R. Scotta person who identified himself as Harold A. Police Officer

duty warned and advised me, and I know and understand that I have the following rights: That I have the right to remain silent and I do not have to answer any questions or make any statements at all; that any statement I make can and will be used against me in a court or courts of law for the offense or offenses concerning which the following statement is hereinafter made; that I have the right to consult with a lawyer of my own choice before or at anytime during any questioning or statements I make; that if I cannot afford to hire a lawyer, I may request and have a lawyer appointed for me by the proper authority before or at anytime during any questioning or statements that I make, without cost or expense to me; that I can stop answering any questions or making any statements at any time I choose, and call for the presence of a lawyer to advise me before continuing any more questioning or making any more statements, whether or not I have already answered some questions or made some statements.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to remain silent, and my right to have a lawyer present while I make the following statement to the aforesaid person, knowing that I have the right and privilege to terminate any interview at any time hereafter and have a lawyer present with me before answering any more questions or making any more statements, if I choose to do so.

I declare that the following voluntary statement is made of my own free will without promise or hope of reward, without fear or threat of physical harm, without coercion, favor, without leniency or offer of leniency, by any person or persons whomsoever.

On 11-05-04 at approx. 12:00 P.M. _____ my daughter called me to the bathroom and told me when she went to the bathroom it burred. I checked her out and noticed she was red. I saw that there was blood on her panties and when she used the toilet paper there was blood on paper. I asked her if anyone had messed with her. She told me No. _____ came to me about 10 minutes later and told me Denny messed with me. _____ told me Denny touched her privates. I asked her how he touched her and she said he unbuckled her pants and put his hand on her privates and rubbed it very hard and it hurt. I asked her when it happened and she stated the day before which would be 11-04-04. _____ told me he did this in his house before he took her to the store. I asked _____ when Denny was and when son was and she said they were in the bed. _____ said he kissed her also and that it happened in his living room. P.R.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct. I further certify that I made no request for advice or presence of a lawyer before or during any part of this statement, nor at anytime before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at _____ P.M. on the _____ day of _____, 2011.

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS _____ DAY OF _____, 2011.

Orinda A. Cunningham
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 11-24-2013

WITNESS: _____

WITNESS: _____

Aug. 26. 2010 11:12AM

No. 7279 5 30

[REDACTED]

Victim stated to Officer Trigo on November 8, 2004 that suspect rubs his hands in a rocking motion on her private area. Victim stated suspects fingers have not been inside her private area. Victim stated suspect hugs and kisses her and that he does this in his van and at his house. Victim also stated when he touches her it hurts. Mother of victim stated victim told her that when she went to the bathroom it burned, mother found blood in victim's underwear, and stated victim's private part was red. Mother stated suspect asked her not to tell anyone. Victim's mother found out about situation on November 5, 2004. Victim told officer that this has been going on for about one month. Victim also stated suspect kisses her sister Summer on her mouth and uses his tongue.

Apr 26, 2010 11:2AM

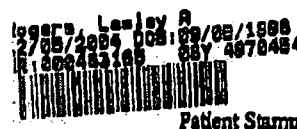
No. 7219

[REDACTED] 8 40 75 Am Am

Victim states she was at Deway's house. Brenden and his mother was in bed. Deway was standing up in the living room. Deway asked victim could he touch it and pointed to her private area and victim told him no. Suspect then unbuttoned her blue jeans. Suspect put his hand inside her jeans and one of his fingers inside her private area. Victim told suspect to stop because it hurt her. Victim stated he kept his hand in her pants about 5 minutes. When suspect removed his hand victim buttoned her jeans back. Deway told victim not to tell anyone or he would beat her up. Suspect then took victim to the store 31-60 and bought her some candy. Victim stated on the way home suspect pulled over on the side of the road and kissed her on the mouth. Victim says suspect then took her home.

Aug. 26. 2010 11:13AM

Vo. 1279 P. 32



Patient Stamp

Pediatric Forensic Evaluation Form

Patient Name [REDACTED] Case # 04-108022
 Age [REDACTED] DOB [REDACTED] Sex F Race C
 Date/Time of Exam 12/5/04 2:35
 Responding Officer William T Gilmer Agency Hornea Path PD
 Responding Detective None Agency Hornea Path PD
 present: me, pt, pt mother, pt sister (older)
 Patient History

"on 12/4/05 around 5:08pm at Devery's house
 Devery kissed me in my mouth with
 his tongue and then touched my private"
 "Devery used his whole hand and put
 it inside my mankey" My pants were
 up. He ^{unbuttoned} ~~unbuttoned~~ them and put
 his hands down my pants. Then we
 went to the store to get some candy."
 "Devery told me if I told anyone he
 would beat me up." nothing follows

A.S. 26. 2 * : 44W

Vc. 7279 F. 4;

43211

12/20/04 **VICTIM IMPACT STATEMENT** RJKHSolicitor
Druanne D. White10th Circuit Victim Witness Program
Solicitor's Office
P.O. Box 8002
Anderson, SC 29622
(864) 260-4288Coordinator
Denise Irby Hagy

This form is designed to help protect the rights of victims in South Carolina's criminal justice system. It will become part of the Court record, and will follow the defendant through the criminal justice system. It is very important that victims fill out one form for each defendant as completely and neatly as possible in ink and return WITHIN TWO WEEKS. Assistance in completing this form is available upon request. Thank You!

This section to be completed by agency personnel only:

Offender's Name _____ Date of Birth _____
 Social Security Number _____ County of Conviction _____
 Indictment #(s) _____
 Sentence _____

STATE OF SOUTH CAROLINA vs. Dewey ChadwickCharge(s) CSC 1st degree Warrant #(s) G-130680

NAME OF VICTIM _____

*Only if the victim is deceased, is a minor child, or is a business, list the name of a responsible party below:

*NAME OF RESPONSIBLE PARTY _____

*Relationship to Victim _____

Mailing Address _____ Work Address _____

Home Phone _____ Work Phone _____ Other _____

Victim's Date of Birth _____ Race W Sex F

Please advise us of any change of address or phone. If we can't reach you, we can't help you!

PLEASE CHECK STATEMENTS WITH WHICH YOU AGREE:☐ I DO NOT WISH TO BE PRESENT IN COURT UNLESS NEEDED.☒ I DO WISH TO BE PRESENT.☒ I DO WISH TO BE NOTIFIED OF POST CONVICTION HEARINGS INCLUDING
APPEALS, PROBATION, PAROLE, RELEASE, OR ESCAPE FROM PRISON

PLEASE TURN OVER AND COMPLETE THE OTHER SIDE OF THIS FORM

Aug 26, 2011 11:44 AM

No. 7279

This portion of the Victim Impact Statement requests information that the Judge will need in order to:

- determine the proper amount of restitution and
- understand the effects this crime has had on you.

Answer only those questions that apply to you or your family and this particular crime. Since space below is limited, feel free to attach another piece of paper if necessary. Requests for "pain and suffering" damages should be addressed through the Civil Court process. Only actual losses and damages will be handled through the Criminal Court process.

- Describe any physical injuries you suffered and medical treatment for these injuries.
Violated her privates. Scared tissue, redness + bleeding.
Was taken to E.R. for Rape test. Mental + emotional pain.
- Describe how this has changed and/or affected your life.
My daughter has nightmares since the incident.
Mood changes, angry + fearful of others.
- Has this crime affected your credit, your job, or your ability to work? How? Yes. Job wise.
Had to take emergency medical leave. She was terminated b/c of the problems. Have been out of work for 3 weeks. Loss of wages \$500.00 or more.
- Are you interested in receiving counseling?
Yes.
- Is there anything else you want us to know about what happened to you?
I believe this man deserves the fullest extreme sentence. So he won't have the chance to hurt another child.

Please summarize only costs that apply to your case. DOCUMENTATION (bills, receipts, etc) MUST BE ATTACHED TO EXPLAIN THESE COSTS. If all bills have not yet been received, please make note of this.

Medical Expenses \$ 923.00

Counseling \$ Pending

Funeral \$ _____

Property (stolen, damaged, or forged) \$ _____

Other \$ _____

TOTAL LOSSES \$ _____

Please show any costs that you have recovered:

Insurance Recovery (or bank reimbursement on forgeries) \$ _____

Property Recovery \$ _____

State Office of Victim Asst. \$ _____

TOTAL RECOVERY \$ _____

**RESTITUTION DUE \$?
(LOSSES LESS RECOVERY)

With your signature, you submit that the above statements are true. Thank you for completing this South Carolina Victim Impact Statement. Please return form in enclosed envelope.

Signature of Victim or Responsible Party

Date

Aug. 26, 2003 11:14AM

Vs. 7279 42

43811

12/80/04

VICTIM IMPACT STATEMENT

KJH

Solicitor
Druanne D. White10th Circuit Victim Witness Program
Solicitor's Office
P.O. Box 8002
Anderson, SC 29622
(864) 260-4288Coordinator
Denise Irby Hagy

This form is designed to help protect the rights of victims in South Carolina's criminal justice system. It will become part of the Court record, and will follow the defendant through the criminal justice system. It is very important that victims fill out one form for each defendant as completely and neatly as possible in ink and return WITHIN TWO WEEKS. Assistance in completing this form is available upon request. Thank You!

This section to be completed by agency personnel only:

Offender's Name _____ Date of Birth _____
 Social Security Number _____ County of Conviction _____
 Indictment #(s) _____
 Sentence _____

STATE OF SOUTH CAROLINA vs.

Dewey Chadwick

Charge(s) Lewd Act upon A

Warrant #(s) G-130681

NAME OF VICTIM

*Only if the victim is deceased, is a minor child, or is a business, list the name of a responsible party below:

*NAME OF RESPONSIBLE PARTY

*Relationship to Victim

Mailing Address

Work Address

Home Phone

Work Phone

Other

Victim's Date of Birth

Race

Sex

Please advise us of any change of address or phone. If we can't reach you, we can't help you!

PLEASE CHECK STATEMENTS WITH WHICH YOU AGREE:

☐ I DO NOT WISH TO BE PRESENT IN COURT UNLESS NEEDED.

☒ I DO WISH TO BE PRESENT.

☒ I DO WISH TO BE NOTIFIED OF POST CONVICTION HEARINGS INCLUDING
 APPEALS, PROBATION, PAROLE, RELEASE, OR ESCAPE FROM PRISON

PLEASE TURN OVER AND COMPLETE THE OTHER SIDE OF THIS FORM.

A.g. 26. 11:15AM

No. 7279 P. 43

This portion of the Victim Impact Statement requests information that the Judge will need in order to:

- determine the proper amount of restitution and
- understand the effects this crime has had on you.

Answer only those questions that apply to you or your family and this particular crime. Since space below is limited, feel free to attach another piece of paper if necessary. Requests for "pain and suffering" damages should be addressed through the Civil Court process. Only actual losses and damages will be handled through the Criminal Court process.

- Describe any physical injuries you suffered and medical treatment for these injuries.

mental and emotional injuries.
Counseling hasn't been set yet.

- Describe how this has changed and/or affected your life.

Since this incident Summer has no trust in men,
She hasn't been sleeping well, bad wetting.

- Has this crime affected your credit, your job, or your ability to work? How?

Yes my job, I took a Emergency Leave from work,
then was fired from my job, have been out of work for

- Are you interested in receiving counseling?

yes.

3 weeks now, I got my job back
but don't start back until after the
1st of the year. Losses of 500.00 or more

- Is there anything else you want us to know about what happened to you?

This has affected our whole family, in way we have not
imagined, we are trying to cope the best we can one day
at a time.

Please summarize only costs that apply to your case. DOCUMENTATION (bills, receipts, etc) MUST BE ATTACHED TO EXPLAIN THESE COSTS. If all bills have not yet been received, please make note of this.

Medical Expenses \$ _____

Please show any costs that you have recovered:

Counseling \$ not receiving yet

Insurance Recovery (or bank \$ _____

reimbursement on forgeries)

Funeral \$ _____

Property Recovery \$ _____

Property (stolen, damaged, or forged) \$ _____

State Office of Victim Asst. \$ _____

Other \$ _____

TOTAL RECOVERY \$ _____

TOTAL LOSSES \$ _____

**RESTITUTION DUE \$ _____
(LOSSES LESS RECOVERY)

With your signature, you submit that the above statements are true. Thank you for completing this South Carolina Victim Impact Statement. Please return form in enclosed envelope.

Signature of Victim or Responsible Party

Date

Petitioner's Exhibit E

Created by the South Carolina Department of Probation, Parole and Pardon Services

STATE OF SOUTH CAROLINA

COMMITMENT

IN THE COURT OF GENERAL SESSIONS

County of Anderson
STATE VS.INDICTMENT#:
2005-GS-04-674
Probation CW#: W-04-07-0459AKA: Dewey Chadwick
Race: W Sex: M
DOB: [REDACTED]
SSN: [REDACTED]
SID#: [REDACTED]Name of Original Offense: Lewd Act on Child Under
Original AWW#: 6130681
Date of Original Offense: 12-4-04
Conviction S.C. Code §: 16-15-140
Conviction CDR Code #: 21 41618
Original Sentence: 10 years on 89 days 5 yrs.
probation

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 9/13/05 in the Court of General Sessions of Anderson County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on _____ as set forth in the attached warrant(s) or citation(s) dated _____.

After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

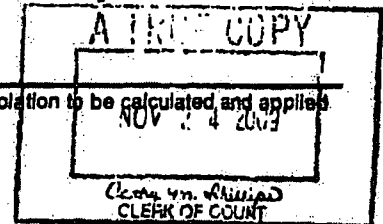
10, special conditions as condition 435 sex offender conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 3 months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☒ Additional Conditions ordered by the Court:3 years and terminate. Credit for 28 days

- ☐ The defendant is given credit for pre-arrest detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☒ The defendant has previously served 89 days on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 28th day of November, 2007
Anderson, SC[Signature]
Presiding Judge
10/29 Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature Dewey ChadwickWitnessed by [Signature]Signed this 28th day of Nov., 2007 at Anderson, SC
Day Month Year City

03/08/2013 07:57 883-73955

SCDPPPS

PAGE 05/11

South Carolina Department of Probation, Parole and Pardon Services

Violation Report

Offender's Name: DEWEY CHADWICK

State of South Carolina, County of: ANDERSON

SID#: 00578488

Warrant#: W-04-09-0459

Date of Birth: [REDACTED]

SCDC#:

Indictment Numbers:

05-GS-04-00673, 05-GS-04-00674

Offense and Offense Codes:

2468 - Lewd Act, committing or attempting
lewd act upon child under 16 (after 6/4/96);2468 - Lewd Act, committing or attempting
lewd act upon child under 16 (after 6/4/96)

GPS MANDATORY

Supervision Program: Probation

Begin Date: 1/13/2006 End Date: 1/12/2011

Supervision Level: Sex Off. - High

Sentencing Judge: 131 - Maddox, Jr., J.

Sentencing County: ANDERSON

Sentencing Date: 9/13/2005

Location (Bold Response): SCDC

Sentence:

Lewd Act with a Minor Under Age of 16

10 yrs., prov. serv. 89 days, bal. susp. to 5 yrs. prob. - See spec. conds (rmb)

1/13/06 - rel from incarc - case activated (CF), Lewd Act on Minor Under Age 16

10 yrs., prov. serv. 89 day, bal. susp. to 5 yrs. prob. - see spec. conds (rmb)

1/13/06 - rel from incarc - case activated (CF)

Special Conditions:

Eval - Substance abuse counseling and random drug testing; Mental Health counseling; sex offender counseling; Fine - \$125 (\$100 surch & \$25 LEF); Other1 - No victim contact and no contact with any child under age 18; Other2 - To report to ACDC on Friday, September 16, 2005 to begin service of sentence.; Eval - Substance abuse counseling and random drug testing; Mental Health Counseling; Sex Offender Counseling; Fine - \$125.00 (\$100 surcharge & \$25 LEF); Other1 - No contact with victim; no contact with any child under age of 18; Other2 - To report to ACDC on Friday, 9/16/05 to begin service of sentence.

Current Address and Summary of Residence:

HONEA PATH, SC

Reporting:

Offender reports once per month

Employment Records While Under Supervision:

Employer	Dates (from -to)	Reason(s) for Leaving	Earnings
Disabled	1/13/2006 -		\$903.00

Financial Conditions:

	Total Amount ordered	Pay Period	Total Paid	Date Last Paid	Arrearage	Balance Due
Fees						
DNA Fee	\$250.00	\$250.00/M	\$18.00	10/5/2009	\$0.00	\$148.00
Intensive Supervision	\$5,220.00	\$20.00/W	\$3,980.00	10/5/2009	\$0.00	\$1,240.00

Prior Violation Dates	Prior Violations	Prior Violation Disposition

23

 APR - 8 AM 8:42
 CRIME RECORDS OFFICE

03/08/2013 07:57

803-731-855

SCDPPPS

PAGE 07/11

South Carolina Department of Probation, Parole and Pardon Services

Violation Report

Offender's Name: DEWEY CHADWICK

Details of the Present Violation:

Violation of probation as ordered in case number 2005-GS-04-673 and 2005-GS-04-674 by the Anderson County Court of General Sessions:

10 and special conditions of standard probation order and condition 4 of the standard sex offender conditions) by failing to follow the advice and instructions of his agent in that the offender has been around children under the age of 18 as evidenced by affidavit and incident reports with case number 09-21252.

Action: Agent rec'd phone call that offender has been around children. This caller stated that this has been called into Honea Path Police Department. He also stated that there are some pictures of him with children also. Agent then called Lt. Boseman of Honea Path Police department. He stated that he has gotten statements and has an investigation on this offender. Agent then went and spoke with Lt. Boseman and Officer Sherry Morris and rec'd all evidence involving this offender with children.

These constitutes violation of condition 10 and special conditions of the standard conditions of probation and condition 4 of the standard sex offender conditions.

Agent's Recommendations:

full revocation

Agent's Justification:

Offender has been on probation before and has gone through sex offender counseling; he is aware of the fact that he isn't to be around any children under the age of 18. Agent has received numerous complaints, but agent has finally received affidavits that are reliable and evidence that offender is around children on several different occasions.

Kerin Foster *K Foster* Agent

Date: 10/26/2009

Supervisor's Signature *[Signature]*

Date: 10/26/09

INMATE RE JURORS OFFICE
2013 MAR -8 AM 8:42

03/08/2013 07:57

883-73 955

SCDPPPS

PAGE 08/11

Form 16, 1-Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 16, 1978

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

Probation

ARREST WARRANT

Indictment Number 05-GS-04-00673, 05-GS-04-00674

Warrant Number W-04-09-0459

State Identification No. (SID) 00578468

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF ANDERSON, AND ANY CONSTABLE OF MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that DEWEY CHADWICK, did on the 23 day of October, 2009 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Violation of probation as ordered in case number 2005-GS-04-673 and 2005-GS-04-674 by the Anderson County Court of General Sessions

Now, therefore, you are empowered and directed to arrest the said defendant and bring DEWEY CHADWICK 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. Done at ANDERSON, S. C. this 23 day of October, 2009.

Karin B. Foster (L.S.)
Signature of Probation and Parole Agent

County of ANDERSON

STATE OF SOUTH CAROLINA**AFFIDAVIT**

Personally appeared before me, one Karin B. Foster, who, first being duly sworn, deposes and says that DEWEY CHADWICK did within this County and State on the 23 day of October, 2009, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Violation of probation as ordered in case number 2005-GS-04-673 and 2005-GS-04-674 by the Anderson County Court of General Sessions

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

by failing to follow the advice and instructions of his agent in that the offender has been around children under the age of 16 as evidenced by affidavit and incident reports with case number 09-21252.

These constitutes violation of condition 10 and special conditions of the standard conditions of probation and condition 4 of the standard sex offender conditions.

Sworn to and Subscribed before me
this 23 day of October, 2009.

Karin B. Foster
Affiant

[Signature]
Signature of Notary Public

(L.S.)

5-18-2015
My Commission Expires

Address: P.O. BOX 8002
ANDERSON, SC 29622
ANDERSON
USA

(864) 260-2290

RETURN

Constable or Law Enforcement Officer

A copy of this Arrest Warrant was delivered by me to the following defendant:

on the 23 day of October, 2009

Constable or Law Enforcement Officer

This Warrant is certified for service in (County of warrant Certification) County. The accused is to be arrested and brought before me to deal with according to law.

(L.S.)
Signature of Judge

2013 MAR - 8 AM 8:42
INMATE RECORDS OFFICE

STATE OF SOUTH CAROLINA
COUNTY OF
ANDERSON

THE STATE
against

DEWEY CHADWICK

ARREST WARRANT

Offense: Violation of Conditions of Probation Supervision

Offense Section: 24-21-450

Date: 10/23/2009

Officer and Agency: SC Department of Probation,
Parole and Pardon Services

Kerin B. Foster

Disposition

Sentence

Co-Defendants

INFORMATION ON DEFENDANT

Name DEWEY CHADWICK
Address [REDACTED]
HONEA PATH, SC 29854
Phone [REDACTED]
Sex Male Race White Height 507
Weight 220 Birth date [REDACTED]
Social Security Number [REDACTED]

INFORMATION ON WITNESSES

Name
Address
Phone
Name
Address
Phone
Name
Address
Phone
Name
Address
Phone

PRELIMINARY HEARING held by

Magistrate
on
with
Attorney for the Defendant

Decision
BAIL
Date Set 10-24-09
Magistrate James H. Lee
Amount 25000.00
Surety

Request high surety bond, per
offender who refuses to do
a bail from a child

Petitioner's Exhibit F

SEXUAL PREDATOR REFERRAL FORM

Offender Name: DEWEY CHADWICK Offender Number: 338189 Jurisdictional Agency: SCDC
 Age: 62 County: ANDERSON Qualifying Offense(s): Lewd Act on Child Under 16 (2 counts) Guilty Plea: ____ Trial: ____
 Gender: Male No. of Incarcerations: ____

Adult 3 years / probation revocation Parole Eligibility Max-Out
 Sentence: Date: Date: 05/27/2011
 Juvenile Parole SFII
 Guidelines: Release Date: Date:

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
<u>0</u>	<u>4</u>	<u>0</u>

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

[Signature] SCDC -- CHAIRPERSON
[Signature] SCDPPS
[Signature] DMH
[Signature] JDG
[Signature] ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on September 29, 2010, and based upon that assessment, we find that:

- ☐ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☒ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

Petitioner's Exhibit G

Witnesses

Verdict

Foreman

65-

County of LAURENS

JANUARY Term, 19 87
87GS30-37

VS.

DEWEY (NMN) CHADWICK

(1) VIOLATION SECTION 16-15-140 and
(2) ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE

W. J. Jones Solicitor

True Bill 1-19-87
Deborah B. Kinard
Foreman of Grand Jury

McCAW PRINTERS,
B 731279

COLUMBIA, B. O. 22075

I Herely Appear In My Own Proper Person, Waive Grand Jury Action and Plead Guilty to Count One of COM 23 Within Indictment

100

W. T. Lewis, Jr. v. D. August Chaudhury
SOLICITOR

SOLICITOR

1987-1988

1-23-68-1-1

THE

[illegible]

to send by _____
 Date received _____
 By _____
 Date _____

FOR THE

Test _____ and if Subsequent
designed by Father's Counsel
Also: Do not expect to know
brother or indirectly in any way.
C.R.

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Demey Chadwick
on the 23 day of Dec, 19 86
James M. Dyer
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in Anderson County (Circle one)
Municipality

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

James M. Dyer (L.S.)
Signature of Judge

PRELIMINARY HEARING held by

Judge _____

on _____, 19 _____

with _____
Attorney for Defendant

Decision: _____

BAIL

Date Set Dec 23, 19 86

Judge James M. Dyer

Amount \$20,000

Surely _____

RETURN WARRANT TO:

ARREST WARRANT

No. B 731279

STATE OF SOUTH CAROLINA

County LAURENS Municipality (Circle one)
THE STATE
against

DEMAY CHADWICK

Address: [REDACTED]

Home Park S.C.

[REDACTED]

Sex M Race W Height 5'7" Weight 190

DOB [REDACTED] DL [REDACTED]

Offense COMMITTING OR ATTEMPTING A LEWD

ACT UPON A CHILD UNDER FOURTEEN

Code (or Ordinance) § 16-15-140

Date of Offense DECEMBER 14, 1986

Officer ANY LAWFUL OFFICER

Agency _____

Date of Disposition 1986 DEC 22 PM 3:10

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

FILED IN SHERIFF'S
OFFICE 12-18 1986
WILLIAM F. ROBERTSON, SHERIFF

09/14/2010 11:54 864-984-7023

LAURENS CO CLERK CT

PAGE 84/87

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

AFFIDAVIT

Personally appeared before me, Judge of the Court, one LT. JIM MOORE
 who being duly sworn, deposes and says that DEWEY CHADWICK (name of defendant) did within this County
 and State on DEC. 14 19 86, violate the criminal laws of the State of South Carolina [or ordinance of the municipality
 of _____] in the following particulars:

DESCRIPTION OF OFFENSE

COMMITTING OR ATTEMPTING LEWD ACT UPON A CHILD UNDER FOURTEEN

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

BY COMMITTING A LEWD ACT WHICH WAS FONDLING WITH HER BREAST OF A NINE YEAR OLD AND ALSO
 PLACING HIS HANDS ON HER VAGINA. THIS TOOK PLACE AT THE PULL GOSPIEL TABERNACLE
 CHURCH ON CEMETARY STREET NEAR WARE SHOALS, S.C.. WITNESSES ARE _____ PASTOR, _____
 _____ AND OTHERS.

Sworn to and Subscribed before me,

This 19TH day of DECEMBER, 19 86.

[Signature] (L.S.)
 Signature of Notary Judge

Address P.O. BOX 925
LAURENS, S.C. 29360
 Phone: 984-4022

[Signature]
 Signature of Affiant
 Address Lauren County Sheriff's Dept.
Lauren, S.C.
 Phone: 984-2523

STATE OF SOUTH CAROLINA

ARREST WARRANT

COUNTY OF LAURENS

[or MUNICIPALITY OF _____]

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

It appearing from the above affidavit that there are reasonable grounds to believe that DEWEY CHADWICK
 (name of defendant) did on DEC. 14 19 86, violate the criminal laws of the State of South Carolina [or ordinance
 of the municipality of _____] as set forth below:

DESCRIPTION OF OFFENSE

COMMITTING OR ATTEMPTING LEWD ACT UPON A CHILD UNDER FOURTEEN

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.

Done at LAURENS, S.C.
 on DECEMBER 19, 19 86

[Signature] (L.S.)
 Signature of Judge

731279

4 03 PM

09/14/2018 11:54

864-984-7023

LAURENS CO CLERK CT

PAGE 05/07

FORM 1

The State of South Carolina

INDICTMENT FOR

County of Laurens(1) VIOLATION SECTION 16-15-140, AND
(2) ASSAULT AND BATTERY OF A HIGH
AND AGGRAVATED NATURE

At a Court of General Sessions, convened on the 19th day of January
1986, the Grand Jurors of Laurens County present upon their oath:

COUNT ONE

That DEWEY (NMN) CHADWICK, over the age of
fourteen (14) years, and of the age of thirty-eighty (38) years,
state aforesaid
did in Laurens County on or about the 14th day of December
1986, wilfully, unlawfully and lewdly commit and attempt to commit
a lewd and lascivious act upon and with the body and a part and member
thereof of a child, [REDACTED], under the age of fourteen (14)
years, and of the age of nine (9) years, with the intent of arousing,
appealing to and gratifying the lust, passions and sexual desires of the
said DEWEY (NMN) CHADWICK and of the said child, [REDACTED]

COUNT TWO

That DEWEY (NMN) CHADWICK
state aforesaid
did in Laurens County on or about the 14th day of December
1986, wilfully and unlawfully assault and battery upon one
Kathleen [REDACTED] nine (9) years of age, accompanied
by circumstances of aggravation,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Apprehension, and contrary to the statute in such cases made and
provided.

Solicitor

W. Thomas Jones
Solicitor

Petitioner's Exhibit H

South Carolina Department of Corrections

Classification Summary Reports

Date: Friday, November 16, 2012

Classification Summary Reports

Inmate Number 338189

[Submit](#)

Classification Summary Report for CHADWICK, DEWEY :

[Create PDF](#)

CLASSIFICATION SUMMARY REPORT DATED 11/16/2012

SCDC# 00338189

CHADWICK, DEWEY

FBI# 310029HC2

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: KIRKLAND

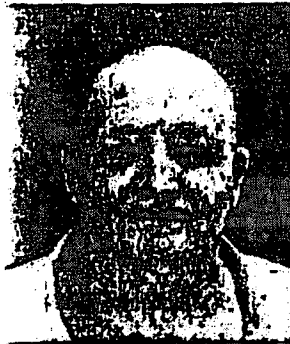
SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 3 YRS 0 MOS 0
SENT: DAYSVICTIM
WITNESS: N SEPREQ: NMED MED PROB/WORK
CLASS: RESTRICTINST DAILY NURSING
RESTRICT: COVERAGEMENTAL NMH (NO MENTAL
CLASS: HEALTH TRECURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 64

RESIDENT
STABILITY: NA

DORMROOMBUNK_CODE: F3 0104 A

PROJ MAXOUT
DATE: 06/30/2013

PROJ PAROLE DATE: 10/11/2012

EWC JOB: NO CURRENT JOB

ASSIGNMENT: R & E CENTER

EWC
LEVEL: 0 EEC LEVEL:-EDUC
PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE				START	SENTENCE		
	YRS	MOS	DYS	COUNTY		V/NV	CAT	INDICT
CRIM. SOLICITATION MINOR	3	0	0	ANDERSON	08/30/2011	N	4	12GS0400058

Classing Summary Reports - Report View

Page 2 of 2

COMPLETED OFFENSES	YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV CAT INDICT
LEWD ACT/CHILD UNDER 16	3	0	0	ANDERSON	10/27/2009	N 4 05GS04-673+

PRIOR COMMITMENTS OVER 90 DAYS:
INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:
NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):
HOLD IRO CATEG:

ESCAPES:
NO ESCAPE HISTORY

CRIMINAL CHARGES:
NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:
NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:
NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:
08/18/2010 I/M UNDER INFLUENCE/POSS ALCOHOL OR BUCK DISMISSED ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:
NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

DATE	LOCATION	STATUS	REASON
10/24/2012	KIRKLAND	INCARCERATED	ADMINISTRATIVE
10/23/2012	PALMETTO RCHLAND	AUTH ABSENCE (AWL)	MEDICAL
10/16/2012	KIRKLAND	INCARCERATED	R&E PROCESSING
10/16/2012	PERRY	INCARCERATED	NEW ADMISSION
04/29/2011	UNK	RELEASE	EXPIRATION OF SENTENCE
02/09/2010	EVANS	INCARCERATED	ADMINISTRATIVE
12/01/2009	KIRKLAND	INCARCERATED	R&E PROCESSING
12/01/2009	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
PROFESSIONAL PERSONNEL	04/30/2010	04/29/2011	RELEASED/PAROLED	2F5
PROFESSIONAL PERSONNEL	04/13/2010	04/29/2010	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:
NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

Create PDF

Source : SummaryReport.jsp

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[Version: 1.4.4 Built: 08/23/2012 09:37:57 AM Time: 08:57:19 AM]

Petitioner's Exhibit I

302.2 Pedophilia

The paraphilic focus of Pedophilia involves sexual activity with a prepubescent child (generally age 13 years or younger). The individual with Pedophilia must be age 16 years or older and at least 5 years older than the child. For individuals in late adolescence with Pedophilia, no precise age difference is specified, and clinical judgment must be used; both the sexual maturity of the child and the age difference must be taken into account. Individuals with Pedophilia generally report an attraction to children of a particular age range. Some individuals prefer males, others females, and some are aroused by both males and females. Those attracted to females usually prefer 8- to 10-year-olds, whereas those attracted to males usually prefer slightly older children. Pedophilia involving female victims is reported more often than Pedophilia involving male victims. Some individuals with Pedophilia are sexually attracted only to children (Exclusive Type), whereas others are sometimes attracted to adults (Non-exclusive Type). Individuals with Pedophilia who act on their urges with children may limit their activity to undressing the child and looking, exposing themselves, masturbating in the presence of the child, or gentle touching and fondling of the child. Others, however, perform fellatio or cunnilingus on the child or penetrate the child's vagina, mouth, or anus with their fingers, foreign objects, or penis and use varying degrees of force to do so. These activities are commonly explained with excuses or rationalizations that they have "educational value" for the child, that the child derives "sexual pleasure" from them, or that the child was "sexually provocative"—themes that are also common in pedophilic pornography. Because of the ego-syntonic nature of Pedophilia, many individuals with pedophilic fantasies, urges, or behaviors do not experience significant distress. It is important to understand that experiencing distress about having the fantasies, urges, or behaviors is not necessary for a diagnosis of Pedophilia. Individuals who have a pedophilic arousal pattern and act on these fantasies or urges with a child qualify for the diagnosis of Pedophilia.

Individuals may limit their activities to their own children, stepchildren, or relatives or may victimize children outside their families. Some individuals with Pedophilia threaten the child to prevent disclosure. Others, particularly those who frequently victimize children, develop complicated techniques for obtaining access to children, which may include winning the trust of a child's mother, marrying a woman with an attractive child, trading children with other individuals with Pedophilia, or, in rare instances, taking in foster children from nonindustrialized countries or abducting children from strangers. Except in cases in which the disorder is associated with Sexual Sadism, the person may be attentive to the child's needs in order to gain the child's affection, interest, and loyalty and to prevent the child from reporting the sexual activity. The disorder usually begins in adolescence, although some individuals with Pedophilia report that they did not become aroused by children until middle age. The frequency of pedophilic behavior often fluctuates with psychosocial stress. The course is usually chronic, especially in those attracted to males. The recidivism rate for individuals with Pedophilia involving a preference for males is roughly twice that for those who prefer females.

Diagnostic criteria for 302.2 Pedophilia

- A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify if:

Sexually Attracted to Males
Sexually Attracted to Females
Sexually Attracted to Both

Specify if:

Limited to Incest

Specify type:

Exclusive Type (attracted only to children)
Nonexclusive Type

302.83 Sexual Masochism

The paraphilic focus of Sexual Masochism involves the act (real, not simulated) of being humiliated, beaten, bound, or otherwise made to suffer. Some individuals are bothered by their masochistic fantasies, which may be invoked during sexual intercourse or masturbation but not otherwise acted on. In such cases, the masochistic fantasies usually involve being raped while being held or bound by others so that there is no possibility of escape. Others act on the masochistic sexual urges by themselves (e.g., binding themselves, sticking themselves with pins, shocking themselves electrically, or self-mutilation) or with a partner. Masochistic acts that may be sought with a partner include restraint (physical bondage), blindfolding (sensory bondage), paddling, spanking, whipping, beating, electrical shocks, cutting, "pinning and piercing" (infibulation), and humiliation (e.g., being urinated or defecated on, being forced to crawl and bark like a dog, or being subjected to verbal abuse). Forced cross-dressing may be sought for its humiliating associations. The individual may have a desire to be treated as a helpless infant and clothed in diapers ("infantilism"). One particularly dangerous form of Sexual Masochism, called "hypoxiphilia," involves sexual arousal by oxygen deprivation obtained by means of chest compression, noose, ligature, plastic bag, mask, or chemical (often a volatile nitrite that produces a temporary decrease

Petitioner's Exhibit J

1. No (or substantially diminished) subjective erotic feelings despite otherwise-normal arousal and orgasm
2. Situations in which the clinician has concluded that a sexual dysfunction is present but is unable to determine whether it is primary, due to a general medical condition, or substance induced

Paraphillias

Diagnostic Features

The essential features of a Paraphilia are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other nonconsenting persons that occur over a period of at least 6 months (Criterion A). For some individuals, paraphilic fantasies or stimuli are obligatory for erotic arousal and are always included in sexual activity. In other cases, the paraphilic preferences occur only episodically (e.g., perhaps during periods of stress), whereas at other times the person is able to function sexually without paraphilic fantasies or stimuli. For Pedophilia, Voyeurism, Exhibitionism, and Frotteurism, the diagnosis is made if the person has acted on these urges or the urges or sexual fantasies cause marked distress or interpersonal difficulty. For Sexual Sadism, the diagnosis is made if the person has acted on these urges with a nonconsenting person or the urges, sexual fantasies, or behaviors cause marked distress or interpersonal difficulty. For the remaining Paraphillias, the diagnosis is made if the behavior, sexual urges, or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning (Criterion B).

Paraphilic imagery may be acted out with a nonconsenting partner in a way that may be injurious to the partner (as in Sexual Sadism or Pedophilia). The individual may be subject to arrest and incarceration. Sexual offenses against children constitute a significant proportion of all reported criminal sex acts, and individuals with Exhibitionism, Pedophilia, and Voyeurism make up the majority of apprehended sex offenders. In some situations, acting out the paraphilic imagery may lead to self-injury (as in Sexual Masochism). Social and sexual relationships may suffer if others find the unusual sexual behavior shameful or repugnant or if the individual's sexual partner refuses to cooperate in the unusual sexual preferences. In some instances, the unusual behavior (e.g., exhibitionistic acts or the collection of fetish objects) may become the major sexual activity in the individual's life. These individuals are rarely self-referred and usually come to the attention of mental health professionals only when their behavior has brought them into conflict with sexual partners or society.

The Paraphillias described here are conditions that have been specifically identified by previous classifications. They include Exhibitionism (exposure of genitals), Fetishism (use of nonliving objects), Frotteurism (touching and rubbing against a nonconsenting person), Pedophilia (focus on prepubescent children), Sexual Masochism (receiving humiliation or suffering), Sexual Sadism (inflicting humiliation or suffer-

Paraphilias

567

ing), Transvestic Fetishism (cross-dressing), and Voyeurism (observing sexual activity). A residual category, Paraphilia Not Otherwise Specified, includes other Paraphilias that are less frequently encountered. Not uncommonly, individuals have more than one Paraphilia.

Recording Procedures

The individual Paraphilias are differentiated based on the characteristic paraphilic focus. However, if the individual's sexual preferences meet criteria for more than one Paraphilia, all should be diagnosed. The diagnostic code and terms are as follows: 302.4 Exhibitionism, 302.81 Fetishism, 302.89 Frotteurism, 302.2 Pedophilia, 302.83 Sexual Masochism, 302.84 Sexual Sadism, 302.3 Transvestic Fetishism, 302.82 Voyeurism, and 302.9 Paraphilia Not Otherwise Specified.

Associated Features and Disorders

Associated descriptive features and mental disorders. The preferred stimulus, even within a particular Paraphilia, may be highly specific. Individuals who do not have a consenting partner with whom their fantasies can be acted out may purchase the services of prostitutes or may act out their fantasies with unwilling victims. Individuals with a Paraphilia may select an occupation or develop a hobby or volunteer work that brings them into contact with the desired stimulus (e.g., selling women's shoes or lingerie [Fetishism], working with children [Pedophilia], or driving an ambulance [Sexual Sadism]). They may selectively view, read, purchase, or collect photographs, films, and textual depictions that focus on their preferred type of paraphilic stimulus. Many individuals with these disorders assert that the behavior causes them no distress and that their only problem is social dysfunction as a result of the reaction of others to their behavior. Others report extreme guilt, shame, and depression at having to engage in an unusual sexual activity that is socially unacceptable or that they regard as immoral. There is often impairment in the capacity for reciprocal, affectionate sexual activity, and Sexual Dysfunctions may be present. Personality disturbances are also frequent and may be severe enough to warrant a diagnosis of a Personality Disorder. Symptoms of depression may develop in individuals with Paraphilias and may be accompanied by an increase in the frequency and intensity of the paraphilic behavior.

Associated laboratory findings. Penile plethysmography has been used in research settings to assess various Paraphilias by measuring an individual's sexual arousal in response to visual and auditory stimuli. The reliability and validity of this procedure in clinical assessment have not been well established, and clinical experience suggests that subjects can simulate response by manipulating mental images.

Associated general medical conditions. Frequent, unprotected sex may result in infection with, or transmission of, a sexually transmitted disease. Sadistic or masochistic behaviors may lead to injuries ranging in extent from minor to life threatening.

Petitioner's Exhibit K

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SEXUAL PREDATOR MULTI-DISCIPLINARY TEAM**

REFERRAL DATA

INMATE: Chadwick, Dewey

SCDC #: 338189

INSTITUTION: Kirkland

SSN#: XXXX [REDACTED]

VICTIM/WITNESS: None

DOB/AGE: [REDACTED]

SCDC ARRIVAL DATE: 10/16/12

MAX OUT DATE: 06/30/13

SENTENCE START DATE: 08/30/11

SUPERVISED FURLOUGH

JUVENILE SENTENCE: N/A

ELIGIBILITY DATE: N/A

DATA SOURCE(S):

Automated Medical Record: ✓
Institutional Record:
Sex Offender Treatment Record:
Inmate Interview:
Attachment:

Hard Copy Medical Record:
Central Inmate Record:
Offender Management Summary: ✓
Other Data Source(s):
Specify:

CONVICTION HISTORY:

Current Conviction(s): Criminal Solicitation w/Minor; 3-yr sentence, sentence date 10-30-11

Prior SCDC #'s: N/A

Prior Conviction(s): Lewd Act Child under 16

Parole Revocation(s): N/A

Probation Revocation(s): N/A

Other Information:

INSTITUTIONAL ADJUSTMENT:

Disciplinary(s): Total: 0 **Assaultive:**
Narrative(s): N/A
Work History: Unemployed
Other Information: No Problems in SCDC

Sexual Misconduct: 0

SP Multi-Disciplinary Team
Chadwick, Dewey - #338189
Page 2

SPECIAL NEEDS/DISABILITIES: N/A

Limitation(s) in Mobility and Sensory:

Level of Supervision Needed:

Ability to Complete Activities of Daily Living:

COGNITIVE FUNCTIONING/ACADEMIC ABILITY:

Beta Score: N/A

Other IQ Screening: 68

Mental Retardation: None

Disability/Other Known Impairment:

Wide Range Achievement Tests (WRAT)

Grade Level: Reading: 1.0

Math: 1.3

Language: N/A

SUBSTANCE ABUSE:

SASSI Score: Valid Yes No

TCUDDS: Valid Yes No

Other Screening(s):

Under influence at the Time of Crime (Self-Report):

Treatment History:

Chemically Dependent: Yes No

Chemically Dependent: Yes No

Other Information:

HEALTH SUMMARY CLASSIFICATION:

Mental Health Status: No Mental Health Treatment

Medical Problem(s): Yes Work Restriction(s): Yes

Institutional Assignment: Daily Nursing Coverage

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: Hypertension, Diabetes, Skin Rash

Medications: Diphenhydramine, Hydroxyzine HCL, Aspirin, HCTZ, Lisinopril,

Glucophage, Zocor

Other Information:

SP Multi-Disciplinary Team
Chadwick, Dewey - #338189
Page 3

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None on file
Medications: N/A
Problems/Compliance:
Treatment History:
Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
Other Information:

SEX OFFENDER TREATMENT HISTORY: NO PROGRAMS ON FILE

	TYPE	DATES	STATUS
Phase I:	Education		

SOTP GROUP:

Phase II:	Education

Phase III:	Education

OTHER

RTU:	Intensive Residential Treatment

Admission of Sex Offense(s):
Other Information:

SP Multi-Disciplinary Team
Chadwick, Dewey - #338189
Page 4

VICTIM PROFILE: N/A**Conviction(s):**

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

Aggravating Circumstances: N/A

Other Victims Alleged or Self-Reported by Inmate: N/A

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

** A = Alleged S = Self-Reported

Aggravating Circumstances:

Other Information:

Information submitted in this packet was obtained from the SCDC Offender Management System, Inmate's Primary Therapist and Automated Medical Records.

Submitted by: Sylvia Roberts MSW HSC II
Sylvia Roberts, MSW, HSC II

Date: 11.27.12

Petitioner's Exhibit L



ICHR 003FD8A047 from SCCH

ACT 1412

LEMS 003FD8A047 SCCH 20130206 14:33:24

LEMS 003FD8A047 SCCH 20130206 14:33:24 003FD8A047

LEMS 003FD8A047 SCCH 20130206 14:32:09

ICHR REQUEST FOR PAP SHEET

ATTN: SCCH0015A FBI-310029HC2 PUR-C

ATTN: LEE CHUPE

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-02/06/2013 TIME-14:25:39

REQ ORI-SCCH0015A ATTORNEY GENERALS

ATT-SCCH0578488 FBI-310029HC2

NAME: CHAGWICK, DEWEY

SEX-M RACE-W

HEIGHT-507 WEIGHT-170 EYES-BLU HAIR-BRO SKIN- BORN-SC

DOB-00000000000000000000000000000000

HENRY- 6 S 1 TT-- 1

S 1 TT--

FINGERPRINT AVAILABLE

FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

ACT RECORD ENTERED--03/26/1987

DATE OF LAST UPDATE--10/16/2012

ADDITIONAL IDENTIFIERS

NAME

BIRTH

DATES

MARKS

SOC SEC

MISC NUM

04161948 CRIP L FGR 247884527

CHAGWICK, DEWEY MMN

TAT ARM

TAT L ARM 247884547

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

CHAGWICK, DEWEY

12/24/1986

00040000 ANDERSON CNTY SO

WARR-B11279

ARREST CHARGE 01-VIOLATION

LEWD ACT UPON A MINOR

OFFENSE DATE-12/14/1986

ARREST INFO- PCC

COURT CHARGE 01-VIOLATION

LEWD ACT UPON A MINOR

COURT DISP-CONVICTED;5Y SUSP;

5Y PROB; \$28 FINE

COURT DATE-03/03/1987

00040000 CENTRAL PPP

WARR-B11279

CHAGWICK, DEWEY

12/06/2001

00040000 ANDERSON CNTY SO

WARR-B11279

00040000 CENTRAL PPP

WARR-B11279

ARREST CHARGE 01-CRIMINAL

SEXUAL CONDUCT - FIRST

WAR-0110681
 CIT-16-15-140-FELONY

DEGREE
 OFFENSE DATE-12/06/2004
 PHOTOGRAPH AVAILABLE

ARREST CHARGE 02-COMMITTING
 LEWD ACT UPON CHILD UNDER
 16
 OFFENSE DATE-12/06/2004

CIT-16-15-140-FELONY
 WAR-0110681
 WAR-0110681

COURT CHARGE 01-COMMITTING
 LEWD ACT UPON CHILD UNDER
 16
 COURT DISP-CONVICTED;10 YEARS
 ;SUSP.89 DAYS(CONS.TO
 OTHER 9/13/05 PLEAS) & 5
 YRS.PROB.
 COURT DATE-09/13/2005
 ATN-

CIT-16-15-140-FELONY
 WAR-0110681
 WAR-0110681

COURT CHARGE 02-COMMITTING
 LEWD ACT UPON CHILD UNDER
 16
 COURT DISP-CONVICTED;10 YEARS
 ;SUSP.89 DAYS(CONS.TO
 OTHER 9/13/05 PLEAS) & 5
 YRS.PROB.
 COURT DATE-09/13/2005

CHADWICK, DEWEY
 00000156 ANDERSON FPP
 CASE-2009006796
 ATN-040000507219
 WAR-004090459
 CIT-24-21-450-UNCLASSIFIED

10/23/2009

ARREST CHARGE 01-VIOLATION
 OF PROBATION (USED BY PPP
 ONLY)
 OFFENSE DATE-10/23/2009
 PHOTOGRAPH AVAILABLE
 FALM PRINTS AVAILABLE

CHADWICK, DEWEY
 00000156
 CIT-16-15-140-FELONY

12/01/2009 CUSTODY STATUS-RECEIVED
 START DATE-12/01/2009

COURT CHARGE 01-COMMIT/ATTEMP
 T LEWD ACT ON CHILD <16
 COURT DISP-CONVICTED;vop 05
 04 673 and 674 2 cts 3
 yrs ea cc
 ATN-50D200002083

CHADWICK, DEWEY MMH
 00000156 HONEA PATH PD
 CASE-
 ATN-040000529346
 WAR-0755688
 CIT-16-15-342-FELONY

08/29/2011

ARREST CHARGE 01-MINOR/CRIMIN
 AL SOLICITATION OF A MINOR

OFFENSE DATE-08/29/2011
 PHOTOGRAPH AVAILABLE
 PALM PRINTS AVAILABLE

DEPT OF CORRECTIONS 10/16/2012 CUSTODY STATUS-RECEIVED
 START DATE-10/16/2012

COURT CHARGE 01-MINOR/CRIMINA
 L SOLICITATION OF A MINOR
 COURT DISP-CONVICTED; 3 YRS
 ATN-50D200013134

WITHIN RECORDS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJS CCH FILE USING FBI/310029HC2
 REQUESTED FOR CRIMINAL JUSTICE PURPOSES

*** NOTICE ***

* THE SUBJECT OF THIS RECORD IS A CONVICTED SEX OFFENDER. ADDITIONAL *
 * INFORMATION MAY BE OBTAINED FROM THE SOUTH CAROLINA SEX OFFENDER *
 * REGISTRY AT: > WWW.SLED.SC.GOV < *

THE CJS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
 FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
 TO BE FILED FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

FORWARDED TO: NCIC WANTED PERSONS

INDIVIDUAL IS PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
 UNDER FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
 CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
 THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
 FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
 REQUIRED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

END OF RECORD

 LEADS Web
QR 00353BBFB5 from III

REF: 112

TO: 00353BBFB5.III.20130206 14:33:24

FROM: ATTSU112-2081 20130206 14:33:24 00353BBFB5

FROM: III-3915701 20130206 14:32:12

FILE: 11F500C5152QR

0000015A

THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/310029HC2. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
FBI - FBI/310029HC2

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.
END



***** END OF SEX OFFENDER REGISTRY INFORMATION *****



STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

IN THE MATTER OF THE CARE)
AND TREATMENT OF)
DEWEY CHADWICK,)
RESPONDENT.)

CASE NO. 2013-CP-04-00511

VERDICT FORM

Has the Petitioner, the State of South Carolina proven beyond a reasonable doubt that Dewey Chadwick is a sexually violent predator under the South Carolina Sexually Violent Predator Act?

We, the jury, unanimously answer the question as follows:

✓

YES, Dewey Chadwick is a Sexually Violent Predator.

A TRUE COPY

JUL 17 2015

Debra M. Harty
CLERK OF COURT

 NO, Dewey Chadwick is not a Sexually Violent Predator.

Aaron K. Batson
AARON K. BATSON, Foreman

October 7, 2014
Anderson, South Carolina

FILED AND
GENERAL SESSIONS

IN 01-7 P 11:38

CLERK'S OFFICE



STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 DEWEY CHADWICK,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 TENTH JUDICIAL CIRCUIT

CASE NO. 2013-CP-04-00511

ORDER OF COMMITMENT

The trial of this case was held in the County of Anderson in the Court of Common Pleas the week of October 6, 2014. A jury of citizens from Anderson County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General Nicole T. Wetherton represented the State of South Carolina. Hugh W. Wellborn, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to South Carolina Code Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Dewey Chadwick, is a sexually violent predator as that term is defined in South Carolina Code 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 continue to be detained at the Anderson County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.

Presiding Judge
 Tenth Judicial Circuit
 Court of Common Pleas

October 7, 2014
 Anderson, South Carolina

NOV 10 2014
 10 11 11 AM

2014 OCT 7 PM 12 19

FILED IN CLERK'S OFFICE

A TRUE COPY

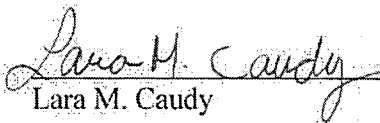
JUL 17 2015

Richard X. Kline
 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."

November 13th, 2015


Lara M. Caudy
Appellate Defender

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

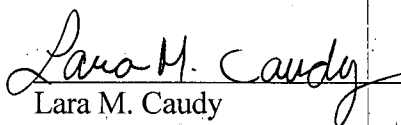
ATTORNEY FOR APPELLANT

RECEIVED
NOV 13 2015
SC Court of Appeals

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."

November 13th, 2015



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Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

NOV 13 2015

SC Court of Appeals