

ORIGINAL

STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM GREENVILLE COUNTY

Robin B. Stilwell, Circuit Court Judge

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SC SUPREME COURT

IN THE MATTER OF THE CARE AND
TREATMENT OF JEFFREY ALLEN CHAPMAN,

APPELLANT

APPELLATE CASE NO. 2014-001181

RECORD ON APPEAL

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COUNTY OF GREENVILLE	)	2013-CP-23-2749
	)	
	)	
IN THE MATTER OF	)	
JEFFREY ALLEN CHAPMAN	)	
	)	
RESPONDENT)	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA	)	
<u>PETITIONER)</u>	)	

May 20, 2014
Greenville, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, Judge; and a Jury.

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

NICOLE WETHERTON, ESQ.
Attorney for the State

ROBERT M. ARIAIL, ESQ.
Attorney for the Respondent

APRIL HERRON
Official Court Reporter

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1 May 19, 2014

2 (WHEREUPON, State's Exhibits Nos. 1 & 2 were marked
3 for identification only.)

4 THE COURT: Ready for the jury?

5 MS. WETHERTON: Yes, sir.

6 MR. ARIAIL: Yes, sir, Your Honor.

7 THE COURT: Okay, let's bring them in.

8 All right, okay, ladies and gentlemen of the jury,
9 welcome upstairs. Before we get started I want to remind
10 you that you took an oath downstairs to tell the truth.
11 That same oath applies here as we move forward on the case
12 that's been called to bar. I asked you questions
13 downstairs which related to your qualifications,
14 generally, to serve as jurors in the State of South
15 Carolina. And in the County of Greenville. The questions
16 that I ask you now relate specifically to the case that's
17 being called this morning. And that case is State of
18 South Carolina vs. Jeffrey Allen Chapman in the matter and
19 care and treatment of Jeffrey Allen Chapman.

20 Now, ladies and gentlemen, this is a case in which
21 the State is asking that the Defendant be declared and
22 determined a sexually violent predator under the Sexually
23 Violent Predator Act in the State of South Carolina. And
24 that he be civilly committed to the Department of Mental
25 Health. Now, ladies and gentlemen, this is a civil case.

1 And it will proceed as a civil case. And I will explain
2 to you as we go further along the law as it relates to
3 this specific act. The reason I tell you what this case
4 is all about is so that when I ask you the following
5 questions, you can intelligently answer them from an
6 informed vantage point so you'll know what it's about
7 before we get started so that you can answer the questions
8 intelligently. So, ladies and gentlemen, having told you
9 that, I will ask you, is there anyone among you who has
10 that personal, professional or family relationship with
11 Mr. Jeffrey Allen Chapman?

12 All right, let the record reflect no affirmative
13 response.

14 Ladies and gentlemen, Mr. Chapman is represented by
15 Mr. Mills Ariail of the Greenville County bar. I ask you,
16 is there anyone among you who has a personal, professional
17 or family relationship with Mr. Ariail?

18 THE COURT: Yes, sir.

19 PROSPECTIVE JUROR: Number eight. I know him and I
20 know his dad and his uncle.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: We're not socially connected but
23 father and uncle were.

24 THE COURT: I understand. I understand. Do you
25 think given that fact that you could be fair and impartial

1 in this case, sir?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Okay. All right. I appreciate that.

4 All right. Ladies and gentlemen, the State of South
5 Carolina is being represented by the Attorney General's
6 Office. And Ms. Nicole T. Wetherton of the Attorney
7 General's and Mr. James Bogle represent the State in this
8 proceeding. Is there anyone among you who has a personal,
9 professional or family relationship with Ms. Wetherton,
10 Mr. Bogle or any employee of the South Carolina Attorney
11 General's Office?

12 PROSPECTIVE JUROR: Same thing applies here.

13 THE COURT: You can be fair and impartial? Okay. If
14 you would, again, I know you who are but for the record I
15 need you to state it on the record.

16 PROSPECTIVE JUROR: Juror No. eight.

17 THE COURT: Okay. And your name?

18 PROSPECTIVE JUROR: Thomas Boggs.

19 THE COURT: I knew that, too, I just want to make
20 sure we get on the record.

21 Yes, ma'am.

22 PROSPECTIVE JUROR: My husband served with Attorney
23 General, Iraq, right?

24 THE COURT: Perhaps. Do you think that you can be a
25 fair and impartial despite that fact?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: If you would, please, state your name and
3 juror number for the record.

4 PROSPECTIVE JUROR: Karen Marcus, juror No. 79.

5 THE COURT: Okay, thank you, very much.

6 All right. Anyone else?

7 (There was no response.)

8 All right. Ladies and gentlemen, does anyone among
9 you have any prior opinion, any prior knowledge or
10 any prior disposition regarding the underlying sexual
11 offenses that Mr. Chapman was convicted of?

12 Let the record reflect no affirmative response.

13 Would the fact that Mr. Chapman has been convicted of
14 a criminal offense effect in any way your ability to be a
15 fair and impartial juror in the trial of this case?

16 Let the record reflect no affirmative response.

17 Have any of you or a close personal friend or a
18 relative been a victim of a sexually violent crime?

19 Yes, sir, your name and juror number.

20 PROSPECTIVE JUROR: David Dawkins, juror No. 26.

21 THE COURT: Okay, sir, you don't have to go into any
22 detail in that regard but I'll ask you, do you think given
23 that fact that you could still be a fair and impartial
24 juror in the trial of this case?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Okay. Thank you for telling me, sir, I
2 appreciate it.

3 Yes, sir.

4 PROSPECTIVE JUROR: Donald Kasperski, juror No. 67.

5 THE COURT: All right. Do you think you can still be
6 a fair and impartial juror in the trial of this case, sir?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. Thank you for letting me know, I
9 appreciate it.

10 Yes, ma'am.

11 PROSPECTIVE JUROR: Nicole Rainey, 102.

12 THE COURT: Okay. Do you think you can still be a
13 fair and impartial juror in the trial of this case, ma'am?

14 PROSPECTIVE JUROR: I'm not certain of that.

15 THE COURT: Okay. All right, I thank you for being
16 honest.

17 Has anyone among you ever been accused of or
18 convicted of or do you have a close friend or family
19 member who has been accused of or convicted of a sexually
20 violent offense?

21 Yes, ma'am, just name and juror number.

22 PROSPECTIVE JUROR: Fifty-five, Lauren Hester.

23 THE COURT: You don't have to tell me the specifics.
24 I know that those questions can be very uncomfortable for
25 a host of reasons. But the question I have for you is do

1 you think you can still be fair and impartial in the trial
2 of this case, ma'am?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay.

5 Is there anyone among you who has any training in the
6 field of psychiatry, psychology or in the law?

7 I know you do, Mr. Boggs. I will state for the
8 record Mr. Boggs, number eight, had some training in the
9 law, I presume, what your question.

10 PROSPECTIVE JUROR: No, psychiatry.

11 THE COURT: Okay. Good enough. Only as a parent, I
12 presume.

13 Okay, yes, sir.

14 PROSPECTIVE JUROR: The question for -- I have taken
15 a few laws classes.

16 THE COURT: Well, that is some modest training so I
17 ask you, do you think you can be fair and impartial in the
18 trial of case?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: All right, good. Thank you, I appreciate
21 you letting me know.

22 Your name and juror number, sir.

23 PROSPECTIVE JUROR: Tyriek Lomax, juror No. 74.

24 THE COURT: Okay. Good enough. Thank you.

25 Is there anyone among you who has worked in the

1 fields of psychology, psychiatry or in the field of the
2 law?

3 Mr. Boggs, I know you would respond in the
4 affirmative to that.

5 Anyone else?

6 Yes, sir.

7 PROSPECTIVE JUROR: David Dawkins, 26. Would
8 security be?

9 THE COURT: Could be. Do you think you can still be
10 a fair and impartial juror the trial of this case?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Thank you, sir. I appreciate you letting
13 me know.

14 Ladies and gentlemen, potential witnesses in this
15 case and I don't know if this is a full and complete
16 listing of the witnesses and I don't know if all the
17 witnesses that I call -- that I list will be called in
18 this case. However, these are potential witnesses that
19 will be called. Dr. Marie Gehle, Jeff Chapman, Rhonda
20 Owens, Sharon Chapman, David Hyatt, Christina Ferguson,
21 Amy Philbeck, Michael Chapman and Dr. David Price. I ask
22 you, is there anyone among you who has a professional,
23 personal or family relationship with any of those
24 perspective witnesses?

25 All right, let the record reflect no affirmative

1 response.

2 Any member of the jury panel ever been involved in a
3 prison ministry or prison outreach program or any other
4 program involving outreach and contact with incarcerated
5 persons?

6 Yes, sir.

7 PROSPECTIVE JUROR: I was in the prison ministry,
8 Dawkins, 26.

9 THE COURT: Okay. All right. Do you think you can
10 still be a fair and impartial juror in the trial of the
11 case, sir?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Thank you for telling me, I appreciate
14 it, sir.

15 Yes, ma'am.

16 PROSPECTIVE JUROR: Brenda Gillespie; juror No. 46.
17 I've been in prison ministry before.

18 THE COURT: Okay. Do you think you can still be fair
19 and impartial on this case, ma'am?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. Good. Thank you, very much.

22 Has any member of the jury panel or any close
23 personal friend of family member ever been subject to
24 civil commitment proceedings?

25 Let the record reflect no affirmative response.

1 Is there anyone among you who for whatever reason
2 feels as though you could not be a fair and impartial
3 juror in the trial of this case?

4 There was no response.

5 Okay. All right. Ladies and gentlemen, we'll
6 proceed with selection of the jury in this case. I have
7 been advised that Ms. Nibbs, number 90, you have to pick
8 up a special needs child? Do you have any means for
9 piking up that child today?

10 PROSPECTIVE JUROR: My niece but I'm not sure how it
11 will pan out. The school bus comes at like three o'clock.

12 THE COURT: Do you have another means or method to
13 pick that child up? You talked to your niece? Is it your
14 child or grandchild or a niece or nephew?

15 PROSPECTIVE JUROR: A foster child.

16 THE COURT: A foster child? Okay. All right. Well,
17 this is what we're going to do. I'm not going to strike
18 you from this. I recognize that you have an issue with
19 time today. After we select the jury then we're going --
20 y'all are going to take a break for lunch. I'm not, but
21 y'all will. So, you'll have a chance to work that out if
22 you are selected for this jury. If. We'll see if we can
23 work with you in that regard, okay?

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: All right.

1 Okay. Ladies and gentlemen, at this time what we
2 will do is we will select a jury. Now, there is a list of
3 jurors which has been randomly generated by the computer.
4 And the attorneys will make strikes, preemptory
5 challenges, from among this list. What will happen is the
6 Clerk of Court will ask the attorneys in turn what strikes
7 they would like to exercise. They will strike by number,
8 chronological number as listed on this sheet. Which has
9 been generated. So, they're not striking by juror number.
10 So for example, if your juror number five and you hear one
11 of the attorneys exercising a strike as to number five,
12 that doesn't mean they're striking you. That means
13 they're striking number five on the list. So, you will
14 not know whether you have been stricken from the jury on
15 the trial of this case or not. We'll pick 12 main jurors
16 and one alternate. The reason we pick a alternate is
17 because things happen during the course of a trial where
18 we may lose a juror. That juror may have a family member
19 get sick. Or something just may come up where we have to
20 replace a your with an alternate. So, an alternate is
21 just as important as a main juror. I want to make sure
22 that everybody recognizes that up front. So we'll pick 12
23 and one. All right, four strikes and then one a piece for
24 the alternate. Okay.

25 All right, Madam Clerk, you may proceed.

1 THE CLERK: The State strikes first.
2 MS. WETHERTON: State strikes two.
3 THE CLERK: The State strikes number two.
4 MR. ARIAIL: Defendant strikes number three.
5 THE CLERK: Defendant strikes number three.
6 MS. WETHERTON: State strikes ten.
7 THE CLERK: State strikes ten.
8 MR. ARIAIL: Defendant strikes 11.
9 THE CLERK: Defendant strikes 11.
10 MS. WETHERTON: State strikes 18.
11 THE CLERK: State strikes 18.
12 MR. ARIAIL: Defendant strikes 13.
13 THE CLERK: Defendant strikes 13.
14 MS. WETHERTON: State strikes 20.
15 THE CLERK: The State strikes 20.
16 MR. ARIAIL: Defendant strikes 15.
17 THE CLERK: Defendant strikes 15.
18 Now, our alternate will come from 21, 22 and 23.
19 MS. WETHERTON: The State strikes 22.
20 THE CLERK: State strikes 22.
21 MR. ARIAIL: Defendant strikes 21.
22 THE CLERK: Defendant strikes 21.
23 Counsel, I'll call these back to you.
24 State strikes two, 10, 18, 20 and 22.
25 MS. WETHERTON: That's correct.

1 THE CLERK: The Defendant strikes three, 11, 13, 15
2 and 21.

3 MR. ARIAIL: That's correct.

4 THE CLERK: Ladies and gentlemen, when I call your
5 name please bring your things and have a seat in the jury
6 box.

7 THE COURT: Before you do that, Ms. Coker, let me ask
8 one thing.

9 Are there any issues or matters of law to take up
10 with respect to the qualification or selection of this
11 jury?

12 MS. WETHERTON: None from the State, Your Honor.

13 MR. ARIAIL: None from the Defendant, Your Honor.

14 THE COURT: Okay, you may call them forward.

15 THE CLERK: Sacha Tullos. Michael McDowell. Deborah
16 Holloway. Brittney Perkins. Rene Whaley. Glenda
17 Rhodeman. John Malone. Hannah Langmuir. Kassandra
18 Bursha. Kathy Deese. Anthony Duncan. Chelsy Klobucar.
19 Alternate is Alan Mcneer.

20 THE COURT: All right. Ladies and gentlemen, I
21 extend my condolences to those of you who aren't selected
22 for this jury but there's hope. Because I believe Judge
23 Hayes will select a jury. I don't know if he'll do that
24 before lunch or after but what I ask you to do is go back
25 down to see Ms. Olson and she'll give you direction as to

1 either to go to lunch or to go to Judge Hayes' courtroom
2 for the selection of a jury. I don't think I'll be seeing
3 you for the remainder of the week because I suspect this
4 is the last jury trial that I'll have in my courtroom.
5 But I want to thank you again for your service on jury
6 duty and I hope y'all have a great week. Thank you.

7 (WHEREUPON, the jury venire left open court.)

8 THE COURT: All right. Ladies and gentlemen,
9 congratulations to you. I look forward to working with
10 you on this case. I anticipate right now that this case
11 should last through tomorrow. And I kind of think based
12 on what I know about the number of witnesses that will be
13 presented, that's about where we'll conclude. Although, I
14 don't know that precisely because I haven't seen the
15 evidence, I haven't seen the witnesses either. I'm in the
16 same position that y'all are. Which is just kind of
17 anticipating, based on the number of witnesses that I saw,
18 I'm going to release you for lunch now. And that is
19 because I need to take up some matters of law with these
20 attorneys. If I take a little bit of time to discuss this
21 case, the evidence that the parties intend to introduce,
22 then we can speed up the trial a little bit. We can
23 proceed more efficiently and more economically. Because
24 we can talk it through a little bit and make sure that
25 when you actually come in and sit in the jury box and

1 begin to review and analyze the evidence, that we're going
2 just as quickly and efficiently as possible.

3 Now, I'm going to ask you to come back and be in the
4 courthouse at 1:30 we'll start. I know that's a fairly
5 long lunch for y'all but we're still going to be here
6 working through it. What I'd ask you is don't discuss the
7 case. Don't go on the internet and try to find out
8 something about this case. Don't go to a Clerk of Court
9 website, any Goggle searches, don't call your friend or
10 your buddy and ask questions or discuss this with that
11 person. The only thing that's appropriate for your
12 ultimate consideration is the evidence which is presented
13 in this courtroom under the rules of evidence and under
14 the rules of law. You consider anything outside of this
15 courtroom it will be inappropriate. And it will taint
16 your deliberations. It will taint them fatally.

17 So, what I'll ask you is don't discuss either with
18 each other or anyone else this case. Don't even consider
19 the case. Think about the NBA basketball playoffs. Or
20 think about something else that interest you. But don't
21 discuss this case or perform any self help. I'll see
22 y'all back at 1:30. Please be timely. Not out of
23 consideration for me or the attorneys but out of
24 consideration for each other. Because I can't start until
25 all 13 of you are back. So, I'll see you back then, I

1 hope y'all have a great lunch.

2 (WHEREUPON, the jury left open court at approximately
3 11:55 p.m.)

4 THE COURT: All right, counsel, motions?

5 MS. WETHERTON: Yes, sir, Your Honor. I submitted
6 two motions in limine. The first motion I was requesting
7 that any discussion as to the treatment, should
8 Mr. Chapman be committed into the Sexually Violent
9 Predator Program, be excluded. I have spoken with Defense
10 Counsel prior to this hearing and he has agreed that he
11 will not be bringing it up. So, that, at this point, I
12 would say that first motion, at this point, is moot.

13 THE COURT: Okay.

14 Mr. Ariail, is that your understanding?

15 MR. ARIAIL: Yes, sir, that's our understanding, Your
16 Honor.

17 THE COURT: Okay. Good enough, we'll proceed in that
18 fashion. I think that's appropriate.

19 MS. WETHERTON: Thank you, Your Honor. Also, before
20 I forget, I'd like to have a motion for sequestration of
21 any witness or potential witnesses that is not an expert
22 to be excluded from the courtroom during the proceedings.

23 THE COURT: Okay.

24 Any objections to that, sir?

25 MR. ARIAIL: No, Your Honor. The only individuals

1 that are here is the one that is to be sequestered and
2 they understand that.

3 THE COURT: Okay. I'll issue the Order for
4 Sequestration. Understand that will have to police it
5 because I don't know who you intend to call. Okay. All
6 right.

7 MS. WETHERTON: And then thirdly, the last motion in
8 limine I have is we're asking to exclude the testimony of
9 a Dr. Price pursuant to the Sexually Violent Predator Act.
10 If I can go through very quickly what happened. In this
11 case Dr. Marie Gehle came back and she recommended that he
12 be committed to the Sexually Violent Predator Program.
13 Pursuant to the statute at 44-48-80 Subsection(d), when
14 the Department of Mental Health comes back and recommends
15 someone who, whether or not they go in or not go into the
16 Sexually Violent Predator Program, the opposing party can
17 get a qualified expert for a second opinion. In this case
18 this happened. We have a Consent Order, I attached it as
19 an exhibit of Dr. Thomas Martin. He fully evaluated
20 Mr. Chapman and he basically -- he's been the independent
21 expert on every case that I've had so far. And he came
22 back and he's not going to testify at trial.

23 My understanding then we went ahead and set the case
24 for a jury trial. Then on May 6th I received an email
25 from Mr. Ariail stating -- requesting certain documents

1 because Dr. Price would like to look at them. My response
2 was -- I have the emails and we talked about it, who's
3 Dr. Price? It was the family retaining the expert. The
4 problem I have is one under the statute they're entitled
5 to one expert. He had one expert. And two, I was not
6 made aware within any reasonable time. I could have
7 served interrogatories but that requires 30 days. I did
8 not have 30 days before this trial to serve those
9 interrogatories. And I didn't even think to go ahead and
10 serve them on Mr. Ariail because he already had the one
11 expert.

12 So, at this point I have no idea what his testimony
13 is going to be. I know that, you know, under the civil
14 rules you try to prohibit, you know, a trial by ambush
15 type situation, you know. And it's not necessarily that I
16 disbelieve anything Mr. Ariail has said to me, I don't
17 believe he went behind my back and tried to be sneaky and
18 get an expert but this is the situation that I'm in. I'm
19 kind of at a disadvantage because there will be an expert
20 placed on the stand and I have no idea what the content of
21 their testimony is going to be. So, at this point I'd ask
22 that they be excluded.

23 THE COURT: Okay, Mr. Ariail.

24 MR. ARIAIL: Your Honor, in regards to this, and I'll
25 give a brief synopsis, I was appointed and Dr. Martin

1 wanted to do an independent evaluation. We're not using
2 him at trial. I informed my client in regards to that.
3 He on his own went with his family, decided -- and I told
4 them, Hey, you make your own decision, this what you can
5 do. He went out and got Dr. Price who contacted me and
6 said he had been retained by the family. And I've had
7 discussions with Dr. Price. I did -- once I had gotten
8 that information, actually I told Ms. Wetherton, I let her
9 know that he wanted some information. We had this
10 discussion in regards to it.

11 I, at this time, you know, still having conversation
12 with Dr. Price in regards to his testimony. I know that I
13 told her if she felt that she was going to be prejudice by
14 this, clearly she could ask for a continuance in regards
15 to it. Under the civil rules she does have a right to be
16 able to take his deposition and do all that. I said I'm
17 not trying to withhold anything from her. I've tried to
18 be forthcoming with her with what I know. Which is
19 limited. And, you know, based upon that I was hoping to
20 go forward and be able to utilize him because I think it
21 would be prejudicial if I'm not able to utilize him for my
22 client since he's going out, retained him and done that.

23 And also, I know she's asking for funds to be
24 reimbursed by my client to the State based on that. I
25 would say that he has the ability to do that. He -- his

1 family -- I don't know if he particularly is the one
2 that's done it or somebody on his behalf that's gone out
3 and retain Dr. Price, we can get into all those other
4 issues. My hope that I will be allowed to put him up and
5 not be with prejudicial to him, not have him to be able to
6 testify.

7 THE COURT: All right. Good enough. All right.

8 Ms. Wetherton, this is a very specific question. And
9 that is, is there any case that has come out that has
10 interpreted that statute to suggest that it could only be
11 one doctor? And if so, is there any other case which
12 has -- that stands for the proposition that the Defendant
13 can't retain his own expert?

14 MS. WETHERTON: There actually hasn't been a SVP case
15 specifically on this issue. I'm really just applying it
16 to the plain language of the statute. You know, that
17 statutes, when you interpreting them, they deserve their
18 ordinarily meaning. So, it says, you know, when the
19 Department of Mental Health comes back, basically the
20 other party is allowed to get a qualified expert.
21 Dr. Martin is qualified. And again, I'm unaware -- the
22 problem that I have now is well, I don't know what
23 Dr. Price is going to say --

24 THE COURT: That's why I asked the specific question.
25 Because that's the next phase of the analysis.

1 MS. WETHERTON: Right.

2 THE COURT: I understand. I understand your point.
3 And it's well made and well taken. I don't think the A in
4 the statute, even though it maybe singular, I don't think
5 it precludes a Defendant from retaining his own expert.
6 So, I will not disallow his testimony, Dr. Price's
7 testimony on that basis.

8 Now, here's the next question which is what you get
9 to and I understand. You haven't had the opportunity to
10 conduct discovery with respect to Dr. Price or depose him.
11 How much time do you need to depose him?

12 MS. WETHERTON: Well, what I would propose to do,
13 this is a civil case, but we do also know the fact
14 that we have someone who is sitting in jail right now.
15 They don't get credit for time served. And also, I'm
16 going to lose the jury trial and he gets out in the world
17 or I -- he goes into the program. So with that said, I
18 would just like the opportunity to either get a summary of
19 his testimony prior before -- and we don't have a report
20 either. And I also know that under, you know, the federal
21 rules they have to produce a report. Under the state
22 rules they don't. But they have to make them available
23 for deposition. And he's not available for deposition.

24 THE COURT: He is right now. And I will require the
25 Defendant to proffer his testimony into the record so that

1 you can hear what he's going to stay before he takes the
2 stand.

3 MS. WETHERTON: That will be very helpful.

4 THE COURT: Does that cure your problem?

5 MS. WETHERTON: I believe it does. As along as
6 Dr. Gehle has the opportunity to hear that.

7 THE COURT: Yes, ma'am. Absolutely.

8 Is Dr. Price available?

9 MR. ARIAIL: Your Honor, I requested -- he's going to
10 come and listen to Dr. Gehle's testimony. I will
11 certainly have him at 1:30 if that's --

12 THE COURT: Yeah, that's fine, the problem is when --
13 when -- at 1:30 the jury will be here and I don't want
14 them waiting on us. So, let us do this. Let us come
15 back -- let's -- I'm going to go ahead and deliver the
16 charge. Then I will let you open, conduct opening
17 statements, then y'all need to tell me how long you think
18 that proffer will take. Okay? If that proffer is going
19 to take two hours, then I'm going to release them and ask
20 them to come back tomorrow morning. If that proffer is
21 going to take 45 minutes or so, then I'll just ask them to
22 take a break, then we'll come back and we'll resume the
23 trial of the case. What I don't want to do is just park
24 the jury back there while we're conducting that type of
25 court business.

1 Okay. All right. So, y'all think about it and you
2 let me know how you want to do it. And what we'll do is
3 we'll come back -- come back in 1:15 and, just the
4 attorneys, and y'all tell me how you want to proceed.
5 Court personnel 1:30. If y'all just come back and let me
6 know. Or you can deliver a message to me via email.

7 MR. ARIAIL: Thank you.

8 THE COURT: All right. And we'll just fashion our
9 afternoon in keep with the timing of that. Okay?

10 MS. WETHERTON: Okay.

11 THE COURT: All right. Because if I'm thinking right
12 now, you've got one witness and you got two witnesses, am
13 I right?

14 MR. ARIAIL: I'll have three, Dr. Price included.

15 THE COURT: Okay. So talking about four witnesses?

16 MR. ARIAIL: Four.

17 MS. WETHERTON: It probably -- I may call Dr. Martin,
18 I may not.

19 THE COURT: Okay. Fair enough.

20 MR. ARIAIL: I can probably tell you I can expedite
21 this proffer this afternoon, hopefully.

22 THE COURT: Well that's my preference. I'd like to
23 go ahead and get evidence into the record this afternoon.
24 That's my preference. But like I said, I don't want to
25 have the jury back there for an hour, two hours, wondering

1 what we're doing.

2 MR. ARIAIL: I'm on that.

3 THE COURT: All right. Okay. We'll adjourn for
4 lunch and go back on the record at 1:30.

5 MS. WETHERTON: Thank you, Your Honor.

6 THE COURT: Okay, you're welcome. Yes, ma'am.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: We ready for the jury?

9 MR. ARIAIL: Yes, Your Honor, we are.

10 MS. WETHERTON: Your Honor?

11 THE COURT: Yes, ma'am.

12 MS. WETHERTON: We still have not had a chance to
13 speak with the Defense's expert as of this time.

14 THE COURT: Okay. All right, we're going to proffer
15 into the record after charge and opening or y'all want to
16 take a little bit of time and talk? However you want to
17 do it is fine with me.

18 MR. ARIAIL: I told them I made him available if they
19 wanted to meet with him. And we didn't get to discuss
20 with them. But if they want to talk with him instead of
21 doing a proffer, that's fine. He's available and willing
22 to do that.

23 THE COURT: Okay. We'll do the opening statements
24 and then y'all tell me how you want to do it, okay? And
25 however you want to do it is fine with me.

1 MS. WETHERTON: Okay.

2 THE COURT: All right.

3 (WHEREUPON, the jury came into open court at
4 approximately 1:36 p.m.)

5 THE COURT: All right, ladies and gentlemen, I hope
6 you had a good lunch. Welcome back. We're about to begin
7 the trial of this case. I have already announced the case
8 so you know the parties who are involved in it. I've also
9 told you that this is a case that wherein the State of
10 South Carolina has petitioned to have Mr. Chapman
11 committed civilly under the Sexually Violent Predator Act.
12 This is not a criminal proceeding. And the State of South
13 Carolina is not asking that the Defendant be punished
14 under a criminal statute but for a civil commitment under
15 the laws in the State of South Carolina. Now, the State
16 of South Carolina has the burden of proving, beyond a
17 reasonable doubt, that the defendant is a sexually violent
18 predator. Now, I will define those terms for you so that
19 you know what they are. And there won't be any question
20 in your mind as to what the State is required to prove.
21 But for right now, just suffice it to say that the State
22 is required to prove its case beyond a reasonable doubt.
23 Now, you will determine whether the State has met its
24 burden of proving that the Defendant is a sexually violent
25 predator beyond a reasonable doubt by and through your

1 review of the evidence in this case. You are the judges
2 of the law. Excuse me, I take that back. I'm the Judge
3 of the law, you're the judges of the facts in this case.
4 The judge of the facts. And you determine from the
5 evidence that is presented in this trial what the facts
6 are in the case. You'll determine that by looking at
7 everything that is presented. I don't know what type of
8 evidence will be presented in this case but evidence can
9 take many forms. It can take eye witness testimony,
10 testimony from a person. It can be physical objects, it
11 can be documents, audio tapes, video tapes and actual
12 objects submitted into the record. Then you look at all
13 that evidence and you decide what the facts are in the
14 case.

15 Also, you determine who is credible and who is not
16 credible in your own determination. You may look at
17 witnesses and determine that they are very credible and
18 should be believed, or you may determine to the contrary.
19 That is all within your purview. Now, you know based on
20 your own common sense whether you believe someone is
21 credible or not. You base that on their body language,
22 their facial expressions, what they say, how they say it,
23 whether or not they have something to gain by and through
24 their testimony. And you'll decide who is a believable
25 witness and you'll decide what weight to put on that

1 testimony just like you put on any other piece of evidence
2 that's entered into the record.

3 Understand that you may take a part of someone's
4 testimony and decide that it is both credible and valuable
5 and then take another part of that very same witness'
6 testimony and decide that it's not very valuable and
7 perhaps not credible. It's all up to you. Because you
8 are the judges of the facts. No one in the courtroom can
9 tell you what the facts are in this case. Because you
10 have the sole and exclusive responsibility for determining
11 that. If you hear during the conduct of this trial me say
12 anything that suggests to you that I have an opinion what
13 that facts are or what they should be. Or I have an
14 opinion about what you should do and what your verdict
15 should be, you disregard that because I truly do not. I
16 am the judge of the law. And my only interest in this
17 case is that each side, and you, have a fair trial. I'm
18 the one who makes sure that we follow the appropriate
19 procedure, we follow the appropriate law. And that only
20 admissible evidence is allowed into the record.

21 Now, basically what I am I'm the objective umpire
22 calling balls and strikes. That's all I'm doing. I don't
23 have any stake in the outcome of this trial whatsoever.
24 During the course of the trial I will make rulings based
25 on motions and or objections posed by the parties to this

1 case. When I make rulings based on motions and
2 objections, I'll necessarily rule for one side and against
3 the other. But don't take that as some indication that I
4 have a preference one way or the other. All I'm doing is
5 making a very sterile and objective determination based on
6 what my understanding of the law and my understanding of
7 the rules in this case.

8 Now, ladies and gentlemen, what will happen in this
9 case is after I give you a charge, the opening charge, the
10 parties will have the opportunity to make opening
11 statements. After the parties have made opening
12 statements, then the State will put evidence into the
13 record. And usually, the way that happens is they will
14 call a witness to the stand. That witness will take the
15 oath of a witness and the attorneys will examine that
16 witness. That is ask them questions. After the State has
17 put up all the witnesses that it intends to put up, the
18 Defense will have the opportunity to put witnesses on the
19 stand and examine those witnesses. After both sides have
20 put their evidence into the record, then we will have
21 closing arguments. After you've heard closing arguments,
22 if there are any additional instructions on the law that I
23 need to give you, I will give you at that time. After you
24 received any additional closing arguments on the law -- or
25 excuse me, charges on the law, then I will instruct you to

1 return to your jury room and to begin deliberations.

2 Please don't begin deliberations until such time as I
3 tell you to. It's very important that you not begin any
4 deliberations or any discussions regarding this case until
5 I tell you to at the very end of the trial. And that is
6 for a reason which you all know through your common sense
7 and that is you can't really make an informed decision
8 about anything until and unless you've heard everything
9 that bears upon the issue. You know, in your own lives
10 you may have had children or parents or brothers and
11 sisters or friends who have come to you and told you a
12 story and you were convinced that they were right. And
13 you had great solidarity with them. Until you heard the
14 other side of the story. And then it put everything in a
15 different complexion. Well, a trial can be the same way.
16 It's important that you listen to all of the evidence
17 before you begin to conduct any deliberations or to
18 consider the evidence in this case.

19 Now, ladies and gentlemen, I'm going to give you the
20 majority of the charge if not all the charge on the law
21 now before we get started. In most cases I wait until the
22 end of the trial. Because I have to wait to see what
23 legal issues apply to the evidence in the case. In this
24 case, I already know the question that you have to answer.
25 So, I find that it's instructive for me on the front end

1 to tell you the law that you will consider. So, as you
2 see the evidence, you can consider it in context with the
3 law. And in anticipation of the ultimate question that
4 you must answer.

5 Now, ladies and gentlemen, I've told you that the
6 State has the burden of proving that the Defendant is a
7 sexually violent predator beyond a reasonable doubt. Now,
8 you may have been in other cases or you may have seen in
9 other instances, burdens of proof that parties must carry.
10 Usually in a civil case the burden of proof is by a
11 preponderance or greater weight of the evidence. Which is
12 more likely than not. Which is greater than 50 percent.
13 Which is a low burden. Then you have in some other civil
14 cases, clear and convincing evidence. Such as in cases of
15 fraud or when someone is requesting punitive damages.
16 Then it is an elevated standard of clear and convincing
17 evidence. But in this case, it is the standard of beyond
18 a reasonable doubt. Which is the highest standard that
19 there is.

20 Now, proof beyond a reasonable doubt is proof that
21 leaves you firmly convinced. Now, there are very few
22 things in this world that you can know with absolute
23 certainty. And there are very little things that can be
24 proven beyond any possible doubt. But after your review
25 of the evidence that's presented in this case, if you find

1 that the State has firmly convinced you that the Defendant
2 is a sexually violent predator, then you must find in
3 favor of the State. However, if after your review of the
4 evidence you feel that there is a real possibility that
5 the Defendant is not a sexually violent predator, then you
6 must find in favor of the Defendant.

7 Now, ladies and gentlemen, as I suggested to you, you
8 will determine whether the State meets its burden of proof
9 by reviewing the evidence and determining what the facts
10 are in this case. I do want to tell you that you will
11 receive evidence in this case. And evidence takes one of
12 two separate forms. Evidence will either be presented as
13 direct or circumstantial. Now, the law doesn't prefer
14 direct over circumstantial or circumstantial over direct.
15 The law makes no distinction. You'll decide what weight
16 evidence has. Regardless of how it's characterized.

17 Direct evidence is that type of evidence which
18 immediately establishes a fact to be proven.
19 Circumstantial evidence is proof of a chain of facts when
20 taken together prove the main fact, collateral facts,
21 which then prove the main fact. And those are all nice
22 definitions, I understand. But I'm going to give you an
23 example that hopefully will help you conceptualize it a
24 little bit better. Let's say on a January morning or
25 January evening you're going to bed, you walk past your

1 front window and you look out on your front lawn or
2 parking lot and you see there's no precipitation in front
3 of your house, it's a blank front lawn or parking lot.
4 You go to sleep, you come back the next morning, you pass
5 that same window or door and you look out in front of your
6 house and there's a blanket of snow. You also recognize
7 that in that snow there are foot steps which come to your
8 doorway and then they led away. Well, in that
9 circumstance you have direct evidence that it snowed last
10 night. Because you have the snow in front of you. You
11 can see it, you can taste it, you can sense it, it's
12 there. So that's direct evidence.

13 But you have circumstantial evidence that someone
14 that night or early that morning came to your front door
15 and walked away. You don't see that person. You can't
16 taste them, you can't touch them, you can't smell them.
17 But you know because of the timing when that snow fell and
18 the footsteps in the snow that someone came to your door
19 and left. That's circumstantial evidence. Again, ladies
20 and gentlemen, the law does not prefer one over the other.

21 Now, ladies and gentlemen, you will hear testimony
22 from expert witnesses in this case. Expert witnesses are
23 qualified as expert witnesses because they are allowed to
24 testify as to things that a regular lay witness may not be
25 able to testify to. They are offering opinion testimony.

1 It may be based on hearsay or it may be based on documents
2 or learning triecious or other materials. An expert
3 witness testifies because of his or her respective
4 education, experience or expertise in a given field.

5 Now, if that expert witness' testimony is intended to
6 help you in analyzing the evidence that's presented. But
7 understand that an expert witness' testimony is not given
8 any preferential treatment over any other piece of
9 evidence or any other testimony from a lay witness. That
10 expert witness' testimony is to be considered by you just
11 like any other piece of evidence that you receive in a
12 case. That is you decide whether it's credible and you
13 decide whether it's valuable. You put whatever value or
14 whatever weight on that evidence that you think is
15 appropriate. And it's not to be given any preferential
16 treatment under the law.

17 Now, I'm going to define for you the sexually violent
18 predator under the law in the State of South Carolina.
19 I'm going to define for you what the State must prove in
20 order to meet its burden in this case. I'm going to read
21 it to you and I apologize in advance for reading to you
22 because I don't like to do that. But when there's a very
23 precise definition, I think it bows well for me and for
24 you for me to get it precisely right. The elements which
25 the State must prove beyond a reasonable doubt are the

1 Respondent has been convicted on two counts of a sexually
2 violent offense. Charge you that lewd act upon a minor
3 under 16, a criminal sexual conduct, third degree, are
4 sexually violent offenses. The Respondent suffers from a
5 mental abnormality or a personality disorder that makes
6 likely to engage in acts of sexual violence if not
7 confined in a secured facility for long-term, controlled
8 care and treatment.

9 Inherent in these two elements is that the State must
10 prove the requirements that the Respondent's mental
11 abnormality or personality disorder causes him serious
12 difficult in controlling his behavior. In other words,
13 the State must prove beyond a reasonable doubt that the
14 individual it seeks to commits suffers from a mental
15 illness which he cannot not sufficiently control without
16 the structure and care provided by a mental health
17 facility rendering him otherwise likely to commit a
18 dangerous act. In order for you to better understand the
19 elements of the State's cause of action, I am going to
20 define for you some of the terms that I just used.

21 Mental abnormality means a mental condition effecting
22 a person's emotional or volitional capacity that
23 predisposes a person to commit sexually violent offenses.
24 This mental abnormality or personality disorder must cause
25 Respondent serious difficulty in controlling his behavior.

1 Likely to engage in acts of sexual violence means the
2 person's propensity to commit acts of sexual violence is
3 such that -- is such a degree as to pose a menace to the
4 health and safety of others so that he is dangerous to
5 others. Again, I remind you that the burden of proof is
6 on the State to prove to your satisfaction beyond a
7 reasonable doubt that the Respondent has been convicted of
8 a sexually violent offense as I have instructed you. And
9 also suffers from a mental abnormality or personality
10 disorder that makes the Respondent likely to engage in
11 acts of sexual violence if not confined in a secured
12 facility for long-term, control care and treatment. Now,
13 ladies and gentlemen, that is the law as relates to the
14 Sexually Violent Predator Act.

15 Now, at the conclusion of the case I will give to you
16 a verdict form. And this verdict form has the questions
17 which you must ultimately answer. The verdict form,
18 you'll see, is just simply the caption of the case. And
19 it says, Has the Petitioner, the State of South Carolina,
20 proven beyond a reasonable doubt that Jeffrey Allen
21 Chapman is a sexually violent predator under the South
22 Carolina Sexually Violent Predator Act? We, the jury
23 unanimously answer the question as follows. Understand,
24 it's unanimous. The 12 deliberating jurors must all
25 agree, it must be a unanimous verdict. It must not be the

1 product of any passion, prejudice, capris or anything
2 outside of this courtroom. It must be based on the
3 evidence that's presented and the law as I have given it
4 to you. You have two options in this case.

5 Yes, Jeffrey Allen Chapman is a sexually violent
6 predator.

7 And no, Jeffrey Allen Chapman is not a sexually
8 violent predator.

9 Now, understand that there are two options. And one
10 is first and one is second. Please don't take from that
11 any signal that I prefer one over the other. I put one
12 first because when, in a list of two, something has to go
13 first and something has to go second. Don't take from
14 that any message from the Court. It is simply the order
15 in which the options appear. And you decide whether the
16 State has met its burden of proof and which option should
17 be chosen in this case.

18 All right. Before we begin with opening statements,
19 I'm going to tell you just a few more things. During the
20 course of this trial if you need to take a break, I want
21 you to let me or the Bailiff know. Okay? If you need to
22 take a break for whatever reason, then let us know.
23 Because you are the 13 most important people in this
24 courtroom. And it's important that your paying attention
25 to what is being presented and evidence on the stand in

1 this case. And if you're distracted for whatever reason,
2 then let me know and I'll stop. No harm. No worries. No
3 judging. We'll stop. And we'll take a break and then
4 we'll come back in and we'll resume the trial of this
5 case. We will take regular breaks, about an hour, hour
6 and a half, depending on the testimony, what's on the
7 stand and what's left to go. Also, when you take a break,
8 please don't discuss the case. Please wait until I've
9 given you a final instruction to begin your deliberation
10 in this case.

11 What we'll do now is we will start with opening
12 statements from the attorneys. Opening statements from
13 the attorneys, closing statements from the attorneys,
14 questions posed by the attorneys are not evidence in this
15 case. The evidence in this case is that which is
16 testified to and introduced into evidence during the
17 conduct of the trial. Arguments from attorneys are simply
18 arguments. Advocacy from each side to pursued you to
19 their perspective positions. After we hear closing
20 arguments I'm going to have to take a break. That break
21 may be as long as an hour. I hope not. But there is an
22 issue, a legal issue, that I have to resolve. If it's
23 going to be more than an hour what I'm going to do is just
24 I'm going to stop and send y'all home and I'll bring you
25 back tomorrow morning. But what I'd like to do is resolve

1 that legal issue and then move on with the introduction of
2 evidence today. That's my preference, that's what I'm
3 going to try to do. But as I may have told you
4 downstairs, I don't always control the way these trials
5 start and finish. So, I'm going to try to get that matter
6 resolved as quickly as possible so we can bring the
7 introduction of evidence in this case.

8 All right, having said that, Counsel any exception to
9 charge that we need to take up off the record?

10 MS. WETHERTON: Not from the State, Your Honor.

11 MR. ARIAIL: None, Your Honor.

12 THE COURT: All right, having said that, Ms.

13 Wetherton --

14 Ahh, we're going to swear the jury.

15 I'm sorry. I always forget that. Y'all took an oath
16 that -- wherein you swore to tell the truth, this is an
17 oath wherein you swear to truly and verily try this case
18 in accordance with the law and evidence that's presented.

19 Ma'am.

20 THE CLERK: Ladies and gentlemen, please stand and
21 raise your right hand for the oath. The response is, I
22 will.

23 (WHEREUPON, the jury was sworn.)

24 Thank you, please be seated.

25 OPENING STATEMENT

1 MS. WETHERTON: Thank you may it please the Court?

2 Judge Stilwell.

3 Mr. Ariail.

4 Mr. Chapman.

5 Ladies and gentlemen of the jury, good afternoon. My
6 name is Nicole Wetherton and I'm an Assistant Attorney
7 General. And seated with me over at counsel table, his
8 name is Jim Bogle. He is another lawyer that tries these
9 cases in the state. So I'll cut to it, we're already in
10 the afternoon. Why are we here? Well, it's our position
11 that that man seated at that table right there, Jeffrey
12 Allen Chapman, is a sexually violent predator.

13 So, what exactly does that mean? The Judge
14 instructed you a minute ago but I think we all have
15 preconceived notions in our mind of what a sexually
16 violent predator is. But where did it come from? What
17 does it mean? Well, about 16 years our representatives
18 over in Columbia came up with a law with two thoughts in
19 mind. One, there are certain people that have what's
20 referred to as a mental abnormality or personality
21 disorder that makes them likely to commit acts of sexual
22 violence. And two, those individuals need treatment in a
23 secured facility during that process because they're
24 considered extremely dangerous individuals. It is our
25 position that Mr. Chapman is one of those people when they

1 created Sexually Violent Predator Act.

2 So, how do we know that? Well, as Judge Stilwell
3 told you, there are two requirements for me under the
4 Sexually Violent Predator Act. I'll go through them then
5 I'll break them apart based on the evidence I'll present.
6 First, the person has to be convicted of what's referred
7 to in South Carolina as a qualifying sexually violent
8 offense. And two, they have to suffer from what is
9 referred to as a relevant mental abnormality or
10 personality disorder that makes them likely to commit acts
11 of sexual violence if not confined in a secured facility
12 for long-term, control care and treatment.

13 So, let's break that apart. First, the person has to
14 be convicted under South Carolina as a qualifying sexually
15 violent offense. In this case, he has been convicted of a
16 qualifying sexually violent offense. In fact, he has been
17 convicted of two. Judge Stilwell charged you already that
18 he has, in fact, been convicted of these two qualifying
19 sexually violent offenses.

20 What's interesting in this case, and you'll hear why
21 it's relevant, although he has these two conviction, he
22 also has three other convictions from two other states for
23 sexual assaults. And he always has an indecent exposure
24 conviction from where he exposed himself while he worked
25 as a delivery driver over in Spartanburg County. So,

1 despite the fact that he only has these two qualifying
2 sexually violent offenses, he actually has a long standing
3 pattern of sexual violence against women.

4 And let's move forward. He also has to be convicted
5 of a mental abnormality or a personality disorder. Over
6 here seated in the front row, this woman, this is
7 Dr. Marie Gehle. She is a psychologist who works for the
8 Department of Mental Health. She is the only person in
9 the that State of South Carolina that's appointed by the
10 courts to conduct evaluations pursuant to this Sexually
11 Violent Predator Act. She will tell you that she has
12 conducted more than 150 evaluations pursuant to the
13 Sexually Violent Predator Act. She evaluated Mr. Chapman.
14 She has diagnosed Mr. Chapman with paraphilia disorder,
15 and you're going to understand, she'll explain to you that
16 means, and also with a personality disorder. His
17 anti-social personal disorder. So, she actually diagnosed
18 him with having both. A mental abnormality and a
19 personality disorder.

20 Now, you're going to hear testimony from which you
21 can decide whether Mr. Chapman has control over that
22 paraphilic disorder and that anti-social personality
23 disorder. You're going to hear why Dr. Gehle thought it
24 was very important to review Mr. Chapman's entire criminal
25 history. Which spans for more than half his life, 28

1 years, and he has over 13 convictions, both sexual and
2 non-sexual. And over half of those 13 convictions were
3 actually sexual. Which shows that he has a lack of
4 control while out in society. And she's also going to
5 talk about that he has certain risk factors for
6 reoffending. Just a history of lifestyle impulsiveness.
7 He has shown through records that he has a hostile and
8 beliefs and attitude towards women. And he's also
9 offended while on supervision and on bond. And, you know,
10 he refuses to follow the rules and laws that the rest of
11 us have to do while out in society. She's also going to
12 talk to you about how anti-social personality disorder and
13 paraphilic disorder, the existence of that in one person,
14 is a particularly dangerous combination. And how that in
15 itself increases his risk to reoffend.

16 Now, as the Judge explained to you, despite the fact
17 that these cases are civil in nature, I'm still required
18 to prove my case beyond a reasonable doubt. Similar to
19 that of a criminal prosecutor. In this case, I want you
20 to know that first thing, that I absolutely embrace that
21 burden. And I'm going to prove to you beyond a reasonable
22 doubt that Jeffrey Allen Chapman is a sexually violent
23 predator.

24 Now, these cases, and I'm sure that you realize,
25 contain some very disturbing facts. And this case is

1 certainly not going to be different in that regard. But I
2 ask you to do one anything, and that's listen to the
3 evidence. And not just the State's evidence, but the
4 Defenses evidence as well. Pay attention to the type of
5 evidence that's brought before you. Pay attention to the
6 type of witnesses that were picked to be brought before
7 you. And I believe as you sit here and you listen to the
8 evidence, the verdict that you will come to will be very
9 clear. That Jeffrey Allen Chapman is, in fact, a sexually
10 violent predator. And he needs, desperately needs
11 treatment in a secured facility to protect the women and
12 the citizens of Greenville County and the residence of
13 South Carolina from him.

14 THE COURT: Mr. Ariail.

15 OPENING STATEMENT

16 MR. ARIAIL: Thank you, Your Honor, may it please the
17 Court?

18 THE COURT: Yes, sir.

19 MR. ARIAIL: Ladies and gentlemen, my name is Mills
20 Ariail, I'm an attorney here in Greenville. I have my own
21 practice here in Greenville, been here about 16 years now.
22 And I represent Mr. Jeffrey Allen Chapman. Guy seated
23 next to me over here. Now, I hear Ms. Wetherton has
24 provided you her synopsis of the case, we have a certainly
25 different view of that -- of what this case is all about.

1 First and foremost, let me tell you a little bit about
2 Mr. Chapman. He's seated over here now. And there's no
3 question that he has had issues in his past which will
4 come to light in this trial. But I can tell you seated
5 here today, the individuals that we will bring and what we
6 will show is that he is a changed person.

7 What they allege has been done, clearly he has and
8 will express remorse for these actions and has seen those
9 things to be wrong. Now, they want to, as you can see
10 here now, they want to confine him through a civil
11 confinement, what they call under this act. To have
12 additional treatment. Now, my synopsis of this case is
13 that its your role of the jury to determine whether or not
14 he's going to be civilly confined to do that. And it's
15 our view that it is not necessary to do that.

16 We have our expert, Dr. David Price, who come in
17 provide you information, provide you his review of why he
18 believes he does not fall within the guidelines of the
19 sexually violent predator act. I know there are going to
20 be a lot of facts in this case that are going to be
21 graphic, hard to deal with. And clearly, those are things
22 that we're going to have to face regardless. But at the
23 end of the day, when you look at all that evidence and
24 you're back in the jury room making a decision, you've got
25 to determine really first and foremost, two things. If he

1 has a sexual abnormality and or anti-social personality
2 disorder. Is what they're saying. And we're going to put
3 Dr. Price who is going to show that is not good.

4 The next thing is that he is likely to engage in
5 these acts when he's outside from confinement. And in our
6 view that is not going to be -- they haven't supported
7 their burden in regards to that. We don't have to put up
8 evidence. At the end of the day we don't have to do
9 anything. Mr. Chapman doesn't have to testify in regards
10 to this but he's going to testify. We're going to bring
11 in an expert that's going to testify and we're going to
12 bring in some family members that are going to show you
13 what Mr. Chapman is about, how he has changed and how his
14 life is not what they are saying it is as part of this.

15 You're going to see certain timeframe that are very
16 relevant to this case to show you when things happened and
17 how his life is different from those timeframes. And when
18 you get to the end of it, you're going to have to look and
19 say, Hey, have things changed or does he need treatment?
20 That's the basic gist of this case. And it's our hope
21 that you will keep an opened mind throughout this.

22 Now, understand, it's not our burden. We don't have
23 to put anything up. It is a substantial burden for them.
24 As you heard the Judge, firmly convinced. Firmly
25 convinced. And I want y'all to remember that because that

1 is imperative that y'all remember that in this case. It's
2 our hope that you keep your open minds and opened to that
3 throughout this. So that you can give Mr. Chapman your
4 full attention and understanding. Because this is a very
5 significant issue for him. He wants y'all to take us as
6 seriously as you can. And we appreciate y'all being here
7 and thank you for your service for the State of South
8 Carolina. Thank you, very much.

9 THE COURT: All right, ladies and gentlemen of the
10 jury, I'm going to take a break. I'm going to ask
11 y'all -- I'm going to release you, ask you to be back here
12 at a quarter till three. Now, I don't want to stop and
13 start anymore than y'all do. I can see you're eyes, your
14 body language and facial expressions. We came back just
15 to start a trial and now we're going to start and stop
16 again. I don't want to do it anymore than y'all do. But
17 you, know you can tell, just from what you've already
18 heard, this is an important case. And the Court is
19 concerned with making sure that everyone's rights are
20 protected. Due process rights, Constitutional rights.
21 And sometimes that's just an insufficient messy business.
22 And as much as I would just like to plow through this and
23 get all out of here, I have to stop. And I have to take
24 up a matter. I don't have any choice.

25 So, I'm not going to make y'all sit in the jury room.

1 You can be released. And please be back at a quarter till
2 three. Hopefully, I will be done with all of the business
3 that I need to conduct with these parties and we can start
4 with the trial of this case. Again, please don't discuss
5 the case. And while you're on or about the courthouse,
6 please don't -- if you were approached by anyone to
7 discuss the case, don't discuss the case. If you see
8 lawyers or parties or witnesses outside and about, they're
9 not supposed to discuss it with you. So, if someone is
10 less than friendly with you, then it is because they are
11 on very strict instructions from me not to discuss this
12 case with y'all. Okay. Thank you.

13 (WHEREUPON, the jury left open court at approximately
14 11:55 p.m.)

15 THE COURT: Okay, counsel, I'll defer to y'all. Do
16 y'all just want to have the opportunity to talk or do you
17 want to proffer evidence on the record?

18 MS. WETHERTON: We can just go into a conference room
19 or we can just stay in here.

20 THE COURT: Sure, yeah, that's fine. Anywhere you
21 want to do it.

22 MS. WETHERTON: That's fine. And it shouldn't be
23 very -- well, I don't really know exactly what he's going
24 to say.

25 THE COURT: I know. And that's why I'm trying to

1 give you a little bit more time than may be I ordinarily
2 would because one question leads to another. I want to
3 make sure that you have the time that you feel satisfied.

4 MS. WETHERTON: Thank you, Your Honor.

5 THE COURT: Okay. Good enough. Y'all let me know
6 when you're ready.

7 (WHEREUPON, a short break was taken.)

8 (WHEREUPON, the jury came into open court at
9 approximately 2:50 p.m.)

10 THE COURT: All right, Ms. Wetherton, you may call
11 your first witness.

12 MS. WETHERTON: Thank you, Your Honor. We call Marie
13 Gehle to the stand.

14 THE CLERK: Place your left hand on the Bible, raise
15 your right hand.

16 MARIE GEHLE, after being duly sworn, testified
17 as follows:

18 THE CLERK: Please be seated, state your name for the
19 record.

20 THE WITNESS: Marie Gehle, G-E-H-L-E.

21 DIRECT EXAMINATION

22 BY MS. WETHERTON:

23 Q Dr. Gehle, where are you currently employed?

24 A South Carolina Department of Mental Health.

25 Q What is your position at the South Carolina

1 Department of Mental Health?

2 A I'm a chief psychologist.

3 Q For the record, do you and I work for the same place?

4 A No, we don't.

5 Q Okay. How long have you been employed with the South
6 Carolina Department of Mental Health?

7 A About four and a half years.

8 Q Are you responsible for evaluating sexually violent
9 predator cases at the Department of Mental Health?

10 A Yes, I am.

11 Q Is there anyone else in the State of South Carolina
12 that gets appointed by the Courts to evaluate individuals
13 for commitment into the sexually violent predator
14 treatment program?

15 A No. Currently I'm the only one.

16 Q How long have you been the sole court appointed
17 expert for pre-commitment evaluations pursuant to the
18 sexually violent predator about?

19 A Since roughly December 2013.

20 Q Now, doctor when you are appointed by the Court to
21 conduct this evaluation, what are you ordered to do?

22 A I'm ordered to determine whether the Respondent,
23 Mr. Chapman, suffers from a mental abnormality or
24 personality disorder that makes him likely to engage in
25 acts of sexual violence if he's not confined to a secured

1 facility for long-term, control care and treatment.

2 Essentially, I'm asked if Mr. Chapman is going to commit
3 another sex offense because he has a mental disorder that
4 he's unable to control his sexual behavior.

5 Q Well to that end, doctor, can you describe to the
6 jury your protocol in conducting evaluations when you've
7 been ordered to do so?

8 A Yes. When I get a Court Order naming me as the
9 evaluator, it also comes with a big package of
10 information. So, this is some of that information. So,
11 it's a big stack. I review all of that. And, you know, I
12 read all the records. That stuff includes his criminal
13 history, any warrants, indictments, police reports,
14 witness statements, sentencing sheets, so all the legal
15 records. And it will include his records from the
16 Department of Corrections or SCDC. I review all that
17 information, then I schedule an interview.

18 And then Mr. Chapman came for an interview, he was
19 accompanied by two guards because he was in the Department
20 of Corrections at the time. So, he came to see me in
21 Columbia at my office. When I first sat down and met with
22 him I talked to him about exactly why he was here. I had
23 him read some information about the evaluation. And then
24 I explained that to him. I wanted to make sure that he
25 understood why I was interviewing him, what my goals were

1 for the evaluation and I also explained some about how the
2 SVP law works and what he might expect after I issue an
3 opinion.

4 I did a brief mental status examine on him to see how
5 he was thinking, feeling and functioning. He was doing
6 really well that day. I then asked him all types of
7 questions about his background, his sexual arousal
8 patterns, his offenses, what he thought about his sexual
9 offending, what his plans were if he were to be released.
10 I asked all kinds of questions that are designed to help
11 me determine if he has a relevant mental abnormality or
12 personality disorder and what his risk for sexual
13 reoffending is in the future. I also gave him a paper and
14 pencil test of his personality.

15 After the interview I requested some additional
16 records such as military records. I scored an actuarial
17 risk assessment. Then, I wrote a report including all of
18 this information and gave my opinion about whether he met
19 the criteria as a sexually violent predator and sent that
20 into the Court.

21 Q Okay. So, after you conducted your evaluation and
22 consulted all the information you obtained, how do you
23 reach your professional opinion in the these matters.

24 A Well, it takes a lot of thinking. First, I look at
25 all the information that I obtained. Whether it be the

1 written records, his answers to my questions. And I
2 looked to see if there's a pattern of behavior that would
3 suggest that he has a mental abnormality or personality
4 disorder. I compare that against the diagnostic criteria
5 for the mental illness. Then it score the actuarial risk
6 assessment. And weigh out all the other risk factors to
7 decide whether any disorder that he might have would make
8 him likely to engage in acts of sexual violence. I
9 essentially am looking to see if he has a diagnosis and if
10 that diagnosis is related to what would cause him to
11 commit sexually violent offenses. After I do all that, I
12 also look if there's evidence to see that he has trouble
13 controlling his behavior. Because he had trouble
14 controlling his sexual behavior in the past.

15 Q So, how long does it take to from beginning to end to
16 reach your opinion in these matters?

17 A Well, just based on my work load, it will often take
18 several months from the time I get a Court Order, to the
19 time that I'm able to submit the report. But when I'm
20 working on one particular, one case, it will at least
21 take, you know, 40 hours of work just on that one case.

22 Q Now, approximately how many evaluations have you
23 conducted pursuant to the South Carolina Sexually Violent
24 Predator Act?

25 A I've done more than 150 evaluations.

1 Q Okay. How many pre-commitment evaluations have you
2 conducted in sexually violent predator matters?

3 A I've issued reports in 69 cases. I am -- I've
4 interviewed and am writing seven other reports so 76
5 although together.

6 Q Of those 76 evaluations, about how many have you
7 recommended that certain individuals not be committed into
8 the Sexually Violent Predator Treatment Program?

9 A I did not recommend commitment in 43 of the cases.
10 So, majority.

11 Q So, you've actually testified for the defense in
12 these types of cases?

13 A Yes, plenty of times.

14 Q And how many times have you testified for the defense
15 in these types of proceedings?

16 A It's been more than 20 times.

17 Q Okay. So, as a court appointed evaluator, were you
18 paid to conduct your evaluation in this case?

19 A I'm paid a salary by the Department of Mental Health
20 and this is part of my normal job duties.

21 Q So, as a result of your opinion, did you receive any
22 additional compensation?

23 A No.

24 Q Do you receive any additional compensation for having
25 to testify in Court?

1 A No.

2 Q So, what advanced degrees do you possess?

3 A I have a Bachelor's Degree in psychology, I have a
4 Master's Degree in clinical psychology and a doctrine in
5 clinical psychology.

6 Q And what states are you licensed in?

7 A I'm licensed to practice in South Carolina and in
8 Georgia.

9 Q Do you have any professorships?

10 A Yes. I'm assistant professor at University of South
11 Carolina School of Medicine.

12 Q Can you briefly talk about any relevant experience
13 with convicted sex offenders prior to your employment at
14 the Department of Mental Health?

15 A I've treated sex offenders in Ohio and Washington
16 State throughout -- prior to graduate school and
17 throughout my training. Many of the offenders that I
18 treated in Ohio were Court Ordered into treatment. In
19 Washington State I treated sexually violent predators that
20 were civilly committed to the special commitment center.
21 So, similar to the laws here in South Carolina that they
22 had in Washington State.

23 Q Okay. So, what is the study of psychology?

24 A Psychology is the scientific study of mental
25 functioning and behavior. The goal of psychology is to

1 understand how and why people think and act and feel the
2 way they do.

3 Q Do you have any specialized training or experience
4 within the field of psychology?

5 A Yes. All my training has been in psychology. So,
6 it's been, I guess, you know, ten to 12 years of
7 classroom. Lots of practicum experience, so on the job
8 training, things like that. I've worked in inpatient and
9 outpatient settings. I, you know, a variety of different
10 levels from being a case manager to a direct care provider
11 in a psychiatric hospital. I've done a lot of therapy
12 with people. Treated like thousands of adults and
13 adolescence and children throughout my training. I also
14 did a predoctoral internship in clinical psychology that
15 was based in forensic psychology. So, I did evaluations
16 that were court ordered like competency to stand trial or
17 criminal responsibility evaluations. I did treatment with
18 sexually violent predators. I also did a postdoctoral
19 fellowship at East Central Regional Hospital in Georgia.
20 And that was focuses on the evaluation and treatment of
21 individual involved in the legal system.

22 Q So, what is the study of forensic psychology?

23 A Forensic psychology is applying the science of
24 psychology to issues in the legal system. So, we really
25 will just be able to answer mental health questions for

1 the Court.

2 Q Okay. Have you previously been recognized and
3 testified as an expert witness in the courts of law of
4 this state, State of South Carolina?

5 A Yes, I have.

6 Q Okay. Approximately how many times?

7 A More than 75 times.

8 MS. WETHERTON: Okay, Your Honor, at this time, we
9 move for Dr. Gehle to be recognized as an expert in
10 forensic and clinical psychology as well as an expert in
11 the mental health evaluations of sexually violent
12 predators.

13 THE COURT: Any objections or voir dire, sir?

14 MR. ARIAIL: Voir dire, Your Honor, if I could.

15 THE COURT: Okay. All right.

16 VOIR DIRE EXAMINATION

17 BY MR. ARIAIL:

18 Q Dr. Gehle, in regards to clinical psychology, what
19 studies -- I mean, where did you go to school in regards
20 to that?

21 A I got my Master's and Doctrine Xavier University in
22 Cincinnati, Ohio.

23 Q Okay. And in regards to the forensic psychology,
24 where did you get your -- where did you do your studying
25 for that?

1 A I did a predoctoral internship that was largely
2 focused in forensic psychology. And a postdoctoral
3 fellowship in forensic psychology at East Central Regional
4 in Augusta, Georgia.

5 Q Okay. How many times have you testified or been
6 qualified as an expert in regards to forensic psychology?

7 A Almost every time I come to Court that will be what
8 I'm qualified in.

9 Q How many times do you think that is?

10 A It's been more than 75 times.

11 Q Okay. In regards to clinical psychology, how many
12 times have you testified as an expert in that?

13 A When I am qualified as an expert I think that it is
14 in forensic and clinical psychology. Because forensics is
15 like a sub class under clinical psychology. So, it's a
16 type of clinical psychology.

17 Q Okay. So most the times you come you either
18 classified, I guess, or qualified as both of those
19 together, is that correct?

20 A Yes.

21 Q Okay. And that's what you mainly testify -- you
22 mainly testify, I guess, either individuals who had the
23 review or for the State of South Carolina, is that
24 correct?

25 A I'm not sure that I understand your question.

MARIE GEHLE-VOIR DIRE BY MR. ARIAIL

1 Q I guess you testified 75 times you said and been
2 qualified as a forensic or clinical psychologist, are they
3 in these types of cases or other cases?

4 A No, 75 times in these types of cases, roughly. And
5 it's been a couple other times in other types of forensic
6 clinical psychology cases.

7 Q Okay. And the 75 times, I guess I'm just making
8 sure, is in SVP cases, right?

9 A That's correct.

10 MR. ARIAIL: Your Honor, I have no further questions,
11 thank you.

12 THE COURT: Any additional questions?

13 MS. WETHERTON: Not for voir dire, Your Honor.

14 THE COURT: Okay, any exceptions to qualifications?

15 MR. ARIAIL: None, Your Honor.

16 THE COURT: All right. I will except the witness as
17 an expert witness.

18 So, ladies and gentlemen, I already explained to you
19 in the opening charge what an expert witness is. You
20 accept the testimony from an expert just in the same
21 manner that you accept any other piece of evidence in the
22 case. You decide what's credible and you decide what's
23 valuable. Regardless of how it may be characterized.

24 You may proceed.

25 MS. WETHERTON: Thank you, Your Honor.

MARIE GEHLE-CONTINUED DIRECT BY MS. WETHERTON

1 BY MS. WETHERTON:

2 Q Were you appointed by the Court to evaluate Jeffrey
3 Allen Chapman pursuant to the Sexually Violent Predator
4 Act?

5 A Yes, I was.

6 Q As part of your evaluation, did you meet with and
7 interview Mr. Chapman?

8 A Yes, I did.

9 Q Is the man here in the courtroom today?

10 A Yes.

11 MS. WETHERTON: Your Honor, if you could let the
12 record reflect that Dr. Gehle identified Mr. Chapman?

13 THE COURT: Yes, ma'am. So directed.

14 BY MS. WETHERTON:

15 Q Now, Dr. Gehle, you mentioned to the jury that you
16 received a lot of documentary information to review and
17 reach your opinion in these matters. What type of
18 information did you receive to aide you in this case,
19 specifically?

20 A There was Court Orders ordering the evaluation and
21 finding probable cause. I received a copy of the petition
22 that was filed pursuant to the Sexually Violent Predator
23 Act, records from the South Carolina Department of
24 Corrections, National Criminal History Report, records
25 from the United States Military, incident reports,

1 investigation summaries, witness statements, Defendant
2 statements, warrants, indictments, sentencing sheets,
3 things like that that related to any criminal history.
4 And then I also interviewed him and did some psychological
5 testing with him.

6 Q Okay. Is this the type of information that is
7 typically and reasonably relied upon by other experts
8 evaluating sexually violent predators pursuant to the
9 Sexually Violent Predator Act in your field?

10 A Yes, it is.

11 Q Doctor, what are risk factors?

12 A Risk factors is any variable that is related to a
13 specific outcome you're measuring. So, you can have a
14 risk factor for heart disease or risk factor for speeding
15 tickets. In this case, you know, I'm looking at risk
16 factors related to sexual reoffending. So, people who
17 offend after sanctioned. Illegal -- you know, convictions
18 or things like that.

19 Q In general, are risk factors significant in regards
20 to your opinion?

21 A Yes.

22 Q Why are they significant?

23 A It's really important to look at risk factors because
24 they help separate just the typical sex offender from a
25 dangerous sex offender. And I'm looking at who's

1 dangerous. Sex offenders that get out of prison, there's
2 recidivism rate, so people who reoffend, that might be
3 around 20 percent. So not everybody who goes to jail for
4 a sex offense, goes out and commits another one. I'm
5 trying to figure out who is in that extremely dangerous
6 group of offenders who is likely to go out and commit
7 another sex offense because they have a mental
8 abnormality.

9 So, in part I look at those risk factors to tell
10 who's extremely dangerous and who's not, kind of partial
11 them out. I also look at risk factors because they're
12 very important in being fair. There's a lot of things
13 like if somebody doesn't show remorse for their sex
14 offenses, that's not been shown by the research to be
15 related to sexual reoffending. Even though everybody
16 thinks that it is it's really not. So, it's important to
17 look at those risk factors that have been shown in the
18 research so that you can be as fair and unbiased as
19 possible.

20 Q And were these risk factors a part of the basis of
21 your opinion?

22 A Yes.

23 Q So what is static risk factor?

24 A Static risk factor is one type of risk factor that's
25 considered historical or something that's more stable

1 across time, something that can't be changed through
2 treatment or other kinds of intervention. Things like
3 age, gender, history of violent non sexual convictions,
4 number of criminal convictions, number of prior sexual
5 offense charges and convictions, victim type, those things
6 have all been related to sexual offending and they can't
7 be changed through treatment. They just are what they
8 are, they're static.

9 Q With regard to static risk factors, was there an
10 assessment you performed to gauge Mr. Chapman's likelihood
11 to reoffend?

12 A Yes, I completed a actuarial risk assessment called
13 the Static-99R.

14 Q Can you explain what that assessment is and how it
15 works for the jury?

16 A It's an actuarial tool, has ten questions that have
17 been proven significantly related to sexual offending.
18 You can get a score of negative three and 12 on the
19 assessment tool. The higher the score the more likely the
20 person is to sexually offend, in general. Basically what
21 you do is you answer the ten questions based upon the
22 history and things like that. You can get a lot of the
23 answers from the criminal history report. So, you answer
24 those ten questions and then you add it up into a score.
25 And that score will be from negative three to 12. When

1 you get that score, you compare it to what group it's in.
2 If it's in a high moderate, low moderate, low risk group.
3 And Then you can also look at the score and it shows you
4 an actuarial estimate. So, you go to a table and you look
5 at this person has this score and it will say what
6 percentage of people in the research samples offended
7 within five years or what percentage offended within ten
8 years that have the same score as the person that you
9 evaluated.

10 Q Okay. When did a Static-99R, when did that come out.

11 A It came out in 2009.

12 Q Okay. In this test, what information did it reveal
13 about Mr. Chapman?

14 A Mr. Chapman has a score of seven. That's a high risk
15 score. And so, when I went to that actuary table and
16 looked at the, from the research sample of people who had
17 a score of seven, it showed that 30.6 percent of that
18 group offended within five years and 39.7 percent of that
19 group offended within 10 years. I also looked at how a
20 score of seven compares to that large research sample
21 group. So, you want to know is a seven a score that a lot
22 of people have or that not very many people have. And
23 when you look at that, a score of seven is at or above the
24 97 -- 97.8 percentile. Meaning only 2.2 percent of the
25 research sample have a score that's higher than seven.

1 So, seven is a really high score on the static. Even
2 though they go up to a 12, a seven is a really high score.
3 Not very many people have a seven or higher.

4 I also looked at, you know, another way of seeing how
5 he compares to the average sex offender. So the average
6 every day sex offender getting out of prison has a score
7 of a two. And so when I compare Mr. Chapman's score of
8 seven against that average score of two, he has a 5.25
9 times, so 5.25 times more likely to reoffend than that
10 average sex offender with a score so two.

11 Q So, when calculating the Static99, can someone score
12 lower based upon their age?

13 A Yes.

14 Q What are those guidelines?

15 A I have to pull out the Static. But basically, the
16 research has shown that as somebody ages, their chances of
17 committing another sex offense typically goes down. So,
18 when somebody is between 18 and 34.9, so just under 35
19 years old, they get a score of one. If they're between
20 that age when they're released. If they're between 35 and
21 40 they'll get a zero. So, meaning that really their age
22 doesn't have any effect on their recidivism rate. If
23 they're between 40 and 59.9 they get a negative one. That
24 where Mr. Chapman was because he is 51 years old now. And
25 when they get 60 or they're 60 and older, you actually

1 take away three points. So, they get a negative three on
2 that item. So, when people get 60 or older, there's a
3 sharp decline in sexual offending.

4 Q Is that significant, the Static99, in regards to your
5 opinion?

6 A Yes, it is.

7 Q Is Static99 typically and reasonably relied upon by
8 other experts who conduct sexually violent predator
9 evaluations in your field?

10 A Yes, it is.

11 Q What are dynamic respecters?

12 A Dynamic respecters are again variables that have been
13 shown related to sexual reoffending. But these are things
14 that can be changed about -- or changed through treatment
15 or other interventions. And they're really addressing the
16 person's behavior or psychological features.

17 Q With regard to dynamic risk factors, can you describe
18 what risk factors Mr. Chapman has and how they relate to
19 his likelihood to sexually reoffend?

20 A Well, he had several. He had sexual preoccupation,
21 offense supportive attitudes, lifestyle impulsiveness,
22 poor problem solving, hostile beliefs about women and
23 resistance to rules and supervisions. Now, there's no
24 assessment that I can add these up and come up with
25 another score. So basically I look at, you know, are

1 those devious sexual interests, are they related to
2 anti-social attitudes and they can just help kind of round
3 out my opinion about somebody. Whether they are a
4 sexually violent predator or not.

5 Q Did you base your opinion solely on either the
6 Static-99R or dynamic risk factors?

7 A No.

8 Q Is that professionally acceptable to do so?

9 A Not in this type of case because the law says that
10 there has to be a mental abnormality to personality
11 disorder that makes them likely. So, I use the Static and
12 the dynamic risk factors to let me know if the person is
13 likely to engage in acts of sexual violence. But if they
14 don't have a mental abnormality or personality disorder
15 that's related to sexual offending, even if they have that
16 high score, I can't recommend them for commitment.
17 Because it has to be both of those elements.

18 Q It is common for experts, such as yourself,
19 conducting sexually violent predators evaluations, it is
20 common in your field to rely upon an individual's criminal
21 history to reach an opinion?

22 A Yes, it's absolutely essential and necessary.

23 Q Okay. Why do you rely on information regarding
24 Mr. Chapman's criminal history in reaching your opinion?

25 A Well, it's really important to understand the types

1 of behavior he engaged in, under what circumstances. The
2 criminal history just provides all the information about,
3 you know, who he offended, how he offended, when he
4 occurred, things like that. Which are really important to
5 understand if he has a mental abnormality or personality
6 disorder. And it also addresses -- it speaks to his
7 risks. It's absolutely essential to look at that.

8 Q Can you explain to the jury how a individual's past
9 sexual offense behavior relates to someone future sexual
10 offense behavior?

11 A Yeah. In the most general sense somebody's past
12 behavior tells you what their capable of. What boundaries
13 they're capable of crossing. And that gives you some
14 information about what they will close in the future. You
15 know, what kind of boundary problems they may have in the
16 future. It can show how he obtains victims, who he likes
17 to offend, how he likes to offend. And it can basically,
18 you know, just show a pattern of sexual behavior.

19 Q Based on your interview with Mr. Chapman and your
20 review of his files, at the time of your interview, had he
21 been convicted of a sexually violent offense?

22 A Yes.

23 Q What were those convictions?

24 A He's been convicted of two. He was convicted of
25 criminal sexual conduct in the third degree, 1992. And

1 lewd act upon a minor in 2005.

2 MS. WETHERTON: Your Honor, I would like permission
3 to approach the witness.

4 THE COURT: Yes, ma'am.

5 BY MS. WETHERTON:

6 Q Dr. Gehle, have you seen those documents before?

7 A I have seen copies of these.

8 Q Is there anything on those documents that shows their
9 authenticity?

10 A Yes. They're stamped and initialed by the Clerk of
11 Court on each page.

12 Q Okay. Did you review these documents as part of your
13 evaluation?

14 A Yes, copies of these.

15 Q What are these documents?

16 A Well, there's several pages. The first one is a
17 sentencing sheet for the criminal sexual conduct in the
18 third degree. And the second is, I guess, a second page
19 to that sentencing sheet. The third page is the
20 Indictment for criminal sexual conduct in the first
21 degree. And on the back of that is the other side of the
22 Indictment. The next page is an affidavit for criminal
23 sexual conduct in the first degree. And it has a
24 narrative of what the underlining, I guess, details of the
25 offense was. And that also has another side to it. And

1 that's still the arrest warrant. Then there's, I guess,
2 this last page is a waiver of pre-sentence investigation.
3 And that's signed by the Clerk of Court witness and by the
4 Defendant.

5 Q Okay. Are these the type of documents that are
6 commonly and reasonably relied upon by experts such as
7 yourself to conduct sexually violent predator evaluations
8 in your field?

9 A Yeah. Well, besides this last page, this waiver of
10 pre-sentence investigation, that's not something I
11 typically see. But the other ones are -- are what's
12 typically and reasonably relied on.

13 Q Doctor, would you, please, describe for the jury the
14 details underlining these specific facts?

15 A Okay. According to the investigation reports,
16 Mr. Chapman assaulted a 29 year old female acquaintance by
17 digitally penetrating her vagina. So, he inserted his
18 fingers into her vagina. The victim reported that she was
19 sleeping in her bedroom when Mr. Chapman got into her bed,
20 fondled her breast, got on top of her and digitally
21 penetrated her vagina. She said that she struggled with
22 him, trying to get him off of her and was unable to do so.
23 And eventually her boyfriend came in and detained
24 Mr. Chapman until the police came.

25 Q What sentence did he receive following the

1 conviction?

2 A He pled guilty and was sentenced to ten years of
3 incarceration suspended upon the service of three years
4 with credit for time served.

5 MS. WETHERTON: Your Honor, at this time we would
6 move to admit into evidence State's Exhibit 1.

7 THE COURT: Objection, sir?

8 MR. ARIAIL: No objection, Your Honor.

9 THE COURT: All right, without objection the same is
10 admitted into evidence.

11 (WHEREUPON, State's Exhibit No. 1 was admitted into
12 evidence.)

13 MS. WETHERTON: Thank you, Your Honor. I would like
14 permission to approach the witness again.

15 THE COURT: Yes, ma'am.

16 BY MS. WETHERTON:

17 Q Have you seen these documents before?

18 A Yes, I've seen copies of these.

19 Q Is there anything on these documents that show their
20 authenticity?

21 A Yeah. They have a seal and a stamp that's signed by
22 the Clerk of Court.

23 Q Did you review these documents as part of your
24 evaluation?

25 A Yes, copies of these.

1 Q What are these documents?

2 A So, the first page is the face sheet of the
3 Indictment for lewd act upon a child. The second is a
4 sentencing sheet for lewd act upon a child. And the third
5 is the indictment for lewd act upon a child.

6 Q Are these the types of documents that are commonly
7 relied upon by experts conducting sexually violent
8 predator evaluations in your field?

9 A Yes.

10 Q Would you, please, describe for the jury the details
11 underlining these specific facts?

12 A Yes. So, Mr. Chapman was charged with lewd act upon
13 a child for fondling a nine or ten year old girl. It was
14 unclear if she was nine or ten at the time. Because the
15 offense dates -- he did it one time, some time between
16 July 1, 2001 and December 31st, 2001. So, in the time
17 that girl was between nine and ten, she had a birthday.

18 So, the victim reported that Mr. Chapman fondled her
19 vagina over her underwear but under her nightgown. She
20 told him to stop and he continued. Shortly after she told
21 her mom and her mom said that she reported it to the
22 authorities. But nothing came of it for a little while
23 because the mom didn't have custody of the child. So,
24 there was some question about whether, you know, she could
25 pursue charges.

1 Q What sentence did he receive?

2 A He was sentenced to 15 years suspended to time served
3 and five years of probation.

4 MS. WETHERTON: At this time, Your Honor, we would
5 admit that as State's Exhibit 2.

6 THE COURT: Any objection, sir?

7 MR. ARIAIL: No, Your Honor.

8 THE COURT: All right, without objection the same is
9 admitted.

10 (WHEREUPON, State's Exhibit No. 2 was admitted into
11 evidence.)

12 BY MS. WETHERTON:

13 Q Was Mr. Chapman convicted of any other crimes that
14 was sexual in nature but did not qualify in South Carolina
15 as a sexually violent offense?

16 A Yes. He was convicted of like three -- in three
17 separate incidents. In 1986, he was convicted of two
18 counts of sexual assault in Florida. In 1991 he was
19 convicted of attempted second degree rape in North
20 Carolina. And in 1997 he was convicted of indecent
21 exposure in Spartanburg. So, that's a sexual offense in
22 the State of South Carolina but not a sexually violent
23 offense.

24 Q So, let's start with the 1986 offense. Could you,
25 please, describe for the jury the details of the

1 underlining these specific facts?

2 A Yes. So, Mr. Chapman essentially raped a girl who
3 I'll call just by her initials. Her initials are SG. She
4 was a 27 year old female. And he basically saw her coming
5 back into her apartment complex. His girlfriend lived at
6 the same apartment complex. They parentally had a fight,
7 he and his girlfriend, Mr. Chapman and his girlfriend had
8 a fight. Mr. Chapman saw a girl drive into the apartment
9 complex. And when she was parking the car he approached
10 and she said he jumped into her vehicle on the passenger
11 side. So, he jumped into her car. He started to try to
12 engage her in conversation and he began touching her all
13 over her body. She said that he lifted her blouse, lifted
14 up her shirt and tried to get access to her vagina. So,
15 he was trying to put hands down her pants, trying to, you
16 know, either touch or her insert his fingers in her
17 vagina. She was begging him to stop.

18 He also tried to get on top of her. At one point she
19 managed to get a foot into the middle of his chest and she
20 pushed him away and she jumped out of the vehicle and
21 tried to run away but he caught up with her. And he
22 grabbed her by the neck and put his hand over her mouth.
23 He threw her on the hood of her car. And again, tried to
24 get into her pants, tried to get his hand into her pants.
25 He threatened to hurt her if she did not do what he

1 wanted.

2 He then asked her if she wanted to do it. Her words.
3 In the car -- in her car or in her apartment. He knew
4 that she lived there. He apparently had seen her around
5 the apartment complex before. As she said that knew that
6 her roommate was sleeping in the apartment and so she
7 chose that option. So, they went to her apartment. Her
8 roommate was in her bedroom with the door locked,
9 sleeping. It was the middle on the night. It was like
10 1:30 or something like that when she initially drove back
11 into the apartment complex. So, her roommate was securely
12 in her room.

13 She said that Mr. Chapman tried to open the
14 roommate's door. He threatened to kill SG and her
15 roommate. And SG tried to assure Mr. Chapman that the
16 roommate would just stay in the room and that she wouldn't
17 come out. You know, I think she initially wanted to go to
18 the apartment thinking that, you know, maybe her roommate
19 would help. But now she's brought somebody violent into
20 the apartment and she doesn't want her roommate to get
21 involved. So, they went to her room. She said
22 Mr. Chapman forced her to undress. He also undressed.
23 She said throughout the night he digitally penetrated her
24 vagina, he performed oral sex on her twice. And he also
25 had vaginal intercourse with her at least two times. She

1 said that during the night -- so, you know, the sexual
2 assault was going on throughout the night. She said that
3 the whole incident lasted, you know, more than five hours.

4 She said that while she was laying there with
5 Mr. Chapman he held her very tightly. And that she was
6 unable to get away from him. And she said that, you know,
7 she tried to get away from him but was unable to do so
8 without him waking up. And, you know, she was rightfully
9 worried. Mr. Chapman even told the investigators when he
10 was questioned and I quote he said, I held her the whole
11 night. I held onto her so tight and so close.

12 She said that finally around 6:00 a.m. she got up.
13 And she told him that she had to get ready for work and
14 that he had to leave. She told him that she was going to
15 take a shower and he asked her if he could take a shower
16 with her. And she said, No. And he became upset. And he
17 picked her up and forced her into the shower with him.
18 They apparently took a shower and then afterwards
19 Mr. Chapman got dressed and he left.

20 SG then went and woke up her roommate, started to
21 explain everything that happened. While she was
22 explaining Mr. Chapman came back to her apartment. But
23 the women told him to leave, they didn't let him in and
24 they called the police. The victim also reported that
25 Mr. Chapman would become mean to her during the night.

1 She said that he would easily get insulted and start
2 getting really mean to her again.

3 Q What sentence did he receive following his
4 conviction?

5 A He received eight years of incarceration for each
6 count to be served at the same time. So, he was convicted
7 of two counts and he served those at the same time.

8 Q Did you consider it for your opinion?

9 A Yes. Yes.

10 Q Why is it relevant?

11 A It's relevant because it's the first known sexual
12 offense on his criminal record. It was a violent rape
13 against somebody he didn't know very well. He committed
14 that offense pretty impulsively from what the record
15 shows. You know, just came out of nowhere. And he
16 committed that offense in really close proximity to the
17 victim's roommate. Which means that he had a really high
18 risk of being caught during the act. But he proceeded
19 anyway.

20 Q Well, let's move to the 1991 conviction. Would you,
21 please, describe for the jury the details underlining
22 those specific facts?

23 A Okay. Well, the victim in this case, her initials
24 are ML. And she was a 23 year old female. She was
25 walking home. It was about around 1:00-1:30 in the

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1 afternoon. So, she was walking home and she passed by a
2 wooded area. And she said she saw Mr. Chapman standing by
3 the woods but she just kept walking. Unfortunately
4 Mr. Chapman grabbed her from behind and dragged her into
5 the woods. She said that he threw her to the ground, covered
6 her mouth with his hand, twisted her neck. She kept
7 trying to scream and he said to her, this is a quote from
8 her, Quit screaming or I'll ring your neck. He also kept
9 saying quote, Shut up bitch.

10 He choked her, he pulled up her skirt and tried to
11 pull down her underwear. A man driving by began yelling
12 and honking. He saw this happening. And the victim said
13 that Mr. Chapman just suddenly stopped and ran away. Now,
14 what they both didn't know, the victim and Mr. Chapman was
15 not aware of at the time, was that people saw him
16 initially grab her and drag her into the woods. And so,
17 prior to that car going by, interrupting anything that
18 was -- anything else that was going to happen, people had
19 already called the cops. Because they saw this. People
20 in some local businesses.

21 So, this was in a very populated area. There were
22 several witnesses that had called. There were witnesses
23 who also saw him leave the scene of the crime. And they
24 told officers his location. So, officers, you know, went
25 and talked to these witnesses real quick and then found

1 him at a local store close by. When they looked at the
2 victim she had scratches on her face and her legs. And
3 her panty hose were torn. And when they detained
4 Mr. Chapman, he had visible scratches on his arms and his
5 sides.

6 And when the investigators asked him about this,
7 Mr. Chapman told officer that when he was leaving work he
8 saw a black male attempting to steal his car and that they
9 got into a fight. And that's how got scratched up. He
10 told officers that he left work, stopped in a parking lot
11 next to the building that was by the woods. And he said
12 he went into the woods to urinate. He denied any
13 involvement in the incident. They followed up with his
14 employer and his employer said that he had no knowledge of
15 any attempted larceny. Which suggested that Mr. Chapman's
16 account was false about the larceny part of it.

17 Q So what sentence did he receive following his
18 conviction?

19 A Well, he pled guilty to attempted second degree rape.
20 He had also been charged with kidnapping and that charge
21 was dismissed in exchange for his guilty plea. He was
22 sentenced to eight years incarceration and he was ordered
23 to pay some attorney fees.

24 Q Did you consider that for your opinion?

25 A Yes.

1 Q Why is that relevant?

2 A Well, it's another violent sexual offense. And
3 attempted rape of a female stranger. He just grabbed a
4 random woman off a sidewalk. And there's, you know,
5 indication to believe that he was going to rape her. I
6 mean, for one he pled guilty to an attempted rape. And,
7 you know, he was lifting up her skirt trying to pull down
8 her underwear. So, there's indication that that's what he
9 intended to do. It shows that there's a pattern of snatch
10 and grab rape immerging with him. Which, you know, is
11 significant.

12 The offense seems to be rather impulsive. It was in
13 high risk scenario. I mean, he was obviously caught
14 because people intervened. People watched this. So, he
15 was definitely at high risk to be defected, be caught,
16 because he was. It was in the middle of the afternoon.
17 Broad daylight. There was also a lot of violence that he
18 choked this victim and that he was physically violent
19 towards her. Things of that nature. Those were the
20 details that I found to be particularly significant.

21 Q Let's move to the 1997 conviction. Would you,
22 please, describe to the jury the details underlining
23 those specific facts?

24 A Yes. The victim in this case, her initials are CC.
25 She's a 35 year old female. She was accepting a delivery

1 for a neighbor. And it was some medical supplies. So,
2 Mr. Chapman was a delivery driver. So, he delivered some
3 things to her home, to CC's home. She said that she --
4 like they were unloading boxes into the house and she had
5 her back to him. And when she turned around he had his
6 pants down to his knees and his was exposing his penis to
7 her. She said he grabbed her arm and tried to get her to
8 play with his penis.

9 She said that he offered to give her \$20 immediately
10 and that he would send an additional \$80 to her by mail.
11 He wanted to see her body. And he said that he would send
12 her \$100 a month for 15 minutes of her time every month.
13 So, \$100, 15 minutes a month. This is what she reported.
14 She said, No. She said that he made several statements
15 trying to persuade her to engage in some kind of sexual
16 activity with him. She said I quote that he said, You
17 don't know what you're missing. You know I want you as
18 bad as you want me, things like that. She said that, you
19 know, she continued to say no and that eventually he just
20 pulled up his pants and said, Since you're not going to
21 give me none. And he pulled up his pants and left. He
22 also told her, by her account, she said that he told her
23 that he would be back and that he knew her name.

24 Q Okay. What sentence did he receive following that
25 conviction?

1 A He was sentenced to three years incarceration
2 suspended to three years of probation and six months of
3 house arrest. He was also ordered to go to counseling.

4 Q Did you consider it?

5 A Yes.

6 Q Why is it relevant?

7 A Well, it's another sexual offense. It appeared
8 impulsive and involved a stranger. He intimidated and
9 threatened a stranger. He was highly likely to be caught
10 again because he was working for a readily identifiable
11 company. So it would be presumed that he could easily be
12 tracked down. You know, who made the delivery on that
13 date to this location. So, it's also a noncontact offense
14 which has been shown related to sexual reoffending.

15 Q Okay. Was Mr. Chapman convicted of any -- what
16 qualifies as non sexual offenses?

17 A Yes.

18 Q How many?

19 A Seven.

20 Q What were they?

21 A Two counts of breach of peace, trespassing, driving
22 under suspension, sex offender registry violation, grand
23 larceny and criminal domestic violence in the first
24 degree.

25 Q Were these non sexual convictions significant to your

1 opinion?

2 A Yes.

3 Q Were any of these specific convicted offenses
4 significant in particular?

5 A Well, all of them were considered in making my
6 opinion because they indicate that he has repeatedly
7 violated the rights of others and that he frequently
8 failed to follow the rules of society, the rules that
9 we're all expected to follow. That's indicative
10 anti-social personality disorder. So, I considered all of
11 them in that context. It also shows that he has some
12 difficulty learning from his mistakes. You know, he can
13 be charged with an offense, convicted and he goes out and
14 commits another offense. So, that was significant. The
15 last one also involves non-sexual violence, that criminal
16 domestic violence charge. Which is related to increased
17 likelihood of sexual reoffending.

18 Q So, did you consider the criminal domestic violence
19 conviction as part of the basis of your opinion?

20 A Yes.

21 Q Can you briefly tell the jury any of those specific
22 facts?

23 A Yeah. I asked him about it. And I had the records
24 about it. Basically, it involved his girlfriend at the
25 time, Rhonda. And his roommate made the report and said

1 that Mr. Chapman was beating her. That was something that
2 he denied but that was the basic facts that I found.

3 Q Okay. Was there any victim statements from the
4 information you received?

5 A I believe so.

6 Q So, did you ask him specifically about the CDV
7 conviction?

8 A Yes, I asked him about it.

9 Q Okay. And did you say -- did he take any
10 responsibility for this offense?

11 A No, he didn't take any responsibility for the
12 offense, no. He said that his roommate called the police
13 and told them that he was acting violent but he didn't
14 admit to any violent behavior. He basically denied that.

15 Q Okay. Did you consider the breach of the peace
16 conviction as part of the basis for your opinion?

17 A Yes. That was also had some sexual components to it.
18 I don't believe that I had the police reports on that
19 offense, I don't know that I can recall. But when I asked
20 him about it he provided an interesting story. He said
21 that he went to the trailer home of his neighbor who he
22 described as heavy set. He said he went there to have sex
23 with her but that he did not end up having sex with her.
24 She was mad about that. He said that she tried to tell
25 his girlfriend what happened. That I went to the trailer

1 with her. He said, She was trying to rat me out.

2 I asked him why he didn't have sex with the woman?

3 And he said that they were kissing and that he unzipped

4 her pants and he said, I quote, It jumped out at me.

5 Talking about her stomach. That he didn't like that. He

6 didn't find that attractive. And so he didn't want to

7 proceed with any sexual activity with her.

8 Q Did you consider any of his trespassing convictions
9 as significant to your opinion?

10 A Yes. That was all one single incident. So,
11 apparently she had a no trespassing sign posted, and so he
12 was charged with that as well. I mean, this was his
13 account so I'm not sure exactly the details of that
14 particular police report.

15 Q Did he commit any of these crimes while on probation?

16 A Yes.

17 Q Is that significant to your opinion?

18 A Yes.

19 Q Okay. Can you explain why?

20 A Yeah, it shows that, you know, being on probation or
21 being on bond doesn't really stop him from committing
22 offenses. It can be part of anti-social personality
23 disorder. It's also a dynamic risk factor related to
24 resistance to rules and supervision.

25 Q Now, doctor, are you offering an opinion solely based

1 on Mr. Chapman's criminal history?

2 A No.

3 Q Is that professionally accepted to do so?

4 A No, not in this type of case.

5 Q Does he have any disciplinaries while he's been in
6 prison?

7 A Yes.

8 Q Okay, how many?

9 A Well, the whole time that he's been in prison he had
10 a sexual misconduct in 2003. A failing, refusing to
11 respond to employee questions in 1994. A false statement
12 to harm another person in 1994. And abuse of privileges
13 in 1994. So, I guess four.

14 Q Okay. Was the sexual misconduct, was that
15 significant that your opinion?

16 A Yeah, I considered it.

17 Q Okay. What were the facts of that offense?

18 A The sexual misconduct involved Mr. Chapman touching a
19 visitor in a sexual manner during visiting. So, it said
20 in the records, it said that he was leaving the visitation
21 room and they saw Mr. Chapman with his hands in the
22 visitor's pants. And that they asked him why he had his
23 hands in her pants. And she yelled out at that time, He
24 was trying to grab my crotch. So, any kind of touching
25 like that would be an infraction.

1 Q Was he convicted of this offense?

2 A Yes.

3 Q Was the victim the same Rhonda that was the victim of
4 the CDV?

5 A Yes, my understanding it's the same person.

6 Q Okay. Did you interview Mr. Chapman?

7 A Yes.

8 Q How long did you interview him?

9 A He was at my office for a total of six hours. The
10 interview was probably roughly five hours then it took
11 another hour to complete the psychological test.

12 Q Can you describe the interview with Mr. Chapman for
13 the jury? What took place?

14 A Well, at the beginning of the interview I explained
15 the nature and purpose of the interview. Like why were
16 there, why he was being interviewed. I explained
17 generally how the SVP act works. You know, that he can
18 get a second opinion after I issue my opinion, things like
19 that. Trying to make sure I answered all his questions,
20 that he understood what was going on. So that he was
21 informed before he answered any questions. I then asked
22 him a bunch of questions about his background, his sexual
23 history, his criminal history, sexual offenses. I asked
24 him questions about what he thought of his sexual offense
25 history. Did he think he had a problem with his sexual

1 behavior? Did he think he needed treatment? Did he think
2 he would reoffend if he were released? I asked about his
3 future plans, things like that.

4 Q What was his demeanor during the interview?

5 A He was generally calm and cooperative. He seem to be
6 of average intelligence. Which was consistent with some
7 testing that was done at SCDC. In general he presented as
8 fairly normal in terms of how he interacted and conversed.
9 And he presented very similarly to many of the sex
10 offenders I evaluate.

11 Q Did he seem to understand the questions that were
12 being asked?

13 A Yes.

14 Q To your knowledge has Mr. Chapman taken any
15 responsibility for his sexual offenses?

16 A He has taken a little bit of responsibility for maybe
17 one. The indecent exposure. Although, I wouldn't say
18 that he takes responsibility for that. So, in general I
19 would say no.

20 Q What did he say about his prior sex offenses?

21 A I asked him about all those so I can go through them
22 one by one. When I asked him about 1986 rape, the woman
23 in Florida, he said that was consensual sex. He said he
24 had a fight with his girlfriend, he saw the victim drive
25 up into the apartment complex. And he successfully

1 approached her and talked her into having sex with him.
2 He said that they went to her apartment and had sex. He
3 said he had been drinking but he was not too drunk. He
4 told the investigators that she seemed like, you know, she
5 was easy. That he thought -- that she thought she was
6 good looking. Things like that. So basically, with that
7 one, when he just said it was consensual sex, which is
8 very different from what she said.

9 In regard to the 1991 attempted rape and kidnapping,
10 which he pled to attempted rape, he said it was -- he said
11 that the woman was a prostitute and he was just trying to
12 have sex with a prostitute. He said he grabbed her and
13 pulled her to the ground. Planned on asking her to have
14 sex but they were interrupted and he fled. Again, there
15 was no indication that she was a prostitute nor anything
16 of that nature, it was the middle of to the afternoon.

17 In regard to the 1992 criminal sexual conduct in the
18 third degree, he said that was just a completely made up
19 story. He said that he and his wife went over to this
20 other couples house and they were all swingers and they
21 were going to swap partners. He said that at one point
22 everybody but the wife, the other man's wife was outside,
23 and the wife was in the house and he went in the house and
24 found your laying naked on her bed. And he just went in
25 there and performed oral sex on her. And he said that

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1 screamed only after he was finished doing that. And that
2 they made up this story because they wanted to get rid of
3 him. Said that his wife and the other couple wanted to
4 get rid of him. Again, that wasn't anything like what the
5 victim reported.

6 In regard to the 1997 indecent exposure, he said that
7 he was delivering Ensure, that nutritional supplement in
8 the drink cans. He said he was delivering that to that
9 woman's house. She invited him inside. They were
10 talking. He said that she was quote, Dancing or
11 something, acting silly, end quote. He said he became
12 sexually aroused and he said to her, Look what you've
13 done. And he showed her his erection. He said he didn't
14 remember what happened after he showed her his penis. But
15 he said the woman said no to him and he just left. And he
16 said that he didn't just, you know, pull out his penis
17 like the woman said.

18 So again, there's -- that's the one he takes a little
19 bit of responsibility for but not full responsibility for.
20 He said of the last offense, the lewd act upon a minor, he
21 just said it didn't happen. It never happened. He said,
22 I never would do that to a child. He said he pled guilty
23 because he thought that since he was already a registered
24 sex offender, pleading guilty to another sex offense
25 wouldn't matter. He didn't think that it would really

1 have an impact on his life. He said he'd been waiting in
2 the county jail for a while so he just wanted to get the
3 case over with so he pled guilty. He said it was just
4 totally fabricated. Because he didn't help the victim's
5 mother in a child custody matter. So, she made up the
6 allegations out of retaliation against him.

7 Q Did he blame alcohol or substance abuse as a reason
8 for sexually offending?

9 A He said that that was involved, like maybe he was
10 intoxicated or had been drinking a little bit. I mean, He
11 said he wasn't that drunk in the first offense. But in
12 general he did not blame that for himself sexual behavior.
13 And, you know, one happened in the afternoon, shortly
14 after he got off work. So, presumably, he wouldn't have
15 been intoxicated. And another happened while he was at
16 work. So again, presumably he wouldn't be intoxicated.

17 Q Did he say anything you found significant about his
18 prior sexual history, in general?

19 A Yeah. He told me that he had been paid to have sex
20 with women. Then he told me a story that was very
21 interesting. He said that he would meet women in bars,
22 when they were drinking. He said he would spend a week or
23 two with these women. Like they would be on vacations, he
24 would approach them, he would give them the first night
25 for free. And that he would spend a week or two at a time

1 with these women. He said he charged them \$50 a day and
2 that had to pay for his meals and he would live with them
3 in their hotel rooms.

4 I asked him about, you know, why would these women
5 want to pick up you? Why would they want to pay you for,
6 you know, I guess to spend time with them on vacation or
7 whatnot?

8 He said he treated them like gold. And he also told
9 me that this got him into what he calls sexual trouble.
10 He also talked about having just lots of anonymous sexual
11 encounters with strangers. He said that he would meet a
12 random person, a complete stranger in a gas station and
13 they would just go into the bathroom and immediately have
14 sex. And he talked about these incidents in similar
15 fashion to that 1986 rape where he said he talked that
16 woman into having sex. So, he said that this happened
17 quite a bit. That he would just approach a random woman
18 and they'd go into the bathroom and have sex. He said he
19 was -- he believed he was addicted to sex in the past. He
20 also told me that he no longer masturbates because it was
21 wrong and disgusting.

22 Q Based on your interview and the records you received
23 for conducting this evaluation, did you discover whether
24 Mr. Chapman has ever had any sex offender treatment?

25 A Yeah, based on my review of the records he's not had

1 any sex offender treatment.

2 Q Did you ask him if he thought he needed sex offender
3 treatment?

4 A Yes, I asked him.

5 And he said, No, ma'am. God is my treatment. I am
6 over all that big headed crap.

7 Q Does any data suggest that prayer or religious belief
8 in itself lowers a person's risk to reoffend sexually?

9 A Research has not shown that religion is particularly
10 helpful in avoiding sexual offending. It helps some
11 people, of course, but it's not a panacea, it doesn't make
12 your problems miraculously go away.

13 Q Did you have Mr. Chapman take an assessment?

14 A Yes.

15 Q And what is it?

16 A I gave him a paper and pencil test. That's an
17 Assessment of Personality called the MMPI.

18 Q Okay, what did it determine?

19 A When I scored that test it was invalid. There's
20 several scales on that test that talk about whether
21 somebody approached the questions in an open and honest
22 manner. And in Mr. Chapman's case, it showed that he was
23 trying to appear overly virtuous and that he wouldn't even
24 admit to any minor problems that normal people would admit
25 to. And so, for those reasons it was invalid and it

1 couldn't be interpreted any further.

2 Q Okay. What did Mr. Chapman tell you about his
3 conduct as a child?

4 A He told me he had a lot of problems with his
5 behavior. He said his first instinct was to lie. He said
6 that his parents could watch him do something but he would
7 deny doing it. And that he would rather get a spanking
8 than admit he did it. So, he said he'd lie just to lie.
9 I mean, even when they caught him he would still lie about
10 it. He described himself as rebellious. He said he
11 always wanted to do his own thing. He said he fought with
12 and bullied his siblings. He talked about a story of him
13 baby-sitting his siblings his younger brother getting
14 accidentally shot in neck with a .22 caliber riffle.

15 He said he fought a lot with other people. He said
16 and I quote, If you did something to me I would pop you.
17 I'm not going to let you do nothing to me. He told me
18 that he hurt animals. He said that his -- that when he
19 was real young that his mom took him to a psychologist,
20 that they wanted to admit him somewhere, do evaluations on
21 him and study him. In order to understand why he was so
22 rebellious. He said really nobody could tell him what to
23 do. He came home whenever he wanted to. Not when he was
24 supposed to. Got caught stealing a couple of times as a
25 teenager. He reported those kinds of things. So, lots of

1 behavioral problems.

2 Q So, this was all based on his is self-report, is that
3 correct?

4 A Correct.

5 Q Okay. And what did Mr. Chapman tell you about his
6 employment history?

7 A He said he worked a variety of jobs. Said he'd been
8 fired a couple of times. And been unemployed for a couple
9 of years, supported by a girlfriend during that time. He
10 said he had been fired for lying on an employment
11 application. He explained to me that the application said
12 Have you ever I been convicted of a felon? Because it
13 didn't say felonies and he had been convicted of several
14 felonies by that point, he only listed one and left all
15 the other stuff off. That's what he told me. And ended
16 up getting fired for that. He said he had difficulty
17 keeping a job at times. And that he often would quit
18 without having another job lined up.

19 Q Was Mr. Chapman ever in the military?

20 A Yes.

21 Q How long?

22 A He was in the military for about 12 months.

23 Q What did he tell you about his service?

24 A Well, he told me that he was in for about 18 months
25 and that he was discharged with, this is a quote, A

1 general under honorable discharge. He said that he wanted
2 to get out because he was becoming an alcoholic.

3 Q Did you review his military records?

4 A Yes.

5 Q What did it indicate about his behavior?

6 A It showed that he was given a general discharge and
7 that he violated the Uniform Code of Military Justice on
8 at least two occasions. There was one incident in which
9 he struck and pushed a sailor into the water from a marine
10 peer. And he brandished a knife at another sailor, struck
11 that sailor in the face, used disrespectful language,
12 disobeyed orders and stole from another fellow sailor.

13 Q Did Mr. Chapman ever have a problem with drug or
14 alcohol abuse?

15 A He told me that he had some problems with alcohol.

16 Q Okay. Was there any other information upon which you
17 relied in rendering your opinion regarding Mr. Chapman
18 that we have not already discussed?

19 A Well, I think just a part from talking about his
20 mental abnormalities and personality disorders, generally,
21 I've talked about all the information I've used and relied
22 on.

23 Q So, based on your examination of Mr. Chapman, a
24 review of his records and all the factors that we've been
25 discussing, did you render an opinion to reasonable degree

1 of psychological certainty as to whether Mr. Chapman has a
2 mental abnormality or personality disorder?

3 A Yes.

4 Q What was that opinion?

5 A My opinion is that he meets criteria for other
6 specified paraphilic disorder, biastophilia, a specifier.
7 And for anti-social personality disorder. In addition, he
8 likely needs criteria enforced for substance abuse
9 disorder.

10 Q Other specified paraphilia disorder, is that in the
11 DSM-5?

12 A Yes.

13 Q What is the DSM-5?

14 A It's the Diagnostic and Statistical Manual Fifth
15 addition. It's what psychologist and psychiatrist and
16 mental health professionals use to diagnose mental
17 illness.

18 Q Can you explain what biastophilia is?

19 A Biastophilia is a type of a for fell ladies and
20 gentlemen disorder. So it's -- when a person experiences
21 recurrent, intense, sexually arousing fantasies, urges or
22 behaviors involving corrosive sexual acts with
23 non-consenting persons over a period of at least six
24 months.

25 Q And so, I think you had said it but is biastophilia

1 considered like a stress-defier?

2 A Yes.

3 Q Now is the term Biastophilia, is that in the DSM-5?

4 A No.

5 Q Okay. So where did you get that from.

6 A That's a commonly known type of paraphilia. When you
7 look at the DSM-5, this is a book to diagnose all the
8 mental illnesses from depression, to phobias, to bipolar
9 disorder, schizophrenia, things like that. So, they don't
10 include absolutely everything that can be diagnosed under
11 the sun. In this case they have a diagnosis called Others
12 Specified Paraphilic Disorder. So, it's something that
13 you diagnose when they don't meet criteria for one of the
14 named paraphilic disorders.

15 And there's only a couple of those or a few of those
16 listed. So, they list like pedophilia, they list like
17 sexual sadism. They list voyeurism, exhibitionism. But
18 they don't list biastophilia. It's similar to like a
19 phobia. If you look in the DSM, it will say phobia and it
20 will list the criteria but it won't list like acrophobia,
21 it won't list claustrophobia, it won't list every single
22 disorder. But you can diagnose that if they have the
23 symptoms of that disorder.

24 Q Is biastophilia considered a relevant mental
25 abnormality amongst experts such as yourself who conduct

1 sexually violent predator evaluations?

2 A Yes, it is.

3 Q What are the characteristics of biastophilia?

4 A Biastophilia is a disorder in which somebody has
5 sexual arousal of at least over six months or they engage
6 in these types of behaviors. They have a pattern of this
7 arousal towards sexual acts with non-consenting
8 individuals. So, they like to take advance of them,
9 manipulate and coerce somebody into sexual activity. Even
10 though most people would be turned off if their partner
11 was not consenting to the sexual acts or if their partner
12 was, you know, didn't appear to be in the mood or didn't
13 want to engage in whatever was going on. If your partner
14 wasn't into that you'd probably stop it, probably wouldn't
15 be very arousing to you. Somebody with biastophilia is
16 very aroused by that. They like it that the other person
17 doesn't want this to happen. They like that they have to
18 over power them, control them, things like that, they
19 like that.

20 Q Biastophilia, is that curable?

21 A No, it's not thought to be a curable disorder, it's
22 thought to be a chronic, long lasting sexual arousing
23 pattern.

24 Q Can it be managed?

25 A It can be managed by some people.

1 Q Can it take a long time to learn how to properly
2 manage biastophilia?

3 A Yeah. It can take a very long time. And it has to
4 be the person's willing to manage it. And oftentimes, you
5 know, people don't want to give up with what they find
6 very sexually arousing. So it can be very difficult for
7 somebody like that to show change. So, it really depends
8 on whether the person wants to manage it, wants to control
9 it and whether they'll accept treatment for that.

10 Q Okay. Why do you think Mr. Chapman has biastophilia?

11 A Well, he offended against a broad range of
12 non-consenting victims over many years. When he was
13 committing these offenses he told me that he also had
14 partners who were consenting. So, even though he was
15 getting sex, having sex with a consenting partner, he
16 chose to go outside the relationship and have sex that was
17 forced, coercive with non-consenting individuals. He
18 offended under circumstances where he was highly likely to
19 be caught. That shows that he may not be able to control
20 his sexual behavior. And that he had to do it even though
21 there was going to be big consequences for him. And those
22 consequences were very likely in the circumstances that he
23 offended.

24 He was sufficiently aroused to achieve penetration.
25 Meaning that even though these people were fighting him or

1 didn't want to engage in these acts, even though he was
2 forcing them, he was aroused. He said that he was
3 sexually aroused during the incident which he exposed
4 himself to that non-consenting person. Again so, he was
5 sufficiently aroused even though the person didn't want
6 anything to happen. He's shown this arousal pattern for
7 more than a decade.

8 Q Now, can you explain what anti-social personality
9 disorder is?

10 A Anti-social personality disorder is a pattern of
11 disregard for in violations of the rights of others. It's
12 basically -- it's how somebody views the world. As
13 opposed to like major depression where you have, you know,
14 you might be a happy-go-lucky person a lot of times but
15 when you're depressed, you'd be down in the dumps and
16 you'll have those symptoms. This is how somebody sees the
17 world over time in all different circumstances. It's not
18 something that comes and goes, it's something that's
19 always there.

20 Q Is anti-social personality disorder, is that in the
21 DSM-5?

22 A Yes it is.

23 Q Now, is anti-social personality disorder considered a
24 relevant personality disorder amongst experts such as
25 yourself who conduct mental health evaluations on sexually

1 violent predators?

2 A Yes, it's one of the most widely diagnosed conditions
3 for sexually violent predator evaluations.

4 Q Okay, what are the characteristics of an anti-social
5 personality disorder?

6 A It's a failure to conform to social norms with
7 respect to lawful behavior. So, people who repeatedly
8 break the law, it's a pattern of being deceitful, repeated
9 lying, conning, being impulsive, failing to plan ahead,
10 being irritable and aggressive, liking to fight. Just
11 disregarding the safety of themselves and others.
12 Consistent irresponsibility like failure to hold down a
13 job, take care of your financial obligations. It's a lack
14 of remorse. Being really indifferent to hurting others
15 and rationalizing having hurt them. And also, it requires
16 some evidence of conduct disorder and behavior problems
17 prior to age 15.

18 Q Okay. As to the evidence of conduct disorder prior
19 to the age 15, did you see evidence of that?

20 A Yes. I described previously all those behavior
21 problems that he had as a kid that he reported to me. So,
22 that's certainly to me satisfies the evidence of conduct
23 disorder.

24 Q Okay. Now, is anti-social personality disorder
25 curable?

1 A No.

2 Q Can it be managed?

3 A It can be managed to some extent. Oftentimes it's
4 managed by removing the person from society and putting
5 them in prison. The large majority of people in prison
6 have anti-social personality disorder. So, it can be by
7 some but not always.

8 Q Why do you think Mr. Chapman has anti-social
9 personality disorder?

10 A Well, his history suggests just a long standing
11 pattern of failure to conform his behavior to the law and
12 act in a way that's he's suspected to in society.
13 Deceitfulness, impulsivity, irresponsibility, reckless
14 disregard for the safety of others. He rationalizes
15 violating the rights of others and hurting others. Seems
16 to lack remorse. He has a long history of oppositional
17 attitudes and behaviors. He reported a history of
18 aggressive behavior, deceitfulness, rule violations. In
19 regards to those early conduct problems.

20 Q Okay. Now, does every person that's diagnosed with
21 this anti-social personality disorder, do they sexually
22 offend?

23 A No.

24 Q Okay. Do you think that his anti-social personality
25 disorder causes him to sexually offend?

1 A I think that coupled with the paraphilic disorder is
2 an especially dangerous combination that those two
3 especially together causes him to offend.

4 Q Dr. Gehle, when a person -- when someone is referred
5 to as a psychopath, what does that mean?

6 A Psychopath is somebody who appears rather charming,
7 normal; yet they can often be self-centered, dishonest,
8 undependable. They're largely devoid of guilt, remorse,
9 empathy or love. They tend to exploit other people.
10 They use people. If they get in any trouble or get caught
11 they usually blame other people. They're really expert
12 manipulators. They often do things for the sheer fun of
13 it. Even when they destroy other peoples lives in the
14 process. They often talk their way out of a lot of
15 things.

16 A con artist is a good example of a psychopath. You
17 think in recent times like somebody like Bernie Madoff who
18 can to your face lie to you and keep up a facade of being
19 this well respected financier for so many years, is an
20 example of a psychopath. If you think of criminals, the
21 prototype for a psychopath would be Ted Bundy. You know,
22 a serial killer from back in the 80's. He's somebody who
23 is a great example of a psychopath. Very charming, didn't
24 show his emotions, can get away with murder. For a long
25 time he did.

1 Q Okay. And based on your expert opinion, does
2 Mr. Chapman meet the criteria or have traits consistent
3 with someone in lay terms would be referred to as a
4 psychopath?

5 A Well, I didn't -- I didn't attempt to diagnose him
6 specifically with that disorder. It's not something
7 that's recognized in the DSM-5 so it's not something that
8 I typically do as part of my evaluation. But in looking
9 at the characteristics of what a psychopath is, I mean, he
10 has some of those characteristics including the
11 pathological lying, being manipulative, lacking remorse,
12 being irresponsible, having some behavior control
13 problems, being in denial, being sexually promiscuous.

14 Q Now, does the fact that he has this biastophilia and
15 anti-social personality disorder, the fact that that
16 existed -- that exist in one person, does that increase
17 his propensity to be dangerous?

18 A Yes. When you look at who is likely to sexually
19 reoffend, just in broad terms you look at who has deviate
20 sexual interest and who has anti-social perspectives,
21 anti-social attitudes. So, those are the two large
22 categories of risk. So, when you have that combination in
23 one person, you know, you've got the two main things. So,
24 it's especially dangerous when somebody has both.

25 Q Does he have any other disorders that may impact

1 Mr. Chapman's risk?

2 A He has likely some substance issues. Which may
3 impact his ability to refrain from sexual offending but I
4 don't consider that to be relevant mental abnormalities
5 under the SVP Act in this case.

6 Q Okay. Do you have any opinion as to whether his
7 biastophilia causes him difficulty in controlling his
8 behavior?

9 A Yes. I think he repeatedly committed course in
10 sexually violent offenses with non-consenting women.
11 Which certainly makes him likely to engage in acts of
12 sexual violence.

13 Q Do you have an opinion as to whether his anti-social
14 personality disorder causes him serious difficulty in
15 controlling his behavior?

16 A Yes. Anti-social personality traits make it easy for
17 him to do what he wants to other people without much
18 thought of how that will impact the other person. Or to
19 any consequences that he might face. So, it kind of
20 allows him to not think ahead. Because he doesn't think
21 like that.

22 Q Do you have an opinion as to whether Mr. Chapman has
23 the propensity to commit future sexually violent offense?

24 A Yes, it's my opinion that he does.

25 Q Did you find evidence that Mr. Chapman has difficulty

1 in controlling his behavior? His sexual behaviors?

2 A Yes. He offended victims who could readily identify
3 him. That would be a risky situation. So, that would be
4 the first -- the first victim. She knew him from around
5 the apartment complex. That would also be the victim of
6 the lewd agent. He knew her. So, those victims could
7 readily identify him. He offended in close proximity to
8 other individuals who you would presume would want to help
9 the victim. So, in plain sight, in daylight, where he
10 could easily be apprehended. He knew that he was going
11 into an apartment and he raped a woman when he knew that
12 woman's roommate was in the apartment. Those things
13 indicate that even though he has, you know, heavy
14 consequences for his behavior and he's likely to face
15 those consequences because's he likely to get caught, he
16 acts anyway. So, that's some evidence that he has
17 difficulty controlling his sexual behavior.

18 He offended in a couple situations in a very
19 impulsive manner. Meaning again, he has trouble kind of
20 controlling his behavior. Has a brief opportunity to
21 offend and he chooses to do so. He's been convicted of
22 sexual offenses in five separate incidents over time. So,
23 he's been -- he offended repeatedly after getting caught
24 and after going through the court system. So again, he
25 doesn't learn from his consequences and he has trouble

1 controlling his sexual behavior.

2 He offended within a short time of completing a
3 prison sentence for a sexual offense. So, goes out and
4 reoffends really quickly. Again, showing that he's not
5 learning from those consequences. And he's -- he's not
6 controlling his sexual behavior. He even offended while
7 awaiting disposition on another sexual offense. So again,
8 he's sexually offending even though he's out on bond for
9 one.

10 Q Okay. Now, doctor, it is correct when he was
11 convicted in 2005 of lewd act conviction, he -- it doesn't
12 appear based on your records -- or does it appear based on
13 your records that he did not go back into prison until
14 2010, is that correct?

15 A That's correct.

16 Q So, there was a five year gap that it doesn't appear
17 that he had sexually offended, is that correct?

18 A Correct.

19 Q Did you factor that into your opinion at all?

20 A To some degree. I'm asked to give an opinion as to,
21 you know, the person right now. So, this is when he was
22 evaluated under the SVP Act. And I don't know exactly
23 what was going on during those five years. So, it was
24 calculated into my opinion to some degree.

25 Q And can you explain to the jury what emotional or

1 volitional capacity is?

2 A Emotional or volitional capacity is -- essentially,
3 it's whether somebody can control their behavior. Do
4 their emotions drive them to act in certain ways? Does
5 the desires drive them to act in certain ways? In which
6 he has little or no control. Does he have to do
7 something? I mean, can he stop himself? Can he abstain?
8 Can he resist?

9 Q Okay. So therefore, do you have an opinion whether
10 Mr. Chapman's biastophilia makes him likely to engage in
11 acts of sexual violence if not confined in a secured
12 facility for long-term control, care and treatment?

13 A Yes, my opinion is that it does.

14 Q Do you have an opinion as to whether Mr. Chapman's
15 anti-social personality disorder makes him likely to
16 engage in acts of sexual violence if he's not confined in
17 a secured facility for long-term control, care and
18 treatment?

19 A Yes, my opinion is that it does.

20 Q Do you have an opinion as to whether Mr. Chapman
21 meets the legal criteria to be found as a sexually violent
22 predator?

23 A Yes. My opinion is that he has a relevant mental
24 abnormality and personality disorder that makes him likely
25 to engage in acts of sexual violence if not confined.

1 Q And are all these opinions based on a reasonable
2 degree of psychological certainty?

3 A Yes.

4 Q Now, if Mr. Chapman was released at this time, would
5 he be released to the community?

6 A Yes.

7 Q Where will he live?

8 A I believe he told me that he would live with his
9 girlfriend.

10 Q Is this the same woman that the CDV first convictions
11 stem from?

12 A Yes, that's my understanding that is the same person.

13 Q Will he be on probation?

14 A I believe that he completed the remainder of his
15 probationary sentence when he was sent to prison in 2010.
16 That was a probation violation. So, I don't know of any
17 other probation that has to serve other than that so I
18 don't believe so.

19 Q Do you know of anything other than this program that
20 would guarantee that he has any sex offender treatment?

21 A I don't know of anything else that would guarantee
22 it, no.

23 Q Would he be required to attend any sex offender
24 treatment if he didn't go into this program?

25 A To my knowledge he would not be required.

1 Q And who would most likely be at risk if Mr. Chapman
2 was released?

3 A Well, based on history that could be just any woman
4 he comes to pass in contact with. Could be a target. Any
5 woman or child as well.

6 MS. WETHERTON: Your Honor, if I could have just one
7 moment?

8 THE COURT: Yes, ma'am.

9 MS. WETHERTON: Your Honor, at this time we would
10 offer Dr. Gehle for cross-examination.

11 THE COURT: Okay. All right. Let's take a brief
12 break. We've been at it for about an hour and a half now.
13 We'll take about 10-15 minutes then we'll come back in
14 resume testimony. Please don't discuss the case.

15 (WHEREUPON, the jury left open court at approximately
16 4:15 p.m.)

17 THE COURT: Okay, take 10-15 minutes.

18 Doctor, you can take a break, just don't discuss your
19 testimony with anyone. You're still under oath.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: Ready for the jury?

22 (WHEREUPON, the jury came into open court at
23 approximately 4:30 p.m.)

24 MR. ARIAIL: May it please the Court.

25 CROSS-EXAMINATION

1 BY MR. ARIAIL:

2 Q Dr. Gehle, how you doing today?

3 A Good, how you?

4 Q Good. We met before, I represent Mr. Chapman in this
5 case, we have discussed this case previous to today?

6 A Yes.

7 Q Now, you've been -- or, I guess, you're an expert for
8 the State in this matter; is that correct?

9 A Well, I am court appointed. So, I'm a neutral party
10 in this case. I guess my testimony helps the State.

11 Q Okay. So, you're testifying on behalf of the state
12 in other words to this matter. And you've had discussions
13 with Ms. Wetherton?

14 A Correct.

15 Q Did y'all discuss what your testimony would be today?

16 A We talked about my report and she talked about what
17 questions she might ask.

18 Q She provided you her questions as to what she would
19 be asking today?

20 A Yes.

21 Q Did she give a list of those?

22 A She gave me some Word document that she sent me an
23 email.

24 Q And those prepared you for today?

25 A Most of them, yes.

1 Q Did you fill in what you're going to basically say to
2 those questions?

3 A Yes. I responded to some of those questions in
4 written form.

5 Q Did she give you any information as to how she wanted
6 to -- what she wanted you to say?

7 A No.

8 Q But at least she gave a Word document as to what the
9 questions you would be getting to today?

10 A Yes.

11 Q Okay. And you -- those questions she asked you
12 today, those are the same questions you got from her
13 through the Word document, right?

14 A From the most part, yes.

15 Q How many time haves you testified for her?

16 A I really have no idea, I'm not sure. I know that
17 I've testified about 75 times in these cases but it could
18 have been for Mr. Bogle, Ms. Wetherton. I testified for
19 Mr. Clarkson when he was involved. And, you know, with
20 Mr. Floyd when he was involved. No, I'm not sure. I
21 don't know how many times it's been with Ms. Wetherton.

22 Q How many times you think 10, 15?

23 A I really have no idea.

24 Q Okay. In regards to Mr. Bogle, how many times he
25 assisted -- how many times you testified for him?

1 A Again, I don't know. I don't think I can estimate
2 that accurately.

3 Q So, you provide estimates in all numbers in here and
4 you can't tell how many times you testified for the State
5 in these matters?

6 A Well, I can tell you how many times I've testified
7 for the State, I've been called about 75 times. And about
8 approximately 22 times has been for the respondent. So,
9 the other times would have been for the State.

10 Q Okay.

11 A And that includes annual review and pre-committal
12 evaluations.

13 Q Okay. In this case, we've heard your testimony in
14 regards to the diagnosis of the mental abnormality or
15 personality disorder that you're alleging that Mr. Chapman
16 has. One of the key things in this case, if I'm not
17 mistaken, is what has gone on since his last sexual
18 offense, is that correct?

19 A One of key things, yes.

20 Q One the factors you considered, I guess?

21 A It's something that I consider, yes. But oftentimes
22 I'm seeing people who are coming out of prison. So I'll
23 look at, you know, prison disciplinary records and just
24 the records in general. But oftentimes the sexual offense
25 will have been many years ago.

1 Q Okay. And in this case, Mr. Chapman's 51 years old,
2 is that right?

3 A That is correct.

4 Q The last sexual offense that he has on his record
5 states somewhere, I think, in June of 2001, is that right?

6 A The offense happened in 2001 from what I understand.
7 I don't know if it's June but let me look here. It is my
8 understanding the offense happened one time, sometime
9 between July 1st, 2001 and December 31st, 2001. The
10 report leading to arrest was made in November 2002. And
11 he was convicted in April 2005.

12 Q Okay. And that's the last sexual offense that we
13 have -- that he has on his record, correct?

14 A That is correct.

15 Q Okay. So, the allegation date was sometime between
16 July 1st, 2001 and December 31st, 2001?

17 A Yes, the offense happened sometime in there.

18 Q Okay. So, that would be roughly, siting here today,
19 that's between 12 -- 12 and a half, 13 years; is that
20 correct?

21 A Yes.

22 Q Okay. So we've gone through and I've heard your
23 testimony in regards to it in how these other events
24 happened and clearly they're graphic events. Is that not
25 a major factor that he hasn't had anything happen within

1 the last 12 and a half years, is that something you take
2 into consideration?

3 A Well, in these cases, this sort of scenario is
4 typical. And that's why I use something like the Static-
5 to help estimate the recidivism risk. Because oftentimes
6 the offense will have been in, you know, more distance
7 past.

8 Q Okay. But in this case we have a 51 year old man
9 seated over next to me and for the last 12 and a half to
10 13 years he has not had any other sexual offenses on his
11 record, correct?

12 A That's correct.

13 Q That's a quarter of his lifetime that has not had a
14 sexual offense right?

15 A Well, let me back up just one second. Because he did
16 have a sexual misconduct that happened in 2003. So,
17 you're talking about he's not had anything on his record
18 since 2005, which was this conviction. Which happened in
19 2001 sometime. Then he had a sexual misconduct, which I
20 described previously, that happened in 2003 while in
21 prison. And then this conviction in 2005. Now, in
22 relation to this conviction he had a probation violation.
23 That's what landed him in SCDC.

24 Q Okay. In regards to this -- so let's just say that
25 there's one other sexual misconduct charge that you're

1 saying is in between there that was what happened in SCDC.

2 Is that the only other sexual offense we're alleging?

3 A That's the only sexual offense that I'm aware of.

4 Q Okay. And you know that sexual offense happened at

5 SCDC and it happened with an individual named Rhonda

6 Owens, correct?

7 A Correct.

8 Q Okay. Now, you've based your decision as to what

9 happened on that sexual misconduct by simply reading a

10 piece of paper, correct?

11 A Well, I looked at what the narrative was in the SCDC

12 record but I also asked him about it.

13 Q Okay. And you didn't go talk to Rhonda Owens,

14 correct?

15 A Correct.

16 Q You didn't talk the SCDC worker that saw it?

17 A Correct.

18 Q So basically, off of review of records, is that

19 correct?

20 A And Mr. Chapman's self report.

21 Q Okay. And in Mr. Chapman's reports in regards to

22 that, I've gone through and I've looked at your report and

23 I don't see anywhere in here that you provide any

24 quotations or any statements that were made by Mr. Chapman

25 in regards to what he said about that sexual misconduct

1 charge, is that right?

2 A You're correct.

3 Q Okay. So there's nothing in here -- you put a lot of
4 statements that was my client has made through this report
5 and read them to the Court today, correct?

6 A Correct.

7 Q There's nothing in regards to that that I see?

8 A No, I didn't include any quote, no. Not in that part
9 of the report.

10 Q Okay. And I also think that we were here earlier,
11 and correct me if I'm wrong, you stated that he did not
12 express any remorse for the crimes that he has committed,
13 is that what you said?

14 A I don't know if that was my exact testimony. I know
15 that I talked about whether he's taken responsibility.
16 And I said that I don't believe that he has.

17 Q Okay. Did he express remorse, I guess, is the
18 question then?

19 A I don't believe that he expressed remorse for the
20 majority of the offenses. When I asked him how he feels
21 about his offenses now he says he's very remorseful.

22 He said, I wish I could say I was sorry to the
23 people. The one girl that pulled to the ground, I made a
24 mistake. Then the girl who I dropped the stuff off. So,
25 that would be been the indecent exposure that he's talking

1 about.

2 Q Okay.

3 A He said, Sorry that I misunderstood what was going
4 on, the rest did not happen like they say.

5 Q Okay. And that clearly he's acknowledging remorse
6 from that statement, right?

7 A Well, he's saying that he's remorseful. He's saying
8 that he's remorseful for two incidents. But when I asked
9 him about that first incident, in particular, the one that
10 he's talking about here.

11 So, the one girl that I pulled to the ground.

12 That was the one that he also told me that girl was a
13 prostitute. And that he thought she was a prostitute and
14 that he pulled her to the ground. He's saying he's sorry
15 about it here. He didn't say that in -- when I asked him
16 about his offense history. The way I do my evaluation is
17 I will, you know, go through and may might get asked some
18 questions twice. They might get asked different questions
19 about some behaviors in different sections of the report.
20 So, when I asked him how he feels abbot it now, he said
21 he's very remorseful. And he talked about those two
22 incidents and said the other didn't happen like that.

23 Q Okay. So, I guess the bottom line to my question of
24 what I asked, he does express remorse during the interview
25 with you, correct?

1 A He said he was.

2 Q Okay. Now, in regards to this MMPI that I think you
3 conducted, is that MMPI-2, that was the test that you
4 said, I think it has a variety of tests he has --
5 questions that he has to answer, is that correct?

6 A It was a paper a pencil test that I gave him.

7 Q Okay. And in your report you said he gave an invalid
8 profile?

9 A Correct.

10 Q And as part of that, from my reading of your report,
11 is that he did not, and this is I think your words, he did
12 not -- excuse me his -- validity test indicate he claimed
13 a great deal of personal virtue, correct?

14 A Yes.

15 Q Okay. He was unwilling to admit to any minor flaws?

16 A Correct.

17 Q So, let me go back. You've done this report here
18 that is an in-depth evaluation of my client, correct?

19 A Correct.

20 Q Okay. And throughout this he provides you a
21 background of who he is and what happened throughout his
22 life and issues he's had, correct?

23 A Correct.

24 Q Okay. And -- and from my review of this and from
25 what you've testified here today, he gives you an in-depth

1 review of flaws that have happened throughout his life,
2 correct?

3 A Correct.

4 Q Okay. So, he's provide all these issues that you and
5 he -- you said been forthcoming and cooperative, correct?

6 A Said he was calm and cooperative in answering my
7 questions, yes.

8 Q Okay. So how, I guess my question is, when he's
9 provided all this to you and he's provide all these issues
10 beforehand, why is he now being, I guess, not giving you
11 his minor flaws or doing issues that causes this here?

12 A You really have to ask him that question. I'm not
13 sure why he wasn't. But on this test, that's what the
14 results showed. There is a scale on this test actually
15 called the lie scale. And there's a scale called the
16 defensiveness scale. On those tests, they serve the
17 validity scales, it shows somebody's approach to the test.
18 And that's what the results were. He did something that
19 they call fake/good profile. So he was wanting to appear
20 really good and it's considered fake. Because his life
21 scale was very elevated. His defensiveness was very
22 elevated. So, on this paper/pencil test, that's how he
23 approached it.

24 Q So, you're saying he's very defensive in the test but
25 he now provides all this wealth of information of what

1 happened during these sexual offenses previous to it?

2 A Well, he answered my questions.

3 Q Okay. And your saying he didn't answer the questions
4 on a pen and paper test?

5 A He answered all the questions.

6 Q Okay. But then what's the issue with the test?

7 A He didn't answer them in any manner -- the way that
8 this test is structured is that they give it to, you know,
9 lots of different variety of people. So people with
10 mental illness, people without mental illness, things like
11 that. So, they look at if you have a group of people who
12 aren't diagnosed with mental illness, typically they'll
13 give it to, you know, thousands and thousands and
14 thousands of college students because they're readily
15 accessible population. And they'll see what is normal for
16 the average everyday person to report. You know, minor
17 problems, minor flaws, things like that. He didn't report
18 those things. In such a way that when you look at how
19 you're supposed to interpret the results, it says that he
20 produced a fake/good profile. Meaning that he tried to
21 appear overly virtuous and that he didn't even report
22 minor flaws that the normal, average everyday person would
23 report.

24 Q Okay. Did you take anything out of those results and
25 provide us any information that would be helpful to us

1 today?

2 A What I reported and what I wrote in my report is all
3 that I am allowed to provide because of that type of
4 profile because of the validity scales were deemed as they
5 were, that high L Scale that will lie scale, that high
6 defensiveness Scale. The rules of interpreting that test,
7 when those things are the case, when they're at such a
8 level, you can't interpret these anymore. Because the
9 results aren't valid. So, I did, as advised by the
10 manuals with the MMPI, you don't look at it any further.
11 That's why, you know, there's only four or five lines
12 about that test. The results were invalid. I can't tell
13 you anymore about it.

14 Q So, I guess what I'm ask is the juror can basically
15 disregard that test and you can't provide any information
16 to us about that test because you're saying it's invalid,
17 is right?

18 A I can provide that on those validity scales. He
19 presented in a manner were he wanted to appear overly
20 virtuous and without minor flaws and that's the end of
21 what I can say about that test.

22 Q Okay. And I'll just end it with this, but you agree
23 that the things he said before and what he provided you
24 was not overly virtuous and weren't just not providing you
25 issues about his flaws. Do you agree with that?

1 A He answered questions and talked about flaws in
2 particular, you know, based on his childhood. I don't
3 know that his admit a lot of flaws with being in his adult
4 years. I mean, he did to some degree but it was
5 inconsistent.

6 Q Okay. Now, I want to go back, try to find here, the
7 recidivism issue risk assessment that do you with the
8 Static-99R, I think you placed him at a high risk category
9 of seven, is that correct?

10 A Yes.

11 Q Okay. Now, from my understanding of this and what
12 I'm trying to figure is based on a seven, okay now we've
13 got two things I want to ask about this. He's a seven on
14 here, from what I understand, I home I'm explaining this
15 right, is that based on that within five years he has a
16 30.6 percent likelihood of reoffending, is that correct?

17 A That's not -- that's not really the correct way to
18 explain it.

19 Q Okay.

20 A Would you like me?

21 Q Please.

22 A You have to say -- you can't say that he has the
23 chance of. It's actually people with seven, with a score
24 of seven, in the normative sample, 30.6 percent of that
25 group reoffended within five years. So, it's not a chance

1 that you say, it's not his chance. Because you're
2 comparing him to group data.

3 Q Okay.

4 A So, people with seven, with that score and the
5 research samples, 30.6 percent of people with the score of
6 seven reactivated in five years.

7 Q Okay. And the reverse of that is 70 percent did not
8 reoffend, correct?

9 A 69.4 percent, yes.

10 Q Roughly rounded up to that?

11 A Yes.

12 Q And same thing with this 10 year score, I think it's
13 39.7, I round them up to just 40 percent. 40 percent
14 reoffended within a 10 year period, correct?

15 A Yes.

16 Q 60 percent did not?

17 A That's correct.

18 Q Okay. Now, in his case, and this is what I want to
19 go through is, his last offense, from which we have a
20 record, sexual offense was 2001. We said it was between
21 July 2001 to December 2001, okay. Now, from your
22 information, he hasn't reoffended during that period of
23 time, correct? Five year with a 10 year period, right?

24 A Okay, when we do the static, the static is calculated
25 prior to somebody's release from prison or when they're

1 released from prison. Just depending on why the static
2 would be calculated. So, it would their last time, you
3 know, so I scored it prior to his release on the probation
4 violation. But I think what you're asking is he was
5 convicted in 2005 so that's the date that we have to talk
6 about. Because that was the conviction date. And between
7 then and 2010, he got convicted of a probation violation
8 in 2010, but he was not convicted of another sexual
9 offense.

10 Q Okay. So, I guess what I'm sitting here asking this
11 question myself is, how does that effect your view of this
12 case and you're, I guess, your analysis? I mean, we have
13 an individual that has not reoffended within a five year
14 period -- actual we're nine years into it, almost to the
15 10 year period. But how does that effect this? Because I
16 think that clearly falls within -- he hasn't the
17 70 percent category instead of 30.6, can you explain that
18 to me?

19 A Well, it's not always that simple. For one, you can
20 use the static on somebody who hasn't -- who's been in the
21 community and who hasn't reoffended for 10 years. So, the
22 rules say that you can still use it, it's still valid.
23 Because you're looking at their last release. So, we're
24 looking at this release. And then when I scored the
25 static, you know, as clearly as I can, he comes out with a

1 seven whether he was released on that day, his score would
2 probably had been different on that day if I calculate it
3 in 2005 or 2006 or something like that, as opposed to I'm
4 calculating it now. He has a score of seven. It doesn't
5 put value judgments on that. The rules say that it will
6 be a valid assessment even though he's been out in the
7 community and offense free for several years. He violated
8 probation. He went back in prison. So, I'm completing it
9 prior to that release.

10 Q Right. And I understand you say he violated
11 probation but the issue we're dealing with today and
12 trying to say is that he should be confined as a sexually
13 violent predator because of a sexual abnormality he has.
14 There's nothing that he has had, that I'm showing, any
15 sexual offense, since 2001 to date, correct?

16 A He has no known sexually violent offenses since the
17 conviction in 2005.

18 Q Okay. And that, from my understanding, I'm just
19 trying to think of this approach is, the last 13 years
20 would be the most relevant timeframe because that's where
21 he is, correct? That's what he's living in right now.
22 Rather than a conviction from 1986 or 1991, right?

23 A Now, what's the question?

24 Q The question is is this the most relevant timeframe
25 to evaluate this, the last 13 years? Rather than going

1 back to 1986 and 1991?

2 A What I'm tasked to do when I approach these cases all
3 very similarly is to look whether there's a pattern of
4 deviant sexual arousal, whether there's a mental
5 abnormality or personality disorder. Then I score an
6 actuarial risk assessment. You know, these evaluations
7 are in part, you know, asking somebody to predict the
8 future. This is the best way to approach these
9 evaluations is to score the Static99. It's not perfect
10 but it's the best way to approach it. It's allowable by
11 the rules. If he been had out for 10 years and completely
12 offense free, no violent offending, nothing like that, I
13 wouldn't be able to score the static but that's not the
14 case here.

15 As far as all the research says, it's still a valid
16 score. The score that he has, a seven. Which corresponds
17 to those reoffense rates. There is some research that
18 says that you can calculate time out in the community when
19 they've been completely offense free. But that's not the
20 case with him. He violated probation, things like that
21 were going on. So, this is a valid measure. A seven is
22 the valid score for him on this date.

23 Q Okay. But he has been out in society, he was not
24 incarcerated for a substantial amount of time, almost 10
25 to 11 years in there. And my question is that, I mean,

1 we're basing a decision to confine him, is that one of the
2 most -- that's a pretty substantial factor to evaluate,
3 correct?

4 A It is and it isn't. Because that time resets when
5 they go back in prison. He violated that probation for,
6 you know, the lewd about. Under the rules, as I said, of
7 the Static99, under the scoring rules, there's been some
8 research that says that they've been out in the community
9 for this amount of time you might adjust the actuarial
10 prediction. But those rules didn't apply to him in this
11 case. So, the score that I offered of the seven, that's a
12 valid assessment. That is the way that, you know, experts
13 in these types of cases would apply the scoring rules and
14 that's what they would offer.

15 Q Now, I think there was one comment you made and I
16 want to go back, in regards to this alcohol, he provided
17 you information in regards to his alcohol issues early in
18 his life, correct?

19 A He answered someone questions about that, yes.

20 Q Okay. And he provided you some in-depth, I guess,
21 substance abuse history that you put down as part of your
22 report, correct?

23 A He answered questions about that, yes.

24 Q Right. And he told you he had problems with alcohol,
25 he had problems with meth, he had problems with marijuana,

1 crack and other things that he had throughout his early to
2 middle life, correct?

3 A He reported use of those things. Some things he
4 reported, symptoms that are indicative of problematic
5 substance use. Some things he reported that, you know,
6 that he was using that he could control. So, it depends
7 on which substance in particular you're talking about.

8 Q Alcohol. I think you made a statement right here.

9 A Alcohol was something that he described more problems
10 with than my other substance.

11 Q Correct. So, I mean, in your evaluation, how big of
12 an issue or factor is substance abuse, problems involving
13 alcohol in regards to these sexual offenses that happened?

14 A It's not a big factor.

15 Q So, someone under the influence of alcohol who has a
16 substantial substance abuse problem but then gets control
17 of those substance abuse problems, that doesn't have an
18 impact on your opinion?

19 A Well, these are evaluations that I'm asked to conduct
20 and just give a yes or no opinion. If somebody goes back
21 out into the community, there's no guarantee they won't go
22 back to using substances. So, that's one way that I look
23 at it. But also, I've never recommended somebody for
24 commitment based on substance abuse disorder alone. And I
25 think that lot a of people have substance abuse disorder

1 that don't commit sexual offenses. He told me that he
2 used alcohol in the first offense, in the 1986 rape. But
3 I don't have evidence that it was a factor in any other
4 offenses that he was intoxicated or whatnot in those
5 offenses. You know, two of them were -- one was mid day,
6 right after work. So again, I assume that he was not
7 drunk. He didn't tell me that he was intoxicated or
8 anything like that. Another was in the middle of his work
9 day. I again, assume he wasn't drunk. He didn't tell me
10 that he was. So, other than the first offense that he
11 said that he had been drinking, it didn't come up in any
12 other offenses.

13 Q Okay. And you said a couple of things I want to go
14 back to because I think I caught it in your first direct.
15 You've presumed and now you're assuming that he's not
16 under the influence of alcohol during these things?
17 There's nothing you have told me or told this jury that
18 says that alcohol was not a direct result of these sexual
19 offenses. I mean, because you don't even know if it was
20 involved, do you?

21 A That alcohol was not a direct result is what you're
22 saying?

23 Q Or direct impact on these offenses.

24 A He told me that he had been drinking and that he
25 wasn't drunk with the first offense. There was nothing in

1 the police reports to suggests that he was drunk or
2 intoxicated when he was arrested with the other ones.
3 Unfortunately when officer arrest people, they don't often
4 take them to the hospital and get a blood alcohol level or
5 something like that. So, you rely on whether there are
6 behavioral indicators of substance use, of someone being
7 intoxicated in the police reports and I didn't see any
8 evidence about that in all of the first offense. They
9 asked him about his substance use, if he was drunk,
10 whatnot, with that first offense. And he said he had been
11 drinking. Talked about what he had drank. But it did not
12 come up in any of the other offenses.

13 Q Okay.

14 A Essentially he denied many of the offenses as well.

15 Q And he pled guilty to most of these too, correct?

16 A Yes. And he said that they didn't happen that way to
17 him. You know, he didn't do it.

18 Q Okay.

19 A When I talked to him. So, you know, when somebody
20 says, Well, I didn't do it, I didn't touch the person,
21 then I want to follow up with a question, you know, were
22 you drunk when you did it? You know, that doesn't make
23 sense because they said they didn't do it.

24 Q Right. And an individual that expresses remorse,
25 too, is one that is admitting that he's done wrong in

1 crimes, correct?

2 A Well, it depends how they express the remorse for
3 sure.

4 Q Okay. Now, in regards to his relationships that he's
5 had, he's carried on some long-term relationships
6 throughout, I guess, his lifetime, correct?

7 A Let me look at that. Yeah, he told me that he had
8 been involved in a couple of different long-term
9 relationships, romantic relationships.

10 Q Actually been married twice, is that correct?

11 A Yes.

12 Q Okay. Then has been in the current relationship with
13 Rhonda Owens since 2001, right?

14 A That's what he told me, yes.

15 Q Okay. Did you interview Rhonda to get her impression
16 of what he has been like over the last 13 years?

17 A No.

18 Q So, did you go speak with anybody that has currently
19 been with him or lived with him or who he has worked for
20 or where he goes to church, anything that gives us any
21 information about what type person he is today?

22 A No, I didn't have any phone numbers or things like
23 that for anybody else to contact.

24 Q You could have requested that, right?

25 A I typically will or typically I will ask the person

1 that I'm interviewing for information like that. And they
2 sometimes will give it to me, they sometimes will not.
3 And that's usually the only way I will get any access to
4 that information.

5 Q Okay. So, you went through this whole background in
6 regards to it and at no time in this report do I see that
7 you requested any information or allowed to go talk to
8 Rhonda Owens or his employer or anybody that's deals with
9 him on a daily basis right now? Am I reading that
10 correctly?

11 A Well, that if I requested that, anything from him, I
12 mean, I can't request records from them per se, so that
13 might not make it into the sources of information in my
14 report. Because it's his choice if he wants to give me
15 information about who to talk to. I'm not going to search
16 those people down. Because it feels like a violation of
17 their privacy to do so.

18 Q Right. But you had the opportunity to ask him for
19 that, correct?

20 A Yes.

21 Q And you didn't do it?

22 A I probably did. I don't think that I got anything
23 that was useful. I have to look into my notes to figure
24 that out for sure.

25 Q Okay. So, you're saying called Rhonda Owens and

1 asked her for a meeting?

2 A I'm not saying that.

3 Q Okay. I just -- did you call Rhonda Owens?

4 A No.

5 Q Did you call his employer?

6 A No.

7 Q Okay. Did you call his church or ask him where his
8 church is to go talk to individuals he goes to church
9 with?

10 A I have to look into my notes to see if I even has
11 phone numbers for those people.

12 Q Please do.

13 A Okay. If I can answer this one at the time. As far
14 as his with work, I don't believe that I had any
15 indication that he had, you know, a current employer or
16 anything like that. He didn't give me specific names of
17 anybody to talk to.

18 Q Okay.

19 A I have no phone number for Rhonda in my records.

20 Q Okay. Okay, this part I'm looking here, as part of
21 his employment history, he provided he worked as an
22 electrician for eight years, correct?

23 A That's what he told me, yes.

24 Q So, at no time did you go talk to his boss about what
25 he was like during his time as an electrician?

1 A No.

2 Q Okay. So, I want to make sure I've got this correct.
3 You have done a five hour interview with him answering an
4 hour worth of questions that apparently led to no report
5 being issued or no MMPI. And then you reviewed documents
6 to base your decision here today, is that right?

7 A I've conducted a five hour interview plus an hour of
8 him testing which is why I said -- I'm not sure where
9 you're going with that but then I reviewed documents.

10 Q Right.

11 A Scored an assessment, yes.

12 Q So, that's based on eight hours of work, nine hours
13 of work -- just tell me how many hours to review all those
14 documents? I mean, I reviewed them, too.

15 A Well, when I sit down, because I review the records
16 prior to the interview, and then I will continue to review
17 the records while I report writing. I don't know how many
18 hours I spent on this particular case. But they typically
19 take me a full week of work, so 40 plus hours to, like
20 once I'm sitting down, to write the report. So, not just
21 eight hours of work. They take a long time to produce
22 because I have to produce a report and things like that.

23 Q Okay. But that amount of work that you've done, are
24 you saying that is as beneficial as going to talk to the
25 individuals that are seeing him on a daily basis and

1 seeing what's going on and understanding what his life is
2 at this time?

3 A Well, I think those documents are more important
4 because those are objective. And if I went and talk to
5 his girlfriend, I would assume that she would, you know,
6 have some bias. She would, you know, want to see him do
7 well and get out of the program or get out of prison and
8 be released and move back with her. She, you know, might
9 not be real forthcoming in my questions. And she might
10 not even know about his sexual offending and things like
11 that. Because, you know, this stuff happened while he was
12 in relationships and those people presumably didn't know
13 about the sexual offending or, you know, they -- so, I
14 don't know in these cases how helpful that would be.

15 Q I guess what I'm asking is are you concerned at all
16 to base your opinion solely on a five hour interview and
17 reviewing documents rather than going and understanding
18 and talking to people that are dealing with him on a daily
19 basis and know what he's doing at that time?

20 A No, I'm not.

21 Q Now, you also did a review of him and ruled out
22 certain other mental abnormalities that, I guess, came out
23 during the evaluation, correct? Page 16 of your report.

24 A Thank you.

25 Q Fifteen, excuse me.

1 A Yes, I ruled some things out that were indicated by
2 his sexual history.

3 Q Okay. Now, you ruled out pedophilia and
4 exhibitionism are two items you ruled out there?

5 A Correct.

6 Q And at no point during this whole entire review did
7 you get into anything about being a psychopath or anything
8 in here, correct?

9 A I didn't evaluate him psychopathy directly, no.

10 Q So, I don't know where that came from but that was
11 not part of your report when it came to the AG's office,
12 right?

13 A Well, psychopathy is kind of considered on a spectrum
14 with the anti-social personality disorder, but no, I
15 didn't talk about that in my report.

16 Q Okay. Now, you also go into the one issue that -- I
17 guess we've got the -- I guess, the mental abnormality
18 which is, I guess, non-consenting coercive sexual
19 assaults. That's pretty much, I guess, what it is, how
20 you pronounce it?

21 A Yeah, biastophilia.

22 Q Biastophilia. I never pronounce it right, Okay.
23 Biastophilia is, my understanding is, non-consenting sex;
24 is that correct?

25 A Yes.

1 Q Okay. And in these, you've done through and you've
2 looked at a lot of -- you looked at the records in regards
3 to it and you've gotten my client's statements in regards
4 to it. They're instances in here where he says that he
5 performed oral sex on the victim, correct?

6 A There was an incident of that, yes.

7 Q Okay. Now, is that non-consenting -- I mean, did you
8 just go into discussion with him in regards to that?
9 Because that's totally different from un-consenting sex,
10 correct?

11 A I don't know what you mean in that's totally
12 different.

13 Q Maybe the reason I don't understand it is because I
14 don't see in your report that you went over that with my
15 client to understand what happened. Did you discuss that
16 with him?

17 A In what instance are you talking about?

18 Q I think we had the instance, let's go through. It
19 was the 1986 incidents, two counts of sexual assault. You
20 make a statement that he performed oral sex on her two
21 times.

22 A Yes, I believe that's what the victim reported.

23 Q Okay. So, the victim records that. Did you discuss
24 that with my client?

25 A I asked him what happened.

1 Q Okay. And what did he say in regards to it?

2 A I mean, I asked him what happened in general, you
3 know. I asked him to give me an account of what happened.

4 And he said, The woman was my neighbor. I had been
5 talking to her at the pool several times. We had a party
6 at the pool. We were making out at the pool, she was
7 holding hands with a guy but she denied the man was her
8 boyfriend. He said she saw her pull up in a car at the
9 apartment complex one night while he was at the pool. He
10 said he grabbed her and started making out with her--

11 Q Three more down.

12 A Excuse me?

13 Q It starts with, Mr. Chapman forced her to undress.
14 That's the one I'm referring to. He undressed throughout
15 the night then it goes on to say performed oral sex on her
16 two times. That's the paragraph. Did you discuss that
17 with him?

18 A What page are you on?

19 Q I'm on Page 9.

20 A Okay.

21 Q About the third --

22 A Okay --

23 Q Third full paragraph down.

24 A I asked him what happened? Tell me your side of the
25 story. And then what I was reading to you is what he told

1 me.

2 Q Okay. Now, I'm trying to -- clearly I'm not versed
3 in this but I'm trying to figure out, biastophilia is
4 non-consenting coercive sexual encounters, correct?

5 A Sexual acts, yeah.

6 Q Okay, sexual acts. Okay. So, in this scenario I'm
7 trying to figure out how that plays in and if that is a
8 factor that you look at to say well hold on, that is not
9 biastophilia or that's something that I need to consider
10 in this?

11 A It sounds like you're saying, and I just want to make
12 sure that I'm understanding that oral sex cannot be
13 preformed coercively?

14 Q I'm not saying that.

15 A Okay.

16 Q I'm just trying to find out --

17 A I'm very confused as to what your question is.

18 Q I'm just trying to figure out what it means in this
19 scenario because you don't define it. I mean, you don't
20 give us any indication as what it is. And if that is a
21 factor that you need to consider, which you left out,
22 that's what I'm trying to figure out.

23 A I don't really get what you're saying at all. I'm
24 very confused as to your question.

25 Q You don't think, I guess what I'm trying to figure

1 out is if you think that has any indication or any weight
2 in this that there was oral sex performed by my client in
3 this act?

4 A The victim reported that happened.

5 Q Okay.

6 A That this sexual assault occurred over many hours.
7 That's what the victim reported.

8 Q Okay.

9 A When I write these reports, you know, I write just
10 what was reported in the police reports. I'm not giving
11 you my opinion in that legal history section. I give you
12 all the information that was reported, it's without
13 judgment.

14 Q Okay. Now, I think you testified that he did not --
15 or hasn't had any sex offender treatment, is that correct?

16 A I found no record of it, no.

17 Q Okay. Did you look into it? You said he was
18 provided or was supposed to go get counseling, correct?

19 A Yes.

20 Q That was with Dr. Carl Bardoff, correct?

21 A I'm not sure at the moment, let me look at my -- did
22 I mention that doctor in this report?

23 Q No, I'm just trying to figure if that's who it was
24 with or if you recall?

25 A I don't recall him talking about treatment that he

1 had been in in the past. But let me check my notes. I
2 have no knowledge of him being in treatment with that
3 person.

4 Q Did you evaluate or -- did you go and find out what
5 the counseling is?

6 A If he would have given me information, you know, like
7 a name or something like that, I would have looked into
8 it. But I didn't get any records in that regard.

9 Q Okay. Now, you went into a lot of the, I guess, the
10 issues about him not getting or not ordered to do any
11 treatment, correct? Any sex offender treatment. He's not
12 currently ordered to do that, right?

13 A To my knowledge he, you know, I don't know that he
14 isn't ordered by anybody to do anything at this time.

15 Q Okay. We weren't even sure if he was still on
16 probation, I think, at this time?

17 A Unless he's under community supervision, which I'm
18 not aware of, I believe that when he violated in 2010 his
19 probation, that violation was -- his probation was revoked
20 in full. Meaning that he would have served that and it's
21 done.

22 Q And you're aware that as a sex offender he's going to
23 have to register every year?

24 A Correct.

25 Q Okay. And if he moves he has to register, he has to

1 provide notification of that, correct?

2 A Correct.

3 Q Okay. He's also got lifetime GPS monitoring,
4 correct?

5 A Now, that I'm not certain about.

6 Q Okay.

7 A Yeah, I don't believe that he has lifetime GPS
8 monitoring because his conviction was before that.

9 Q Okay.

10 A And there is nothing on the sentencing sheet to
11 indicate that he has GPS monitoring.

12 Q Okay. Have you talked to his probation officer?

13 A No. I don't know who his probation officer would be.

14 Q Do you know if he was under GPS or any time?

15 A I believe he was on house arrest one time so he might
16 have been under GPS then. But the lifetime GPS monitoring
17 that you're talking about, I don't believe that that was
18 instituted until maybe 2006. So, it would have been
19 convictions after that. And on this sentencing sheet
20 there is no box to indictment lifetime GPS monitoring
21 which are on the, you know, more recent sentencing sheets
22 that I review. There will be box to check that. You
23 know, under nonviolent, violent, serious, most serious,
24 that kind of thing. It would be, you know, lifetime GPS
25 for the two types of sex offense that qualify under that

1 law.

2 Q Okay. And just so I got it right, there is a
3 70 percent likelihood that he is not going to reoffend in
4 the next five years, correct?

5 MS. WETHERTON: Objection, Your Honor, asked and
6 answered.

7 THE COURT: I'll let you answer the question.

8 Overruled.

9 THE WITNESS: Again, I can't say there's a chance. I
10 have to say that people with a score of seven, that
11 whatever if you want to estimate that at 70 or round that
12 up or round that down, that's correct.

13 BY MR. ARIAIL:

14 Q Okay.

15 A But it's not -- I can't say chance.

16 Q Then it's not a chance, it's -- the group is not
17 going to reoffend?

18 A I have to compare it to group data.

19 Q So, it's even stronger than a chance, correct?

20 A I guess that depends on your interpretation.

21 MR. ARIAIL: Thank you, no further questions.

22 THE COURT: Redirect, ma'am?

23 MS. WETHERTON: Yes, a few questions.

24 REDIRECT EXAMINATION

25

1 BY MS. WETHERTON:

2 Q There's been some discussion on cross-examination
3 about he hasn't offended in 12 to 13 years. Has he been
4 out in the community the entire time, those 12 to 13 years
5 or has he been incarcerated during some of those periods?

6 A He's been incarcerated some times, yes.

7 Q In fact, as we said, he was being convicted in 2003
8 of a sexual misconstruct, is that correct?

9 A Yes. He was definitely in prison during that time.

10 Q So, he actually found a way to sexually offend in a
11 institutional setting, is that correct?

12 A It was considered a sexual offense in prison by their
13 rules. So it was against the rules of the prison, what he
14 did.

15 Q Okay. And based on your expert opinion of someone
16 who handles these evaluations pursuant to the Sexually
17 Violent Predator Act, what do you place more weight on it?
18 Is it the pattern of sexual assault that you see or it is
19 the amount of years between the sexual assault? What
20 would you consider?

21 A It's the pattern that I look at.

22 Q Okay. Did you find and establish a pattern in this
23 case?

24 A Yes.

25 Q Okay. Do you believe in your expert opinion that he

1 shows any type of insight as to why he sexually offended?

2 A I don't believe that he did. And that's in large
3 part because he denied the offenses? I mean, it's hard to
4 show insight about a behavior that you denied happened.

5 Q Okay. And there was some discussion about his
6 relationship history. Is it accurate that he had been
7 with this Rhonda person in 2001, is that correct?

8 A That's what he told me that they started a
9 relationship together in 2001.

10 Q But he wasn't divorced from his wife until 2008, is
11 that correct?

12 A That is correct, that's what he told me.

13 Q So was she his mistress for seven years?

14 A You know, I guess that's something that you could
15 assume. But -- or let me see what he told me. He said he
16 went back and forth between Rhonda and his wife Pamela for
17 18 to 24 months. That's what he told me that he was in
18 between them for a year and a half to two years.

19 Q Okay. And despite that he's been married twice, he
20 also admitted to having several ongoing sexual twists r
21 relationships with people that he wasn't necessarily
22 involved in a relationship with?

23 A Not ongoing. He talked about having many sexual
24 encounters with random strangers.

25 Q Okay. So, why did you not contact this -- you not

1 contact his former employer?

2 A I didn't have any information like a name or anything
3 like that to, you know, contact them in the first place.
4 But I don't know what they could have told me that would
5 have been helpful.

6 Q So, do you think an electrician, as an employer, can
7 tell you whether or not Mr. Chapman has a mental
8 abnormality or personality disorder that makes him likely
9 to reoffend if not confined for long-term control, care
10 and treatment?

11 A No, I don't think an electrician is qualified to do
12 that.

13 Q Okay. And church, did he ever talk to you about
14 going to church?

15 A I don't know if he specifically talked to me about
16 that. I mean, he said that he's found God, you know, more
17 recently from my understanding.

18 Q Okay. And so, if he had attended church prior to
19 being incarcerated, that never really stopped him from
20 committing offense or not following the rules of
21 supervision?

22 A Right.

23 Q Did you ask him if he had any sex offender treatment?

24 A Yes.

25 Q What did he tell you?

1 A He said no.

2 Q Okay. And if someone has to register as a sex
3 offender, is there any requirement that they attend sex
4 offender treatment?

5 A No, it's just a registry. A notification to put
6 their address on, I guess, file, you know, with the
7 sheriff's office.

8 MS. WETHERTON: Nothing further, Your Honor.

9 THE COURT: Recross, sir?

10 MR. ARIAIL: No recross, Your Honor.

11 THE COURT: Okay, thank you, doctor, I appreciate you
12 being here, ma'am. You may step down.

13 Okay. Before we adjourn for the evening I do have a
14 question. Do you have any additional witnesses you intend
15 to put up?

16 MS. WETHERTON: Not at this time, Your Honor. The
17 State would rest.

18 THE COURT: Okay. Good enough.

19 All right, ladies and gentlemen. Then tomorrow we'll
20 come back and proceed with the Defendant presenting
21 evidence and testimony. So, please be back here tomorrow
22 at 9:30, 9:30. We start a little bit latter maybe you can
23 avoid some traffic. If there are any legal issues that we
24 need to take up before y'all get here I can go ahead and
25 have those taken care of. So be here at 9:30 and we'll

1 resume the trial in the case. Please don't discuss the
2 case. You may have husband's, wife's, children or friends
3 who invite you to discuss this case with them tonight,
4 please don't do that. Resist the temptation. Because if
5 you discuss this case with someone else then you start
6 making qualitative determinations about what you heard.
7 Which in essence is deliberations. It's not appropriate
8 for you to deliberate until you've heard all the evidence
9 and until I tell you to begin your deliberations. So,
10 just resist the temptation. Think about, talk about
11 something else and I'll see y'all back here tomorrow at
12 9:30, okay. Hope you have a great evening.

13 (WHEREUPON, the jury left open court at approximately
14 5:25 p.m.)

15 THE COURT: All right, counsel, any matters you need
16 to put on the record before we adjourn for the evening?

17 MS. WETHERTON: None from the State, Your Honor.

18 MR. ARIAIL: No, Your Honor.

19 THE COURT: Okay, good enough. Well I will see y'all
20 back here tomorrow morning. Again, I told the jury to be
21 here at 9:30. I'll be here at 9:00. So, if they're any
22 issues that you need to discuss -- actually I'll be here
23 at 8:00 but you can be here at 9:00. If there are any
24 issues we need to take up, y'all let me know. Okay.

25 MS. WETHERTON: Thank you.

1 MR. ARIAIL: Thank you, Your Honor.

2 (WHEREUPON, the proceedings were concluded for the
3 day to be reconvened on May 20, 2014.)
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May 20, 2014

THE COURT: All right, ready for the jury?

MS. WETHERTON: Yes, sir.

THE COURT: All right, we can bring the jury.

(WHEREUPON, the jury came into open court at approximately 9:37 a.m.)

THE COURT: All right, good morning, welcome back.

Thank you for being on time, I appreciate it. Let's go ahead and get started.

Mr. Ariail, your case, sir.

MR. ARIAIL: Yes, sir, I call David Hyatt to the stand.

THE CLERK: Place your left hand on the Bible, raise your right hand.

DAVID HYATT, after being duly sworn, testified as follows:

THE CLERK: State your name for the record, please.

THE WITNESS: David Hyatt.

THE CLERK: Thank you, please be seated.

DIRECT EXAMINATION

BY MR. ARIAIL:

Q Mr. Hyatt, thanks for coming today. I want to get a little background from you. Tell me what your current employment is.

A I'm an electrician, self-employed.

1 Q How long you been an electrician?

2 A Twenty-two years.

3 Q Greenville County?

4 A Yes, sir.

5 Q Okay. How do you know Jeff Chapman?

6 A I met Jeff, I'm guessing around 2004. I'm thinking
7 he was just released from prison. And I met him through
8 his girlfriend, Rhonda. I didn't really know Rhonda
9 either, really. It was kind of a cool way it happened. I
10 was at the gas station talking to one of my friends and
11 she overheard that I was looking for some help in my
12 business.

13 And she said, Hey, I got a guy that needs a job.

14 So I met Jeff and I ended up hiring him.

15 Q Okay. And this was in 2004?

16 A Yeah, I believe. I don't have the exact dates.

17 Q Okay. When was the first time you met Jeff?

18 A Well, that would have been shortly after that
19 conversation with Rhonda which I believe was 2004. And I
20 went ahead and put Jeff to work. So, Jeff worked with me
21 for a good long time. I developed a friendship with him.
22 Not only a work relationship but also I am a minister.
23 And I was able to deal with him on a personal level as
24 well as a business level.

25 Q Okay. And when you say work with you for a long

1 time, did he work as an electrician; is that correct?

2 A Yes, sir.

3 Q Okay. How long did he work for you?

4 A I believe Jeff worked for me for about four years?

5 Q What, if any, problems did you have with him while he
6 work with you?

7 A Jeff was a hard worker. Quick learner. You know,
8 could fix about anything. He was a multi-talented in
9 that. When I didn't have him working on my job I had him
10 working on my car or something else. Jeff could do about
11 anything. But no big problems with Jeff. You know, I
12 found Jeff to have a temper from time to time. As well as
13 I do. But nothing we weren't able to work through.

14 Q Okay. Now, during your time working with him, was it
15 mainly involvement in work or did you have some
16 involvement outside of work.

17 A We had a lot of involvement outside of work. We went
18 fishing together for time to time. And do such as that.
19 We also, I got a -- I had a program, not currently
20 involved in the program, Celebrate Recovery. It was a
21 recovery ministry I was a part of, I overseen for about
22 six years at New Life Baptist Church in Greenville.
23 Through that, you know, I got to minister to Jeff on a
24 recovery type level as well as church level. He attended
25 the church and we had him working in the church doing the

1 camera. He actually run the camera for us during the
2 services and different things like that. Jeff was always
3 willing to help. So, we utilized him at our church for
4 quite some time.

5 And as far as the Celebrate Recovery program, you
6 know, he was in there working on some issues that he had.
7 And I was able to work with him. I was able to talk with
8 him, you know, personally one on one to figure out what
9 was going on with him. Now, of course, not a licensed
10 therapist or psychologist, I can only go by what me and
11 him had talked about. And I seen a lot of repentance in
12 Jeff. I really did. I seen a lot of hurt in Jeff. And I
13 seen a lot of anger in Jeff. Jeff's been through a lot.
14 He's caused a lot of pain and he's endured a lot of pain.

15 Q Now, you weren't -- you just met him since 2004, you
16 weren't aware of anything that happened prior to -- you
17 weren't present during those issues?

18 A No, sir.

19 Q Okay. Did he bring out or have any discussion with
20 you about those issues or those problems?

21 A Yes, sir, we spoke many times about several instances
22 that he had been charged with. And I seen sorrow in Jeff.
23 At one time I seen a lot of, what the Bible would call
24 worldly sorrow. Which was sorrow that the circumstances
25 happened, sorry for maybe who he offended or sorry for his

1 consequences as well. Recently I've seen Jeff to have
2 more of what I would consider a Godly sorrow, biblically
3 speaking. Because I believe now he has truly repented.
4 Not only from the things that he'd done, he's not only
5 sorry for the people he hurt, I can see that he feels
6 sorrow on a more spiritual level as well. And that's
7 where true repentance really comes from.

8 Q Okay. And during this timeframe, I guess, did he --
9 have you had any discussions with him about being
10 remorseful or expressing his feelings about what had
11 happened?

12 A Yes, sir. I mean, we spoke in-depth about several
13 situations. Early on I seen that Jeff had made a lot of
14 excuses for what he had done. And the latter times I seen
15 that he was taken more responsibility for what he done.
16 He's went into deal with me on several of the instances
17 been probably discussed here in this courtroom. And he --
18 he owned up to them. He owned up to his part in those
19 things. All but one. I have to say there was one
20 instance that Jeff was consistently, his story never
21 changed since I met him. Consistently there was a issue
22 with a small child. And his stance on that never changed.
23 That even though he was convicted of the crime, he stated
24 to me many times, and I truly believe him, that he was not
25 guilty of that crime.

1 And that tormented Jeff. Jeff lived with torment on
2 a daily basis. Because when you're labeled like he's
3 labeled, you suffer forever. You know, you suffer. The
4 State of South Carolina -- and it's a good law. I mean,
5 we get a law that says you got to register. So, he's
6 going to be suffer forever for what he's done. I truly
7 believe and I believe it to the standpoint that I've had
8 him around my family. I've had him around my children.
9 And I trusted that he would be okay there. That's how
10 much confidence I have in Jeff. Knowing his background.
11 I seen Jeff show compassion to children. I seen Jeff show
12 compassion to grown folks that he didn't even know. I
13 seen a different side of Jeff that most people hadn't seen
14 I would think. Through the ministries that I'd been a
15 part of and how he assisted me in difference things. I
16 just seen a compassionate side of him, compassionate side.

17 Q During your time of being a friend, working with
18 Jeff, have you seen any of these -- or any concerns about
19 any sexual issues or sexual problems that he has had or
20 they're alleging that he's having?

21 A No, sir. No, sir, I haven't seen anything that would
22 even remotely resemble that. I have not. I can say that
23 with confidence.

24 Q Now, you also had discussions with him in regards to
25 substance too, correct?

1 A Yes, sir. Yes, sir.

2 Q What did he give you -- what information did he relay
3 to you in regards to his alcohol issues that he was
4 having?

5 A Well now, Jeff had not really pertaken in a whole lot
6 of alcohol during our time of relationship. Now, in the
7 past, he was suffering from alcoholism. He was suffering
8 from the things that he had done through the alcohol. Now
9 see, I'm recovering alcoholic myself. And there was a lot
10 of things I done while under the influence that I know I
11 never would have done, so. And, you know, he had
12 expressed those things to me. How the alcohol -- and then
13 I even remember him talking about a crack addiction that
14 he had and how he went to jail and that was what actually
15 helped him get off of that substance. So, just different
16 things that occurred in his life seemed to get him sober.
17 And but as far as the alcohol, he didn't really have that
18 problem while we were together. And I'm assuming that's
19 probable why he didn't offend while we were together.

20 Q Okay. Now, when Jeff is released are you going to --
21 are you going to hire him, are you going to work with him?

22 A Yes, sir, I plan to work with him. Yes, sir. I plan
23 to work him in my job as well as personally, discipley
24 [verbatim].

25 Q Will you continue to also provide him counseling and

1 help through Celebrate Recovery?

2 A I do. Even though I'm not currently over that
3 ministry anymore -- matter of fact right now me and my
4 brother, I'm ministering with my brother, he's a
5 recovering addict as well and we've been attending
6 Brookwood Baptist Church on Thursday nights with Celebrate
7 Recovery. Therefore, I've been taking my brother to do
8 that and I'll be happy to be able to help Jeff in the same
9 way.

10 Q Okay. What discussions have you had with Jeff about
11 how y'all would handle things after he gets out?

12 A Well, he's excited about getting out. I really hope
13 to see he's getting out. He's ready to change. As a
14 matter of fact, he even -- like I say, I've seen a lot
15 of -- I've seen a lot of jailhouse religion. I really
16 have. I don't find this in Jeff. I have been in ministry
17 for a lot of years. I've worked with the Greenville
18 County Detention Center for some time. I had a ministry
19 in there for quite a while. As a matter fact, it was
20 Celebrate Recovery. And not only that ministry there,
21 also worked with federal inmates as well in their work
22 release program. So, I've seen jailhouse religion. And
23 there again, I can't predict what he's going to do in the
24 future because only God knows that. But I do have high
25 hopes for Jeff. And I am willing to walk that path with

DAVID HYATT-DIRECT BY MR. ARIAIL

1 him.

2 MR. ARIAIL: Thank you, David. No further questions.

3 THE COURT: Cross-examination.

4 MS. WETHERTON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. WETHERTON:

7 Q Good morning, Mr. Hyatt?

8 A Good morning.

9 Q How are you?

10 A Nervous.

11 Q I'll be nice.

12 A All right, great.

13 Q So, you've known Mr. Chapman since 2004?

14 A Yes, ma'am, I believe that's about correct.

15 Q Well, according to SCDC records, isn't it true that
16 you only visited Mr. Chapman once while he's been in the
17 Department of Corrections between 2002 and 2012?

18 A I have. And I understand -- I was actually thinking
19 about that just a few days ago. Just how the Bible tells
20 us to visit those that are incarcerated. And I thought
21 about how I was going to be on this stand and how we was
22 going to talk about my friendship and I felt guilty
23 really. I felt guilty really that I've not been the
24 friend to him while he's been gone that I should have.

25 Q So, during that entire time he's been incarcerated

1 you haven't seen him?

2 A We've communicated with letters, telephone. I did
3 see him the one time. I made another attempt to see him
4 and they were actually -- there was a special rule there,
5 apparently I didn't understand it. I had went back to my
6 car and I wasn't supposed to. I think I had my sunglasses
7 or something. And somebody said, Hey, you can't have
8 those. So, I went to put them back in. The guard seen me
9 go to my car and they didn't allow me to come in that day.
10 So, there was two attempts there. One was fruitful.

11 Q But to answer my question, you've seen him once?

12 A Yes, yes, ma'am.

13 Q Visited him at the jail once, you've actually seen
14 him?

15 A That's correct.

16 Q In those letters that you corresponded with, did you
17 bring them to court with you today?

18 A I did not, no, ma'am.

19 Q Okay. And he's going to be working for you, is that
20 correct?

21 A Yes, ma'am.

22 Q Okay. What are his work hours going to be?

23 A We normally go in around 8:30 in the morning. It
24 does fluctuate but a good standard is like 8:30 to 5:00.

25 Q Okay. And do you have any else working for you?

1 A I do, yes.

2 Q How many people?

3 A I have one other employee.

4 Q Okay. Do you do random drug testing?

5 A I do, yes, ma'am.

6 Q Can you assure that you will be supervising him for
7 24 hours a day, every day?

8 A Would I be supervising him?

9 Q Can you personally assure of his whereabouts 24 hours
10 a day?

11 A Oh, no, ma'am.

12 Q Okay. So are you aware of his convictions for sexual
13 assault?

14 A I am, yes, ma'am.

15 Q Okay. How many did he tell you he had?

16 A I'm thinking there was about five incidents that we
17 spoke about.

18 Q Would you be surprised to know that there were six?

19 A I would not, no, ma'am.

20 Q Okay. So you're aware that he was convicted of
21 exposing himself in Spartanburg while he was working as a
22 delivery driver?

23 A I was aware that he had an indecent exposure, yes,
24 ma'am.

25 Q Okay. Now, what type of work would he be doing for

1 you?

2 A Basically my employees -- normally I'm on the job
3 with them. Very seldom do I turn them loose by
4 themselves. But he would be, you know, helping pull
5 we're, terminate connections, hang fixtures. We do a lot
6 of residential so a lot of that type.

7 Q My father's actually an electrician.

8 A Oh, cool.

9 Q Yeah. So, being an electrician would require you to
10 actually -- for him to work outside the office?

11 A Of course, yes, ma'am.

12 Q Okay. So, he will be in peoples homes?

13 A That is correct.

14 Q Okay. Will he be -- could he work in women's dorms?
15 In colleges, could he work in a dorm?

16 A I don't usually do a lot of commercial work. I'm
17 basically residential.

18 Q So, it's residential work?

19 A Yes, ma'am.

20 Q He would be inside peoples homes. And what is the
21 name of your business?

22 A Park Electrical Service.

23 Q Are you going to tell your customers that is he a
24 convicted sex offender that will be working in their home.

25 A Am I required to by law?

1 Q No, but would you tell your customers?

2 A No, if I'm not required to by law.

3 Q So, you won't disclose that there's a convicted sex
4 offender working in someone's home?

5 A There again, unless I'm required by law, probably
6 not.

7 Q So, the answer is no?

8 A That's correct.

9 Q So, a woman could have a convicted sex offender
10 that's been convicted six times of sexual assault in her
11 home and she wouldn't know it because you won't tell her?

12 A That right, yes, ma'am.

13 Q Did Mr. Chapman ever tell you that he had a sporadic
14 work history?

15 A I'm sure we've discussed that over the years. I
16 can't think of a specific conversation.

17 Q Has -- did he ever tell you that he lied on an
18 employment application?

19 A I'm sure he probably has. Most people that's been
20 convicted of a felony tend to do that. Once you're --
21 once you're labeled, I mean, it's hard on anybody. It's
22 hard on me. I mean, I got a past criminal record myself.

23 Q Oh, you have a criminal record?

24 A Oh, yes, ma'am. I've committed a lot of crimes. I
25 think back in -- I think back to probably 2001, if I can

1 remember correctly, I stood before a board of South
2 Carolina Department of Pardon, Probation and Parole and
3 received a pardon from all my crimes. And it was kind of
4 a cool situation because their question to me was,
5 Mr. Hyatt, how can we be assured that you want do the same
6 things you use to do.

7 And I told this, I said, Folks, I said, you're not.
8 I said but -- I said I was an alcoholic. I said my
9 charges, you can see were all involving alcoholism. I
10 said, I'm a Christian now. I said I don't drink. I don't
11 participate in those type activities. So, I said, that's
12 my plea to you. And they actually issued me a pardon.
13 So, by the grace of God I have been not only forgiven from
14 the Lord, I've been forgive from the state, so.

15 Q Well, that's wonderful. Do you know if they give
16 pardons for rape in the State of South Carolina?

17 A I've never been in that situation, I would almost
18 probably say not.

19 Q Okay. Since you brought it up, are you a sex
20 offender?

21 A No, ma'am.

22 Q Okay. So, you're not familiar with the type of
23 issues that he might specifically be dealing with because
24 you never committed a sex offense yourself?

25 A Well, when you say familiar, my daughter was sexually

1 molested. And her accuser, her perpetrator, I guess would
2 be the correct words, he's in jail now. And as a matter
3 of fact just recently I was able -- she has, excuse me,
4 she had two separate incidents where she was taken
5 advantage of. And recently, only recently, by the grace
6 of God, I was able to face that offender and offer
7 forgiveness. It was hard. It wasn't something I truly
8 wanted to do. But I was able to.

9 Q I guess, to reiterate the question that I was asking
10 you was, sir, you don't understand specifically because
11 you're not a sex offender yourself, you're not inside of
12 his head.

13 A Right, right.

14 Q And you're not -- I think you said you're not a
15 mental health professional, is that correct?

16 A No, ma'am. I've dealt with a lot of people that are
17 sex addicts. Celebrate Recovery is not just a drug and
18 alcohol program like some people tend to believe. It's a
19 sin problem. It would cover drug, alcohol, sexual sin.
20 I did struggle with pornography so I do know how sexual --
21 it was a sexual sin I struggled with as well. I can't say
22 that I had sexual desires that were not to Jeff's extent.
23 There was never any kind of -- mine never went that far, I
24 guess you would say. But I have struggled with that. But
25 by the grace of God I don't anymore.

1 Q But you'd agree with me that this Celebrate Recovery,
2 it focuses on recovery based on a spiritual standpoint and
3 there's no mental health counseling?

4 A That's correct.

5 Q Okay. Now, he worked with you until 2008, correct?

6 A I hate to say a date because I don't have that
7 information in front of me. Jeff had worked with me it
8 seems like Jeff had worked with me right prior to him
9 being -- Jeff was working with me when he got in trouble
10 that ended up getting him here. He was working with me at
11 that time. So, he worked with me past the time of his
12 arrest. But right prior to his conviction.

13 Q Now, when you say he worked with you until he got in
14 trouble, what did he get arrested for?

15 A The reason he is here today is he was on the GPS
16 monitoring. He had left his beeper, he had to carry a
17 beeper with him, and he had left his beeper in my work
18 van. I had dropped him off at his place of residence,
19 went on home. I don't remember what I was doing. I had
20 left to do something else. Jeff had to have that GPS
21 beeper or he could get in deep trouble. So, he took it
22 upon himself to leave his home and go get that beeper out
23 of my van and make it back home. He got called in between
24 that time and was arrested for a GPS violation. He didn't
25 actually have an offense other than he did break the GPS

1 monitoring guideline.

2 Q Is that what he told you?

3 A Well, I was involved in that. As a matter of fact,
4 I've talked to his probation officer.

5 Q Isn't GPS monitoring an ankle bracelet?

6 A That is correct.

7 Q It's not a beeper, is it?

8 A No. But he had a device to where if they needed to
9 get in touch with him they could call him and he would
10 have to call back. That's what the beeper was for.

11 Q But he had a GPS -- if he had GPS and there's not
12 evidence that he did, he would be wearing a bracelet?

13 A He was, yes, ma'am.

14 Q So, if they needed to find him, are you familiar with
15 GPS procedures?

16 A I'm familiar what he had to go through because I took
17 him--

18 Q Isn't it true that when someone wears a GPS bracelet
19 that the police can pull them up in the computer anytime,
20 anywhere they are?

21 A Right. They can't contact him to him have him
22 contact them, that's what the pager was for.

23 Q But if he was on GPS he didn't violate his GPS
24 bracelet unless he cut his bracelet.

25 A Well, he was under curfew as well. That was part of

1 his GPS. That was part of his conditions with the
2 probation. So, he had to have the beeper to keep constant
3 communication.

4 Q So, it's your understanding that he was revoked in
5 full and sent back to jail for four years because he
6 didn't have his beeper with him?

7 A Well, I think it had to do with him living to go get
8 it so he broke curfew. And to add that to him being late
9 on his payments and financially.

10 Q So, there's a little bit more to the story, isn't
11 there?

12 A Yes.

13 Q It's not just he left a beeper in the work truck.

14 A Right. Yes, there was a few other things. Nothing
15 significant.

16 Q But you -- were you his attorney during this time?

17 A No, but I was in court.

18 Q You were court?

19 A So, I got to hear the stuff.

20 Q And she was revoked in full?

21 A Right.

22 Q For his sex offense?

23 A Right. He didn't reoffend in any way. He broke the
24 standards of his probation which was the GPS. Which is
25 kind of a whole different story because if I understand

1 correctly he wasn't supposed to be on GPS anyway.

2 Q All right. So, you remember that specifically?

3 A I vaguely remember it. I can't tell you exactly
4 because there again that kind of stuff confuses me.

5 Q So, as an employer, when was the last time he worked
6 for you?

7 A I can get that date, I don't have--

8 Q You didn't bring it with you to court today?

9 A I haven't even met my friend's lawyer until
10 yesterday. So none of this has been prepared. I didn't
11 know I needed all that.

12 Q You don't know how long he worked for you?

13 A I'm saying around four to five years. Four years
14 probably, let me think. I've really not put that much
15 thought into it. I didn't think it was relevant. I would
16 say when he was first released from prison it was within a
17 few months he started to work for me. And I would say he
18 worked with me until approximately, I would say
19 approximately six months before she was actually sentenced
20 and went away.

21 Q Okay. But you met him in 2004?

22 A To the best of my recollection.

23 Q And he only worked for you for four years?

24 A Well, that's what I'm saying, I don't have those
25 dates, I could provide them later on this afternoon if

1 you'd like.

2 Q Okay. As far as the spiritual counseling you
3 provided that to him, what were the years that you
4 provided spiritual counseling to him?

5 A Me and him, pretty much from the whole time I've
6 known Jeff which was -- I've known Jeff since he got out
7 of prison, shortly safer he got out of prison. That had
8 been going on for the full, what would that be, ten years,
9 that would be pretty much. Because even if we weren't
10 working directly together we were still friends and we're
11 still in communication with one another. He not only
12 worked with me for a period of time he also worked my at
13 the time pastor's son. So, we've been fairly well
14 constant communication over the period of time I've known
15 Jeff.

16 Q So, it would it be from -- he went in 2010. So, from
17 2000 to 2010, you said that you provided -- there was
18 spiritual counseling provided to him?

19 A No, from -- I didn't know him in 2000.

20 Q So, from 2004 to 2010?

21 A I would say that would be more closer, yes, ma'am.

22 Q How is that 10 years?

23 A Then again, ma'am I didn't prepare a bunch of numbers
24 for you today.

25 Q Okay. Well, you would agree with me that he

1 committed crimes during that time period?

2 A Crimes?

3 Q Despite the fact that you provided counseling?

4 A Sure, yes, ma'am.

5 Q Are you aware that he denied these sexual offenses
6 when he was evaluated by Dr. Gehle in late 2013?

7 A That he denied they happened?

8 Q Uh-huh.

9 A I was not aware of that.

10 Q He denied responsibility.

11 A I didn't know he denied -- of course I wasn't
12 involved in that conversation.

13 Q You weren't there. But as recent as, you know, late
14 2013, he's denied that they happened?

15 A I wasn't in that conversation I can't. . .

16 Q So, you aren't aware of that?

17 A No, ma'am, I can't speak on that.

18 MS. WETHERTON: Just one moment, Your Honor, can I
19 have just one second? I don't have any further questions.

20 Thank you.

21 THE COURT: Any redirect, sir?

22 MR. ARIAIL: Yes, Your Honor, just one question.

23 REDIRECT EXAMINATION

24 BY MR. ARIAIL:

25 Q David, I appreciate you relaying all this to the jury

1 about your daughter today. Would you allow Mr. Chapman to
2 be around your daughter?

3 A Yes.

4 MR. ARIAIL: Thank you.

5 No further questions, Your Honor.

6 THE COURT: Okay. All right. Thank you, sir, I
7 appreciate you being here.

8 THE WITNESS: Yes, sir.

9 THE COURT: You may be excused.

10 Mr. Ariail, you may call your next witness.

11 MR. ARIAIL: I call Rhonda Owens.

12 THE CLERK: Place your left hand on the Bible, raise
13 your right hand.

14 RHONDA OWENS, after being duly sworn, testified
15 as follows:

16 THE CLERK: Please state your name for the record.

17 THE WITNESS: Rhonda Owens.

18 THE CLERK: Thank you, please be seated.

19 DIRECT EXAMINATION

20 BY MR. ARIAIL:

21 Q Rhonda, thanks for coming today. State your name one
22 more time for the jury.

23 A Rhonda Owens.

24 Q You might have to -- I don't know that they can hear
25 you, you might have to --

1 A Rhonda Owens.

2 Q Great. You can pull that chair up if you need to.

3 Thanks. Okay, there you go. Thanks. Tell me a little

4 bit about yourself. Do you live in Greenville County?

5 A No, I live in Anderson County.

6 Q Where do you reside?

7 A I live on McDuffy Court,

8 Q Okay. Let me just make sure you're a little bit

9 closer to that, I'm having a hard time kind of hearing.

10 you. How long have you lived there?

11 A Three years.

12 Q Three years, okay. Now, tell me, I want to go back a

13 lit about your involvement with Mr. Chapman. Y'all have

14 been in a relationship since what year?

15 A 2000. It was at the end, late 2000. That was in

16 November so 2001.

17 Q Okay. Y'all aren't officially married, are you?

18 A No, we're not.

19 Q Is the relationship -- how would you describe the

20 relationship?

21 A Relationship with Jeff is good. He's a hard worker,

22 he's a conman. He tries every way to help anybody he can.

23 He has helped me tremendously. I have been through four

24 deaths in four months and he was right there beside me.

25 And I couldn't have made it without him.

1 Q Okay. Now, tell me, since y'all have been together,
2 I want the jury to understand, y'all have lived together
3 while he's out, correct?

4 A Yes, sir.

5 Q Okay. So, give me the timeframes if you can, tell me
6 when y'all resided together. Since 2000?

7 A Probably 2001 and we've been together every sentence.

8 Q Now, I know he's been in the Department of
9 Corrections some of that time.

10 A Right.

11 Q When he has not been in the Department of
12 Corrections, has he been residing with you?

13 A Yes, he has.

14 Q Okay. Anybody else living with y'all?

15 A We had one roommate and other than that we were by
16 ourselves.

17 Q Who was that roommate?

18 A It was a guy that he lived with before I met him.
19 And he didn't have anywhere to stay. So, he let Jeff come
20 and stay with him so we returned the favor and let him
21 come and stay with us.

22 Q Okay. Now, sitting here today, are you committed
23 solely to Jeff?

24 A Yes, I am.

25 Q Okay. You're not having a relationship with any

1 other individual?

2 A No, sir.

3 Q Okay. So, if Jeff -- when Jeff is released is he
4 coming to live you?

5 A Yes, sir, he is.

6 Q And y'all are going to reside at your current
7 residence?

8 A Yes, sir.

9 Q Okay. Now, there's a lot of stuff, you've been
10 outside the courtroom, a lot of stuff has come about
11 Jeff's past. Has he been opened and honest with you about
12 his past?

13 A Yes, he has.

14 Q Now, in regards to his past, has he told you, I
15 guess, that he's been convicted of sexual offenses?

16 A Yes, he has.

17 Q How many has he told you he's been convicted of?

18 A I'm not sure. But I think probably all of them. And
19 during those moments, they were bad moments. And, you
20 know, he has really been in a bad state of mind when he
21 was trying to tell me and explain to me what had happened
22 to him in his life. And he just needed somebody to help
23 him. Because he hadn't had a stable relationship and
24 nobody had been beside him and he needed somebody to be
25 stable and to be beside him and to help him through it.

1 Because it was very, very bad relationships in his life.

2 Q Okay. And what has he told you about what was
3 happening in his life during that time?

4 A Well, he drank. And he just was unstable. And he'd
5 been in the Department of Corrections. But he had done
6 his time for the crimes and he was trying to move on with
7 his life and to be a better person. But nobody would give
8 him a chance because they looked at him that way. And he
9 had a lot built up inside of him because of it. And
10 nobody would listen to him, you know. Everybody just
11 turned his back on him. And named him. And I gave him
12 that chance to prove to me that he wasn't that bad of a
13 person. That he was a good person and he could be a good
14 man.

15 Q Okay. From the time you met him, what changes have
16 you seen in his life?

17 A Major, major.

18 Q Can you--

19 A He started going to church. And somehow another the
20 people at church found out about his background. So, of
21 course, they named him also. So that really effected him
22 a lot. And he quit going to church. And just thought
23 that everybody in the world was going to label him. And I
24 still stuck beside him to prove to him that there was
25 somebody good out there that was not going to label him,

1 that was going to give him a chance. Because everybody
2 changes. And he's not that person anymore, he is a good
3 man.

4 Q And I know the jury's heard a lot of things about his
5 past but what I want to get into, there's some incidents
6 involving you that have happened during the last 13 or so
7 years, 14 years. One so which is a criminal domestic
8 violence charge. Apparently happened between you and
9 Jeff. Can you explain to us what happened in this
10 situation?

11 A I did not call the to him. What had happened that
12 roommate had came and was staying there. And he done
13 stayed there a month and the next month Jeff told him he
14 would have to start paying rent. And the guy just seemed
15 like he refused to pay rent. So, Jeff came in from work
16 one day and they got into a disagreement about it. And,
17 of course, I got in the middle of it and just told him to
18 drop it, that the money wasn't worth it. And the guy left
19 my house and went and called the police. And they came
20 and arrested him.

21 Q Okay. Did you give a statement or anything to the
22 police?

23 A I'm not sure if they took one or not.

24 Q Okay. Now, after that incident did y'all reside
25 together?

1 A Yes, we did.

2 Q Still living together?

3 A Yes, sir.

4 Q Now, I know prior to that, I think it was in 2005,
5 apparently you went to see him at the Department of
6 Corrections, is that correct?

7 A Yes, sir.

8 Q 2003. There's an allegation brought up about a
9 sexual misconduct charge at the South Carolina Department
10 of Corrections?

11 A Right.

12 Q Were you present at this time, do you recall this
13 incident?

14 A Yes, sir.

15 Q Can you tell the jury what happened in your view?

16 A Well, I was getting ready to leave and I was sitting
17 at the table and I was playing with a napkin, sitting at
18 the table. And when I got up from the table one the
19 napkins had fell on my leg and while were walking off to
20 say goodbye, he reached down and was going to wipe it off
21 my leg.

22 And she said, He touched her crotch, he touched her
23 crotch.

24 And I said, He did not touch my crotch.

25 And then later on I got the words that he said that

1 the lady had said that I said he did. No, I said that he
2 did not. And she did not say anything about that.

3 Q Were you present at any SCDC, Department of
4 Corrections hearing about that?

5 A No, sir.

6 Q Okay. Did they ever ask you for a statement or
7 anything?

8 A No, sir.

9 Q Okay. Now, your relationship with Jeff, I want to go
10 over a little bit about that. Have there been any issues
11 or problems with sexual aggressiveness, sexual coercion
12 involving Jeff?

13 A No, sir.

14 Q Have you seen that with anybody else during your
15 time?

16 A No, sir.

17 Q Okay. Has Jeff been abusive to you during this
18 relationship?

19 A Jeff got mad when he got that charge with the child.
20 Jeff was mad at the world. And he could not seem to get
21 any relief off of it. And Jeff and I were sitting on the
22 porch at the roommates house when the mother of that child
23 came up. And Jeff had wrote in the driveway that I love
24 Rhonda. Well, she saw it. And she got really mad and she
25 kept telling Jeff--

1 MS. WETHERTON: Objection, hearsay.

2 THE COURT: Okay, sustained.

3 BY MR. ARIAIL:

4 Q You can't testify to what others have said.

5 A Okay.

6 Q So, let's limit to -- And I know what I want to go
7 back to in regards to that is how did that effect him,
8 those issues at that time?

9 A Well, at first it was all a blow off because he
10 thought, Well I don't do this.. So, it's going to be okay.
11 But two weeks later after she had left there and she told
12 him that she was--

13 MS. WETHERTON: Objection, hearsay.

14 THE COURT: Okay, sustained.

15 THE WITNESS: Told him that it was going to happen--

16 MS. WETHERTON: Objection, hearsay.

17 THE COURT: Sustained.

18 BY MR. ARIAIL:

19 Q You can't testify to what somebody else said. We'll
20 move on. Now, you said Jeff is going to come live you
21 afterwards?

22 A Yes, sir.

23 Q Y'all will reside together? Are y'all planning to
24 get married? Do you have any plans about your future?

25 A Sure, we do.

1 Q Okay. When -- have y'all discussed that?

2 A Well, we have talked about it but we were waiting to
3 see what the outcome of this was. And then after this
4 that's our plans.

5 Q What are you going to do when Jeff is released to
6 help him?

7 A Everything I can. Anything that man needs I will
8 help him. There is a church down the road from us, we
9 will be going to that church. Anything that man needs I
10 will be there beside him to help him through any kind of
11 trials that he needs.

12 MR. ARIAIL: Thank you, Rhonda, I don't have any
13 further questions.

14 THE COURT: Cross-examination.

15 MS. WETHERTON: Thank you, Judge.

16 CROSS-EXAMINATION

17 BY MS. WETHERTON:

18 Q Good morning.

19 A Good morning.

20 Q So, he told you about the convictions where he raped
21 women, is that correct?

22 A Yes.

23 Q Okay. What did he tell you?

24 A Well, just said there was some incidents in his life
25 that he had been through. And some of the facts were true

1 and some of them wasn't.

2 Q Okay. So, how long have you guys been together?

3 A Since 2005.

4 Q So, that lewd act that occurred while the two of you
5 were together?

6 A No, it did not.

7 Q So, he told you that didn't happen, correct?

8 A He sure did.

9 Q And you believe him, correct?

10 A Yes, I do.

11 Q Okay. And during that time that you guys were
12 together, he was actually legally married to someone else,
13 wasn't he?

14 A Not that I'm aware of.

15 Q You ever heard of the name Pamela?

16 A Yep.

17 Q He was legally married to Pamela, wasn't he?

18 A Not as far as I know.

19 Q Would you be surprised to know that he told Dr. Gehle
20 that he was married to Pamela while he was with you?

21 A I'm not aware of that.

22 Q Would you be surprised to know that he told Dr. Gehle
23 that he would bounce back between you and Pamela for 18 to
24 24 months while he was with you?

25 A He did not -- he bounced back one time because he was

1 going through some things of the child case. And I told
2 him look, I just can't deal with this, you need to find
3 somewhere to stay. And so, he could not find anywhere so
4 he called Pam and asked her to come and get him because he
5 had nowhere to stay. And she came and got him.

6 Q Okay. But you weren't aware that he would go back
7 and forth between you and Pamela for 18 to 24 months?

8 A No, he did not.

9 Q Okay, you don't believe that?

10 A No, I don't.

11 Q Would you be surprised to know that he told Dr. Gehle
12 that?

13 A I'm not aware of it.

14 Q Okay. When was he divorced from Pamela?

15 A I'm not sure.

16 Q Would you be surprised to know that he wasn't
17 divorced from her until 2008?

18 A No, I did not know that.

19 Q Okay. But you've heard of Pamela, correct?

20 A Yes, I have met her.

21 Q Did you know that they were legally married?

22 A Yes.

23 Q Okay. So, you knew--

24 A But I also thought they were divorced.

25 Q Did he tell you they were divorced?

1 A No, we never talked about it?

2 Q So, why would you think they were divorced?

3 A I just assumed, you know.

4 Q Okay. Did you know that he's been legally married
5 twice?

6 A Yes.

7 Q You did know that?

8 A Yes.

9 Q But you're not legally married right now?

10 A Right.

11 Q Do you all have a opened marriage?

12 A No, we don't.

13 Q Or an opened relationship, I should say?

14 A No.

15 Q Do you know if he's had opened marriages in the past?

16 A That was his past, it's not what we have.

17 Q Has he ever told you he had opened marriages in the
18 past?

19 A No.

20 Q Do you know that he had ongoing sexual tryst in gas
21 stations and things of that nature? Did he ever tell you
22 that?

23 A I think he probably told me that but that was back
24 when he was young.

25 Q So, you're not aware of anything while you all were

1 together, is that correct?

2 A No.

3 Q He never admitted to anything like that while y'all
4 were together?

5 A He was with me all the time.

6 Q Okay. And you would agree with me that you are the
7 victim from the CDV first conviction, is that correct?

8 A (The witness nods.)

9 Q And it's your statement that that never happened?

10 A We had an argument but. . .

11 Q He never tried to hurt you?

12 A He said -- he was mad about the child case and he
13 threatened me. But he never. . .

14 Q Okay.

15 Permission to approach the witness, Your Honor?

16 THE COURT: Yes, ma'am.

17 BY MS. WETHERTON:

18 Q Going to show you a document, could you read the top
19 of what that is?

20 A Victim.

21 Q Read the whole line, please.

22 A Victim witness statement.

23 Q Okay. And at the very bottom of the document, is
24 that your signature?

25 A Yes, it is.

1 Q Okay. So, when you wrote in this document that Jeff
2 came home from work mad because you didn't rotate the
3 tires, was that the reason for the fight?

4 A No, the reason for the fight is because of the
5 roommate that didn't pay rent. And then he started
6 talking about me rotating the tires.

7 Q So, when you it wrote in this document, that was a
8 lie, correct?

9 A No, it was not.

10 Q Okay. Well, you agree with me it's inconsistent?

11 A No. That led into the conversation where the guy
12 didn't pay the rent and he brought that up, also.

13 Q Well, when you wrote in this document that Jeff come
14 home from work mad because I didn't get the van tires
15 rotated, is that the truth?

16 A Yes, it is.

17 Q Okay.

18 A And then that's what led him to ask the guy about the
19 rent that he did not pay. So then, Jeff and I had an
20 argument about it.

21 Q So, as you wrote, Jeff -- did Jeff come in the
22 kitchen calling you a bitch?

23 A Yes, he did. That's because he thought I was
24 defending his friend instead of him.

25 Q Okay. And so when he then -- it is true that he

RHONDA OWENS-CROSS BY MS. WETHERTON

1 grabbed you by your hood and pushed you to the floor, is
2 that correct?

3 A Yes, he did.

4 Q Okay. And then you were afraid so you got up and ran
5 to the bathroom and closed the door, isn't that correct?

6 A Yes.

7 Q And then while you were sitting in the bed, Jeff came
8 in and he told you you were a piece of shit, isn't that
9 correct?

10 A Uh-huh. Because he thought I was defending his
11 friend instead of him.

12 Q Then he used his palm and then he hit you in the
13 nose, is that correct?

14 A Yes.

15 Q Okay. And then he jumped on top of you, holding his
16 first over you saying that he ought to hit you, didn't he?

17 A Yes but he never did.

18 Q Okay. And then he used his fingers and pushed into
19 your eyes like he was trying to poke them out, isn't that
20 correct?

21 A Well he put it at my eye and he said, Look at me,
22 listen to me. I'm trying to tell you what is happening.
23 This guy is trying to use us and I'm not going to let him
24 do us like that.

25 Q So, when you wrote in the statement that he used his

1 fingers and pushed on your eyes, trying to push them out,
2 were you lying to the police?

3 A No, I think that's what I felt like at the time.

4 Q Okay. So, you felt like when he was pushing on your
5 eyes he was trying to poke them out at the time?

6 A No, he was pushing on my face.

7 Q Okay.

8 A He was saying, Listen to me, listen to me.

9 Q Did you or did you not believe at the time he was
10 pushing on your eyes, he was trying to poke them out?

11 A It felt like it at the time. But, you know, the
12 minutes later I realized what he was trying to say to me
13 for me to know that guy was using us to try to have free
14 rent.

15 Q Okay. So, at the time you were afraid, weren't you?

16 A Of course, I was.

17 Q Okay. And then Jeff got angry and he pulled the
18 phone out of the wall, didn't he?

19 A Yes.

20 Q Okay. And he wouldn't allow you to leave, would he?

21 A I didn't try to leave.

22 Q Well, when you wrote in this report that he wouldn't
23 allow you to leave, was that the truth?

24 A I did not try to leave.

25 Q So, why is it that you write in this report that he

RHONDA OWENS-CROSS BY MS. WETHERTON

1 wouldn't let you leave?

2 A I didn't write that report.

3 Q So, well you agree with me your signature is at the
4 bottom of this?

5 A Yeah, but I did not write that report.

6 Q Are you saying this report is inaccurate?

7 A No, I'm not. But I didn't write it. I don't know
8 what the full details they put in it.

9 Q But read the document and you agree with me that you
10 wrote your initials here at the very bottom of the
11 statement?

12 A At that time, you know, I was probably in a bad state
13 of mind because he was going to jail and David was all
14 over me talking, Rhonda, Rhonda, Rhonda, I'm not trying to
15 use y'all, you know. This is Jeff, Jeff's just saying
16 this. So, I glanced over it and I signed it and I can't
17 say I read the full statement.

18 Q He then screamed at you and told you he ought to just
19 beat your ass, didn't he?

20 A Because I wouldn't agree with him on the rent.

21 Q Then you turned around and you looked at him and you
22 told him to just do what he wanted, didn't you?

23 A (The witness nods.)

24 Q You agree with me these charges were never withdrawn,
25 were they?

1 A Yes, they were.

2 Q But he was convicted, wasn't he?

3 A I dropped the charges on him.

4 Q You dropped the charges?

5 A Yes, ma'am, I did.

6 Q So how did he get a CDV conviction for this?

7 A I have no clue but I did drop the charges.

8 Q So you went in and tried to get the charges dropped?

9 A Yes, I did.

10 Q Despite the fact that you wrote the statement?

11 A Yes, ma'am.

12 Q Are you saying that the statement is accurate?

13 A I'm not saying it's fully accurate because I don't
14 even -- you know, the state of mind that I was in at the
15 time and I just glanced over it and wanted it to be over
16 with and signed it so it could stop.

17 MS. WETHERTON: Your Honor, at this time we move to
18 admit this into evidence as a prior inconsistent
19 statement.

20 THE COURT: Any objection, sir?

21 MR. ARIAIL: No objection Your, Honor.

22 THE COURT: Okay. All right, without objection, the
23 same is admitted.

24 MS. WETHERTON: State's Exhibit 3.

25 THE COURT: Yes, ma'am.

RHONDA OWENS-CROSS BY MS. WETHERTON

1 BY MS. WETHERTON:

2 Q And this sexual misconduct--

3 THE COURT: Hold on, let her mark it.

4 MS. WETHERTON: I'm sorry, Your Honor.

5 (WHEREUPON, State's Exhibit No. 3 was marked for
6 identification and received into evidence.)

7 THE COURT REPORTER: Thank you.

8 BY MS. WETHERTON:

9 Q And as for the sexual misconduct, you were the woman
10 involved in that as well? In the prison?

11 A Yes, I was.

12 Q So, when the, according to the jail records, when the
13 officer wrote that you jumped up and screamed, He's trying
14 to put his hands down my pants --

15 A I did not say that.

16 Q You're saying that was a lie?

17 A Yes, it was.

18 Q Okay. Do you work?

19 A Yes, I do.

20 Q Where do you work at?

21 A I work at Subway right now.

22 Q Okay. How many hours a day do you work?

23 A Seven.

24 Q Okay. So you work 35 hours a week?

25 A Yes.

1 Q You won't be able to supervise him or watch him while
2 you're working, will you? You can't take him to work with
3 you, can you?

4 A No, I can't.

5 Q Okay.

6 A But I'm sure he'll have a job, too.

7 Q Okay. Do you do anything else outside the home at
8 all?

9 A No.

10 Q So, the only thing you will be doing is going to work
11 and coming right back home?

12 A Right.

13 Q Okay.

14 Just a moment, Your Honor.

15 THE COURT: Yes, ma'am.

16 MS. WETHERTON: No further questions.

17 THE COURT: All right.

18 MR. ARIAIL: Nothing further, Your Honor.

19 THE COURT: All right, you may step down. Thank you
20 for being here, I appreciate it.

21 MR. ARIAIL: We call Mr. Chapman to the stand, Your
22 Honor.

23 THE COURT: Before we get started, does anybody need
24 a break, anybody? Don't be shy. Okay, good enough.

25 THE CLERK: Please place your left hand on the Bible,

1 raise your right hand.

2 JEFF CHAPMAN, after being duly sworn, testified
3 as follows:

4 THE CLERK: State your name for the record.

5 THE WITNESS: Jeffrey Allen Chapman.

6 THE CLERK: Thank you, please be seated.

7 DIRECT EXAMINATION

8 BY MR. ARIAIL:

9 Q Jeff, I want to go through a little bit of background
10 in regards to who you are. Tell me a little bit about
11 yourself in regards to where were you born?

12 A I was born in Indianapolis, Indiana, 1962.

13 Q You might want to turn that down just a little bit.
14 Pull it towards you a little bit more if you want to.
15 Or scoot up. I just to make sure --

16 A Is that better, can you hear me?

17 Q Yeah. If they can't they'll let you know. Say
18 again, where were you born?

19 A Indianapolis, Indiana.

20 Q Okay. Now, tell me, you were born and raised in
21 Indianapolis?

22 A No, I was born there and lived there just my young
23 childhood then moved to another town.

24 Q Okay. Tell me a little bit about your childhood.

25 THE COURT: You need to speak up a little bit,

1 Mr. Chapman.

2 BY MR. ARIAIL:

3 Q Go ahead.

4 A I liked to fish, I fished a lot, riding bicycles,
5 motorcycles, playing sports with my brothers and my
6 sister.

7 Q Was it a difficult childhood for you?

8 A Not really. Not really.

9 Q Okay.

10 A There were moments. That I caused problems, got
11 scolded for things I done when I was young.

12 Q Okay. Now, out of that, your childhood, how was your
13 relationship with your parents?

14 A I remember it being pretty good. I wasn't really
15 treated any different than they was. Like I said, I just
16 caused a little bit of problems that my dad scolded me
17 more. Maybe a little harsh but mom had to intervene a few
18 times. But I understand.

19 Q Okay. Now, you lived -- how long did you live in
20 your, I guess, with your parents in the same residence?

21 A Until I was 18. I went to the Navy.

22 Q I want to make sure, was it biological father or
23 stepfather?

24 A It was my stepfather that had adopted me from my
25 mom's previous marriage when I was three.

1 Q Okay. Did you have a relationship with your
2 biological father?

3 A Until I was three, I believe. I remember a few times
4 where I went places with him when I was young.

5 Q Okay. So you lived at that residence with your
6 stepfather and your mother until about the age of 18?

7 A Yes, sir.

8 Q Okay. Where -- and during that time were you -- was
9 anybody else living in the house? Did you have any other
10 brothers or sisters?

11 A Yes. One sister and three brothers.

12 Q Okay. Were they biological or were they stepbrothers
13 and sisters?

14 A They were step.

15 Q Okay. Were you -- how were you treated in regards
16 to, I guess, treated the same as them, were there any
17 differences in how the treatment was?

18 A I was treated different because of the things that I
19 had done. Just my childhood. Being rebellious. I
20 wasn't -- I didn't act like my other siblings did and I
21 was probably more rebellious than they were.

22 Q Okay. When you say rebellious, can you tell this
23 jury what you mean by rebellious?

24 A I told lies when I was young. Got in a few fights in
25 school. I was chased by kids in school at recess. Not

1 mean, they were all just chasing -- playing tag type of
2 thing and I would run all the time from them.

3 Q Okay. Why was this all going on? Do you know why
4 you were behaving like this or what was going on in your
5 life?

6 A I really don't know why I acted that way.

7 Q Okay.

8 A There's just some things that I done that -- that
9 upset my parents. And I understand why they were upset
10 now that I'm an adult. I would be upset too.

11 Q Okay. When, and I know we've heard from Dr. Gehle,
12 she's provided us some information in regards to you
13 having substance abuse issues, when did substance abuse
14 become a problem for you?

15 A The age of 14. The first time that I smoked pot, I
16 went to the dinner table and mom recognized my eyes were
17 red and wanted to know what I had been doing. And I told
18 her. And we went down to the house and confronted the
19 parents and my neighbor and friend of mine that I was
20 smoking pot with and told them to stay away from me.

21 Q Okay. So began with pot. Did it continue with pot
22 or were there other drugs?

23 A No, pot was first then alcohol.

24 Q Okay.

25 A I started drinking at the age of 16.

1 Q Okay. And how did alcohol effect you?

2 A Blackouts. I had blackouts. There were times that I
3 didn't know where my car was when I woke up. Had to go
4 back where I was and my car was down a ravine, against a
5 tree. Just alcohol problems when I was young. Me and
6 another friend of mine, Bob Laneman, we use to buy a fifth
7 every weekend and go up in the woods by the fire and the
8 snow and just drink. Me and him together. Spent a lot of
9 time drinking together.

10 Q Did that continue or stop?

11 A Yeah, I continued drinking. Until 15 years ago. I
12 haven't had a drink in 15 years.

13 Q You hadn't had a drink since 1999?

14 A Yes, sir.

15 Q Okay. Now, in regards to your education, did you
16 graduate from high school?

17 A Yes, sir, I graduated high school.

18 Q Where did you go after that?

19 A The Navy.

20 Q How long were you in the Navy?

21 A Approximately 18 months.

22 Q Okay. And why did that -- why did your Navy
23 experience end?

24 A Because I was an alcoholic. There was nothing there
25 on the island. I was on the island in Niagara Garcia,

1 there was nothing there, nothing but liquor and fishing
2 and work.

3 Q Okay. When you say alcohol, did that effect you?
4 How did it effect you, I guess, during that time?

5 A I was getting involved in fights and things that I
6 shouldn't have been doing. Something I wouldn't be doing
7 if I wouldn't be drinking. And I got tired of it. I got
8 tired of drinking like that. I missed my family. I was
9 away from mom and dad, my brothers and I missed them.

10 Q Okay. So, after you came back did you have -- what
11 type of discharge did you get from the Navy?

12 A It was called a general and honorable and I got
13 upgraded to general.

14 Q Okay. You came back, where did you -- did you begin
15 employment when you came back?

16 A I came back home to my parents for a little while.
17 And that didn't work out because I had to pay rent and I
18 didn't pay rent. So, I got thrown out of the house and
19 started living in my car. And that's when drinking really
20 started again. I was staying up on a hill next to my old
21 drinking buddy and we was drinking again, Bob Laneman, my
22 friend.

23 Q And how old were you at this time?

24 A 19.

25 Q 19?

1 A Yes, sir.

2 Q Unemployed?

3 A I was unemployed, yes.

4 Q And how did our life proceed, you started drinking?

5 A Doing drugs. I started doing drugs, smoking pot
6 heavy, snorting cocaine. I had a stable girlfriend while
7 I was in school that I would go see her. As a matter of
8 fact, when I joined the Navy, she joined the Navy too.
9 She went in too.

10 Q Now, I want to go through a little bit in regards to
11 your legal history because we've heard a lot of about it.

12 A Yes, sir.

13 Q And I know you got certain charges that were, you
14 know, between '86, I think it was 1986, 1993, '92, '97 and
15 '99. There were charges that, I guess, occurred and these
16 are sexual offenses that you heard Dr. Gehle discuss. You
17 heard all of those?

18 A Yes, sir, I have.

19 Q Tell me, and I don't want to go into the specifics,
20 but what was your life like during this time period?

21 A It started in '86 when I hitchhiked to Florida from
22 Indiana. I was living in a halfway house. I got thrown
23 out because I wasn't -- I was drinking. So, I hitchhiked
24 to Florida. And I met a dude that was an escort. That
25 was getting involved with women and he showed me how to go

1 about doing that. That was my employment. That's how I
2 surviving. I started jigsawing.

3 Q Okay. And then that led into -- and I know you were
4 drinking during this whole period of time, correct?

5 A Yes.

6 Q Were you able to find any other steady employment?

7 A Yes, I had a few jobs. As a carpenter. But I
8 couldn't maintain it because of my drinking.

9 Q Okay. What I'm trying to go through and understand
10 is a lot of these offenses, all of them occurred between
11 '86 and '99?

12 A Yes, sir.

13 Q I'm trying to give this jury and understanding as to
14 what was going on in your life then as opposed to what is
15 going on right now.

16 A Right now I have faith in the Lord. And I have
17 salvation. And I believe in being kind to people now.
18 And loving in general. And good to people, helping
19 homeless people. Helping people of need. And back then I
20 took advantage of people. Alcohol was a big thing. And
21 it was in the bars. And I don't go to bars anymore. I
22 don't do that kind of lifestyle anymore. That was then,
23 that's not now. I've matured and learned from my
24 mistakes. I know the consequences are too stiff and I
25 don't like hurting people. It's just not something I do

1 anymore. I'd rather help people than hurt people.

2 Just -- I just don't like doing that.

3 I'm ashamed of my past, I'm embarrassed that I caused
4 the humiliation to my parents and to my family and the
5 people that I've hurt. And I'm ashamed and embarrassed of
6 it and I'm sorry that I hurt my family. They've had to
7 move because of my past. I'm faithful. I'm in a good
8 relationship with a good woman that I love dearly. And I
9 really didn't pay attention to what love really was
10 because I was living in the fast lane. I was on the move
11 too fast. I was young. And I'm greatly sorry for those
12 things that I've done. And I will suffer for those for
13 the rest of my life. The things that I done to people
14 that I've hurt. I just want you to know I'm sorry for
15 that. It's hard for me to accept and for my family to
16 accept but I have to and I have to move on. Put it behind
17 me. And that's what I'm trying to do. I'm trying to put
18 all this behind me.

19 Q And I know your trying to put it behind you and the
20 things that you're trying to do. And I think the key is
21 what are you going to be able to do when you get out to
22 ensure that this does not happen?

23 A I'm going to be successful. I'm going to stay with
24 my woman that I love and be a family man. Have a family.
25 I have a dog that I love and a woman that I love. And I

1 have a home that I haven't even seen yet since I been
2 locked up. I'm look really forward to seeing and going to
3 church and working with David Hyatt. Being around good
4 people. People that make a difference in my life.

5 Q What's the difference between your support group you
6 had from '86 to '99 to today?

7 A I didn't have a support group then. I was on my own.
8 I didn't -- I shunned away from my family. I lived by
9 myself and did things wrong. And now that I'm close to my
10 family and if the friends that is I have now, my life has
11 changed. I need my family. My family is getting older
12 and I know that they're not going to be here forever and
13 I'm not too. And I dread that day. I worry about that
14 day. And I just don't want to live in the past anymore.

15 Q How old are you?

16 A Fifty-one.

17 Q Okay. Now, we've heard Dr. Gehle in regards to no
18 sex offender treatment and that you hadn't had treatment
19 in regards to it. But you have had counseling at some
20 point in time, is that correct?

21 A I had an evaluation by Dr. Bardoff after the 1997
22 indecent exposure.

23 Q Did he recommend any treatment for you or tell you to
24 do anything?

25 A I took the 500 question test, the same one that

1 Ms. Gehle gave me and I never heard nothing else about it.

2 It was a requirement that was ordered by the Court,
3 probation made me go to that. They made sure that I went.

4 Q Okay. Dr. Bardoff is a -- do you know what type of
5 doctor he is?

6 A No, it's been so long. I don't even remember what he
7 looks like.

8 Q Okay. But you're willing to do any type of treatment
9 testimony or--

10 A Absolutely. Absolutely.

11 Q Now, regarding the MMPI, and I think this is the test
12 that you took that Dr. Gehle said there was an invalid
13 profile. I want to understand, you know, what happened on
14 that test and what is your view as to why it came up with
15 is an invalid profile?

16 A I answered that question -- those questions. I read
17 and answered and made that as quick as possible. Because
18 I had so many to do. Five hundred questions, probably
19 more than that. I know it took longer than an hour to do
20 that test. I answered those tests -- those questions. I
21 read them and answered true and false. There was no
22 thinking about anything. I just read it. It was common
23 sense.

24 Q Were you trying to be misleading or trying not to
25 provide correct information?

1 A No, I'm not deceitful.

2 Q Now, we've heard the testimony from Dr. Gehle, you
3 were seated here, a sexual abnormality, I don't know how
4 to pronounce this, biastophilia. Have you ever heard of
5 that before you were diagnosed with it?

6 A No, not at all.

7 Q Have you ever had any mental health evaluation or
8 treatment or anything before this?

9 A When I was young I was recommend to be evaluated and
10 admitted somewhere when I was young. Because my
11 principal, the way I was acting in school, skipping
12 school, getting in fights with the children, he
13 recommended it and I believe that my mom went for it at
14 first and when they wanted to admit me somewhere she
15 refused. I remember screaming and hollering and telling
16 mom no. And it didn't happen. She didn't allow it to
17 happen.

18 Q Okay.

19 A But other than that, no, I have no others.

20 Q Have you ever been diagnosed with an anti-social
21 personality disorder?

22 A Not until now.

23 Q Okay. Now, in regards to this evaluation, we've
24 heard -- how long did you meet with Dr. Gehle?

25 A Several hours.

1 Q Okay. On one occasion?

2 A One occasion.

3 Q Okay. Did you provide her any information or contact
4 information for any individuals?

5 A Absolutely.

6 Q Who did you provide?

7 A My mother and Rhonda.

8 Q Okay. What information did you give her?

9 A I gave her their phone numbers and she wrote them
10 down. I bragged about how great these people are, that
11 she should contact them. I gave her two phone numbers to
12 contact them. And told my mother and Rhonda that she may
13 call. But evidently she never did.

14 Q Okay. We've heard this biastophilia is a sexual
15 aggression, sexual coercion, some type of sexual acts
16 involved with that. What issues -- previously you had
17 issues between '86 and '99, what issue have you had with
18 that or problems that, you know, you believe you have with
19 that at this current time?

20 A Putting it behind me. It's still -- it still bothers
21 me, I'm shamed of it. I don't even like talking about it
22 or bringing it up to people until they get to know me.
23 And then I tell them. If I tell them. But I make sure
24 they know me now before I say anything about that because
25 I'm so ashamed of it. And I get judged by it and it's not

1 me today. It was me then. It's not something I do today.

2 Q Okay. Now, have any determination as to whether or
3 not you fall within the classification of a sexually
4 violent predator. What -- what do you think the jury
5 needs to know about you to say that Jeff is not a sexually
6 violent predator?

7 A I am not a sexually violent predator. I may have
8 been in the days but I'm not today. The last that
9 lifestyle that I was living in was wrong. I was on my
10 own, I didn't really know what to do with myself. I was
11 just so mixed up in alcohol and partying and going to the
12 bars and chasing woman. When I drink alcohol I'm a
13 totally different person than what I am when I wasn't
14 drinking alcohol. I met all my people in bars. Most of
15 the time. I'm ashamed of what I've done. Today I just --
16 I don't live that lifestyle anymore. I don't do that. I
17 love people and I'm kind to people and I'm good to people.
18 Even homeless people. I'll take people into my home to
19 feed them and give them my own clothes off my back and
20 shoes off my feet because I'm generous to people. Kids, I
21 love children. I don't want to hurt children. Children
22 are innocent, precious, defenseless. I want to teach them
23 good things, not bad things. That's not something I do.
24 I just -- I just want to live my life and be successful
25 like I've been doing. I have the lifetime GPS that I have

1 to abide by the rest of my life. And register four times
2 a year because of my past. It's something I got to deal
3 with the rest of my life. I'm not going to go out there
4 and do something so stupid like I did before. I haven't
5 had a drink in 15 years because I can't handle it. I'm a
6 totally different person. I'm sorry. I'm sorry for the
7 things I've done. I'm ashamed. My family, I've hurt my
8 family. I don't want to do that anymore. I've become
9 close to my family. I love Rhonda with all my heart. I
10 just want to put this behind me. I want it to be over
11 with. Every time I turn around it keeps coming up. It's
12 something I got to keep dealing with and keep dealing
13 with. Now, they want to put me some place for a program.
14 A program. I can do better with my family, being around
15 good people than being around convicts and people that
16 hurt people. My surroundings is how we act accordingly.
17 I have good surroundings now. And I'm proud to be in the
18 surroundings that I'm in now.

19 MR. ARIAIL: I have no further questions, Your Honor.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MS. WETHERTON:

23 Q You think you need sex offender treatment?

24 A No, ma'am.

25 Q So, when you said that you would be willing to take

1 any type of treatment, you're not going to take sex
2 offender treatment, are you?

3 A I'm going to take sex offender counseling, ma'am.

4 Q Okay. So, you'll take sex offender counseling
5 despite the fact you don't think you need it?

6 A I do it to do anything -- I'll become a unit, ma'am.

7 Q Okay. Where is this going to be?

8 A Where is what going to be, ma'am?

9 Q Your sex offender counseling.

10 A With Dr. Price.

11 Q Dr. Price? Are you saying he provides sex offender
12 counseling?

13 A I'll go wherever I need to go, ma'am.

14 Q Where are you going to go?

15 A Wherever I'm required to.

16 Q What's the cost?

17 A What's the cost?

18 Q What's the cost for sex offender counseling?

19 A Money.

20 Q Money?

21 A Yes.

22 Q How much money?

23 A Money that I can pay.

24 Q Okay. So, you're going to pay for counsel that you
25 don't think you need?

JEFF CHAPMAN-CROSS BY MR. CHAPMAN

1 A No, I don't need to be committed, ma'am.

2 Q Okay.

3 A I've been--

4 Q Now, you said you were evaluated by Dr. Bardoff, is
5 that correct?

6 A Yes, ma'am.

7 Q Isn't it true that Dr. Bardoff is a doctor in Canada.

8 A No, he was in Taylors on Main Street when I went
9 there in '97.

10 Q Okay. Isn't it true that you had other evaluations
11 as well by defense experts?

12 A Not that I recall, ma'am.

13 Q Isn't it true that Dr. Martin was retained by the
14 defense for this trial to evaluate you as your expert?

15 A Yeah, there should have been a red flag immediately.
16 with Dr. martin. Because he knew you and says that he's
17 been dealing with you two for quite some time, he knew
18 y'all right away.

19 Q Absolutely. He's an independent expert that
20 testifies for the defense in all of these cases, doesn't
21 he?

22 A Right.

23 Q But he's not here to testify for you, is he?

24 A No, he's not here to testify for me.

25 Q Okay.

- 1 A Why is that, ma'am?
- 2 Q You tell me.
- 3 A I don't know.
- 4 Q Okay. So why did you rape all these women?
- 5 A Because I was on alcohol, ma'am. I had problems.
- 6 Q Okay. So, in 1986 when you raped that woman for five
- 7 hours and you told Dr. Gehle you only had one drink, was
- 8 that a lie?
- 9 A One drink. The statement says six madrases, ma'am.
- 10 Q But did you tell Dr. Gehle you only had one drink?
- 11 A No, ma'am.
- 12 Q So, when Dr. Gehle reported that that was a lie?
- 13 A Absolutely.
- 14 Q Okay. You had any substance treatment?
- 15 A Celebrate Recovery.
- 16 Q Okay. But you agree with me you relapsed and
- 17 committed crimes since you've gone through that program?
- 18 A No, ma'am.
- 19 Q So, you've never relapsed?
- 20 A No, ma'am.
- 21 Q Okay.
- 22 A I don't bother alcohol anymore, ma'am.
- 23 Q So, the reason you think that you raped all these
- 24 women is because you were drinking?
- 25 A It was because I was doing drugs too.

1 Q Okay. So, alcohol and drugs was your reason for
2 offending?

3 A Yes, ma'am.

4 Q Okay. You talked about that you were rebellious as a
5 child before the age of 15, is that correct?

6 A Yes, ma'am.

7 Q Okay. And you lied?

8 A Yes, ma'am.

9 Q You have a history of lying?

10 A No, not a history, just younger age.

11 Q Okay. And you got in fights?

12 A Yes, ma'am.

13 Q Isn't it true that you also abused animals?

14 A No, ma'am.

15 Q So, when you told Dr. Gehle that you use to abuse
16 animals that was a lie?

17 A I snuck my dad's guns out to learn how to shoot guns
18 and I shot birds to learn how to shoot gurns.

19 Q But you're saying you never abused an animal?

20 A When I was little I through walnuts at a fox when i
21 was little, about eight years. That's the only time. I
22 love animals. I have been good with our family dogs, I
23 take care of our dogs and take them everywhere I go.

24 Q Okay. So, your answer is no, you never abused
25 animals?

- 1 A Just when I was young, ma'am.
- 2 Q Okay. Isn't it true in the Navy that you brandished
3 a knife at a sailor?
- 4 A That I don't recall, ma'am.
- 5 Q Would you be surprised to know that's in your
6 military records?
- 7 A I heard. I don't even remember that.
- 8 Q But you don't remember that?
- 9 A I had a alcohol problem then, ma'am.
- 10 Q So, you blacked out, is that what you're saying?
- 11 A May have, ma'am. Because we got in many fights. The
12 Navy, the sailors against the Marines, that's the things
13 that we did when we were in the military. We fought a
14 lot. In the bars.
- 15 Q So, the Navy -- wait a minute the Navy versus the
16 Marines, you guys would --
- 17 A Yes, ma'am --
- 18 Q -- get in knife fights and things like that in the
19 military?
- 20 A Yes, ma'am.
- 21 Q With each other?
- 22 A Yes, ma'am.
- 23 Q Is that what you're saying?
- 24 A That's what we did.
- 25 Q So, that's a common thing in the military?

1 A I don't know about today but it was when I was in it
2 in '81, yes, ma'am.

3 Q Lots of fist fights between --

4 A Fist fights.

5 Q Oh yeah, between people in the military?

6 A Yes, ma'am.

7 Q Showing knives?

8 A Yes, ma'am.

9 Q Pushing each other in the water?

10 A Yes, ma'am.

11 Q Using foul, disrespectful language?

12 A May have --

13 Q That's the conduct of an officer or of someone in the
14 military?

15 A I respect my authorities, ma'am. Fully.

16 Q Okay.

17 A Absolutely, I respect my authorities.

18 Q All right. Let's see. So, you haven't had any sex
19 offender treatment, though?

20 A No, ma'am, I don't need it.

21 Q You don't think you have a problem?

22 A No, ma'am. I'm very content in my relationship that
23 I have.

24 Q Okay.

25 A Drugs and alcohol are in the past, ma'am.

- 1 Q So, you will be around your family?
- 2 A Yes.
- 3 Q Okay. Where was your family the other six times you
- 4 raped women?
- 5 A In Indiana.
- 6 Q So, they never called you, you never had any contact
- 7 with them?
- 8 A No.
- 9 Q For all six of those sexual offenses?
- 10 A No. No, I was on my own.
- 11 Q Okay.
- 12 A I shunned away from everybody.
- 13 Q So, they didn't protect you? They didn't help you in
- 14 the past?
- 15 A I never asked them to help me.
- 16 Q But they never reached out to you either, did they
- 17 degree?
- 18 A They didn't know where I was at. Because I didn't
- 19 contact them. I never wrote them, I was on my own.
- 20 Q Okay. And you were a jigalow, correct?
- 21 A Yes, ma'am.
- 22 Q Okay. What type of women would you do this for?
- 23 A A woman that I saw buying a lot of drinks. Flashy.
- 24 Q Flashy women?
- 25 A Older.

1 Q Older women?

2 A Yes, ma'am.

3 Q Isn't it true that you told Dr. Gehle that you would
4 target college age women?

5 A College age?

6 Q Eighteen to 21 years old?

7 A No, ma'am, I've always liked older women.

8 Q Okay. So, when you reported that to Dr. Gehle that
9 was a lie?

10 A I didn't reported that. This -- that evaluation was
11 not video taped or audio taped. So, I'm not lying about
12 anything. I'm very truthful. Otherwise, she wouldn't
13 have the answers that she has had to do the evaluation for
14 me.

15 Q Okay. Would you agree with me that you never took
16 responsibility for any of the sexual offenses that you
17 caused?

18 A Absolutely, I take full responsibility. Nobody else
19 done it, I done it, ma'am.

20 Q Okay.

21 MS. WETHERTON: Just a minute, Your Honor.

22 BY MS. WETHERTON:

23 Q Oh, and with response to in -- to taking
24 responsibility for all those things, you committed that
25 lewd act on that child, didn't you?

JEFF CHAPMAN-CROSS BY MR. CHAPMAN

1 A Yes, I did, ma'am. I'm sorry.

2 Q You did commit that crime?

3 A I'm sorry, ma'am, I did that crime.

4 Q You actually did that. So, when you told Rhonda that
5 you didn't do it and it was a lie, you were lying to
6 Rhonda, weren't you?

7 A Yes, I was, ma'am.

8 MS. WETHERTON: All right, nothing further.

9 THE COURT: Redirect, sir?

10 MR. ARIAIL: No, Your Honor.

11 THE COURT: Thank you, Mr. Chapman, you may step
12 down, sir.

13 All right, Mr. Ariail, you have an additional
14 witness, sir?

15 MR. ARIAIL: I do, Your Honor. Let me check to see
16 if he's here right now.

17 THE COURT: Well, let's take a 10 minute break and
18 come on back and we'll resume testimony.

19 You anticipate that to be your last witness, sir?

20 MR. ARIAIL: That will be my last witness, Your
21 Honor.

22 THE COURT: Okay. All right, good enough.

23 All right, let's take a break, don't discuss the
24 case.

25

JEFF CHAPMAN-CROSS BY MR. CHAPMAN

1 (WHEREUPON, the jury left open court at approximately
2 11:00 a.m.)

3 MR. ARIAIL: Your Honor, just for the record I wanted
4 to let you know I told him 11:15. So, I hope he's here
5 earlier but. I said 11:00 to 11:15.

6 THE COURT: Okay, good enough.

7 MR. ARIAIL: Thank you.

8 THE COURT: Yes, sir.

9 (WHEREUPON, a short break was taken.)

10 (WHEREUPON, the jury came into open court at
11 approximately 11:25 a.m.)

12 THE COURT: Let's just discuss where we stand. It's
13 my understanding Mr. Ariail will call one additional
14 witness. And as of right now I don't know that the State
15 intends to put up anything in reply.

16 Do you anticipate that, Ms. Wetherton?

17 MS. WETHERTON: No at this time but it all depends.

18 THE COURT: Okay, I understand. If there's a reply
19 witness then it will be fairly short so what I anticipate
20 doing is putting into the record the next witness'
21 testimony. And then perhaps short reply and then having
22 closing arguments from the attorneys. At this point in
23 time I don't have any additional charges to give you but,
24 of course, I'll discuss that with the attorneys before I
25 give you the case to begin your deliberations. But it

1 looks to me like we'll probably have another hour to an
2 hour and a half of trial in this case. And then I should
3 be in the position to give you the case and let you begin
4 your deliberations. As you know, you've already filled
5 out your orders for lunch so hopefully when we you go back
6 into your jury room to being your deliberations it will be
7 there for you and you can begin. Okay?

8 All right, Mr. Ariail.

9 MR. ARIAIL: Thank you, Your Honor. Call Dr. David
10 Price.

11 THE CLERK: Place your left hand on the Bible, raise
12 your right.

13 DAVID PRICE, after being duly sworn, testified
14 as follows:

15 THE CLERK: State your name for the record.

16 THE WITNESS: David Richard Price.

17 THE CLERK: Thank you, please be seated.

18 DIRECT EXAMINATION

19 BY MR. ARIAIL:

20 Q Dr. Price, please state your name one more time for
21 the Court.

22 A David Richard Price.

23 Q Okay. I want to go through a little bit of your
24 background. Tell me, you're a doctor here in town, is
25 that correct?

1 A That is correct.

2 Q What type of doctor are you?

3 A I'm a licensed clinical psychologist by the State of
4 South Carolina but I have a forensic psychological
5 practice.

6 Q Okay. And tell me a little bit about your
7 educational background, where did you go to college?

8 A I received my Bachelor's Degree in psychology from
9 Clemson University. I received my Master's and Doctorial
10 degree in clinical psychology from Auburn University. And
11 I interned at the University of Pittsburgh, University
12 Drive VA Internship Consortium Pittsburgh, Pennsylvania.

13 Q Now, as part of your practice do you know -- there's
14 a difference between clinical psychology can you give a
15 understanding what clinical psychology and forensic
16 psychology. Can you give us an -- just an understanding
17 of what clinical psychology is?

18 A Clinical psychology is the study of human behavior,
19 emotions, psychological functioning. It's actually pretty
20 diverse. It can range from anything from excessive
21 personality to providing treatment that most people would
22 perceive as psychotherapy or behavioral intervention.

23 Q Okay. And that was your course of stay, I guess,
24 through your, I guess, your Auburn and Clemson, is that
25 correct?

1 A That's correct.

2 Q Okay. And the forensic psychology, I think Dr. Gehle
3 has explained a little bit about this but can you tell us
4 what forensic psychology is and how it, I guess, applies
5 in this situation.

6 A Forensic psychology is taking the knowledge and
7 research base of psychology, whether it be clinical
8 psychology or nerve psychology or even developmental
9 psychology and applying it to legal questions and legal
10 processes such as this commitment hearing. But it could
11 be Probate Court hearings, Civil Court hearings when
12 there's alleged emotional injury and things of that
13 nature.

14 Q Okay. In regards to, I guess testifying, how many
15 times have you been qualified as a an expert in regards to
16 clinical psychology?

17 A Hundreds.

18 Q Okay. And has that been in the State of South
19 Carolina or?

20 A Nationally. In state the federal courts.

21 Q Okay. In forensic psychology how many times have you
22 been qualified as an expert there?

23 A Hundreds.

24 Q Okay. And you've testified here in South Carolina
25 and across the nation, is that correct?

1 A Yes, sir, I have.

2 Q Okay. And in regards to your qualification as an
3 expert, have you testified for both the defense and, I
4 guess, the state?

5 A I do.

6 Q On cases?

7 A And I have.

8 Q Okay. You got any idea of roughly percentages of how
9 many times you testified for the state or defense in
10 cases?

11 A I would testify for the defense simply because the
12 state has a mechanism where they have employees of the
13 state that evaluate the defendants. But I have testified
14 for prosecutors in this state in cases. And also been
15 retained by the justice department to testify in cases
16 prosecuted at the federal level.

17 Q Okay. And in this case you were retained by my
18 client's family to review this matter, is that correct?

19 A That is correct.

20 Q And you have reviewed it and come to an opinion in
21 regard, I guess, opinion of his case that you're going to
22 pose to this jury, is that correct?

23 A That's correct.

24 Q Okay. And it deal with forensic and clinical
25 psychology and your application of those -- your knowledge

1 in regards to that?

2 A That's correct.

3 MR. ARIAIL: Your Honor, I move at this time to have
4 him qualified as an expert in forensic and clinical
5 psychology.

6 THE COURT: Any objections or voir dire?

7 MS. WETHERTON: Have some voir dire, Your Honor.

8 THE COURT: Okay, you may ask the same.

9 VOIR DIRE EXAMINATION

10 BY MS. WETHERTON:

11 Q Dr. Price, how are you?

12 A I'm well thank you. I hope you are too.

13 Q Thank you. Dr. Price, what states are you licensed
14 in?

15 A South Carolina.

16 Q Okay. Have you ever been qualified as an expert in
17 SVP cases in the State of South Carolina?

18 A I have testified on sexual violence in criminal
19 matters across the state but I don't immediately recall
20 testifying in a sexually violent predator commitment
21 hearing.

22 Q In the State of South Carolina?

23 A In the State of South Carolina.

24 Q How -- so how many times were you qualified as an
25 expert in a sexually violent predator case? Would that be

1 none?

2 A I think that's been a number of times in death
3 penalty cases that is I testified in.

4 Q But you'd agree with me not in sexually violent
5 predator cases you've never been qualified as an expert?

6 A I have testified when individual were pleading and
7 have been qualifying the sexually -- sexual violence, yes.

8 Q I know but pursuant to the Sexually Violent Predator
9 Act, what we're here on today, there are no pleas, is that
10 correct?

11 A That's correct.

12 Q To would in the criminal sector?

13 A That's correct.

14 Q But how many times in a civil commit proceeding,
15 pursuant to the Sexually Violent Predator Act have you
16 been qualified as an expert?

17 A In South Carolina this would be maybe the first one
18 that I can recall.

19 Q Okay. So, you've never testified for the State of
20 South Carolina either in a sexually violent predator
21 precommitment evaluation?

22 A No.

23 Q Okay. Do you have any experience working directly
24 with sex offenders?

25 A I do.

1 Q Okay, what is that?

2 A I have provided treatment to sexual offenders and
3 have evaluated sexual offenders and testified about sexual
4 offenders.

5 Q Pursuant to the Sexually Violent Predator Act?

6 A No, in criminal court pursuant to pleas and trials
7 related to sexual offenses.

8 Q For their actual criminal conviction, is that
9 correct?

10 A That's correct.

11 Q Okay. And so have you ever provided sex offender
12 treatment to a person previously convicted of a sex
13 offense?

14 A As a condition of their parole, yes.

15 Q Okay. How many over those people have you treated?

16 A I don't provide much treatment because much of my
17 evaluation is -- most of my practice is evaluation.

18 Q Okay.

19 A But I have provided treatment to sex offenders, over
20 a hundred.

21 Q Over a hundred?

22 A In my career, yes.

23 Q Okay. Do you offer sex offender treatment in your
24 practice now?

25 A No, not now.

1 Q Okay.

2 A I refer those to Dr. Bardoff.

3 Q So, this is your first evaluation that you've ever
4 conducted pursuant to the Sexually Violent Predator Act?

5 A First time I've testified pursuant to the Sexually
6 Violent Predator Act.

7 Q Okay. Have you ever conducted any evaluations
8 pursuant. . .

9 A I have done some non-discoverable consulting with the
10 attorneys representing individuals but I have not
11 testified.

12 Q Okay. And how many cases was that?

13 A I can't recall a specific number.

14 Q Do you know what years?

15 A No.

16 Q You don't remember the years either?

17 A No.

18 Q So, have you ever recommended someone for release
19 from a South Carolina Sexually Violent Predator Treatment
20 Program?

21 A Not that I recall.

22 Q Okay. And I will show you this.

23 Permission to approach, Your Honor?

24 THE COURT: Yes, ma'am.

25

1 BY MS. WETHERTON:

2 Q Dr. Price, have you seen that before?

3 A I have.

4 Q What is that?

5 A That's a copy of my CV.

6 Q Okay. And your CV is pretty extensive, it's about 30
7 pages, would you agree with me?

8 A It would be, yes, ma'am.

9 Q Okay. Does your CV indicate any experience
10 evaluating sex offenders?

11 A No. But it doesn't particularly note any experience
12 in evaluating people on death row either. And I've done
13 plenty of those.

14 Q And that would be pursuant to a criminal or
15 competency evaluation?

16 A That's correct.

17 Q Okay. And you would agree with me based on your CV,
18 your areas of expertise, you have experience in childhood
19 development disorders, is that correct?

20 A I have.

21 Q Competency evaluations, competency to stand trial,
22 that type of thing?

23 A That's correct.

24 Q Brain injury, you've testified a good bit on that?

25 A That's correct.

1 Q Okay. And did you see any indication of Mr. Chapman
2 being incompetent?

3 A Not at all.

4 Q Okay. And obviously he's not a child?

5 A No, ma'am.

6 Q Correct? And does he appear to have any
7 developmental disorder such as autism or anything like
8 that?

9 MR. ARIAIL: Your Honor, that's outside the scope of
10 voir dire.

11 MS. WETHERTON: I apologize.

12 THE COURT: Limit the questions to qualifications.

13 MS. WETHERTON: Okay, permission to approach?

14 THE COURT: Yes, ma'am.

15 BY MS. WETHERTON:

16 Q Have you seen this before, sir?

17 A I have.

18 Q Is that from your website?

19 A It would appear so, yes, ma'am.

20 Q Does anywhere on your qualifications on your website
21 indicate anything of having to do with sex offender
22 treatment or with sex offenders?

23 A No, it just discusses consulting in criminal cases?

24 Q Okay.

25 A This is just a reflection of what's on this.

1 Q Okay. And you'd agree with me this is not a criminal
2 case?

3 A No, this is a civil case regarding criminal behavior.

4 Q Okay. Well, it also requires some mental health
5 considerations as well, correct?

6 A Yes, ma'am.

7 Q Okay. And in the past five years how many times have
8 you testified for the State of South Carolina?

9 A I can't recall right off hand. I think I forwarded
10 you a list of my testimony.

11 Q Oh, no.

12 A Or I may have forwarded Mr. Ariail. I don't have a
13 copy with me.

14 Q Okay.

15 A But I have.

16 Q Okay.

17 Your Honor, at this time we move to exclude the
18 witness. He's not qualified to testify in these types of
19 cases.

20 THE COURT: Respectfully overruled. His
21 qualifications I find are sufficient upon which to offer
22 him within the scope that was proffered by the Defense.

23 MS. WETHERTON: Okay.

24 THE COURT: Questions posed to him will go to the
25 weight that the jury may put upon his testimony.

1 MS. WETHERTON: And just for the record so we're
2 clear, general, clinical and forensic psychology, is that
3 correct?

4 THE COURT: Is that what you're offering?

5 MR. ARIAIL: That's what I'm offering. The same
6 thing as Dr. Gehle.

7 THE COURT: Okay.

8 MS. WETHERTON: Well, Dr. Gehle is also qualified as
9 an expert in mental health evaluations pursuant to the
10 Sexually Violent Predator Act.

11 MR. ARIAIL: I don't think she was offered for that.

12 MS. WETHERTON: Yes, she was.

13 THE COURT: I don't remember the specific scope in
14 which she was offered. However, I accept him within the
15 scope that you proffered him.

16 MR. ARIAIL: Okay, thank you, Your Honor.

17 MS. WETHERTON: Okay.

18 BY MR. ARIAIL:

19 Q Dr. Price, now that you've been qualified as an
20 expert in forensic and clinical psychologist, they were
21 certain questions that were asked by Ms. Wetherton in
22 regards to, I guess, your evaluations of sexually violent
23 predators. I want to ask you -- and you reviewed the
24 evaluation that was done by Dr. Gehle, correct?

25 A I have.

1 Q Okay. And your evaluation of that, there was a test
2 for a MMPI, Static-99R, correct?

3 A Correct.

4 Q Are those standard things that you utilize in your
5 everyday practice as clinical or forensic psychologist?

6 A I use the MMPI consistently. I don't generally use
7 the Static-99R because it's a controversial instrument
8 that has a number of problems with its validity and
9 reliability. Such as I would not use it as a stand alone
10 estimate of anybody's potential for recidivism. In fact,
11 the authors in the study in 2012 recommended that exactly.

12 Q All right. And we'll get into that. But the
13 evaluation that you reviewed by Dr. Gehle, as part of your
14 previous qualifications as an expert, have you been able
15 to or have you done evaluations to determine if someone
16 has a sexual abnormality or personality disorder?

17 A I've actually written book chapters on personality
18 disorders. And I evaluate for that all the time. I
19 conduct between 350 and 425 evaluations a year across a
20 variety of mental health issues. Including potential for
21 violence or potential for sexual violence. So, yes.

22 Q Okay. So your review of her evaluation, these are
23 things that you do and have experience in and can provide
24 this jury information in regards to it, is that correct?

25 A That is correct.

1 Q Now, as part of this evaluation of Mr. Chapman you
2 were retained by his family, is that correct?

3 A That's correct.

4 Q Okay. And as part of the, I guess, services they
5 wanted you to provide, did they want you to do an
6 evaluation of him to determine if he's a sexually violent
7 predator?

8 A That's correct.

9 Q Okay. What did you do as part of your evaluation to
10 make -- to come to your opinion?

11 A I reviewed his criminal history and his legal records
12 as provided by your office. I reviewed Dr. Gehle's
13 evaluation. I met with him on four occasions. I met with
14 Ms. Owens on an occasion. And I administer the MMPI
15 restructured format to him.

16 Q Okay. And how many hours do you think you met with
17 Mr. Chapman?

18 A Probably around eight.

19 Q Okay. And how long did you meet with Ms. Owens?

20 A About 45 minutes.

21 Q Okay. And they paid you a fee to be able to do this
22 review, is that correct?

23 A That's correct. I require a retainer to be paid in
24 advance to accept a case.

25 Q How much was that retainer?

1 A \$3,150.00.

2 Q Okay. And that has covered your time during the
3 evaluation and being present here today in court; is that
4 correct?

5 A That's correct.

6 Q Okay. Now, during your evaluation of Mr. Chapman,
7 how did he present to you during the evaluation?

8 A I felt that he was -- his mood was defining. Meaning
9 he was not showing any evidence of anxiety or depression.
10 He was open, he was forthcoming. He didn't really present
11 with any significant mental disorders such as psychotic
12 disorder, schizophrenia or any cognitive disorder such a
13 mental retardation.

14 Q During your review or evaluation with him, was he
15 forthcoming about things? Did he provide you information
16 when you requested it?

17 A He did. He discussed his sexual offenses with me.
18 Childhood development, criminal behavior, the issues that
19 led him to be in this hearing.

20 Q Okay. And was he forthcoming in regards to the, I
21 guess, the sexual incidents and the crimes that he's been
22 convicted of?

23 A Yes, sir, I felt he was.

24 Q Okay. What -- there's a question in regards to
25 whether or not he was remorseful, what did he offer to you

1 about those crimes? And was he remorseful or not?

2 A I felt that he regretted committing those crimes and
3 was remorseful about having committed those crimes and
4 with those victims.

5 Q Okay. Now, you conducted a MMPI on him, correct?

6 A That's correct.

7 Q Okay. If you can tell the jury what a MMPI is that
8 would be very helpful.

9 A MMPI stands for the Minnesota Multiphasic Personality
10 Inventory. It's currently in it's second addition.
11 There's another addition of it called Restructured Format
12 which will probably what I feel the MMPI-2 will revolve
13 to. It is probably the most comprehensive research test
14 of psychopathology. And that would be personality
15 functioning, psychiatric illness, substance abuse, things
16 of that nature.

17 Q Okay. And if you can give us a little bit of an
18 understanding of -- I know there are questions that are
19 asked. Can you tell us what type of questions and how the
20 process goes about to get a result in regards to that?

21 A Well, if you give the MMPI-2, it was 567 true/false
22 questions. If you give the Restructured Format, it's 366
23 again, true/false questions. And it asks questions about
24 likes and dislikes, behaviors, things you might have done
25 in the past, things you might be feeling about, things

1 like that.

2 Q Okay. And he conducted this and you were able to get
3 a result out of that, is that correct?

4 A That's correct.

5 Q Okay. And what was the results in regard to that
6 MMPI?

7 A What it suggest is that he had history of anti-social
8 behavior, substance abuse, some suicidal ideation.

9 Q Okay. And what can you or what can the jury
10 extrapolate out of that in regards to whether or not he
11 has a mental abnormality or personality disorder that's
12 going to cause him to reoffend?

13 A Well, the MMPI is not a stand alone instrument in
14 rendering an opinion about a mental disorder. You take
15 performance on the test along with other things that you
16 have gathered about the person's history. And you refer
17 for -- these are all the excepted mental disorders
18 commonly accepted by the experts in this country. And
19 this came out in May of 2013. So, you would look at the
20 diagnostic criteria in this manual to see if that
21 individual fit that criteria in reaching a diagnostic
22 formulation.

23 Q Okay. And you've reviewed Dr. Gehle's evaluation and
24 her, I guess, opinion that he suffers from biastophilia.
25 What guidance can you give or what is your opinion in

1 regards to whether he has that mental abnormality?

2 A Biastophilia is as disorder in which someone really
3 needs forcing someone to, and unwilling victim, to have
4 sex with them in order to become aroused. I didn't feel
5 he had that history despite his sexual offenses. That's
6 not a diagnosis found in DSM-5. It was originally
7 considered as the diagnosis in DSM-3r which came out in
8 1987, predecessor of this book. And was decided not to be
9 included. It doesn't really have a well accepted
10 diagnostic criteria as to what constitutes that. It's
11 debated in the field. It was considered to be in DSM-5.
12 Again, there's controversy about exactly what the dynamics
13 are about that paraphilia. And it's elected not to be
14 included. And one of the reasons it wasn't included is it
15 didn't want to be the vehicle in sexual violent predator
16 hearings as the mental abnormality or defect.

17 Q And that's the pedophilia, correct?

18 A Correct.

19 Q Is -- biastophilia is a subcategory of paraphilia,
20 correct?

21 A It's a type of paraphilia, yes.

22 Q Okay. Now, in your opinion, does he suffer from any
23 type of mental abnormality?

24 A I didn't render a diagnosis for him. Of course, the
25 one that would be considered would be the anti-social

1 personality disorder which Dr. Gehle gave him in her
2 report. I didn't feel like he met the diagnosis as set
3 forth in DSM-5. And I don't feel like he had -- he had a
4 couple conduct disorder prior to the age of 15 is one of
5 the requirements. I don't think he met that requirement.
6 And I didn't think he met the requirements as far as
7 the -- what he would need as an adult under the DSM-5.

8 Q Okay. Now--

9 A That's not to say he didn't engage in anti-social
10 behavior, that's different. But he doesn't have an
11 anti-social personality disorder.

12 Q So, individuals have -- can have anti-social traits
13 but they don't have an anti-social personality disorder?

14 A Anybody that drives intoxicated home from a party has
15 engaged in anti-social behavior.

16 Q Okay. So, the other aspect that was relied upon by
17 Dr. Gehle was the Static-99R, you didn't conduct one of
18 those; did you?

19 A I reviewed the Static-99R. And when I preliminary
20 rated him on it I gave him a score of six. Dr. Gehle gave
21 him a score of seven. There's controversy about the use
22 of the Static-99R. And I wouldn't use it because of the
23 problems with it. The instrument was developed of a
24 combination of an earlier rating scales in the 90's. it was
25 originally developed by a researchers in Canada. The

1 majority of the subject data came from Canadians, Great
2 Britain, Sweden, Austria, places like that. When you look
3 at the list of studies they report as part of that pool,
4 there's just a small amount of them from the United
5 States.

6 The other problem is the sample of individuals that
7 they have is, it's by a sample, we typically have the
8 MMPI. The normative basis for the MMPI came from a random
9 sample of people that would fit the 1980 census, okay.

10 It's a greater pool of people. The data that was used for
11 the Static-99 and 99R in 2002 were basically whatever data
12 that they could get. And the instrument has been
13 controversial as to what the scores mean. One of the
14 things -- it's really hard to get data from the -- about
15 the Static-99R and the sister instrument in 2002. Because
16 a lot of the data that they site is from unpublished
17 studies. And it's hard to get such things as what we
18 would call a standard area of measurement. Standard areas
19 of measurements are important to know in evaluating a
20 score.

21 For example, a very well accepted test is the
22 Wechsler test. The Wechsler Assessment of Intelligence
23 Scale. That has four additions. It has a standard area
24 of measurement of five points. That means if you have an
25 IQ of 100, your true IQ is between 95 and 105 with 90

1 percent accuracy. They don't really publish the standard
2 area of measurement for the Static-99. However, if you go
3 to some of their workshops it's published there. And they
4 record standard area of measurement between 1.4 and 1.6.
5 Which would mean a score of seven would reflect a score of
6 5.4 to 8.6. Well, that's pretty important to know because
7 the interpretation for score of five is vastly different
8 from the score of seven.

9 There has been problems with -- they established --
10 in looking at groups to match performances with, the
11 researchers had statistical reasons to identify three
12 groups. The routine group, the high risk group and the
13 ones referred for treatment. But they went back and
14 looked at the data and said well just use an inference and
15 we'll use the non-routine group. Which is -- the
16 non-routine group is the one that Mr. Chapman was compared
17 to by Dr. Gehle. Well, in subsequent literature and in
18 court decisions outside of where there's been no bear
19 challenges of this instrument, outside of the State of
20 South Carolina, it hasn't been done in South Carolina,
21 they have thrown out the group rate. In particularly the
22 non-routine. And what the literature says for the best
23 interpretation on this is that you should just go with the
24 routine group and not the other three.

25 Well, it also said that you can't make individual

1 predictions of a score for an individual on any of the
2 static. You can't say that Mr. Chapman's probability of
3 recidivism is this. Because we don't know that there's
4 any data similar to him. And it was not developed to make
5 individual predictions. So, what people have done is
6 people like this have this kind of rate. But you can't
7 say -- you can't apply it directly to Mr. Chapman. Well,
8 in trying to answer some of the questions about this
9 instrument, the publishers, Dr. Hanson and his associates,
10 did what we call a meadow analysis of studies looking at
11 recidivism groups that had static scores. And that came
12 back in 2012. And it was published in criminal justice
13 and behavior.

14 And what they found is they looked at 23 different
15 studies of recidivism for sexual offenses. And one of
16 their conclusions was the estimate of recidivism for
17 sexual offenders is overestimated. Which that's also true
18 of rating people potential for violence. It actually
19 stronger. And what they found, for example, is looking at
20 different studies. There's so much variability, you can
21 have difficulty interpreting what a score was. So, one
22 of the things that said was that a score of eight of cross
23 studies could be associated with anything from like a four
24 percent probability of recidivism to a 16 percent.

25 Well, that's pretty important to know, like in this

1 case you have gentlemen with a score of seven. So, what
2 they have said because of the variability of the
3 instrument, you can't use it as a stand alone instrument
4 to predict recidivism. And, in fact, you should actually
5 look and use --

6 (WHEREUPON, a cell phone went off.)

7 A Wasn't my phone. You should actually look and use
8 clinical judgment. Well, the problem with clinical
9 judgment in estimating recidivism or violence is that it's
10 no better than chance, you'd be better off flipping a
11 coin. And that's discussed in this article by Dr. Abbott
12 about clinical judgment versus actuarial risk.

13 Actuarial risk is what the Static-99R does. It tries
14 to have a statistical way of looking whether someone is
15 going to reoffend or not. Clinical judgment is when you
16 look at an individual and say, I think he's going to
17 reoffend because he's done this. Or he has this history.
18 Well, in the conclusion by Dr. Hanson and Ms. Helmous and
19 them and their article of looking at the validity of
20 the -- they say you have to -- you can't use the static
21 alone to make an opinion, you have to use clinical
22 judgment and judge on other issues. Well, that reduces
23 the chance.

24 Q Okay.

25 A So, it's a very problematic instrument to use. They

1 also say that the best way to use this instrument is to
2 develop your own local norms. That means we look at the
3 base rate of recidivism in South Carolina and develop it
4 on South Carolina sexual offenders. That hadn't been
5 done. In fact, I don't know any research using the
6 static, any of the statics on South Carolina offenders.
7 It's a real problematic instrument. I don't rely on it
8 because of the problems, it's design and it's variability
9 cross groups. You just don't know -- you're better off
10 flipping a coin than using it.

11 Q Okay. Now, and we went through this, the risk
12 assessment and the static that has come up, the
13 Static-99R, I think you just said in this article,
14 Criminal Justice and Behavior, this review has dropped
15 those numbers down as percentage for re-offenders. Is
16 that -- I'm trying to figure out how we've got a number
17 that says there's going to be a 30.6 non-routine sex
18 offenders will recidivate within five years, your
19 numbers -- how do your numbers compare with that based on
20 what you presented?

21 A Well, what it says is, what the authors conclusion is
22 you can't rely on those numbers. Because of variability
23 of cross studies. You really need to have your own norms.
24 You need to look at other indicators of predictors of
25 recidivism. And the other thing is you should use the

1 routine group. But I've got the manual for the 99 in 2002
2 and they don't give you that range of estimates,
3 probability of recidivism for score of routine groups.

4 Q Right. And Mr. Chapman you reviewed his criminal
5 history. And from my review the last charge that --
6 sexual charge he had was in 2001?

7 A That's correct.

8 Q How does the length of time between that offense and
9 where we are today, how does that effect your opinion or
10 how does that tie in your opinion today?

11 A Well, the research would indicate recidivism is very
12 low. If you look at all offenders. And you look at --
13 and one of the things that's even variable about when you
14 look at the 2002 static instrument says you should look at
15 the date of conviction, which should be 2005, if I
16 remember correctly, instead of the arrest date. Then, it
17 predicts a five or ten year period. Well, if you look at
18 the conviction date of the lewd act on a minor being 2005,
19 well we certainly know that recidivism rate in the next
20 five years was below 30 something percent. And, you know,
21 that kind of range is -- if you say somebody -- the
22 potential for somebody to recidivist is 25 to 29 percent.
23 Well, that means the chance they're not going to be
24 recidivist is 75 to 60 percent. Which is more likely than
25 not. I mean, it's below 51 percent that they're not going

1 to be recidivist. So, that's the problem. This
2 particular instrument probably confuse decisions more than
3 aid decisions.

4 Q Right. And how does Dr. Gehle's not having the use
5 of the MMPI, along with the Static-99R, does that cause
6 any issues or any effect on opinion that she can generate
7 out of this?

8 A Well, I think she felt the MMPI was invalid.

9 Q Right.

10 A And, I guess, she felt that her Static-99 score was
11 valid despite what the contemporary research says about
12 that score.

13 Q Okay. And then the remainder of her evaluation was
14 based on what she had reviewed or, I guess, gleaned from
15 his criminal records. And would she believe if he fell in
16 within a paraphilia for biastophilia, correct?

17 A That's correct. And also based upon her clinical
18 interview with him about offenses. And he appeared to be
19 quite opened as reported in her evaluation about his
20 offenses and interactions with women and things like that.

21 Q What is your opinion to a legal degree of medical
22 certainty as to whether or not he has a mental abnormality
23 that effects him and could cause him to--

24 MS. WETHERTON: Objection, Your Honor. We want to
25 make sure that it's to psychological degree -- to a

1 reasonable degree of psychological certainty.

2 THE COURT: I understand.

3 Restate your question, sir.

4 BY MR. ARIAIL:

5 Q What is your opinion to a legal degree of psychology
6 certainty that he has mental abnormality that is going to
7 effect him to reoffend or likely reoffend?

8 A I don't think he has a mental abnormality. I didn't
9 make a diagnosis of a defect.

10 Q Okay.

11 A I think the best indicator of whether he's going to
12 reoffend would be his behavior since 2001 or 2005. You
13 know, he was in the community from 2005 to 2011 without an
14 offense.

15 Q Okay. What is your opinion in regards to a legal
16 degree of psychological certainty that he has an
17 anti-social personality disorder that's going to cause him
18 to reoffend?

19 A I don't think he a anti-social personality disorder.
20 I'm pretty fluent in personality disorders, I evaluate for
21 those hundreds a time a year, it's a part of all my
22 evaluations. I've written book chapters on personality
23 disorders. I don't think he has a anti-social personality
24 disorder.

25 Q Okay. To a reasonable degree of psychological

1 certainty, do you believe that he should be confined under
2 the Sexually Violent Predator Act?

3 A Well, that's not a decision for me to make but I
4 don't see anything -- you can't use the static. I don't
5 feel that the research shows that you can use the
6 Static-99 as predictor of his recidivism. If you look at
7 the meadow analysis that the publishers of the status
8 [verbatim] developers of the Status-99 [verbatim] made,
9 the risk of recidivism across the board for sexual
10 offenders is pretty small. And they both say 3 percent.
11 I think 16 percent. So, if you're going to make a
12 prediction based upon what the research says, is that it's
13 probably an 85 percent chance he would not.

14 The -- and again, the criticisms of the Static-99 are
15 well known and well published. And you can't really use
16 that to make an individual estimate. If you are going to
17 use the Static-99, legal decisions, outside the state,
18 hadn't been done in this state, have determined that you
19 can only -- the routine -- only estimates from the routine
20 sample is admissible under Diver challenges.

21 Q Okay. So under your review of this, there's a
22 chance, not a chance, I said that yesterday. But there's
23 a 70 percent to 85 percent likelihood that he's not going
24 to reoffend?

25 A Well, if you use the estimate that Dr. Gehle put in

1 her report, that would indicate 75 to 60 percent chance he
2 would reoffend. The other thing is his age. And research
3 indicates that once you get 50, the probability of you
4 reoffending decreases by two to four percent a year.

5 That's true for crimes in general, not just sexual
6 offenders. But there's research about sexual offenders.

7 Q Basically the older you get the less likely you are
8 to reoffend, correct?

9 A Age solves a lot of problems.

10 MR. ARIAIL: Dr. Price, I appreciate it. I have no
11 further questions, thank you.

12 CROSS-EXAMINATION

13 BY MS. WETHERTON:

14 Q Dr. Price, when were you hired for this case?

15 A Approximately a month ago.

16 Q About a month. Do you know how long this case has
17 been pending?

18 A No, ma'am.

19 Q Okay.

20 Permission to approach the witness, Your Honor?

21 THE COURT: Yes, ma'am.

22 BY MS. WETHERTON:

23 Q Sir, have you seen this top document before?

24 A I can't recall that I have.

25 Q Okay. How about the next page? That's the petition

1 which is pursuant to the Sexually Violent Predator Act,
2 have you seen that?

3 A Let me check my report to see.

4 Q Okay.

5 A I just don't recall right offhand.

6 Q Okay.

7 A No, ma'am.

8 Q So, you never received the petition?

9 A Not that I have knowledge of.

10 Q Okay. Make sure that we're clear, this document with
11 all of his exhibits and criminal history, you don't have?

12 A I have his criminal history.

13 Q Okay. But you never received the petition?

14 A I did not receive the petition.

15 Q Okay. Would you believe if I said that this case has
16 been pending for over a year?

17 A I have no reason to doubt that.

18 Q Okay. Did you write a report in this case?

19 A No, ma'am.

20 Q Okay. Now, is one of the things that you looked at
21 in this case prior to making your opinion, was the 17 page
22 report from Dr. Gehle?

23 A That's correct.

24 Q And we don't have a report from you?

25 A No.

1 Q Okay. And since you don't issue a written report,
2 you obviously can't be bound by what you say in court, can
3 you?

4 A Certainly I can.

5 Q Well, you can't be cross-examined on your report
6 because your report doesn't exist, correct?

7 A No.

8 Q Okay. And your opinion could change as you sit here
9 and testify and we wouldn't know that?

10 A Well, I talked to you yesterday about my opinion.
11 You would know whether it changed from then to now.

12 Q How long did we speak?

13 A Thirty minutes, 40 minutes.

14 Q Okay. But there's nothing in writing to document
15 your opinion?

16 A I did not write a report.

17 Q Okay.

18 A But certainly I've got research here with me that
19 documents my opinion.

20 Q Okay. But that hasn't been shared with us, correct?

21 A I share it with you now.

22 Q Is your general practice not to issue a report when
23 testifying?

24 A It depends on the venue. You always issue a report
25 in federal court. Oftentimes in criminal court criminal

1 attorneys will request that you not write a written
2 report.

3 Q Okay. So, you were not willing to put your opinion
4 into writing in this case?

5 A I would have been willing, I wasn't asked to.

6 Q Okay. Now, other than reviewing Dr. Gehle's report,
7 did you attempt to try to consult with her?

8 A I did not.

9 Q Did you listen to her testimony yesterday?

10 A No, ma'am.

11 Q Okay. But you were here during opening statements,
12 is that correct?

13 A I was.

14 Q Okay. Are you aware of any other opinions given by
15 mental health professionals in regards to evaluating
16 Mr. Chapman in this case?

17 A I think maybe he had seen a Dr. Martin but I can't
18 recall.

19 Q Okay. Do you know Dr. Tom Martin?

20 A I do not.

21 Q Okay. So, prior to becoming involved, did you know
22 Mr. Chapman had Dr. Martin retained to conduct a full
23 evaluation on him for these proceedings?

24 A Repeat the -- prior to becoming involved?

25 Q Prior to you becoming involved?

1 A I think I was aware of that, I'm not sure at what
2 point I was aware of that.

3 Q Okay. So, in making your opinion you didn't consult
4 with Dr. Martin?

5 A I did not.

6 Q So, do you know that Dr. Martin has an outpatient
7 program specializing in sex offender treatment?

8 A Not offhand, no.

9 Q Okay. Do you know that he worked at the Sexually
10 Violent Predator Unit as a chief psychiatrist?

11 A No.

12 Q So, it's your opinion that Static-99 is not reliable,
13 is that correct?

14 A It's not my opinion, it's the opinion in public
15 research.

16 Q Okay.

17 A Including published by the developers in the
18 Static-99.

19 Q You would agree with me that the developers of the
20 Static-99 say never to use it as a stand alone tool?

21 A That's correct.

22 Q Okay. So, you didn't hear Dr. Gehle testify
23 yesterday that she didn't use it as a stand alone tool,
24 did you?

25 A I did not hear her testimony.

1 Q Okay. And as far as something being excluded, that
2 Static-99 in other courts, what state has that been
3 excluded in?

4 A One that comes to mind is New Hampshire.

5 Q New Hampshire. Do you know the name of the case that
6 the average study talks about?

7 A State of New Hampshire vs. Tom Hurley.

8 Q Hurley. Do they also talk about another case, State
9 of New Hampshire -- let me research it, Ploof? Is that
10 another case?

11 A Yeah, I think Ploof was another case.

12 Q Okay. Would you be surprised to know that I spoke to
13 the prosecutor last night that handled both of these
14 cases?

15 A No.

16 Q Okay.

17 A You're very diligent, I'm sure you did.

18 Q Thank you. And you'd agree with me that's these
19 cases -- have you ever seen the order for the Thomas
20 Hurley case or the Ploof case?

21 A I have the Supreme Court Order.

22 Q So, you're saying these are Supreme Court cases?

23 A No, for the State of New Hampshire, I thought.

24 Q For the State of New Hampshire?

25 A Superior Court for the State of New Hampshire, the

1 correct.

2 Q Okay. You'd agree with me that it was excluded as a
3 result of the Daubert hearing and that during trial it was
4 a evidentiary hearing?

5 A That's correct.

6 Q Okay. And you would agree with me the Superior Court
7 is trial court in the State of New Hampshire?

8 A I have no reason to disagree.

9 Q Okay. So, basically you're basing your opinion of
10 the static being thrown out from a court that made binding
11 law that's not even binding in the State of New Hampshire?

12 A I was going based upon the research they talked about
13 in reaching that decision. Which is also published here
14 in the Abbott article.

15 Q And they say to these cases?

16 A Yes.

17 Q And these cases are not binding law in the State of
18 New Hampshire.

19 A Okay.

20 Q Would you agree with me if they're not binding law in
21 the State of New Hampshire, they're certainly not binding
22 in the State of South Carolina?

23 A Even if they were binding in the State of New
24 Hampshire they wouldn't be binding in the State of South
25 Carolina.

1 Q Right. Did you know what happened to Mr. Ploof?

2 A No, I do not.

3 Q So, you don't know that he just voluntarily committed
4 himself into the New Hampshire program?

5 A No, I don't know that.

6 Q And you don't know that the Supreme Court of New
7 Hampshire upheld his commitment into the program?

8 A I don't know that either.

9 Q Okay. Are you familiar with New Hampshire Sexually
10 Violent Predator Program?

11 A I am not.

12 Q Do you know how people are in the Sexually Violent
13 Predator Program in New Hampshire?

14 A I do not.

15 Q Okay. Who you be surprised with Mr. Ploof there's
16 only two?

17 A I have no reason to be surprised on way or the other?

18 Q Okay. And you say that Mr. Chapman does not have
19 anti-social personality disorder, correct?

20 A Correct.

21 Q And you looked at the report of Dr. Gehle, is that
22 correct?

23 A I did.

24 Q In that report did you see where he admitted to
25 conduct, I believe it's on Page 4 of her 17 page report.

1 And he described numerous problems of caught prior to age
2 15. Page 4 is the second paragraph above---

3 A Yes, ma'am, I got it.

4 Q Okay. Do you see where he said that he abused
5 animals?

6 A Yeah, I don't really -- I don't consider that abusing
7 animals. He threw walnuts at a fox. And then as a
8 juvenile shot at birds.

9 Q Uh-huh.

10 A That's actually pretty common juvenile experience in
11 the south.

12 Q Okay.

13 A Every boy with a BB gun is guilty of that.

14 Q Okay.

15 A He also reported in that same, next sentence, that he
16 was always great with family dogs, he wasn't abusing them.

17 Q Just because he would hurt one animal doesn't
18 initially hurt another, is that correct?

19 A That's correct. And because he threw walnuts at a
20 fox doesn't make him a animal sadist.

21 Q Well, I never said he was sadist, I said that he
22 abused animals. But he had a history of secretly
23 stealing, conning, tricking others, these are things that
24 she found in her report based on his report?

25 A Actually, he's -- what I'm reading is he denied

1 destroys someone else's property, breaking and entering or
2 secretly stealing or conning or tricking others, he denied
3 those. He didn't admit to those.

4 Q Okay. Did he admit to the lewd act offense when you
5 talked to him?

6 A I did talk to him about that, he admitted that.

7 Q He did admit to that?

8 A Yes, ma'am.

9 Q Okay. You'd agree with me on the Static-99R, it's --
10 they're all sex offenders, correct? The entire group are
11 sex offenders?

12 A That's correct.

13 Q And that's across numerous countries?

14 A That's correct.

15 Q Okay. Wouldn't you agree with me the data suggest
16 that sexual assault is the most under reported crime?

17 A By the Static-99.

18 Q Not by the static, just in general data?

19 A It's generally considered that it's under reported,
20 yes.

21 Q It's under reported. Actually, 10 percent of all
22 sexual assaults are actually reported?

23 A There's data to suggest that, yes, ma'am.

24 Q And 3.5 percent roughly are actually convicted, is
25 that correct?

1 A Give me just a second.

2 Q Okay.

3 A I'm sorry.

4 Q That's okay.

5 A If you can repeat the question?

6 Q Sure. In about 3.5 percent of sex offense people are
7 convicted?

8 A I think the estimate's a little bit higher than that
9 but it's pretty low, yes, ma'am.

10 Q It's pretty allow. Okay. And what is the standard
11 pursuant to the Sexually Violent Predator Act, how does
12 the statute define likely?

13 A I think it defines it as more likely than not.

14 Q Okay.

15 Permission to approach?

16 THE COURT: Yes, ma'am.

17 BY MS. WETHERTON:

18 Q I'm going to show you a copy of the Sexually Violent
19 Predator Statue and ask you to read for the jury number
20 nine.

21 A Likely to engage in acts of sexual violence means the
22 person's propensity to commit acts of sexual violence is
23 of such a degree as to pose a menace to the health and
24 safety of others.

25 Q So, the standard for likely is not more likely than

1 not, is it?

2 A It's propensity, which I would interpret, is more
3 likely than not.

4 Q Okay. Again, you've never testified in the these
5 courts before pursuant to the Sexually Violent Predator
6 Act?

7 A I've testified in these courts numerous times.

8 Q Pursuant to the Sexually Violent Predator Act?

9 A No.

10 MS. WETHERTON: Just one moment, Your Honor. I have
11 no further questions. Thank you.

12 THE COURT: Any redirect, sir?

13 MR. ARIAIL: No, Your Honor.

14 THE COURT: Thank you, Dr. Price.

15 MR. ARIAIL: May he be excused?

16 THE COURT: Yes, sir, absolutely.

17 All right, anything further from the Defense?

18 MR. ARIAIL: Your Honor, that's our case.

19 THE COURT: Anything from the State?

20 MS. WETHERTON: None, Your Honor. Thank you.

21 THE COURT: All right. Ladies and gentlemen, we're
22 going to go next to closing arguments but I'm going take a
23 quick break. I'm going to give you some instructions
24 while we take that break. There needs to be a foreperson
25 on the jury. A foreperson's duties are to make sure that

1 in your deliberations everyone has the opportunity to be
2 heard. That everyone has a voice. The foreperson of the
3 jury is essentially charged with making sure that everyone
4 has the opportunity to be heard. I can't describe for you
5 in any greater detail what the duties of a foreperson
6 would be because I'm not allowed to go into a jury room
7 and to participate jury deliberations. So, I can't tell
8 you because I don't exactly know. But I will tell you
9 that if during the course of your deliberations you have
10 any questions or there's anything that you need, the
11 foreperson also can write down on a sheet of paper your
12 questions or needs and send it to me and I'll be happy to
13 address them if I indeed can.

14 So, we'll take about five or ten minutes. And then
15 what we'll do is we'll come back in and we'll hear closing
16 arguments. Again, y'all will decide who you want your
17 foreperson to be. Just write it down, give it to the
18 bailiff and let me know. Okay? Thank you.

19 (WHEREUPON, the jury left open court at approximately
20 12:17 p.m.)

21 THE COURT: All right, counsel, anything? Any
22 motions that we need to put on the record at this point?

23 MS. WETHERTON: None from the State, Your Honor.

24 MR. ARIAIL: None from the Defense, Your Honor.

25 THE COURT: Okay. All right. I have already

1 provided to the jury the charge on the law. Is there
2 anything additional or any additional request for charge?

3 MS. WETHERTON: Nothing from the State, Your Honor.

4 MR. ARIAIL: None from the Defense, Your Honor.

5 THE COURT: All right, good enough. Okay. So, tell
6 me the order in which you will proceed and what your
7 preference is. Recognizing obviously that this is a civil
8 case. And the burden of proof is on the State in the
9 matter. So, the question is, how do y'all want to
10 proceed?

11 MS. WETHERTON: In these cases, particularly, I do
12 closing first, then the defense and then I have a chance
13 for reply.

14 THE COURT: Civil case.

15 MS. WETHERTON: Yes.

16 THE COURT: Yes, ma'am.

17 MS. WETHERTON: If something's brought up new, I
18 don't always use it. But I have the option for reply.

19 THE COURT: Okay. Sure.

20 All right, anything?

21 MR. ARIAIL: No.

22 THE COURT: All right, good enough. What we'll do is
23 take a brief break, get everybody refreshed then we'll
24 come back in and make an opening, then the Defense can,
25 then follow up, if appropriate. Okay? I don't know how

1 long you intend to argue. But please limit yourself to at
2 least 20 minutes. I think that's reasonable, what do
3 think?

4 MR. ARIAIL: I think that's good.

5 THE COURT: Okay.

6 MS. WETHERTON: It won't be 20 minutes.

7 THE COURT: Okay, good enough. All right, thank you.

8 (WHEREUPON, a short break was taken.)

9 THE COURT: Y'all ready?

10 MR. ARIAIL: Yes, sir, Your Honor.

11 THE COURT: All right, bring them in.

12 (WHEREUPON, the jury left open court at approximately
13 12:17 p.m.)

14 (WHEREUPON, Court's Exhibit No. 1 was marked for
15 identification and received into evidence.)

16 THE COURT: All right, Ms. Rhodeman is our
17 Foreperson.

18 (WHEREUPON, the jury came into open court at
19 approximately 12:24 p.m.)

20 THE COURT: Ms. Rhodeman, I understand you're our
21 Foreperson, congratulations. Obviously you demonstrated
22 yourself to be a leader, example juror. Congratulations.

23 All right. All right, we'll begin the closings
24 argument. Ladies and gentlemen, I remind you that closing
25 arguments are not evidence. All the evidence to be

1 received in this case you've already heard throughout the
2 conduct of trial. Closing arguments are just that,
3 arguments from attorneys, advocacy for their respective
4 sides, wherein they comment on the evidence that has been
5 presented in an attempt to persuade you to their
6 perspective sides.

7 Having said that, ma'am, your case.

8 CLOSING STATEMENT

9 MS. WETHERTON: Thank you.

10 Ladies and gentlemen of the jury, on behalf of our
11 office and Attorney General Allen Wilson, we'd like to
12 thank for your time. I can only imagine when you guys
13 probably got your civil summons in the mail you think
14 you're going to hear something about a car accident or a
15 slip and fall in a grocery store. And here we are trying
16 to figure out if somebody's a sexually violent predator.
17 But this is a very important case. This is obviously it's
18 important to Mr. Chapman. It's very important to our
19 office. This is going to be very important to the
20 community. What you all decide.

21 So, what I did tell you in the beginning? What did I
22 have to prove? First, I had to prove that he'd been
23 convicted of at least one sexually violent offense. I
24 admitted into evidence, I believe they're up here, maybe
25 not. Well, two exhibits, right here. Of his sentencing.

1 He has two sexually violent offenses. And Judge Stilwell
2 in the beginning charged you that criminal sexual conduct
3 in the third degree and lewd act on a minor are both
4 sexually violent offenses. So, let's move on.

5 I have to prove that he had a mental abnormality or
6 personality disorder. You heard testimony of Dr. Gehle
7 who has conducted over 150 of these evaluations pursuant
8 to Sexually Violent Predator Act. She's looked at a lot
9 of people similarly situated to Mr. Chapman. And she
10 diagnosed him with both. She diagnosed him with
11 paraphilic disorder which as she said is in the DSM-5.
12 And she explained where she got the biastophilia diagnosis
13 and it's commonly accepted among experts such as herself
14 in field that does this type of diagnosis.

15 And also, she diagnosed him with an anti-social
16 personality disorder and she explained to you the reasons
17 why. He showed in evidence based on his report of a
18 conduct disorder before the age of 15 based on his own
19 words. And also, his lifestyle impulsiveness, the things
20 that he's done over his life. And how anti-social
21 personality disorder in him puts him at risk to reoffend.
22 Also coupled with the paraphilic disorder.

23 How do we know that? Dr. Gehle testified that
24 Mr. Chapman gave sexual intercourse on more than one
25 occasion with non-consenting women despite even having

1 consensual sexual partners. So, that goes to her
2 diagnosis of a paraphilic disorder. She further testified
3 that he had an extensive criminal history and a lack of
4 remorse supporting his diagnosis of a personality
5 disorder. Furthermore, he has a pattern of criminal
6 sexual conduct that has span for almost three decades.
7 For most of his adult life he's been in and out of prison.
8 Beginning with his most recent sexual acts, he violated
9 his probation and it ended in his incarceration.
10 Dr. Gehle further testified that based on her review and
11 experience, it is her expert opinion that Mr. Chapman has
12 a lack of control over before his mental abnormality and
13 personality disorder that he would commit acts of sexual
14 violence.

15 So, how do we know that? As stated in my opening by
16 Dr. Gehle, he has an extensive criminal history. And also
17 he has significant risk factors that he's shown over the
18 course of his life. He has a history of lifestyle
19 impulsiveness, his resistance to rules that the rest of us
20 have to follow out in the world. And offending despite
21 having consensual partners, having a strange victim,
22 offending in broad daylight as a woman is walking down the
23 street. It shows that he's dangerous and he lacks
24 control. When he does offend it's particularly heinous
25 and it's particularly brutal. And that's something to

1 consider in this situation. And as Dr. Gehle stated, the
2 best predictor of future behavior is past behavior. And
3 he has a repetitive pattern of sexually violent behavior.

4 And finally, I'd like to point out that Mr. Chapman
5 has never participated in sex offender treatment. And he
6 doesn't even believe that he has a problem. I thought it
7 was interesting that the one thing you got to see
8 throughout this trial was him. You got to see him
9 testify. Now, I want you all to think about when you go
10 back and deliberate, what was his demeanor on direct
11 examination? What was his demeanor on cross-examination
12 when I, a woman, cross-examined him. It was a complete
13 change in his attitude. And you heard from his two
14 witnesses that he lied. That how everyday, every time you
15 talked to him, regardless, especially the first person,
16 his employer, he always said, he always denied that lewd
17 act conviction. But today he wants to show you that he's
18 remorseful. And for the first time on the stand he's
19 like, you know what, I did that. That shows a
20 manipulative attitude. That shows him trying to gain the
21 system, tell you all what you want to hear. So, you don't
22 think that you can put him into this program. That shows
23 anti-social personality trait. And you all got to see
24 that today.

25 I believe that I have met my burden of proof and that

1 you are really firmly convinced. And I believe that
2 Mr. Chapman is a sexually violent predator that needs
3 treatment. So, he can finally gain that understanding as
4 to why he committed and get that treatment for sexually
5 violent offenses so he does not hurt another woman.

6 MR. ARIAIL: Thank you, may it please the Court?

7 THE COURT: Yes, sir.

8 CLOSING STATEMENT

9 MR. ARIAIL: Ladies and gentlemen, first and foremost
10 thank y'all for giving us your time this week. This is a
11 very difficult case and we had some graphic evidence and
12 it had to come out. And Mr. Chapman is remorseful for
13 that. Y'all saw him on the stand, he admitted to those.
14 Now, I know some of y'all are sitting with the opinion,
15 well that was just because he was on the witness stand,
16 testifying, trying to get out of jail. But I want y'all
17 to look when you go back in that room, look at the
18 evidence that's there that I think supports a changed
19 person.

20 Now, I looked at it. I looked at the evidence, I
21 heard the criminal offenses. At first blush you take
22 those and you don't go any farther than we've lost the
23 case. But that's not what you're here to do. You're
24 supposed to go forward and find out if he's likely to do
25 the same thing when he get out. You can't just say he's

1 had this past history because we all have a past history.
2 All of us has had things that we don't want to come out.
3 But clearly Mr. Chapman does too. But the key is has he
4 done the things that need to be done or will he likely
5 engage in these when he gets out? And I think the -- what
6 I tried to bring out in this case and what I wanted to
7 make sure that you saw, because I thought it was kind of
8 relevant, is who he was back in his time of substance
9 abuse when he didn't have a support group, the individual
10 he was back in those days. Because that's a whole
11 different person than I'm dealing with that's seated next
12 to me.

13 And as you've seen friends and family come in here
14 and employers come in here, the doctor testified on his
15 behalf. That was a person back in the 1990's. In 2000
16 2001, after this last charge that he had, the events of
17 his life, as you can see, there have been no issues on his
18 record other than a DUS, probation violation, other
19 things. If we were sitting here today and there was
20 another charge against him of a sexual nature, that would
21 be a whole different scenario. But what I see is a man as
22 you heard Dr. Price testify to and as Dr. Gehle said, the
23 five year, I guess review of this, there's a 70 percent
24 chance that individuals will not reoffend. Well we've had
25 a five year period.

1 So, the hard thing I have with this is and what I've
2 dealt with from the beginning about this case is, when you
3 have that static, how can you come in here and argue
4 beyond a reasonable doubt, which is as you heard Judge
5 Stilwell say, firmly convinced. It's not more likely than
6 not where the scale is a tipped, it's a substantial
7 burden. Okay. And that is what concern I have is to says
8 that an individual who has a 70 percent chance of
9 non-reoffending, to say that beyond a reasonable doubt you
10 can say it's going to happen again, I don't think holds
11 mustard. It's just not the case. And especially when you
12 look at his past, his timeframe that he's lived and the
13 support he's had. Mr. Hyatt, I mean, he sat on the stand
14 here and talked about his own issues with his family. As
15 you heard, which are very difficult to do. And he even
16 saying I would let Mr. Chapman around my own daughter.
17 And Rhonda who's had a relationship with him. People are
18 trying to giver him a support group to allow him to get
19 out. And all of us need a chance to be able to do that?

20 Now, I know that these events in the past, things in
21 the past we have to look at. But you also, I think the
22 key is, to look at the snapshot of where he is, what he is
23 dealing with now. And you heard Dr. Price. Dr. Price
24 came in here, provided his testimony as to whether he
25 thought he was going to reoffend or what his view is about

1 having a mental abnormality or personality disorder. He
2 said, No. The test they used are incorrect. I think
3 that's highly relevant to see where he is now. If had
4 said, Dr. Price, he had a criminal offense last week,
5 sexual offense, well his opinion would be different. And
6 I think that that's what you got to look at. And what I
7 hope you'll keep an opened mind about going in here is not
8 all these horrible facts. There's no question about it.
9 But look where he now. And understand that he's seated
10 over here, he will do what is necessary to do that. He
11 sat on the stand, he explained his remorse. He's
12 horrified how about his past and expressed remorse to all
13 the victims. And that's what he can do.

14 Now, is your role and my hope that you'll give him
15 the full attention to this case so that when you go back
16 there you'll look at everything. Look at where he is
17 seated today and give him a full review of this case. And
18 come back and say, despite these issues he's had in his
19 past, there's no reason to continue to confine him. He
20 should be released. And go out to the support group that
21 he has. The family that he has. I appreciate your time.
22 Mr. Chapman does too. Thank you, very much.

23 THE COURT: Ms. Wetherton.

24 CLOSING STATEMENT

25 MS. WETHERTON: I just have a couple of things that

1 I'd like to cover in response to his statement. First,
2 let's talk about Dr. Price. Dr. Price does not have any
3 experience in this field evaluating sex offenders. In
4 fact, he doesn't apply the statute for what likely is.
5 Which is an extremely important term to apply in sexually
6 violent predator cases. He stated it was more likely than
7 not and that is not the standard under the law. He is not
8 qualified and he is not near as qualified as Dr. Gehle.
9 He didn't even come in and listen to her testimony. And
10 as you see, she's still here. And she listened to every
11 single one of those things.

12 A lot of hay has been made about this Static-99
13 situation. Now, I remind you that Dr. Gehle did not use
14 it as a stand alone tool. But there's this 30 percent,
15 you know, within five years. We also have to remember
16 there's a 98 percent percentile that all the other sex
17 offenders in all these other countries that have been
18 convicted of sex offenses, scored higher than him. And
19 that's not brought up by the defense. Well, let's put it
20 into perspective, this 30 percent. When people are
21 sexually abused, all they can tell you it has absolutely
22 devastated -- sexually assaulted, it has devastating
23 effects on them.

24 So, let's put this in perspective. Let's equate it
25 to a plane crash. If you knew that you were going to get

1 on a plane and it had a 30 percent chance of crashing,
2 would you get on than plane? What if you knew that plane
3 crashed six times before. And it had a 30 percent chance
4 of crashing again, would you get on that plane? When he
5 reoffends, he doesn't get a speeding ticket, he hurts
6 somebody. He hurts somebody in a bad way. That causes
7 absolute psychological damage to people for the rest of
8 their lives. So, don't treat it like a 100 percent scale,
9 it's not that easy. Thirty to 40 percent reoffending on a
10 sexual offense, that's fairly significant. And I'd ask
11 that you put it in perspective that way.

12 And another thing -- and if there's anything that
13 I've said, I want you guys to listen to this last thing I
14 tell you. As jurors, you know you can hear all the
15 evidence but you're allowed to use your common sense. You
16 all don't have to be doctors and psychologist to be
17 qualified to review this evidence and make a decision.
18 So, this is very simply what it is. He's a serial rapist,
19 based on the evidence, with no sex offender treatment
20 who's spent his entire adult life in and out of prisons.
21 Based on what you heard, if he gets out, what do you think
22 is going to happen?

23 THE COURT: All right, ladies and gentlemen of the
24 jury, I'm going to ask you to retire to the jury room at
25 this point. What I'm going to do is I'm going to ask the

1 attorneys to do an inventory of the exhibits that were
2 admitted into this case. And then I'm going to send back
3 to you the jury verdict form that I explained to you and I
4 read to you at the very beginning of the trial. When you
5 receive those exhibits and you receive this verdict form,
6 then you may begin your deliberations. Please don't begin
7 until then. I want to make sure that we have all the
8 exhibits and there aren't any other legal issues that I
9 need to address before you begin your deliberations. But
10 you should have your instructions to begin very shortly.
11 So, please return to your jury room, don't discuss the
12 case quite yet.

13 (WHEREUPON, the jury left open court at approximately
14 12:44 p.m.)

15 THE COURT: All right, counsel, anything additional
16 that we need to take up before we give the case to the
17 jury for deliberations?

18 MS. WETHERTON: None from the State, Your Honor.

19 MR. ARIAIL: No, Your Honor.

20 THE COURT: Okay, y'all conduct an inventory of the
21 exhibits. When you are satisfied that they're there, then
22 will you give this to the jury along with the exhibits.

23 And also, I need to see Mr. Mcneer, the alternate in
24 my chambers.

25 Thank y'all for having tried a great case.

1 MS. WETHERTON: Thank you.

2 MR. ARIAIL: Thank you, I appreciate doing it.

3 MS. WETHERTON: Thank you, I appreciate it.

4 (WHEREUPON, deliberations began at approximately
5 12:45 p.m.)

6 (WHEREUPON, court was in recess awaiting a verdict.)

7 THE COURT: All right, ladies and gentlemen, I have
8 been advised that we have -- the jury has reached a
9 verdict. Both parties prepared to receive the verdict?

10 MS. WETHERTON: Yes, sir, Your Honor.

11 MR. ARIAIL: Yes, sir, Your Honor.

12 THE COURT: Okay. Bring them in.

13 (WHEREUPON, the jury came into open court at
14 approximately 2:22 p.m.)

15 THE COURT: All right, Ms. Rhodeman, has the jury
16 reached a unanimous verdict, ma'am?

17 THE FOREPERSON: We have, yes.

18 THE COURT: Would you hand the verdict form to the
19 bailiff, please?

20 All right, Madam Clerk, would you publish the
21 verdict, please.

22 THE CLERK: Your Honor, this is case number
23 2013-CP-23-2749, In the Matter and Care and Treatment of
24 Jeffrey Allen Chapman, Respondent. Question, has the
25 Petitioner, the State of South Carolina, proven beyond a

1 reasonable doubt that Jeffrey Allen Chapman is a sexually
2 violent predator under the South Carolina Sexually Violent
3 Predator Act? We, the jury, unanimously answer the
4 question as follows: Yes, Jeffrey Allen Chapman is a
5 sexually violent predator. Signed, Glenda Rhodeman,
6 Foreperson, May 20th, 2014.

7 Is this is your verdict so say you all. Please
8 signify by raising your right hand.

9 (WHEREUPON, all members of the jury raised their
10 right hand.)

11 THE COURT: All right, counsel, anything additional
12 for this jury?

13 MR. ARIAIL: No, Your Honor.

14 MS. WETHERTON: Nothing from the State.

15 THE COURT: All right, ladies and gentlemen, thank
16 for your service. What I'm going to ask you to do is back
17 in your jury room. I'm going to come back in just a few
18 seconds just to release you for the week. It will only
19 take a few seconds and I promise you I'm not going to keep
20 you any longer. But I do want to give you the opportunity
21 to ask me any questions that you may have regarding jury
22 duty or regarding this trial in particular. So, I'll be
23 back in just a few seconds. Probably be back before you
24 get your phones back and you're ready to leave.

25

1 (WHEREUPON, the jury left open court at approximately
2 2:26 p.m.)

3 THE COURT: All right, anything additional to put on
4 the record?

5 MR. ARIAIL: No, Your Honor.

6 THE COURT: Ms. Wetherton?

7 MS. WETHERTON: No, but we do have a proposed Order
8 of commitment.

9 THE COURT: Okay, hand it up, please.

10 MS. WETHERTON: I just provided it to Mr. Ariail.

11 THE COURT: Okay.

12 MS. WETHERTON: And I can take care of filing for
13 your so I can get it to the department.

14 THE COURT: Okay. All right, thank you.

15 MS. WETHERTON: Thank you, Your Honor.

16 THE COURT: All right, we are adjourned.

17 MR. ARIAIL: Thank you, Your Honor.

18 (WHEREUPON, the proceedings were concluded.)
19
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25

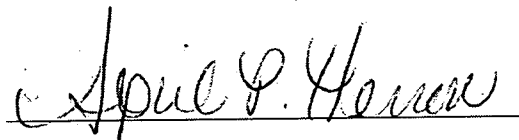
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the
Thirteenth Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
Common Pleas for Greenville County, South Carolina, on the
20th day of May, 2014.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

November 24, 2014



APRIL P. HERRON, Court Reporter

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS

CASE NO. 2013-CP-23-

02749

IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 JEFFREY ALLEN CHAPMAN,)
 RESPONDENT.)

PETITION PURSUANT TO THE
 SEXUALLY VIOLENT PREDATOR ACT

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, Jeffrey Allen Chapman, 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 December 19, 2013.**
3. The Multidisciplinary Team met on **March 25, 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 **April 19, 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.
5. 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:

- (a) Between July 1, 2001 and December 31, 2001, Respondent sexually assaulted **Victim 1** (10-year-old female). According to law enforcement documentation, Victim 1 was being interviewed by the Department of Social Services regarding allegations that her father had sexually abused her. Victim 1 denied these allegations, however, she stated that Respondent had fondled her on a previous occasion. According to her, Victim 1, her brother and her mother moved in with Respondent, despite the fact that her mother and father were still legally married. According to her, one day while she was playing with her dolls in her room, Respondent entered and began touching her underneath her nightgown "on my pee-pee." According to reports, Victim 1 was noted as being "extremely articulate for her age." Respondent was then charged with one count of Lewd Act Upon a Minor Under 16 in violation of South Carolina Code section 16-15-140. On April 6, 2005, Respondent pled guilty as charged and received 15 years incarceration suspended to time served (277 days) and five years probation. (**PETITIONER'S EXHIBIT C**). However, on May 27, 2011, Respondent's probation was revoked for five years due to technical violations, failing to comply with curfew and GPS monitoring requirements, and for failing to follow the advice and instructions of his parole agent. (**PETITIONER'S EXHIBIT D**).
- (b) Prior to the offense described in subparagraph 5(a), on or around April 18, 1997, Respondent sexually assaulted **Victim 2** (35-year-old female). According to law enforcement documentation, Victim 2 offered to accept delivery for a neighbor who was not home. While signing for the delivery, Respondent exposed himself to Victim 2. Victim 2 stated he grabbed her and asked her to touch him, asked to see her body, and offered her money. Victim 2 declined and Respondent pulled up his pants, and informed her that he would return because he knew her name. Respondent was initially arrested and charged with Indecent Exposure in violation of South Carolina Code section 16-15-130. On June 12, 1998, Respondent pled guilty as charged and received a sentence of three years incarceration suspended to three years probation with six months house arrest. (**PETITIONER'S EXHIBIT E**).
- (c) Prior to the offense described in subparagraph 5(a) and (b), on or around April 11, 1992, Respondent sexually assaulted **Victim 3** (29-year-old female). According to law enforcement documentation, Victim 3 was asleep in her bedroom when Respondent entered her room and got into bed with her. Respondent then began fondling her breasts and got on top of her. Victim 3 stated that she attempted to resist, but Respondent was able to digitally penetrate her. Respondent was charged with Criminal Sexual Conduct in the First Degree in violation of South Carolina Code Section 16-3-652. On November 11, 1992, following a trial, Respondent was found guilty of Criminal Sexual Conduct in the

Third Degree in violation of South Carolina Code section 16-3-654 and received a sentence of 10 years incarceration. However, the South Carolina Supreme Court reversed this decision on a Batson jury selection issue, and remanded the case for retrial on March 8, 1995. Respondent subsequently pled guilty on April 7, 1995 in exchange for a sentence of 10 years incarceration suspended to three years time served. **(PETITIONER'S EXHIBIT F).**

(d) Prior to the offense described in subparagraph 5(a), (b), and (c), Respondent sexually assaulted **Victim 4** (23-year-old female). According to law enforcement documentation, on or around September 30, 1991, Respondent grabbed Victim 4 as she was walking down the street and drug her into the woods. Respondent then threw her down on the ground, held her down, and tried to pull up her skirt, and pull down her underwear. Victim 4 started screaming, and Respondent told her to "shut up bitch" and to "quit screaming or I'll wring your neck" as he proceeded to choke her. Victim 4 stated that a male witness began yelling and blaring his car horn. Respondent then stopped, and Victim 4 then managed to escape. A female witness also observed Respondent running behind Victim 4 and grabbing her. Respondent was charged with Attempted Second Degree Rape in violation of North Carolina Code section G.S. 14-27.6 and Kidnapping in violation of North Carolina Code G.S. 14-39. On April 2, 1993, following a trial, Respondent was convicted of Attempted Second Degree Rape and was sentenced to eight years of incarceration. **(PETITIONER'S EXHIBIT G).**

(e) Prior to the offense described in subparagraph 5(a), (b), (c) and (d), Respondent sexually assaulted **Victim 5** (27-year-old female). According to law enforcement documents, on or around January 2, 1986, Victim 5 was parking her car at her apartment complex, and Respondent jumped into the passenger side of her car, and began touching her and trying to lie on top of her. Respondent then asked Victim 5 if she wanted to have sex inside her car or at her home. Knowing that her roommate was inside the apartment, Victim 5 then recommended that they go inside her apartment thinking that Respondent would leave once he saw her roommate. Once inside, Respondent then discovered that the roommate's door was locked. Respondent then told Victim 5 that if she made any noise, that he would hurt both her and her roommate. Victim 5 states that Respondent made her remove her clothing and have oral and vaginal sexual intercourse with him. She further stated that she was in fear for her life and her roommate's life if she did not comply with what Respondent wanted her to do. Respondent was charged with three counts of Sexual Assault in violation of Florida law. On August 7, 1986, he was convicted as

charged and sentenced to eight years in prison. **(PETITIONER'S EXHIBIT H).**

(f) During Respondent's incarceration at the South Carolina Department of Corrections, Respondent has had five recorded disciplinary infractions, and one was dismissed. In addition, Respondent has a disciplinary infraction for sexual misconduct while housed at the Department of Corrections **(PETITIONER'S EXHIBIT I).**

(g) 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.

(h) 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 J).**

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 K).**
- 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 2005 convictions for Lewd Act Upon a Minor under 16 as set forth above. **(PETITIONER'S EXHIBIT C, *supra*).**
 - B. Respondent's 1998 conviction for Indecent Exposure as set forth above. **(PETITIONER'S EXHIBIT E, *supra*).**
 - C. Respondent's 1992 conviction for Criminal Sexual Conduct in the Third Degree as set forth above. **(PETITIONER'S EXHIBIT F, *supra*).**
 - D. Respondent's 1993 conviction for Attempted Second Degree Rape in North Carolina as set forth above. **(PETITIONER'S EXHIBIT G, *supra*).**
 - E. Respondent's three 1986 convictions for Sexual Assault in Florida as set forth above. **(PETITIONER'S EXHIBIT H, *supra*).**
 - F. The basis of his record of convictions and arrests in South Carolina dating back to at least 1999, including convictions for:
 - 1. 09/08/1999 – Breach of Peace (two counts) and Trespassing After Notice
 - 2. 11/16/2000 – Driving Under Suspension
 - 3. 05/29/2002 – Grand Larceny

4. 5/19/2003 – First Offense Sex Offender Registration Violation

5. 02/20/2006 -- Criminal Domestic Violence 1st Degree. **(PETITIONER'S EXHIBIT L).**

(see NCIC Report, **PETITIONER'S EXHIBIT J, *infra***).

- 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) Never legally married or never lived with a lover for at least two years; 2) Not related to victim; 3) Stranger to victim; 4) Prior non-sexual convictions; 5) Four or more prior sentencing dates; 6) Length of sexual offending history one to six years; Offense committed in a public place; 7) Force or threat of force used; 8) One or more major discipline reports while incarcerated; 9) Sex offender treatment refused or terminated by staff while incarcerated; and 10) More than one victim.
- vi. Upon information and belief, Respondent has not completed sex offender treatment while incarcerated in the South Carolina Department of Corrections. Respondent declined to participate in the Sex Offender Treatment Program on August 22, 2012. **(PETITIONER'S EXHIBIT M).**
- vii. Attached also is Respondent's NCIC Report. **(PETITIONER'S EXHIBIT N).**

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

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May 6, 2013
Columbia, South Carolina

Petitioner's Exhibit A

SEXUAL PREDATOR REFERRAL FORM

Offender Name: JEFFREY ALLEN CHAPMAN Offender Number: 192350 Jurisdictional Agency: SCDC
 Age: 50 County: GREENVILLE Qualifying Offense(s): Lewd Act on Child Under 16 Guilty Plea: ____ Trial: ____
 Gender: Male No. of Incarcerations: 4

Adult 5 years / probation revocation Parole Eligibility Max-Out
 Sentence: Date: Date: 12/19/2013
 Juvenile Parole SFII
 Guidelines: Release Date: Date:

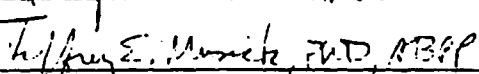
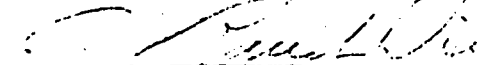
AKA Jeff Chapman

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:

 SCDC -- CHAIRPERSON
 SCDPPS
 DMH
 JDG
 ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on March 21, 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**

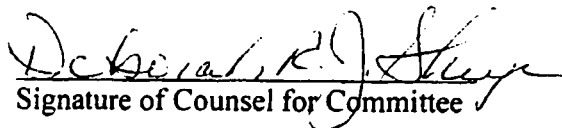
INMATE NAME:	INMATE NUMBER:	PRC REVIEW DATE:
JEFFREY ALLEN CHAPMAN	192350	April 19, 2013
		MEMBERS PRESENT:
		John McIntosh for Alan Wilson David M. Stumbo via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: March 25, 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 2-0, 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

013 MAY -3
11:05

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
STATE VS.
Jeffrey Chapman
AKA:
Race: W **Sex:** M **Age:** 42
DOB: 11-15-1970 **SSN:** 111-11-1111
Address: 1111 1st St, Greenville, SC 29601
DL#: 11111111 **SID#:** 11111111

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#: 2003GS2307503
A/W#: H149988
Date of Offense: 12-31-2001
S.C. Code §: 2468
CDR Code #: 2468

☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL
☐ CONVICTED OF or ☒ PLEADS

In disposition of the said indictment comes now the Defendant who was
TO: SEX/LEWD ACT. COMMITTING OR ATTEMPTING LE
 in violation of § 2468 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.
ATTORNEY:
Jeffrey Chapman Defendant John R. Allen Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for 5
 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. 292 days

SPECIAL CONDITIONS:
☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ set by SCDPPPS _____

PTUP follow sp. conditions for sex offenders. Attend + complete treatment as approved by agent
 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
 payments of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: No contact w/ victim
Don't drink registry
☐ Appointed PD or appointed other counsel, § 35.13 TP
 Requires \$500 be paid to Clerk during probation.

RECEIPT:
***Fees:**

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-311(A)(1) (Conv Surcharges)	\$100	\$ 100
§ 14-1-311(A)(2) (DUI Surcharges)	\$100	\$
§ 56-5-2993 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$300	\$
§ 73.3, 1B TP (Law Referral Funding)	\$25	\$ 25
§ 33.7, 1B TP (Drug Court Surcharges)	\$100	\$
§ 50-21-114(BU) Breath Test Fee)	\$30	\$
§ 56-5-2942(7) (Vehicle Assessment)	\$40/yr	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Paul Wick
 Clerk of Court/Deputy Clerk
Court Reporter: R. R. R.
probation begins today

PRESIDING JUDGE Hamlin
Judge Code: 21 C 13.15
Sentence Date: 4/6/05

msr

4149988

Created by the South Carolina Department of Probation, Parole and Pardon Services

STATE OF SOUTH CAROLINA

County of Greenville
STATE VB.Jeffrey ChapmanAKA: —Race: W Sex: MDOB: [REDACTED]SSN: [REDACTED]SID#: 00841621IN THE COURT OF GENERAL SESSIONS
INDICTMENT#:03 cs 23 07503 2013 MAY 1CWS#: C-23-05-0495Name of Original Offense: Lewd Act on a MinorConviction S.C. Code #: 24.8Conviction CDR Code #: 2, 4, 6, 8Date of Original Offense: 12-31-01Original Sentence: 15 yrs suspended on PS and
ORDER 5 years Probation

The above named defendant has been charged with violating the conditions of probation ordered on 04/06/05 in the Court of General Sessions of Greenville County as set forth in the attached warrant or citation dated 07/27/06. 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 condition as provided in the affidavit) 2, 7, 9, & 10 and Special conditions for Sex Offenders 1

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ 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.
- ☒ Additional Conditions ordered by the Court:

All conditions still APPLY

2013 SEP 26 P 4: 30
CLERK OF COURT
GREENVILLE CO. S.C.
JULIE B. WICKENS

- ☐ The defendant is given credit for pre-arrest hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☐ The defendant has previously served _____ months/years on this sentence.
(split sentence time and/or prior partial revocation time)

This 22nd day of September 2005Greenville SC

Presiding Judge

John C. Few13th

Judea 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: Jeffrey Chapman Witness: [Signature]

Signed this 22nd day of September 2005 at Greenville SC

WITNESSES

T. D. BRACKEN

GCSO

07/28/03

ARREST WARRANT NUMBER

H-149988

ACTION OF GRAND JURY

TRUE BILL

Russell P. [Signature]
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-207503
KCD

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

OCTOBER TERM 2003

PLEAD GUILTY THE STATE
vs.

JEFFERY ALLAN CHAPMAN

Phdalla

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140

ARREST WARRANT

H-149988

9.4.03

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 GREENVILLE

 THE STATE
 against

JEFFERY ALLAN CHAPMAN

Address:

Phone: SSN:

Sex: M Race: W Height: 601 Weight: 220

DL State: DL #:

DOB: Agency ORI: 0230000

Prosecuting Agency: GCSO

Prosecuting Officer: INV. T.D. BRACKEN #633

Offense: LEWD ACT ON A MINOR

Offense Code:

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.

Signature of Judge (L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant Jeff Chapman
 on 12-28-02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

HUDSON

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 GREENVILLE

AFFIDAVIT

 S.C. Attorney General
 July 20, 1990
 SCCA 618

 Personally appeared before me the affiant INV. T.D. BRACKEN *546 #633 who
 being duly sworn deposes and says that defendant JEFFREY A. CHAPMAN
 did within this county and state or OR ABOUT 070101-123101 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
 in the following particulars:

DESCRIPTION OF OFFENSE:

LEWD ACT ON 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:

 THE AFFIANT HAS A STATEMENT FROM A CHILD, WHO IS A 10 YEAR OLD FEMALE, IMPLICATING
 THE DEFENDANT IN THE ABOVE SAID OFFENSE. THE VICTIM STATES THAT THE DEFENDANT
 DID TOUCH HER ON HER VAGINA WITH HIS HANDS ON THE TOP OF HER PANTIES BUT
 UNDERNEATH HER NIGHTGOWN. THIS INVESTIGATION REVEALS THE INCIDENT TO HAVE
 TAKEN PLACE IN THE BOUNDARIES OF GREENVILLE COUNTY. SEE CASE 02-168347.

 Sworn to and subscribed before me)
 on 12-04-02)

 Signature of Affiant)
 Affiant's Address 04 MCGEE ST.
 GREENVILLE, SC 29601
 Affiant's Telephone 467-5060

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
 GREENVILLE

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 070101-123101 defendant JEFFREY A. CHAPMAN
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below

DESCRIPTION OF OFFENSE:

LEWD ACT ON A MINOR

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

 Signature of Issuing Judge)
 Judge's Address 04 MCGEE ST. GREENVILLE, SC
 29601

Signature of Issuing Judge

Judge's Code: 5031

Judge's Telephone 467-5303

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

OF

GREENVILLE COUNTY SHERIFF'S OFFICE

INCIDENT REPORT

CASE NUMBER

NCIC
ENTRYAGENCY I.D.
SCO230000

OFFENSE

CLASS

DAY

02000168347

EVENT

VICTIM

SUBJECT

VEHICLE

NARRATIVE

ADJ. IN PROPERTY

INCIDENT TYPE		OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE	INTE (ENTERED)	TYPE VICTIM
LEWD ACT ON A MINOR		YES ☒ NO ☐	YES ☐ NO ☒	20 Residence/Home		☐ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ MIL. ORDR. ☐ SOCI/PUBLIC ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.
RESIDENT LOCATION (SUDDITION, WALL, YELAGE, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						
INCIDENT DATE		TIME	TO	DATE	TIME	WEAPON TYPE
070101				123101		CID
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RECEIPT	RACE	SEX
		Stranger		JSOU	W	F
ADDRESS		CITY		STATE	ZIP CODE	PATROL DISTRICT
DEPARTMENT OF SOCIAL SERVICES		Greenville		SC	29601	CJ1
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RECEIPT	RACE	SEX
		d		JSOU	W	F
ADDRESS		CITY		STATE	ZIP CODE	PATROL DISTRICT
						06
VISIBLE BARTY (YES ☐ NO ☒ NO EXPLAIN)						
VICTIM (NO. 1) USING ALCOHOL YES ☐ NO ☒ UNK. TYPE						
SUSPECT						
NAME (LAST, FIRST, MIDDLE)		AGE	SEX	DOB	HEIGHT	WEIGHT
CHAPMAN, JEFFERY ALLEN		W	M		602	190
ADDRESS		CITY		STATE	ZIP CODE	PATROL DISTRICT
						07
FACIAL HAIR, SCARS, TATTOOS, SCARS, CLOTHING, PHYSICAL PECuliarITIES, ETC.		CITY		STATE	ZIP CODE	PATROL DISTRICT
SUBJECT (NO. 1) USING ALCOHOL YES ☐ NO ☒ UNK. TYPE		ARRESTED NEAR OFFENSE AGING		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST
DRIVING YES ☐ NO ☒ UNK. TYPE		TOTAL ARRESTED				
ARRESTEE ARMED: YES ☐ NO ☒ WEAPON TYPE:		ARRESTED ON CURRENT OFFENSE		Cleared by ARREST ON PRIOR OFFENSE		
JUVENILE DISPOSITION: 1. HANDLED, RELEASED, REFERRED TO OTHER AUTHORITY		ON VIEW ARREST		SUMMONED		CUSTODY
CHARGES						
LEWD ACT ON A MINOR		16-15-140		H-149988		
STOLEN		TAX NUMBER		STATE		YEAR
RECOVERED		YEAR		MAKE		MODEL
SUSPECT		YEAR		MAKE		MODEL
VETS		YEAR		MAKE		MODEL
ADDITIONAL VEHICLE DESCRIPTION						
TWO-WAY VEH. ☐ ONE-WAY VEH. ☐ DETECTIVE/SPYBOMB ☐ OTHER ☐ MORE ☐ ARRESTED ☐ 1 - THIS JURISDICTION 2 - STATE 3 - OUT OF STATE 4 - UNKNOWN						
I WAS CONTACTED BY THE ABOVE LISTED DSS WORKER IN REFERENCE TO ALLEGATION MADE BY THE MOTHER OF THE CHILD THAT THE ABOVE LISTED VICTIM HAD BEEN SEXUALLY ASSAULTED BY HER FATHER THE HISTORY OF THIS FAMILY REVEALS CUSTODY BATTLE WITH THE CHILDREN AND THE CHILD ADAMANTLY DENIES THE ALLEGATION OF ABUSE. AN INTERVIEW WITH THE CHILD WAS SCHEDULED WITH COMPLAINANT ALSO PRESENT. DURING THE INTERVIEW, I ASKED THE CHILD IF ANYONE HAD EVER TOUCHED HER IN A WAY THAT MADE HER UNCOMFORTABLE AND SHE REPLIED YES. SHE THEN PROCEEDED TO TELL ME OF AN INCIDENT INVOLVING SUSPECT. UPON FIRST MEETING THE CHILD, SHE WAS EXTREMELY ARTICULATE FOR HER AGE AND PROVIDED A WRITTEN STATEMENT AS TO THE ALLEGATIONS ON SUSPECT. THE CHILD WAS REFERRED TO THE ADVOCACY CENTER FOR COUSELING IF NEEDED. VICTIM FORM COMPLETED BY PHONE.						
TYPE		NONE		JURISDICTION OF THEFT		JURISDICTION OF RECOVERY
				NONE		NONE
STOLEN						TOTAL VALUE
DAMAGED						
BURNED						
RECOVERED						
RETIRED						
SUBJECT IDENTIFIED		SUBJECT LOCATED		ARRESTED UNDER 18		EX-CLEAR UNDER 18
YES ☒ NO ☐		YES ☐ NO ☒		ARRESTED 18 AND OVER		EX-CLEAR 18 AND OVER
REASON FOR EX-CELTIONAL CLEARANCE: 1. OFFENSE DEATH 2. NO PROSECUTION 3. VICTIM/COOPERATION 4. EXTRACTION CLEARED 5. ADVERSE, NO LEFT						
REPORTING OFFICER'S ID		DATE		BADGE		APPROVING OFFICER
INV. T.D. BRACKEN		*546		111502		633
SGT. J.M. BROWN		DATE		LAST NO		
YES ☐ NO ☒		11-18-08		601		

NFC 10 12:49

RC 12-11-02 E

AGENCY I.D.
SC0230000

GREENVILLE COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

0 2 0 0 0 1 6 8 3 4 7

INQ. ENT.

☐ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY
 INCIDENT TYPE: LEWD ACT ON A CHILD
 PATROL DISTRICT: 06 PAGE 2 OF 2 PAGES

I.D. OVERFLOW	☐ COMPLAINT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #	SEE PAGE ONE		#1	#2	#3						
	☐ SUBJECT #	ADDRESS		CITY	STATE	ZIP CODE	PATROL DISTRICT	DAY PHONE		EVENING PHONE		
	☐ RUNAWAY	HEIGHT		WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	☐ WANTED	VICTIM NO		VISIBLE INJURY: ☐ YES ☐ NO		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNKNOWN		TWO-MAN VEHICLE ☐ DETECTIVE/PLASMET ☐ ALONE		
	☐ WARRANT	EXPLAIN						CRUISE: ☐ NO ☐ YES TYPE: ☐ UNKNOWN		ONE-MAN VEHICLE ☐ OTHER ☐ ASSAULTED		
	☐ ARREST	SUBJECT NO		USING ALCOHOL: ☐ NO ☐ YES ☐ UNKNOWN				ADMITTED ON CURRENT OFFENSE				
	☐ MISSING			USING DRUGS: ☐ NO ☐ YES		TYPE: ☐ UNKNOWN		Cleared by arrest on prior offense				
	☐ JAIL											
	☐											

ARRESTEE ARMED ☐ YES ☐ NO WEAPON TYPE: ☐ SEMI-AUTO ☐ FULL-AUTO ☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY

JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY

THE CHILD EXPLAINED IN HER STATEMENT THAT THE INCIDENT OCCURED APPROXIMATLY THE FALL PRIOR THE THE INTERVIEW THOUGHT SHE WAS UNSURE OF THE DATES. SHE RECALLED THE FALL DUE TO HALLOWEEN BEING NEAR THE TIME OF INCIDENT. SHE STATED THAT ON ONE DAY, HER MOTHER DROPPED HER FATHER OFF AND WORK AND THEN WENT HOME TO PACK HER THINGS AND MOVE TO HER BOYFRIENDS HOME, JEFFREY CHAPMAN. THE VICTIM STATED THAT UPON MOVING IN, SHE STAYED IN A BEDROOM THAT WAS ACROSS FROM A BATHROOM IN THE SUSPECTS HOME. SHE ALSO RECALLED THAT IT HAD BLUE CARPET. AT FIRST THE CHILD THOUGHT THAT THE HOUSE WAS LOCATED IN ANDERSON AND THEN LATER RECALLED THE ADDRESS TO BE IN PIEDMONT. THE VICTIM STATED THAT ONE NIGHT SHE WAS IN HER ROOM, DRESSED IN A NIGHTGOWN AND PLAYING WITH HER DOLLS. SHE RECALLED THAT THE SUSPECT CAME INTO HER ROOM AND TOUCHED HER ON HER "PEE-PEE." THE CHILD POINTED TO HER VAGINAL AREA TO DESCRIBE WHAT HER "PEE-PEE" WAS. SHE STATED THAT SHE ASKED SUSPECT TO STOP AND HE WOULDN'T THOUGH HE DIDN'T SAY ANYTHING. THE VICTIM STATED THAT SHE TOLD HER MOTHER WHO TOLD HER THAT SHE COULDN'T DO ANYTHING ABOUT THE SITUATION BECAUSE SHE DIDN'T HAVE CUSTODY OF THE CHILD. I ASKED THE VICTIM TO DESCRIBE SUSPECT AND STATED THAT HE WAS BLONDE AND TALL. SHE ALSO REMEMBERED A TATOO ON HIS BACK BUT COULDN'T RECALL OF WHAT. I MADE CONTACT WITH THE CHILDS MOTHER WHO DOES NOT HAVE CUSTODY OF THE VICTIM. SHE STATED THAT SHE HAD MOVED IN WITH THE SUSPECT TO A HOUSE LOCATED ON DANHART STREET IN PIEDMONT. SHE RECALLED THE DATES TO BE BEFORE HER INCARCERATION WHICH WOULD HAVE BEEN AROUND JULY OF 2000 AND LIVED THERE FOR APPROXIMATLY SIX MONTHS. SHE STATED THAT AROUND CHRISTMAS HER DAUGHTER TOLD HER THAT SUSPECT HAD TOUCHED HER ON HER PRIVATE PART UNDERNEATH HER NIGHTGOWN BUT ON TOP OF HER PANTIES. MRS. REID SAID THAT SHE CONTACTED LAW ENFORCEMENT WHO TOLD HER THAT SHE COULDN'T DO ANYTHING WITH THE CASE DUE TO THE FACT SHE WAS NOT LEGAL GUARDIAN. SHE STATED THAT THE SUSPECT IS A REGISTERED SEX OFFENDER AND HAS HAD NO FURTHER CONTACT WITH HIM SINCE HER RELEASE. I WAS ABLE TO LOCATE A SUBJECT MATCHING HE DESCRIPTION IN OUR SYSTEM. THE CRIMINAL PACK SHOWS THE ADDRESS OF DANHART STREET DESCRIBED BY VICTIMS MOTHER. CHILD WAS SHOWN A PICTURE AND POSITIVLY IDENTIFIED THE SUBJECT. HE IS LISTED WITH PRIOR CONVICTIONS AS A SEX OFFENDER. BASED ON THE CHILDS STATEMENT, A WARRANT ISSUED FOR LEWD ACT ON A MINOR. THIS INVESTIGATION TO CONTINUE.

PROPERTY	TYPE	NONE							TOTAL VALUE
	STOLEN								
	DAMAGED								
	BURNED								
	RECOVERED								
ADMIN	SEIZED								
	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18
	☒ YES ☐ NO		☐ YES ☐ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ VICTIM/DECEASED COOPERATION 4. ☐ EXTRADITION DENIED 5. ☐ JUVENILE-NO ARREST								
	REPORTING OFFICER(S)	DATE	UNIT NO.	APPROVING OFFICER		DATE		UNIT NO.	
INV. T.D BRACKEN	111502	633	SGT. J.M BROWN		11-18-00		601		
					☐ YES ☐ NO				

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM/WITNESS STATEMENT

Case Number 02-168347Date 111402

I, [REDACTED], do hereby give freely and voluntarily this statement to
INV. T.D BRACKEN and [REDACTED] who have identified themselves to
me to be Deputies of the Greenville County Sheriffs Office, Greenville, South Carolina.

I am 10 years old and I reside at [REDACTED]

THERE WAS A TIME, I THINK LAST FALL, THAT MY MOTHER DROPPED MY DAD OFF AT WORK AND WENT HOME AND PACKED EVERYTHING. SHE EVEN TOOK THE PHONE. SHE TOOK AME AND MY BROTHER TO JEFFREY CHAPMANS HOUSE TO STAY. SHE WAS STILL MARRIED TO MY DAD BUT JEFFREY WAS HER BOYFRIEND. ONE DAY WHEN I WAS PLAYING WITH MY DOLLS IN MY ROOM, JEFFREY CAME IN THERE AND STARTED TOUCHING ME UNDER MY WHITE NIGHTGOWN ON MY PEE-PEE. HE WAS RUBBING WITH HIS HAND ON TOP OF MY PANTIES. I TOLD HIM TO STOP HE DIDN'T SAY NOTHING HE JUST KEPT DOING IT. JEFFREY USED TO DRINK A LOT. I TOLD MY MOM A FEW DAYS LATER AND SHE SAID SHE WAS GOING TO PRESS CHARGES. SHE DID BUT SHE COULDN'T DO NOTHING CAUSE MY DADDY HAD CUSTODY OF ME. SHE WENT SOMEWHERE AND SAID SHE TRIED AND TRIED BUT THAT SHE COULDN'T. I REMEMBER THE ROOM I STAYED IN WAS ANDERSON I THINK. THE BEDROOM WAS ACROSS FROM THE BATHROOM AND IT HAD BLUE CARPET. THE HOUSE WAS IN PIEDMONT, I THINK. I REMEMBER THAT JEFFREY HAD A TATOO ON HIS BACK BUT I CAN'T REMEMBER WHAT IT WAS.

End of state
ment

I have read the above statement of 1 pages and it is true and correct as best as I recall.

WITNESS:

[REDACTED]
I have received a copy of this statement.

Sworn before me this 14TH day of NOVEMBER, 2002

[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

OF

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on OCTOBER 21, 2003 the
Grand Jurors of Greenville County present upon their oath:

That JEFFERY ALLAN CHAPMAN did in Greenville County, between the 1st day of July, 2001 and the
31st day of December, 2001, being over the age of fourteen years, willfully and lewdly commit or attempt
a lewd and lascivious act upon or with the body, or its parts, of S. R., a child under the age of sixteen
years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
himself or such child. This is in violation of §16-15-140 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.

Claire Davis
SOLICITOR

Petitioner's Exhibit D

Created by the South Carolina Department of Probation, Parole and Pardon Services
STATE OF SOUTH CAROLINA

County of Greenville
STATE VS.

Jeffrey Chapman

AKA: _____

Race: W Sex: M

DOB: _____

SSN: _____

SID#: 00246621

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

03-GS-23-7503
Probation C/Ws: W-21-10-1002; C-27-10-1.

Name of Original Offense: Leaving Child in a Vehicle
Original AWW#: 141499 50
Date of Original Offense: 12/11/01
Conviction S.C. Code §: 16-15-140
Conviction CDR Code #: 21 41 61 8
Original Sentence: 15 yrs suspension TS and 5 yrs Probation
ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 9/16/09 in the Court of General Sessions of Carterville County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on Order 7/16/09 4/11/10 as set forth in the attached warrant(s) or citation(s) dated 4-12/10/10 5-10/10-1/10. 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)
§ 7.1 and 10 and Bill See Offender Conditions

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 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).

~~23~~ Additional Conditions ordered by the Court: Revoke 5 years and terminate; GPS remains in place pursuant to section 23-3-540 of the Code of Laws of South Carolina.

- ☒ 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 277 ^{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.

This 27 day of May 2011
Carroll SC

Presiding Judge 13th Lesha Verdin
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 27 day of May, 2011, at Greenville SC
Day Month Year City

Form 16.2
Form Approved by
SC Attorney General
May 1988

● ORIGINAL

PROBATION CITATION

Indictment Number:

03-GS-23-07503

H149988

No. C-23-05-0495

SOUTH CAROLINA

V.

Jeffrey Chapman

COUNTY:

Greenville

SCDC #

SID #

00846621

TO: Jeffrey Chapman

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place	Room	To Be Determined
To Be Determined	Date and Time	To Be Determined

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged

By willfully violating all or parts of conditions 2, 7, 9, and 10 ordered in cause number 03-GS-23-07503 by the Greenville County Court of General Sessions and Special Condition for Sex Offenders I signed and accepted to in writing by the defendant on 4-8-05.

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:

You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Greenville	, South Carolina	Probation and Parole Agent
Date	7-27-05	Meredith J. Roach Agent # 464
A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.		
Place	Greenville Ct, OAPPS	Date and Time
		7/27/05 5:03 PM
		Serving Officer's Signature
		[Signature]
Sworn to and subscribed before me this		8 th day of August, 2005
[Signature]		
Signature of Notary Public		My Commission Expires 6-8-15

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Greenville

Personally appeared before me, Meredith J. Ramaley, who first being duly sworn, deposes and says that Jeffrey Chapman did within this County and State on the 27th day of July, 2005, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

By willfully violating all or parts of conditions 2, 7, 9, and 10 ordered in cause number 03-GS-23-07503 by the Greenville County Court of General Sessions and Special Condition for Sex Offenders 1 signed and accepted to in writing by the defendant on 4-8-05.

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

By willfully failing to notify his agent prior to changing residences on 7-12-05; By willfully failing to attend a scheduled appointment with DR. Bodorf for a Sex Offender Treatment Evaluation on 6-1-05 as instructed by supervising agent on 4-27-05 and willfully failing to reschedule an appointment during the month of June as instructed by supervising agent on 5-25-05; By willfully failing to attend another scheduled appointment with Dr. Bodorf on 7-13-05 for a Sex Offender Treatment Evaluation; By willfully being 3 payments in arrears on Surcharge needing to pay \$75 to be current as of 7-27-05; By willfully being 1 payment in arrears on Supervision Fee needing to pay \$40 to be current as of 7-27-05; By willfully failing to follow the advice and instructions of his supervising agent. Such actions constitute a willful violation of conditions 2, 7, 9, and 10 ordered in defendant's original supervision agreement and Sex Offender Condition 1 signed and accepted to in writing by the defendant on 4-8-05.

Sworn to and subscribed

before me this 27th day ofJuly2005Marnal Dindk
Signature of Notary PublicMeredith J. Ramaley
Affiant

My Commission Expires:

6-8-15

2013 MAY -3 AM 11:05

Petitioner's Exhibit E

4-22-97
303
ARREST WARRANT
F- 501165
STATE OF SOUTH CAROLINA
X ☐ County/ ☐ Municipality of
SPARTANBURG

THE STATE
against

CHAPMAN, JEFF
Address: [REDACTED]
Phone: [REDACTED] SSN: [REDACTED]
Sex: ☒ Male ☐ Female Height: [REDACTED] Weight: [REDACTED]
DL State: [REDACTED] DL #: [REDACTED]
DOB: [REDACTED] Agency ORI #: [REDACTED]
Prosecuting Agency: CITY POLICE DEPARTMENT
Prosecuting Officer: WATSON, S.A.
Offense: INDECENT EXPOSURE 0091
Offense Code: 626
Code/Ordinance Sec. 16-15-130/17-25-30

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 Jeff Chapman
on 4-22-97

Carl L. Crocker
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

SPARTANBURG MAGISTRATE COURT
SPARTANBURG COUNTY COURTHOUSE

STATE OF SOUTH CAROLINA)
☐ County/ ☐ Municipality of)

AFFIDAVIT

July 26, 1990
SCCA 618

Personally appeared before me the affiant WATSON, S.A. wt
being duly sworn deposes and says that defendant CHAPMAN, JEFF
did within this county and state on 04/17/97 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____
in the following particulars:

DESCRIPTION OF OFFENSE:

INDECENT EXPOSURE

16-15-130/17-25-30

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 INTENTIONALLY EXPOSE HIS PRIVATE PARTS TO
ONE [REDACTED] AT [REDACTED] SPARTANBURG, SC.

WARRANT IS BASED UPON POLICE INVESTIGATION.

Sworn to and subscribed before me
04/17/97
Signature of Issuing Judge (L.S.)

S. A. Watson
Signature of Affiant
Affiant's Address: CITY POLICE DEPARTMENT
Affiant's Telephone: _____

STATE OF SOUTH CAROLINA)
☐ County/ ☐ Municipality of)
SPARTANBURG)

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 it
on 04/17/97 defendant CHAPMAN, JEFF
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: INDECENT EXPOSURE

16-15-130/17-25-30

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
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge
Judge Code: 5
Judge's Address: SPARTANBURG MAGISTRATE COURT
U.S. SPARTANBURG COUNTY, SPARTANBURG SC 29306
Judge's Telephone: 864-596-2564
Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

LARRY M. HUTCHINS

ORIGINAL

FILED
CLERK OF COURT
SPARTANBURG, SOUTH CAROLINA
1997 APR 22 AM 10:59
MARK HAMMOND

SPARTAN		INCIDENT REPORT		CASE NUMBER		ENR1	
G AGENCY T.U. SC0420100		DAY OF WEEK CODE		4-3425-97			
1 2 3 4 5 6 7 8		1 2 3 4 5 6 7 8					
INCIDENT TYPE		OFFENSE COMPLETED		FORCED ENTRY		PREMISE TYPE	
INDECENT EXPOSURE		YES		YES		RESIDENCE	
SOLICITING FOR SEX		YES		YES		RESIDENCE	
THREATS		YES		YES		RESIDENCE	
INCIDENT LOCATION (SUBDIVISION, MILL VILLAGE, APARTMENT AND NUMBER, STREET NAME AND NUMBER)		ZIP CODE		WEATHER		TYPE VICTIM	
				CLEAR		INDIVIDUAL	
INCIDENT DATE		DATE		TIME ARRIVED		TIME COMPLETED	
4-17-97		4-17-97		1848		2130	
24 HR CLOCK		24 HR CLOCK		NEAPON TYPE		ZONE	
1330		1400				15	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT RACE SEX AGE ETH		DAYTIME PHONE	
		STRA		DOU W F 35 N			
ADDRESS		CITY		STATE		ZIP CODE	
						15	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT RACE SEX AGE ETH		DAYTIME PHONE	
		STRA		DOU W F 35 N			
ADDRESS		CITY		STATE		ZIP CODE	
						15	
VISIBLE INJURY (VICT. 1) YES NO EXPLAIN		COMPLAINANT OF ANY NON-VISIBLE INJURIES: YES NO					
VICTIM (NO. 1) USING ALCOHOL YES NO DRUGS YES NO TYPE							
TWO-MAN VEH ONE-MAN VEH DETECTIVE PLASMIT OTHER ALONE ASSISTED THIS JURISDICTION STATE OUT OF STATE UNKNOWN							
SUSPECT NAME (LAST, FIRST, MIDDLE)		RACE SEX AGE ETH		HEIGHT WEIGHT HAIR EYES			
CHAPMAN - JEFF		W M 34 N		605 235 BLD			
RUNAWAY		ADDRESS		STATE		ZIP CODE	
WANTED						15	
WARRANT		PHYSICAL MARKS, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECUuliarities, ETC.		LIC. # STATE		SSN	
ARREST		SUBJECT (NO. 1) USING ALCOHOL YES NO DRUGS YES NO TYPE		ARRESTED NEAR OFFENSE SCENE YES NO		DATE/TIME OF ARREST	
MISSING				TOTAL # ARRESTED		4-18-97	
ARRESTEE ARMED YES NO WEAPON TYPE		ARRESTED ON CURRENT OFFENSE CLEARED BY ARREST ON PRIOR OFFENSE					
JUVENILE DISPOSITION: 1. HANDLED, RELEASED 2. REFERRED TO OTHER AUTHORITY		ON VIEW ARREST SUMMONED CUSTODY					
CHARGES		WARRANT #		TICKET #			
INDECENT EXPOSURE		F-501146					
STOLEN		TAG NUMBER		STATE		YEAR	
RECOVERED		YEAR		MAKE		MODEL	
SUSPECT		YEAR		MAKE		MODEL	
VICTIM		TAG ONLY		ADDITIONAL VEHICLE DESCRIPTION		COLOR	
				VAN		WHITE	
NARRATIVE		CAROLINA HOME CARE WRITTEN ON THE SIDE OF THE VAN					
BETWEEN THE ABOVE DATE AND TIME THE VICTIM STATES THAT							
CAROLINA HOME CARE DELIVER SERVICE STOPPED AT THE HOUSE AT							
SHE KNEW THE RESIDENCE WAS NOT HOME SO SHE							
ADVISED THE DRIVER TO BRING HIS DELIVERY TO HER RESIDENCE AND							
SHE WOULD SIGN FOR THE DELIVER AND SEE TO IT THAT THE RESIDENCE OF							
WOULD GET THEIR ITEMS. MRS. STATES THE DRIVER							
POUNDED HIS WHITE VAN AROUND TO THE BACK OF HER HOUSE AND MRS. STATES							
SHE STARTED HELPING THE DRIVER BRING THE BOXES INTO THE HOUSE THEN MRS							
STATES ONCE THE BOXES WAS UNLOADED HER AND THE DRIVER WERE IN							
THE KITCHEN AND SHE STATES THAT SHE HAD HER PAUL TO THE DRIVER. MRS							
STATES WHEN SHE TURNED							
NARRATIVE CONTINUED ON SUPPLEMENT YES NO		JURISDICTION OF THEFT		JURISDICTION OF RECOVERY			
PROPERTY		TYPE		TOTAL VALUE			
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
ADMIN.		SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE AC	
YES NO		YES NO		UNFOUNDED		ARRESTED UNDER 18	
REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. VICTIM DECLINES COOPERATION 4. CONTRADICTION DENIED 5. JUVENILE, NO ARREST						EX-CLEAR UNDER 18	
REPORTING OFFICER (I)		DATE		BADGE		APPROVING OFFICER	
WATSON S.A.		4-17-97		154		Sgt. Blackwood	
FOLLOW UP INVESTIGATION		DATE		BADGE		DATE	
YES NO		4-17-97		141		4-18-97	
						16	

☒ ORIGINAL
REPORT
☐ MODIFIES
ORIGINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 2 PAGES

AROUND THE DRIVER HAD HIS PANTS DOWN TO HIS KNEES. MRS. [REDACTED] STATES THE DRIVER GRABBED HER LEFT ARM AND ASKED HER TO PLAY WITH HIM SEXUALLY. MRS. [REDACTED] STATES THAT THE DRIVER OFFERED HER TWENTY DOLLARS TODAY (4-17-97) AND HE WOULD SEND HER EIGHTY DOLLARS IN THE MAIL. MRS. [REDACTED] STATES THE DRIVER ASKED HER TO SHOW HIM HER BODY SO THAT HE COULD SEE WHAT HE WAS MISSING OUT ON. MRS. [REDACTED] STATES THE DRIVER TOLD HER THAT HE WOULD SEND HER ONE HUNDRED DOLLARS A MONTH FOR ONLY FIFTEEN MINUTES OF HER TIME EVERY MONTH. MRS. [REDACTED] STATES SHE TOLD HIM NO. MRS. [REDACTED] STATES THE DRIVER THEN PULLED HIS PANTS UP AND STATED, "SINCE YOU ARE NOT GOING TO GIVE ME NONE," AND LEFT. MRS. [REDACTED] STATES THAT THE DRIVER STATED THAT HE WOULD BE BACK AND THAT HE HAS HER NAME.

UPON OUR ARRIVAL, OFFICERS WATSON AND STACY, WE SPOKE WITH MR. [REDACTED] WHO IS MRS. [REDACTED]'S COMMON LAW HUSBAND. MR. [REDACTED] STATES THAT HE HAD ALREADY CALLED CAROLINA HOME CARE INCORPORATIVE. MR. [REDACTED] STATES THAT HE HAD SPOKE WITH MR. MIKE CHAMBERS WHO IS THE SUPERVISOR OF THE LISTED SUSPECT, MR. CHAPMAN. MR. CHAMBERS CALLED BACK AND GAVE US ALL THE INFORMATION ON MR. CHAPMAN, AND STATED HE DID THE PAPER WORK IN FRONT OF HIM WHERE MR. CHAPMAN DID MAKE A DELIVERY TO [REDACTED] IN SPARTANBURG, AND THE PAPER WORK SHOWED MR. CHAPMAN'S INITIALS WHERE HE MADE THE DELIVERY AND MRS. [REDACTED] SIGNATURE WHERE SHE SIGNED FOR THE DELIVERY. MRS. [REDACTED] GAVE A STATEMENT ABOUT THE INCIDENT. WE ACCOMPANIED MRS. [REDACTED] AND MR. [REDACTED] TO THE MAGISTRATE OFFICE TO SPEAK WITH THE MAGISTRATE. THE RESIDENT OF [REDACTED] WAS A WHITE FEMALE AGE 40 TO 70 YEAR OLD. ON 4-17-97, I OFFICER SA. WATSON, SIGNED AN ARREST WARRANT ON MR. CHAPMAN FOR THE OFFENSE OF INDECENT EXPOSURE, WARRANT NUMBER E-501115.

ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		☐ ACTIVE ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE		1 ☐ OFFENDER DEATH		2 ☐ NO PROSECUTION		3 ☐ EXTRADITION DENIED		4 ☐ VICTIM DECLINES COOPERATION	
	REPORTING OFFICER(S)		DATE		BADGE		APPROVING OFFICER		DATE	
	WATSON S.A.		4-17-97		154		Sgt. [Signature]		4-18-97	
	STACY T.D.		4-17-97		141		FOLLOW-UP ☐ YES INVESTIGATION ☐ NO		BADGE 16	

PUBLIC SAFETY DEPARTMENT

CITY OF SPARTANBURG
P.O. BOX 548 - 145 W. BROAD ST.
SPARTANBURG, S.C. 29304

CASE NUMBER

4-3425-97

WITNESS INTERVIEW FORM

Name: [REDACTED]

Address: [REDACTED]

Telephone Number: [REDACTED]

Social Security Number: [REDACTED]

Date of Birth: 11-24-61

Today's Date: 4-17-97

Time: 2008

THIS IS THE STATEMENT OF MRS. [REDACTED], WRITTEN BY S.A. WATSON.
AT 1:30 THIS AFTERNOON I THOUGHT I HEARD THE MAILMAN THERE WAS A
DELIVERED TRUCK ONE HOUSE ABOVE THIS ONE. AND HE SAID HE HAS SOME
INSULINE HERE FOR THE BABY. HE SAID THERE IS NO ONE AT HOME. I
SAID BRING IT DOWN TO THE HOUSE AND I WILL MAKE SURE THAT
THEY GET IT. HE DROVE THE WHITE VAN DOWN HERE. HE BROUGHT IT TO
THE BACK DOOR. I HELPED HIM BRING IT IN. WE GOT IT ALL IN. I HAD
MY BACK TO HIM AND WHEN I TURNED AROUND HE HAD HIS PANTS DOWN
TO HIS KNEES AND GRABBED MY LEFT ARM AND TRIED TO GET ME TO
PLAY WITH HIM. I PULLED MY ARM BACK. I TOLD HIM NO THANK YOU I HAVE
A HUSBAND. HE TOLD ME I WOULD BE SORRY. HE SAID YOU WILL DO THIS
FOR ME AND LET ME PAY YOU TWENTY DOLLARS TODAY AND I WILL SEND
YOU EIGHTY DOLLARS IN THE MAIL. JUST A LITTLE OF YOUR TIME
EACH MONTH ABOUT FIFTEEN OR TWENTY MINUTES YOU CAN MAKE A HUNDRED
DOLLARS A MONTH. AND I WILL TAKE CARE OF YOU AND YOU WANT HAVE NOTHING.

Time Interview Began: 8:03 P.m.

Time (Statement/Interview) was completed: 8:55 P.m.

I have read this statement consisting of 3 page(s), and I swear or affirm that the facts contained therein are true and correct.

I further state that I have received a copy of this statement.

11TH GRADE EDUCATION.

SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS 17 DAY OF APRIL, 1997

Signed: [REDACTED]

Witness: [REDACTED]

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

Witness: _____

PUBLIC SAFETY DEPARTMENT

CITY OF SPARTANBURG
P.O. BOX 546 • 145 W. BROAD ST.
SPARTANBURG, S.C. 29304

CASE NUMBER

4-3425-97

WITNESS INTERVIEW FORM

Name:

Address:

Telephone Number:

Social Security Number:

Date of Birth: 11-24-61

Today's Date: 4-17-97

Time: 8:08

TO WORRY ABOUT. I SAID NO THANK YOU. I HAVE A HUSBAND. HE SAID YOU DON'T KNOW WHAT YOU'RE MISSING. YOU KNOW I WANT YOU AS BAD AS YOU WANT ME NO I DON'T WANT YOU I GOT A HUSBAND. HE SAID WHILE SHOW ME ANY WAY WHAT I'LL BE MISSING. THEN HE PULLED OUT TWENTY DOLLARS AND SAID I WILL GIVE YOU THIS IF YOU LET ME TOUCH YOUR BODY. I TOLD HIM NO TO LEAVE. MY HUSBAND WILL BE RIGHT BACK. IF HE WALKS IN THE DOOR AND YOUR PANTS ARE DOWN HE WILL CUT IT OFF STICK UP YOUR BUTT. I SAID YOU DON'T KNOW HIM HE'S CRAZY. SO HE PULLED UP HIS PANTS AND SAID BOY YOU ARE BEAUTIFUL. I WISH YOU WAS MINE. BUT I SAID I'M NOT I BELONG TO HE SAID I WOULD GIVE YOU A BUSINESS CARD OF MINE BUT YOU WANT LET ME DO WHAT I WANT TO DO, BUT YOU HAVE TO BE A CHICKEN. I'M NOT GOING TO LET YOU HAVE IT THE BUSINESS CARD GOT MY ADDRESS, HOME PHONE NUMBER, WORK PHONE NUMBER. BUT SINCE YOU WANT DO WHAT I WANT

Time Interview Began: 8:08 P.m.

Time (Statement/Interview) was completed: 8:55 P.m.

I have read this statement consisting of 3 page(s), and I swear or affirm that the facts contained therein are true and correct.

I further state that I have received a copy of this statement.

SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS 17 DAY OF APRIL, 1997

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

Signed: _____

Witness: Domasius White

Witness: _____

CITY OF SPARTANBURG
P.O. BOX 546 - 145 W. BROAD ST.
SPARTANBURG, S.C. 29304

4-3425-97

WITNESS INTERVIEW FORM

Name: [REDACTED]

Address: [REDACTED]

Telephone Number: [REDACTED]

Social Security Number: [REDACTED]

Date of Birth: 11-24-61

Today's Date: 4-17-97

Time: 2008

YOU TO DO I WANT LET YOU HAVE IT. I GOT YOUR ADDRESS
ON THE PAPER BECAUSE YOU HAD TO SIGN IT AND YOUR NAME I
WILL BE BACK. I'M ALWAYS OUT HERE ONCE EVERY MONTH.
I SAID I DON'T CARE I DONE TOLD YOU I HAVE A MAN HE
SAID SO WHAT I WILL BE BACK. I WANT TO BE YOUR MISTRESS.
I TOLD HIM MY HUSBAND WOULD MAKE HIM DEAD MEAT. I SAID
HE IS REALLY CRAZY HE AINT GOT NO SCENTS. SO WHEN HE STARTED
TO DRIVE OFF I WILL BE BACK, I HAVE A HOUR FOR LUNCH EVERYDAY
I SAID SO WHAT YOU WILL NEVER KNOW WHEN I WILL BE HERE
HE SAID I WILL SEE YOU LATER AND HE DRIVE OFF AND SAID I
WILL BE BACK

Time Interview Began: 8:08 P.m.

Time (Statement/Interview) was completed: 8:55 P.m.

I have read this statement consisting of 3 page(s), and I swear or affirm that the facts contained therein are true and correct.

I further state that I have received a copy of this statement.

SWORN TO AND SUBSCRIBED TO BEFORE ME

THIS 17 DAY OF APRIL, 1997

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

Signed: [REDACTED]

Witness: Marvin Watson

Witness: _____

**SPARTANBURG PUBLIC SAFETY
DEPARTMENT
SUPPLEMENTAL REPORT**

ENCY I.D.
1420100

CODE

4G

CASE NUMBER

4-3425-97

NO. 809

INQ. BTD.

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 1 PAGES

ON 4-23-97 at 4:03 p.m. I went to [REDACTED] and talked with [REDACTED]. She states her neighbor that live up the street has a sick baby. A man pulled up in a van with writing on it. He asked if she knew where they were at. The man stated he had some formula and syringes for them. She told him he could leave them at her house and she would make sure they get them. He pulled around to the back and she helped him unload the stuff into her kitchen. He told her she had to sign for them and she did. When the victim turned around the man had pulled his pants and underwear to his knees. He pulled her arm and told her to play with his penis.

The victim states she told him she was married. He made the remark what her husband didn't know wouldn't hurt him. She replied God would know. She finally talked him into leaving by saying her husband was on the way home. The officer signed a warrant for indecent exposure F-561165 on Jeff Chapman.

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH			2 ☐ NO PROSECUTION		3 ☐ EXTRADITION DENIED		4 ☐ VICTIM DECLINES COOPERATION		5 ☐ JUVENILE - NO CUSTODY		
REPORTING OFFICER'S C. A. Boyd		DATE 4-23-97		BADGE 112		APPROVING OFFICER		DATE		BADGE	
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				INVESTIGATOR							

Petitioner's Exhibit F

SENTENCE

311

STATE OF SOUTH CAROLINA

CASE NO. 92-GS-46-16

York COUNTY

The defendant Jeffrey Allen Chapman is committed to the State Department of Corrections/County for a term of 10 months/years and/or to pay a fine of \$; provided upon the service of months/years and/or payment of \$, plus pay/waive costs and assessments as applicable**, the balance suspended with probation for months/years.

Restitution**

For physical injury \$

Yes/No

property damage \$

to be paid

to clerk for ..

Other conditions

Date 11-11-92

[Signature]
Presiding Judge

Costs and Assessments

FINE \$
ACADEMY \$
C.C.A. \$
L.C.F. \$
C.A.T. \$
OTHER \$
GRAND TOTAL \$

[Signature]
Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.
SCCA Form 217 (3/86)

STATE OF SOUTH CAROLINA

COUNTY OF YORK

THE STATE

VS

COUNT NO:

Re. Trial

CASE NO:

92 GS-46-1689

WARRANT NO:

C, 830779

CHARGE:

Crim. 1st Degree Murder -
3rd Degree 162

The sentence of the Court is that

Jeffrey Allen Chapman

the defendant named in this

indictment be confined to the State Board of Corrections/ ~~York County Detention~~ for a term of 10 years(and) (or) pay a fine of \$ _____ : provided that upon the service of 3 years * (and)

(or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable *, the balance is

suspended, and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (Yes) (No)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PROPERTY DAMAGE \$ _____

PAYABLE TO CLERK FOR (VICTIM) _____

TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE:

* Credit for time
previously served.

DATE:

4-7-95

YORK, SOUTH CAROLINA

*COST AND ASSESSMENTS:

FINE \$ _____

ACADEMY \$ _____

C.C.A. \$ _____

L.C.F. \$ _____

C.A.T. \$ _____

OTHER \$ _____

GRAND TOTAL \$ _____

COPY RECEIVED BY:

X Jeffrey Allen Chapman
Defendant

Presiding Judge

Clerk of Court

Date of Birth

Social Security

Drivers License

ATTORNEY FOR DEF. N. WestADDRESS: Dist. Court

MF

BW

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

AGENCY I. D.
SC0460000

YORK COUNTY SHERIFF'S DEPARTMENT
INCIDENT REPORT

CASE NUMBER

313

NICK

92-04-232

NO. ENTO.

EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM ☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police
	1. Sex offenses (Forcible Rape)		☒ YES ☐ NO	☐ YES ☐ NO	Residence		
	2.		☐ YES ☐ NO	☐ YES ☐ NO			
	3.		☐ YES ☐ NO	☐ YES ☐ NO			
VICTIM NO. 1	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE	WEAPON TYPE
	[REDACTED]					29710	None
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME
	4-11-92	0600				4-11-92	0525
SUBJECT NO. 1	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
	See Victim			J S O U			
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	
	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
NARRATIVE	VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
	[REDACTED]		Spouse	J S O U	W F		
	HEIGHT		WEIGHT	HAIR	EYES	FACIAL MARKS, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	
	500	100	Blond	Hazel	None		
ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED	DATE		UNIT NUMBER	APPROVING OFFICER
	YES NO		YES NO	4-11-92		35-36	Sgt J.R. Fuchs
	REASON FOR EXCEPTIONAL CLEARANCE: 1 OFFENDER DEATH 2 NO PROSECUTIVE MERIT 3 EXTRACTION DENIED 4 VICTIM DENIES COOPERATION 5 JUVENILE—NO CUSTODY 6 CIVIL MATTER		DATE		UNIT NUMBER	APPROVING OFFICER	DATE
	Geice, R.C. - Smith, J.D.		4-11-92		59	Jay W. W.D.	4-11-92

ON the above time and date above Victim states that above suspect who was a visitor at Residence. Came into her bedroom where she was sleeping and got into bed with her. Victim states that suspect started fondling her breast and got on top of her. Victim states she attempted to fight suspect off but suspect was able to put his finger into her vagina before she was able to get suspect off of her. Victim's boyfriend held suspect at location until police arrived. Suspect was arrested and charged with Criminal Sexual Conduct 1st degree and transported to detention.

COUNTY OF York

AFFIDAVIT

Personally appeared before me, Judge of the Court, one W. C. Gregory,
 who being duly sworn, deposes and says that Jeffrey Alan Chapman (name of defendant) did within this County
 and State on April 11 19 92, violate the criminal laws of the State of South Carolina [or ordinance of the municipality
 of _____] in the following particulars:

DESCRIPTION OF OFFENSE 160

Criminal Sexual Conduct 1st Degree (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 such probable cause is based on the following facts:

That Jeffrey Alan Chapman forcibly placed his fingers in the
 vagina of [REDACTED] Against her will in an
 Attempt to force her to have sexual intercourse with him.
 This occurred at [REDACTED] All Against
 the peace and dignity of the State of South Carolina and the
 laws so made and provided.

Sworn to and Subscribed before me,

This 11th day of April, 19 92.

N. S. Harrison Jr. (L.S.)
Notary Public for State of S.C.

Address 529 S. Cherry Road
Rock Hill SC 29730
 Phone: 328-1866

W. C. Gregory
 Address 529 S. Cherry Road
Rock Hill SC 29730
 Phone: _____

STATE OF SOUTH CAROLINA ARREST WARRANT

COUNTY OF York

[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 Jeffrey Alan Chapman
 (name of defendant) did on April 11 19 92, violate the criminal laws of the State of South Carolina [or ordinance
 of the municipality of _____] as set forth below:

DESCRIPTION OF OFFENSE

Criminal Sexual Conduct 1st Degree (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.

Done at Rock Hill
 on April 11, 19 92.

N. S. Harrison Jr. (L.S.)
Signature of Judge

030279

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Jeffrey Alan Chapman

on the 11 day of April, 1992

Signature of Constable or Law Enforcement Officer

This warrant is certified for service in

County

(Circle one)

Municipality

(Circle one)

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

Signature of Judge (L.S.)

PRELIMINARY HEARING held by

Judge

on _____, 19____

with _____
Attorney for Defendant

Decision: _____

BAIL

Date Set _____, 19____

Judge _____

Amount _____

Surety _____

RETURN WARRANT TO:

ARREST WARRANT

No. **C** 830279

STATE OF SOUTH CAROLINA

Horry

County

(Circle one)

Municipality

THE STATE

against

Jeffrey Alan Chapman

Address: _____

Phone _____

SSN _____

Sex M

Race W

Height 5'1"

Weight 220

DOB _____

CL _____

Offense Criminal Sexual

Conduct 1st Degree

Offense Code

Code (or Ordinance) § 16-3-652

Issuing Judge D. S. Teringson, Jr.

11216

Judge Code

Officer W. C. Gregory Lt

Agency YCSO

ORI No.

Date of Offense April 11, 1992

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

Petitioner's Exhibit G

STATE OF NORTH CAROLINA				File No. 91-crs-77913	
Mecklenburg County		Charlotte		Seat Of Court In The General Court Of Justice	
NOTE: (This form is not to be used for multiple offenses unless they are consolidated for judgment.) ☐ District ☒ Superior Court Division					
STATE VERSUS				JUDGMENT AND COMMITMENT G.S. 15A-1301	
Defendant Jeffrey Allen Chapman					
Place W	Sex M	DOB	☐ Pre-FSA Entry		
Attorney For State S. Kearney		☐ Del. Found Not Indigent	☐ Del. Waived Attorney		
Attorney For Defendant Vonkallist		☒ Appointed ☐ Retained			
☐ DWI Offense	Level Of Punishment (G.S. 20-179)		Driver's License No. (DWI Only)		State (DWI Only)
The defendant ☒ pled guilty to: ☐ was found guilty by the Court of: ☐ was found guilty by a jury of: ☐ pled no contest to:					
File No.(s) And Offense(s) 91-77913		Date Of Offense 9-30-91	G.S. No. 14-27.6	Fel./M. F	Class D
Attempted Second Degree Rape					
				Max. Term 40yrs	Presumptive 12yrs
The above offenses are consolidated for the purpose of judgment. The Court having considered evidence, arguments of counsel and statements of the defendant Orders that the defendant be imprisoned for a term of Eight Years in the custody of the ☒ N.C. Dept. of Correction ☐ Sheriff of _____ County					
The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge.					
☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve. ☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below. (NOTE: List the Case Number, Date, County And Court In Which Prior Sentence Imposed.)					
(check all that apply)					
☐ The defendant shall serve as a committed youthful offender pursuant to G.S. Chapter 148, Article 3B. ☐ The defendant shall pay the costs. ☐ Immediate work release is recommended pursuant to G.S. 148-33.1. ☐ With the consent of the defendant, work release is ordered under the conditions set forth in the attached order (applies to misdemeanors only). ☐ The Court does not recommend that the defendant be required to pay restitution or reparation, as a condition of parole if parole is granted, or from his earnings if work release is granted. ☐ The Court recommends that the defendant be required to pay, as a condition of parole if parole is granted, or from his earnings if work release is granted, the items and amounts set out below.			☐ The defendant should not obtain the benefit of release pursuant to G.S. 148-49.15. ☐ The defendant shall pay a fine of \$ _____ ☐ Work release is recommended. ☒ Work release is not recommended.		
Fine \$	Costs \$	Restitution \$	Reimbursement For Counsel Fees) And Other Expenses \$ 1000.00 lien		Total Amount Due \$
Names and address(es) of aggrieved party (parties) to receive restitution (specify amount if more than one aggrieved party)					

The Court further recommends:

FOR USE WITH PAIN SENTENCES KEY FELONY ONLY

- The Court has considered the aggravating and mitigating factors in G.S. 15A-1343 and
- ☐ makes no written findings because the prison term imposed does not require such findings.
- ☒ makes no written findings because the prison term imposed is pursuant to a plea agreement as to sentences under Article 14 of G.S. Chapter 15A.
- ☐ makes written findings set forth on the attached Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR-303).

AWARD OF FEE TO COUNSEL FOR REPRESENTATION

- ☒ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT

It is ORDERED that the Clerk deliver three certified copies of this Judgment and Commitment to the Sheriff or other qualified officer and that the officer cause the defendant to be detained with these copies in the custody of the agency named on the hearing to serve the sentence imposed or until he shall have complied with the conditions of release pending appeal.

Date
4-2-93

Name Of Presiding Judge (Type Or Print)
Chase B. Saunders

Signature Of Presiding Judge
Chase B. Saunders

APPEAL ENTRY

- ☐ The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. The current pretrial release order shall remain in effect. ☐ except that:
- ☐ The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entry and any conditions of post conviction release are set forth on Form AOC-CR-302.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

ORDER OF COMMITMENT AFTER APPEAL

Date Returned To District Court

Date Appeal Dismissed

Date Returned Of Appeal Filed

Date Appellate Court Decision

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the Sheriff arrest the defendant, if necessary, and commit the defendant to the custody of the official named in this Judgment and furnish that official three certified copies of this Judgment and this Order as authority for the commitment and detention of the defendant.

Date

Signature Of Clerk

☐ Clerk CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachments marked below is a true and complete copy of the original which is on file in this case.

- ☐ Findings Of Factors in Aggravation And Mitigation Of Punishment (AOC-CR-303)
- ☐ Determination Of Sentencing Factors In DWI Cases (AOC-CR-311)
- ☐ Appeal Entries (AOC-CR-302)

Date
4-2-93

Signature And Seal

Date Certified Copies Delivered To Sheriff

4-14-93

☒ Clerk CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

AOC-CR-301, Side Two
Rev. 3/87

Material appears unaltered except as to be designated as copyings

STATE OF NORTH CAROLINA		File No. <u>91 27813</u>
<u>Mecklenburg</u> County	In The General Court Of Justice ☐ District ☒ Superior Court Division	
STATE VERSUS		
Name Of Defendant <u>Jeffery Chapman</u>	CLERK OF COURT <u>AMICKLE</u>	TRANSCRIPT OF PLEA
G.S. 15A-1022		
The defendant, having offered a plea of <u>ATT 2° Rape</u> and being first duly sworn, makes the following answers to the questions set out below:		
	Answers	
1. Are you able to hear and understand me?	<u>YES</u>	
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?	<u>YES</u>	
3. Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants?	<u>NO</u>	
(a) When was the last time you used or consumed any such substance?	<u>ONE</u>	
4. Have you discussed your case fully with your lawyer and are you satisfied with his legal services?	<u>YES</u>	
5. (a) Do you understand that you are pleading (guilty) (no contest) to the felonies of _____		
<u>ATT 2° Rape</u>		
_____?	<u>YES</u>	
5. (b) Do you understand that you are pleading (guilty) (no contest) to the misdemeanors of _____		
_____?	<u>N/A</u>	
6. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?	<u>YES</u>	
7. Do you understand that upon your plea you could be imprisoned for a possible maximum sentence of <u>10</u> years _____ months (and that the mandatory minimum sentence is _____ years _____ months) (or you could be fined up to \$ _____) (or you could be both imprisoned and fined)?	<u>YES</u>	
8. Do you understand that you have the right to plead not guilty and be tried by a jury and at such trial to be confronted with and to cross-examine the witnesses against you, and by this plea you give up these and your other constitutional rights relating to trial by jury?	<u>YES</u>	
9. Do you understand that, if you are not a citizen of the United States of America, this plea may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law?	<u>N/A</u>	
10. Do you now personally plead (guilty) (no contest)?	<u>YES</u>	
11. (a) (if applicable) Are you in fact guilty?	<u>YES</u>	
(b) (if applicable) Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt?	<u>N/A</u>	
12. Have you agreed to plead as a part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval.	<u>YES</u>	

320

13. (If applicable) The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea. Answers

Bureau Dept of Corrections
NO WORK RELEASE and ADJUDGMENT
of 1000⁰⁰ For 10 hours of work by the P.D.
The State will discontinue 1st Rape

- (a) Is this correct as being your full plea arrangement?
 (b) Do you now personally accept this arrangement?

YES
YES

14. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes?
 15. Do you enter this plea of your own free will, fully understanding what you are doing?
 16. Do you have any questions about what has just been said to you or about anything else connected with your case?

NO
YES
NO

I am 30 years of age and have completed the 12 grade of school. (List any additional education, if applicable.)

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order to have the Court accept my plea in this case. The conditions of the plea as stated above, if any, are accurate.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

Name

4-2-93

Signature of Defendant

[Signature]

Signature of Deputy or Assistant Clerk

Name of Defendant (Type or Print)

12-EE2R4 CHAPMAN

CERTIFICATION BY LAWYER FOR DEFENDANT

As lawyer for the defendant named above, I hereby certify that the conditions stated above, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and agreed upon which the defendant's plea was entered. I further certify that I have fully explained to the defendant the nature and elements of the charges to which he is pleading.

Date

4-2-93

Signature of Lawyer For Defendant

[Signature]

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated above, if any, are the terms agreed to by the defendant and his lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date

4-2-93

Signature of

[Signature]

PLEA ADJUDICATION

Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds:

1. That there is a factual basis for the entry of the plea.
2. That the defendant is satisfied with his lawyer.
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea is hereby accepted by the Court and is ordered recorded.

Date

April 2, 1993

Signature of Presiding Judge

[Signature]

AOC-CR-300

Rev. 3/91

STATE OF NORTH CAROLINA <u>Mecklenburg</u> County		91CRS77913
STATE VERSUS Defendant: <u>Jeffrey Allen Chapman</u>		In The General Court Of Justice ☐ District - ☒ Superior Court Division
Offense: <u>First Degree Kidnapping</u>		DISMISSAL / NOTICE OF REINSTATEMENT G.S. 15A-302(a), 901.932, 1009
☒ DISMISSAL The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:		
☐ No crime is charged.		
☐ There is insufficient evidence to warrant prosecution for the following reasons:		
☒ Defendant has agreed to plead guilty to the following charges: <u>Attempted 2° Rape 91CRS77913 (1st Count)</u> in exchange for a dismissal of the following charges: <u>First Degree Kidnapping 91CRS 77913 (2nd Count)</u>		
☐ Other (specify) _____		
A jury has not been impanelled nor has evidence been introduced. (If a jury has been impanelled, or if evidence has been introduced, modify this sentence accordingly.)		
☐ DISMISSAL WITH LEAVE The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:		
☐ The defendant failed to appear for a criminal proceeding at which his attendance was required and the prosecutor believes that the defendant can not readily be found.		
☐ The defendant has been indicted and cannot readily be found to be served with an Order for Arrest.		
☐ The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 5A.		
NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.		
Date: <u>4-2-93</u>	Signature Of Prosecutor: <u>[Signature]</u>	
☐ REINSTATEMENT This case having previously been dismissed with leave because the defendant failed to appear in court as required, is now reinstated for trial		
Date: _____ Signature Of Prosecutor: _____		

PAGE 21 LNK 8/17/14
 10-31 50008
 ORDER FOR ARREST - GJI

The State of North Carolina
vs.

CHAPMAN, JEFFREY ALLEN

ORDER FOR ARREST

SSN: [REDACTED]

ISSUED 20 DAY OF OCTOBER 1991

STATE OF NORTH CAROLINA

MECKLENBURG County

In The General Court of Justice

SUPERIOR COURT DIVISION

CHAPMAN, JEFFREY ALLEN

DEFENDANT, UN. 12-17-91

ATTEMPTED SECOND DEGREE RAPE - FIRST DEGREE KIDNAPPING

TO ANY OFFICER WITH AUTHORITY AND JURISDICTION TO SERVE AN ORDER FOR ARREST:

THE GRAND JURY OF THIS COUNTY HAVING RETURNED A TRUE BILL OF INDICTMENT, A COPY OF WHICH IS ATTACHED BOND AT DISCRETION OF MAGISTRATE.

YOU ARE DIRECTED TO ARREST THE DEFENDANT AND BRING THE DEFENDANT BEFORE THE COURT AT THE PLACE, DATE, AND TIME INDICATED BELOW OR UPON THE FIRST DAY OF COURT FOLLOWING THE DEFENDANT'S ARREST. IF THE COURT IS NOT IN SESSION, THEN YOU ARE TO TAKE THE DEFENDANT BEFORE A JUDICIAL OFFICIAL FOR THE PURPOSE OF COMMITMENT SINCE RELEASE BY THE DEFENDANT IS NOT AUTHORIZED.

BOND IS SET AT

NO BOND

Court Location	Court Date ANYDAY	Court Time 09:00 AM ☐ AM ☐ PM	Date of Issue 10-28-91
ORDERED BY: GRAY, HARVIN R.		Signature <i>Nancy Bradley</i>	
SUPERIOR COURT JUDGE BJ1730		☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Superior Court ☐ Magistrate ☐ Dist. Ct. Judge ☐ Superior Court Judge	
REPOSITORY DOC # 91036731 ORIGINAL		BRADLEY, NANCY DEPUTY CLERK	
ADD-OR-217AB REV 3/89		CK32113	

2013 MAR 13 PM 3:01

RECORDS OFFICE

STATE OF NORTH CAROLINA
County of Mecklenburg

File #
Film #

91-CW-11713

The State of North Carolina

In The General Court of Justice
Superior Court Division

VS.

October 28, 1991

Jeffrey Allen Chapman
aka Jeff Chapman

[REDACTED]

Defendant.

ATTEMPTED SECOND DEGREE RAPE
G.S. 14-27.3(a) (1), G.S. 14-27.6
FIRST DEGREE KIDNAPPING G.S. 14-39

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 30th day of September, 1991, in Mecklenburg County, Jeffrey Allen Chapman, aka Jeff Chapman, did unlawfully, wilfully, and feloniously with force and arms attempt to engage in vaginal intercourse with [REDACTED] by force and against the victim's will.

AND THE JURORS FOR THE STATE UPON THEIR OATH FURTHER PRESENT that on or about the 30th day of September, 1991, in Mecklenburg County, Jeffrey Allen Chapman, aka Jeff Chapman, did unlawfully, wilfully and feloniously kidnap [REDACTED], a person who had attained the age of sixteen (16) years, by unlawfully confining her, restraining her, and removing her from one place to another, without her consent, and for the purpose of terrorizing her and facilitating the commission of a felony, to wit: rape. [REDACTED] was sexually assaulted.

[Signature]
Assistant District Attorney

WITNESSES:

T. L. Beaver, CPD

T. A. Jolly, CPD

M. W. Hayes, CPD

T. I. Shelton, CPD

C. W. Horner, CPD

The witnesses marked "X" were sworn by the undersigned foreman and examined before the grand jury, and the bill was found to be ☒ a true bill by twelve or more grand jurors ☐ not a true bill.

I hereby certify that 12 members of the grand jury concurred in finding this to be a true bill of indictment.

This 28 day of October, 1991.

Annie R. Campbell
Grand Jury Foreman

VD TO GJ

DID: 20782551

91-0930-131201

JGC

Charge Number: 112801, 102600

PID: 159838

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/04)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME		3. ORIGINAL OFFENSE/CHARGE	
4. LOCATION OF OFFENSE		5. ARREST NUMBER	6. C. R. NUMBER
7. ORIGINAL REPORT DATE	8. SUPPLEMENT DATE	9. CORRECT INCIDENT CLASSIFICATION	
10. AVAILABLE CASE ☐ YES ☐ NO	11. MULTIPLE CASE CLEARANCE ☐ YES ☐ NO IF YES, # CASES	12. SUPPLEMENT CONFIDENTIAL ☐ YES ☐ NO	13. PURPOSE OF SUPPLEMENT ☐ CONTINUATION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☐ STATEMENT
14. NAME (Last, First, Middle)	15. AGE	16. RESIDENCE ADDRESS	17. ZIP CODE
18. BUSINESS ADDRESS	19. BUSINESS PHONE		20. NARRATIVE (Page 1 of 2)

ITEM NO.	I request that Investigator T.L. Beaver write this statement for me as I told it to her. ME I left school (CPCC) early and got on the bus at about 12:30 p.m. to head home. I got off of the bus on Tuckaseegee Rd. and Freedom Drive at about 1:05-1:15 p.m. and began walking against traffic on Tuckaseegee Road. I was walking beside the woods and I heard a noise in front of me but I did not see anything or anyone. I kept walking and then I saw a white male, 27-28 years of age, dark blonde hair standing in the edge of the woods. I was walking and this guy grabbed me from behind and dragged me approx. 1-2 meters (10+ feet) into the woods. This guy was tall and had a pouched belly and was not wearing a shirt, but was holding a light blue shirt in his hand. He also had a young looking face with light colored (green or blue) ^{EYES} in He dragged me into the woods, threw me onto the ground and held my face down as he was covering my mouth with his hands and was twisting my neck. I kept screaming when I could and he told me "Quit screaming or I'll wring your neck". He said this several times and kept saying "Shut up bitch". I told him several times to let me go, that I was menstruating. I screamed again and the guy choked me harder. As he held me down he pulled my skirt up to my waist and tried to pull down my panties. About that time a car nearby began blowing its horn. He was choking me and then suddenly I				
21. U.S. CLEARANCE STATUS	22. REPORTING OFFICER	23. CODE	24. ASSIGNMENT	25. DATE	26. PROPERTY RECOVERED
☐ OPEN ☐ BY ARREST ☐ EXCEPTIONAL ☐ UNFOUNDED	T.L. Beaver	2218	FIB	30 Sept 91	☐ SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME

3. ORIGINAL OFFENSE/CHARGE

4. LOCATION OF OFFENSE

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

8. SUPPLEMENT DATE

9. CORRECT INCIDENT CLASSIFICATION

10. JUVENILE CASE

☐

YES

☐

NO

11. MULTIPLE CASE CLEARANCE

☐

YES

☐

NO

IF YES, #CASES

12. SUPPLEMENT CONFIDENTIAL

☐

YES

☐

NO

13. PURPOSE OF SUPPLEMENT

☐

CONTINUATION OF OFFENSE REPORT

☐

FOLLOW-UP INVESTIGATION

☐

STOLEN VEHICLE RECOVERY

☐

STATEMENT OF:

14. NAME AND TITLE

15. AGE

23

16. RESIDENT ADDRESS

27/COOL

18. BUSINESS PHONE

20. NARRATIVE

(Page 2 of 2)

ITEM NO.

stopped. I was able to get up off the ground. I began running away. I saw the guy running away at an angle and saw a guy in a car yelling and blowing his horn. I was still screaming and I ran to the nearby day care center where several women took me inside and called the Police. They also called my husband at work for me. The Police arrived and then my husband pulled up a few minutes later. One of the officers talked to me at the day care center and then took me over to near where the Food Lion is located. They had a guy step out of one of the police cars as I sat in one of the other cars. This guy looked like the guy who had just attached me. The officers took this guy's shirt off and he also had a pouched belly. One of the officers brought me and my husband down to the Police Station.

Sept 30th, 1991 3:37 P.M.

T. Beaver #2218

21. U.C.R. CLEARANCE STATUS:

☐

OPEN

☐

BY ARREST

☐

EXCEPTIONAL

☐

UNFOUNDED

22. REPORTING OFFICER

T.L. Beaver

CODE

ASSIGNMENT

DATE

2218

FIR

30 Sept 91

23.

PROPERTY RECOVERED

☐

SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

9:0930 13/201

2. VICTIM NAME [REDACTED]		3. ORIGINAL OFFENSE/CHARGE Attacked Rape	
4. LOCATION OF OFFENSE [REDACTED]		DISTRICT A-3	5. ARREST NUMBER
7. ORIGINAL REPORT DATE 9/30/91		8. SUPPLEMENT DATE 9/30/91	
10. JUVENILE CASE ☐ YES ☒ NO		11. MULTIPLE CASE CLEARANCE ☐ YES ☒ NO IF YES, PLEASE	
12. SUPPLEMENT CONFIDENTIAL ☒ YES ☐ NO		13. PURPOSE OF SUPPLEMENT ☐ CONTINUATION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☒ STATEMENT	
14. NAME (LAST, FIRST, MIDDLE) [REDACTED]		15. AGE	16. RESIDENCE ADDRESS [REDACTED]
17. RESIDENCE PHONE [REDACTED]		18. BUSINESS ADDRESS [REDACTED]	19. BUSINESS PHONE [REDACTED]
20. NARRATIVE (Page 1 of 2)			

On 9/30/91 at 1312 hrs I ([REDACTED]) was dispatched on call for severe ref. to and assault at [REDACTED]. The dispatcher advised that someone call ref. to a white male with no shirt on, blue jeans, black hair, dragging a white female in to the woods beside the daycare. I arrived at 1312 hrs, upon arrival there was several white and blk females running down the sidewalk towards my patrol car pointing towards the Food Lion, when I got stopped they females stated that the man was in that white car going through the parking lot of the Food Lion. When I was pulling up to the scene another call came in for the daycare ref. to a female who had been attacked and appeared to be raped. At that time I made a U-turn and pulled across the driveway of the Food Lion so that this subject could not pull out. When I exited my vehicle I observed a white male driving this vehicle, I told him to cut the car off and to get out, I notice several scratches on both arms and that his shirt and pants had dirt and hair on his shirt. Officer Hays arrived and went to the daycare and talked to the victim. Officer Hays had the victim come back down to my location to I.D. this subject. Officer Hammett advised that he had seen a witness who saw this subject running from the woods and getting into a white car. He found his Driver License in his wallet with the name of Jeffrey Allen Chapman. This subject that he had seen in a fight with a blk male at Flowers Bakery on Castle St. who was breaking into the car. To put handcuffs on this subject and placed him in my patrol car. The victim advised that it looked like him, but that he grabbed her from behind and she could feel his stomach on her back and that it felt

21. U.C.R. CLEARANCE STATUS: ☐ OPEN ☒ BY ARREST ☐ EXCEPTIONAL ☐ UNFOUNDED		22. REPORTING OFFICER T.A. Jolly		CODE 2503	ASSIGNMENT A-3	DATE 9/30/91	24. PROPERTY SEIZURE ☐ SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930 13/201

2. VICTIM NAME [REDACTED]		3. ORIGINAL OFFENSE/CHARGE Attempted Rape	
4. LOCATION OF OFFENSE [REDACTED]		5. DISTRICT A-3	6. ARREST NUMBER
7. OFFENSE REPORT DATE 9/10/11		8. SUPPLEMENT DATE 9/20/11	
9. CORRECT INCIDENT CLASSIFICATION		10. PURPOSE OF SUPPLEMENT	
10. JUVENILE CASE ☐ YES ☒ NO		11. MULTIPLE CASE CLEARANCE ☐ YES ☒ NO IF YES, #CASES	
12. SUPPLEMENT CONFIDENTIAL ☒ YES ☐ NO		13. PURPOSE OF SUPPLEMENT ☐ CONTINUATION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☒ STATEMENT	
14. NAME (Last, First, Middle) JIMMY TA		15. AGE	16. RESIDENT ADDRESS
17. RESIDENCE PHONE	18. BUSINESS ADDRESS 825 E. 4th St.	19. BUSINESS PHONE 236-2325	20. ZIP CODE

20. NARRATIVE

(Page 2 of 2)

ITEM NO. 1 like a "pot belly". Officer Squire brought two witnesses who saw this subject running from the woods to my (Tally) location to I.D. this subject. Both females F.D. him as the same subject that ran from the woods. P/O and Off. Hayes asked this subject to stop out of the patrol car and he pulled up his shirt and showed several scarves on his chest and both arms. Off. Hayes talked to a Rape Inv. who advised to bring this subject to the Lec to be talked to. P/O transported this subject to the Lec and Off. Hayes brought the victim to the Lec. Off. Land and Hammett stayed at the scene waiting for crime scene to come. P/O searched the subjects car and found a blue Jean coat in the floor with the back seat and a loaf of bread, a stick beside the seat in the floor. The drivers door would not open from the outside and would not close all the way. The suspect made several statements that he was parked in the daycare parking lot and that he went into the woods to use the bathroom.

[Signature]
9/20/11 #2503

21. U.C.R. CLEARANCE STATUS:

- ☐ OPEN
☒ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTING OFFICER

TA JIMMY

CODE

2503

ASSIGNMENT

A-3

DATE

9/20/11

23.

PROPERTY RECOVERED
SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930 131201

2. LOCATION OF OFFENSE [REDACTED]		3. ORIGINAL OFFENSE/CHARGE Attempted Rape	
4. LOCATION OF OFFENSE [REDACTED]	DISTRICT A-3	5. ARREST NUMBER	6. C. R. NUMBER
7. ORIGINAL REPORT DATE 9/30/91	8. SUPPLEMENT DATE 9/30/91	9. CORRECT INCIDENT CLASSIFICATION	
10. JUVENILE CASE ☐ YES ☒ NO	11. MULTIPLE CASE CLEARANCE ☐ YES ☒ NO IF YES, ACASES	12. SUPPLEMENT CONFIDENTIAL ☒ YES ☐ NO	13. PURPOSE OF SUPPLEMENT ☐ CONTINUATION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☒ STATEMENT
14. NAME (Last, First, Middle) [REDACTED]	15. AGE	16. RESIDENCE ADDRESS [REDACTED]	17. ZIP CODE
17. RESIDENCE PHONE [REDACTED]	18. BUSINESS ADDRESS [REDACTED]	19. ZIP CODE	20. BUSINESS PHONE

20. NARRATIVE

(Page 1 of 3)

ITEM NO.	
1	On the 30 Sept 91 I was at Tuckasee Rd. and Little Rock Rd. and I heard units being dispatched to the daycare on Tuckasee, about the 4700 block. The initial call was that an assault had occurred and then another call was that a woman was hysterical at the daycare. It took me approx 2 minutes or less to arrive and when I did, I observed that officer Jolly had a car stop leaving the parking lot of the Food Lion which is located next door to the daycare. I observed officer Jolly handcuffing a W/M. I pulled into the lot and he advised me to go to the daycare. I arrived at the daycare and a large crowd of people advised me that the woman was in the daycare. I located the victim inside an office at the daycare and she was very upset and crying. There were two other females talking to her in attempt to calm her down. I asked the other females to leave and asked the victim to tell me what happened. She stated, she was a student at CPCC and she had gotten off of the city bus at Tuckasee Rd. and she pointed toward I-85. She stated, she was

21. U.C.R. CLEARANCE STATUS:

☐ OPEN
☒ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTING OFFICER

TATON

CODE

ASSESSMENT

DATE

2500 A-3 9/30/91

23.

PROPERTY RECOVERED

☐ SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930 131201

2. VICTIM NAME [REDACTED]		3. ORIGINAL OFFENSE/CHARGE Attacked Rape	
4. LOCATION OF OFFENSE [REDACTED]		5. ARREST NUMBER	6. C. R. NUMBER
7. ORIGINAL REPORT DATE 9/30/91	8. SUPPLEMENT DATE 9/29/91	9. CORRECT INCIDENT CLASSIFICATION	
10. JUVENILE CASE ☐ YES ☒ NO	11. MULTIPLE CASE CLEARANCE ☐ YES ☒ NO IF YES, PLEASE	12. SUPPLEMENT CONFIDENTIAL ☒ YES ☐ NO	13. PURPOSE OF SUPPLEMENT ☐ CONTINUATION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☒ STATEMENT
14. NAME (LAST, FIRST, MIDDLE) [REDACTED]	15. AGE	16. RESIDENCE ADDRESS	17. ZIP CODE
17. RESIDENCE PHONE	18. BUSINESS ADDRESS	19. BUSINESS PHONE	20. BUSINESS PHONE

20. NARRATIVE

(Page 2 of 3)

ITEM NO. 1 walking home because the bus did not go to her house that time of day. She stated, she was walking toward her residence [REDACTED] when she heard someone walking behind her. She observed a W/M with no shirt behind her but he was not real close and then shortly after that, the W/M grabbed her by the neck and dragged her into the woods. She stated, once in the woods he attempted to yank her shirt off. She stated, she screamed and scratched him in attempt to get away and she managed to get to the daycare.

I then asked her to look at a possible suspect [REDACTED] and I transported her to the Food Lion and the suspect was taken out of Officer's car and she stated, that she did not get a real good look at his face and she wasn't sure if that was him. She stated, that the suspect had her head forced down most of the time.

I observed the suspect and he had scratches on his arms and on his sides as though he had ran through ^{small} briars and his shirt had leaves and sticks on it. He stated, that he had just got off of work at Flowers Bakery and he had pulled in there to take a

21. U.S.A. CLEARANCE STATUS:

- ☐ OPEN
☒ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTING OFFICER

JAT/11V

CODE

2503

ASSIGNMENT

A-3

DATE

9/29/91

23.

PROPERTY RECEIVED

☐ SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

17 COMPLAINT NUMBER

910930 131201

2. VICTIM NAME

3. ORIGINAL OFFENSE/CHARGE

Attended Rape

4. LOCATION OF OFFENSE

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

9/2/91

8. SUPPLEMENT DATE

9/2/91

9. CORRECT / PREVIOUS CLASSIFICATION

10. JUVENILE CASE

☐ YES☒ NO

11. MULTIPLE CASE CLEARANCE

☐ YES☒ NO

IF YES, #CASES

12. SUPPLEMENT CONFIDENTIAL

☒ YES☐ NO

13. PURPOSE OF SUPPLEMENT

☐ CONTINUATION OF OFFENSE REPORT☐ FOLLOW-UP INVESTIGATION☐ STOLEN VEHICLE RECOVERY☒ STATEMENT

14. NAME (Last, First, Middle)

15. AGE

16. RESIDENCE ADDRESS

ZIP CODE

STATEMENT OF:

17. RESIDENCE PHONE

18. BUSINESS ADDRESS

ZIP CODE

19. BUSINESS PHONE

20. NARRATIVE

(Page 3 of 3)

ITEM NO.

1. Leak in the woods.

I observed the victim and she had scratches on her face and legs. Her knee were tore and she was very upset.

I did not get a detailed statement at the time of first spoke to the victim because we were trying to piece every thing together as quickly as possible and the victim was very upset. Other officers were taking statements from witnesses and when we believed we had enough probable cause, we placed the suspect under arrest. We located the victims pocketbook inside the woods. We transported the victim with her husband who arrived at the scene to the REC.

21. U.C.R. CLEARANCE STATUS:

☐ OPEN
☒ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTING OFFICER

T.A. J. 11/11

CODE

ASSIGNMENT

DATE

250

A-5

9/2/91

23.

PROPERTY RECOVERED

SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME		3. ORIGINAL OFFENSE/CHARGE	
4. LOCATION OF OFFENSE		DISTRICT	5. ARREST NUMBER
7. ORIGINAL REPORT DATE		8. SUPPLEMENT DATE	9. CORRECT INCIDENT CLASSIFICATION
10. JUVENILE CASE ☐ YES ☐ NO	11. MULTIPLE CASE CLEARANCE ☐ YES ☐ NO IF YES, # CASES	12. SUPPLEMENT CONFIDENTIAL ☐ YES ☐ NO	13. PURPOSE OF SUPPLEMENT ☐ CONTRIBUTION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☐ STATEMENT
14. NAME (Last, First, Middle) Beaver, T.L.		15. AGE	16. RESIDENCE ADDRESS CPD - FIB/Rape
17. RESIDENCE PHONE	18. BUSINESS ADDRESS	19. BUSINESS PHONE	20. ZIP CODE

20. NARRATIVE (Page 1 of 4)

ITEM NO.	On 30 Sept 91, I was asked to assist in the investigation of an attempted rape which had just occurred. I was advised that Adam Three patrol officers had a suspect in custody and that they were bring him, as well as the victim, to the LEC to be interviewed. Officer T.A. Jolly #2503 brought the suspect to the LEC and Officer M.W. Hayes #1768 transported the victim and her husband. Investigator T.I. Shelton interviewed the suspect, identified as Jeffrey Allen Chapman (white male, d.o.b. [REDACTED]), and obtained verbal and written statements after the suspect waived his right to remain silent. I/o interviewed the victim, identified as [REDACTED] (white female, d.o.b. [REDACTED]), and obtained a written statement concerning her account of the incident. [REDACTED] advised that she had gotten off of a city transit bus on Tuckaseegee Rd. near Freedom Dr. and was walking down Tuckaseegee Road towards her residence at the Summerlake Apartments. She states that she observed a white male, 27-28 years of age, tall approx. 6' tall, pouched belly and blonde hair, standing nearby at the edge of the woods. Mrs. [REDACTED] advises she kept walking down the road when suddenly this subject grabbed her from behind putting one hand around her mouth. She states that the subject dragged her a short distance into the woods, threw her face down onto the ground and twisted her neck. Mrs. [REDACTED] advises that she was screaming and fighting with the subject and he stated "Quit screaming or I'll wring your neck" and "Shut up bitch" several times to her. She states that the subject				
21. U.C.R. CLEARANCE STATUS	22. REPORTING OFFICER T.L. Beaver	23. CODE 2218	24. ASSIGNMENT FIB	25. DATE	26. PROPERTY RECOVERED ☐ SEE REVERSE SIDE

☐ OPEN
☐ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

332

Mar. 12, 2013 9:51AM

DISTRICT ATTORNEY'S OFFICE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME

3. ORIGINAL OFFENSE/CHARGE

4. LOCATION OF OFFENSE

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

8. SUPPLEMENT DATE

9. CORRECT RECORD CLASSIFICATION

10. JUVENILE CASE

11. MULTIPLE CASE CLEARANCE

12. SUPPLEMENT CONFIDENTIAL

13. PURPOSE OF SUPPLEMENT

CONTINUATION OF OFFENSE REPORT

☐

YES

☐

NO

☐

YES

☐

NO

IF YES, REASON

☐

YES

☐

NO

☐

FOLLOW-UP INVESTIGATION

☐

STOLEN VEHICLE RECOVERY

☐

STATE

☐

STATE

STATEMENT OF:

14. NAME (Last, First, Middle)

15. AGE

16. RESIDENCE ADDRESS

ZIP CODE

17. RESIDENCE PHONE

18. BUSINESS ADDRESS

ZIP CODE

19. BUSINESS PHONE

20. NARRATIVE

(Pages 2 of 4)

ITEM NO.

pulled her skirt up to her waist and was attempting to pull down her pantyhose and panties when he suddenly stopped and ran from the scene on foot into the woods. Mrs. [REDACTED] states she observed a vehicle nearby and heard its driver yelling and blowing the horn at the subject. Mrs. [REDACTED] jumped up and also ran from the scene in another direction. She was screaming and ran towards the nearby day care center without looking back. Mrs. [REDACTED] advises that four to five female employees assisted her inside and from there they called the Police and the victim's husband.

After the patrol officers arrived at the scene and detained the suspect, Officer M.W. Hayes transported the victim to the location of the suspect. Mrs. [REDACTED] advised that the subject which was asked to step out of the patrol car looked like the subject which had assaulted her moments earlier, although she did not get a good look at him (face) as he attacked her from behind. She further states that this subject had the same build (tall approx. 6' tall, pouched belly, blonde hair) although she did not get a good look at his face.

Several witnesses to this incident can attest to the fact that the subject which they had seen running from the wooded area beside the day care center where the incident occurred, is the same subject which the Police Officers had detained in the incident. See the attached witness statements.

21. U.C.R. CLEARANCE STATUS

☐ OPEN
☐ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTING OFFICER

T.L. Beaver

CODE

ASSIGNMENT

DATE

2218 FIB

23.

PROPERTY RECOVERED

☐ SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME		3. ORIGINAL OFFENSE/CHARGE	
4. LOCATION OF OFFENSE		5. ARREST NUMBER	6. C. R. NUMBER
7. ORIGINAL REPORT DATE	8. SUPPLEMENT DATE	9. CORRECT INCIDENT CLASSIFICATION	
10. JUVENILE CASE ☐ YES ☐ NO	11. MULTIPLE CASE CLEARANCE ☐ YES ☐ NO IF YES, # CASES	12. SUPPLEMENT CONFIDENTIAL ☐ YES ☐ NO	13. PURPOSE OF SUPPLEMENT ☐ CONTINUATION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☐ STATEMENT
14. NAME (Last, First, Middle)		15. AGE	16. RESIDENCE ADDRESS ZIP CODE
17. RESIDENCE PHONE	18. BUSINESS ADDRESS ZIP CODE	19. BUSINESS PHONE	
20. NARRATIVE (Page 3 of 4)			

ITEM NO.	After Investigators completed interviewing the suspect and the victim, Crime Scene Technician G.M. Plummer #2911 reported to the LEC/FIB and photographed both subjects and their visible injuries. Technician Plummer also collected fingernail scrapings from the victim for possible comparison. Investigator N. Pierce #1776 transported the victim and her husband to their residence at [REDACTED] from the LEC. Inv. Pierce collected the victim's clothing which she was wearing at the time of the incident and brought same back to the LEC. I/O turned the victim's clothing into property control as evidence and submitted a laboratory request for analysis of same. Officer T.A. Jolly transported the suspect to the Mecklenburg County Jail where he was booked and charged with Attempt 2nd Degree Rape-By Force, arrest number 707-301. On 1 Oct 91 at 1555 hrs. I/O called the suspect's employer (Flowers' Bakery) and spoke with his immediate supervisor, Kevin Keziah. Mr. Keziah advised that Mr. Chapman is a route salesman trainee and has been so employed for approx. 2 months. He further advises that Chapman reports to work at 4:00 a.m. in the mornings and is able to leave when his work for the day is completed (normally by 1:30 p.m.). The employees do not punch a time clock and there is no record of their actual arrival or departure time. Mr. Keziah advised I/O that on 30 Sept 91, Mr. Chapman rode with him on his route. He states that they reported to their office at 3353 LaSalle St.				
21. U.C.R. CLEARANCE STATUS	22. REPORTING OFFICER	23. CODE	24. ASSIGNMENT	25. DATE	26. PROPERTY RECOVERED ☐ SEE REVERSE SIDE
☐ OPEN ☐ BY ARREST ☐ EXCEPTIONAL ☐ UNFOUNDED	T.L. Beaver	2218	FIB		

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME		3. ORIGINAL OFFENSE/CHARGE	
4. LOCATION OF OFFENSE		5. ARREST NUMBER	6. C. R. NUMBER
7. ORIGINAL REPORT DATE	8. SUPPLEMENT DATE	9. CORRECT INCIDENT CLASSIFICATION	
10. JUVENILE CASE ☐ YES ☐ NO	11. MULTIPLE CASE CLEARANCE ☐ YES ☐ NO IF YES, #CASE#	12. SUPPLEMENT CONFIDENTIAL ☐ YES ☐ NO	13. PURPOSE OF SUPPLEMENT ☐ CONTRIBUTION OF OFFENSE REPORT ☐ FOLLOW-UP INVESTIGATION ☐ STOLEN VEHICLE RECOVERY ☐ STATEMENT
14. NAME (Last, First, Middle)		15. AGE	16. RESIDENCE ADDRESS ZIP CODE
17. RESIDENCE PHONE	18. BUSINESS ADDRESS ZIP CODE		19. BUSINESS PHONE

20. NARRATIVE

(Page 4 of 4)

ITEM NO. at approximately 11:30 a.m. or 12:00 p.m. after having completed their daily route. Mr. Keziah advises that after they return to the office, they may leave for the day after completing approximately 1-1 1/2 hours worth of paperwork. He states that he did not actually see Mr. Chapman leave the premises on 30 Sept 91, but he believes that he left between 1:15 and 1:30 p.m. Mr. Keziah also advised I/O that he heard of no attempt larceny from vehicle or any type of altercation on or near the parking lot of Flowers Bakery 3353 LaSalle Street on 30 Sept 91.

21. U.C.R. CLEARANCE STATUS:

☐ OPEN
☐ BY ARREST
☐ EXCEPTIONAL
☐ UNFOLLOWED

22. REPORTING OFFICER

T.L. Beaver

CODE

2218 FIB

ASSIGNMENT

DATE

24.

PROPERTY RECOVERED

☐ SEE REVERSE SIDE

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131801

2. VICTIM NAME		3. ORIGINAL OFFENSE/CHARGE	
4. LOCATION OF OFFENSE		5. ARREST NUMBER	6. C. R. NUMBER
7. ORIGINAL REPORT DATE	8. SUPPLEMENT DATE	9. CORRECT INCIDENT CLASSIFICATION	
30 SEPT. 91	30 SEPT. 91		
10. JUVENILE CASE	11. MULTIPLE CASE CLEARANCE	12. SUPPLEMENT CONFIDENTIAL	13. PURPOSE OF SUPPLEMENT
☐ YES ☐ NO	☐ YES ☐ NO IF YES, # CASES	☐ YES ☐ NO	☐ CONFIRMATION OF OFFENSE REPORT
14. NAME (Last, First, Middle)		15. AGE	16. RESIDENCE ADDRESS
[REDACTED]		27	[REDACTED]
17. BUSINESS ADDRESS		18. BUSINESS PHONE	19. BUSINESS FAX
[REDACTED]		[REDACTED]	[REDACTED]
20. NARRATIVE (Page 1 of 4)			
I AM LETTING OFFICER R.T. HAMMETT			
WRITE THIS STATEMENT FOR ME "ON SEPT. 30			
AT APPROXIMATELY 1:14 PM I WAS TRAVELING			
ON TUCKAHEEGEE ROAD TOWARDS LITTLE ROCK ROAD			
I SAW A WHITE FEMALE WALKING ON TUCKAHEEGEE			
ROAD GOING OUT OF TOWN AND WAS WEARING A			
WHITE TOP AND A BLACK SKIRT AND CARRYING A			
BLACK PURSE. I THEN SAW A WHITE MALE			
WALKING BEHIND THE WHITE FEMALE THE			
WHITE MALE WAS ABOUT TEN FEET BEHIND THE			
WHITE FEMALE AND THE MAN WAS NOT			
WEARING A SHIRT. I THEN STOPPED MY CAR IN			
THE ROAD AND I LOOKED AT THE WHITE MALE			
AND HE LOOKED BACK AT ME. I THEN STARTED			
TO TRAVEL REAL SLOW AND WAS LOOKING IN			
MY SIDE MIRROR AND COULD SEE BOTH THE			
WHITE MALE AND THE WHITE FEMALE. THE			
MALE THEN RAN UP BEHIND THE FEMALE AND			
GRABBED THE FEMALE AROUND THE HEAD WITH			
ONE ARM AND AROUND THE WAIST WITH HIS			
OTHER ARM. THE MALE THEN PICKED THE FEMALE			
UP AND HER FEET WERE OFF THE GROUND.			
21. U.C.R. CLEARANCE STATUS		22. REPORTING OFFICER	
☐ OPEN ☐ BY ADJUTANT ☐ EXCEPTIONAL ☐ UNFOUNDED		CODE ASSIGNMENT DATE R.T. HAMMETT 2282 A-339 30 SEP 91	
		23. PROPERTY RECOVERED SEE REVERSE SIDE	

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME

3. ORIGINAL OFFENSE/CHARGE

4. LOCATION OF OFFENSE

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

8. SUPPLEMENT DATE

9. CORRECT INCIDENT CLASSIFICATION

10. JUVENILE CASE

11. MULTIPLE CASE CLEARANCE

12. SUPPLEMENT CONFIDENTIAL

13. PURPOSE OF SUPPLEMENT

CONTRIBUTION OF OFFENSE REPORT

☐ YES ☐ NO☐ YES ☐ NO IF YES, POINCE☐ YES ☐ NO☐ FOLLOW-UP INVESTIGATION☐ STOLEN VEHICLE RECOVERY☐ STATEMENTSTATEMENT
OF:

14. NAME (Last, First, Middle)

15. AGE

16. RESIDENCE ADDRESS

17. ZIP CODE

18. RESIDENCE PHONE

19. BUSINESS ADDRESS

20. ZIP CODE

21. BUSINESS PHONE

22. NARRATIVE

(Page 2 of 4)

I THEN DROVE MY CAR TO THE

ITEM
NO.

PAN PHONES AT THE FOOD LION STORE ON

TUCKASEE ROAD AND CALLED 911. I TOLD

THE 911 OPERATOR WHERE I WAS, EXPLAINED

WHAT HAD HAPPENED AND GAVE A DESCRIPTION

OF THE WHITE MALE. THE 911 OPERATOR VERIFIED

MY LOCATION AND I THINK I TOLD THE 911

OPERATOR I WAS GOING TO GO BACK AND I

HUNG UP THE PHONE I THEN GOT BACK IN

MY CAR, DROVE BACK TO WHERE I LAST SAW

THE WHITE MALE AND WHITE FEMALE. I WAS

BLOWING MY HORN AND I ROLLED DOWN MY

WINDOW AND YELLED "I CALLED THE POLICE,

THE POLICE ARE COMING". I DID THIS TWO OR

THREE TIMES I THEN MADE A U-TURN AND

WAS AGAIN HEADED OUT OF TOWN ON TUCKASEE

AND WAS PARKED OFF THE ROAD DIRECTLY

ACROSS FROM THE DAY CARE CENTER. THATS WHEN

I NOTICED SEVERAL PEOPLE RUNNING OUT OF

THE DAY CARE CENTER AND THEY WERE WAVING

THEIR ARMS AND POINTING. THERE WAS A BLACK

COURTESY BEARER ATTEMPTING TO LEAVE THE

23. U.C.R. CLEARANCE STATUS:

☐ OPEN
☐ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

24. REPORTING OFFICER

CODE

ASSIGNMENT

DATE

25.

PROPERTY RECOVERED

SEE REVERSE SIDE

E.T. HAMMETT

2230

A-339 30307-9

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-132201

2. VICTIM NAME

3. ORIGINAL OFFENSE/CHARGE

4. LOCATION OF OFFENSE

DISTRICT

5. ARREST NUMBER

6. C. R. NUMBER

7. ORIGINAL REPORT DATE

8. SUPPLEMENT DATE

9. CORRECT INCIDENT CLASSIFICATION

10. JUVENILE CASE

11. MULTIPLE CASE CLEARANCE

12. SUPPLEMENT CONFIDENTIAL

13. PURPOSE OF SUPPLEMENT

CONFIRMATION OF OFFENSE REPORT

☐ YES ☐ NO☐ YES ☐ NO IF YES, PLEASE☐ YES ☐ NO☐ FOLLOW-UP INVESTIGATION☐ STOLEN VEHICLE RECOVERY☐ STATEMENT

STATEMENT OF:

14. NAME (Last, First, Middle)

15. AGE

16. RESIDENCE ADDRESS

ZIP CODE

17. RESIDENCE PHONE

18. BUSINESS ADDRESS

ZIP CODE

19. BUSINESS PHONE

20. NARRATIVE

(Page 3 of 4)

DAY CARE AND THATS WHEN THE

ITEM NO.

DAY CARE PEOPLE AND I SAW A WHITE MALE DRIVING A WHITE CAR TRYING TO LEAVE THE DAY CARE PARKING LOT AND THE DAY CARE PEOPLE WERE POINTING AT THE WHITE MALE DRIVING THE WHITE CAR. I THEN ATTEMPTED TO MAKE A U-TURN AND BLOCK THE DRIVEWAY SO THE WHITE MALE COULD NOT DRIVE AWAY. THE WHITE MALE WAS ABLE TO GET OUT AND WAS TRAVELING OUT OF TOWN ON TUCKERSEECE ROAD AND I TURNED AROUND AGAIN AND GOT IN BEHIND THE WHITE MALE DRIVING THE WHITE CAR. THE WHITE MALE THEN MADE A LEFT TURN INTO THE FOOD LION PARKING LOT AND WENT TO THE FAR SIDE OF THE PARKING LOT AND I GOT PART OF THE TAG NUMBER OF THE CAR, "ENK-704". THE WHITE MALE THEN LOOKED LIKE HE WAS STARTING TO PULL THE CAR INTO A PARKING SPACE AND I THEN TURNED AROUND TO LEAVE THE PARKING LOT. I THEN SAW THE WHITE MALE STARTING TO LEAVE THE PARKING LOT IN THE DRIVEWAY DOWN FROM ME AND THATS WHEN

21. U.C.R. CLEARANCE STATUS:

☐ OPEN
☐ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTING OFFICER

CODE

ASSIGNMENT

DATE

23.

PROPERTY RECOVERED

SEE REVERSE SIDE

Z.J. HAMMETT

2289 A-339 30 SEP 91

Mar. 12. 2013 9:54AM District Attorney's Office

No. 0381 P. 17/78

CHARLOTTE POLICE DEPARTMENT SUPPLEMENT REPORT

Form 2.5 (3/84)

1. COMPLAINT NUMBER

910930-131201

2. VICTIM NAME		3. ORIGINAL OFFENSE/CHARGE	
4. LOCATION OF OFFENSE		DISTRICT	5. ARREST NUMBER
		6. C. R. NUMBER	
7. ORIGINAL REPORT DATE	8. SUPPLEMENT DATE	9. CORRECT INCIDENT CLASSIFICATION	
10. JUVENILE CASE	11. MULTIPLE CASE CLEARANCE	12. SUPPLEMENT CONFIDENTIAL	13. PURPOSE OF SUPPLEMENT
☐ YES ☐ NO	☐ YES ☐ NO IF YES, # CASES	☐ YES ☐ NO	☐ CONTINUATION OF OFFENSE REPORT
14. NAME (Last, First, Middle)		15. AGE	16. RESIDENCE ADDRESS
17. TELEPHONE		18. BUSINESS ADDRESS	19. ZIP CODE
20. NARRATIVE		21. U.S.A. CLEARANCE STATUS	

(Page 4 of 4)

SOME POLICE CARS ARRIVED AND

GOT THE WHITE MALE OUT OF THE WHITE CAR.
 I ROLLED MY WINDOW DOWN AND TOLD THE
 OFFICERS "THAT LOOKS LIKE HIM, I'M THE ONE
 WHO CALLED THE POLICE." THE WHITE MALE
 THEN STATED "SAW ME WHAT, I DON'T KNOW
 WHAT YOU ARE TALKING ABOUT. THE WHITE
 MALE WAS WEARING A DARK BLUE OR BLACK
 T-SHIRT. SINCE THE WHITE MALE WAS WEARING
 A T-SHIRT I COULDN'T TELL POSITIVELY THAT IT
 WAS THE SAME WHITE MALE THAT GRABBED
 THE FEMALE BUT THE HAIRCUT AND PHYSICAL
 BUILD WERE THE SAME. THATS WHEN I
 SAW OFFICER HAMMERT AND TOLD HIM I WAS
 THE ONE THAT HAD CALLED A GAVE HIM MY
 NAME AND WORK PHONE NUMBER.

9/30/91 5:15 PM
 [Signature]

21. U.S.A. CLEARANCE STATUS

- ☐ OPEN
☐ BY ARREST
☐ EXCEPTIONAL
☐ UNFOUNDED

22. REPORTED OFFICER

Z.J. HAMMERT 2222 A-339 3054 PM

CODE

ASSIGNMENT

DATE

IN

PROPERTY RECOVERED

SEE REVERSE SIDE

Form A-80-PD 8/82

ADULT VOLUNTARY STATEMENT

I, JEFFREY ALLEN CHAPMAN, know and understand my rights. Having decided to answer questions at this time, I now make the following statement:

I GIVE THIS MY STATEMENT TO OFFICER SHELTON AND
ASKED HIM TO WRITE MY STATEMENT AS I TELL IT. X JAC

TODAY, 9-30-91, I DON'T KNOW WHAT TIME IT WAS
BUT SAY 12:30 P.M. ... SAY I WAS GETTING OFF
WORK ... FLOWERS BREAD WAREHOUSE ... I WAS LEAVING
WALKING TO MY CAR, AND I SAW ^{X JAC} A BLACK MAN, HE
LOOKED LIKE A "DRED" BECAUSE OF HIS HAIR WAS ALL
TWISTED OR WHATEVER, I NEVER HAVE SEEN THE GUY BEFORE.
HE WAS TRYING TO GET INTO MY CAR. I SAID TO HIM WHAT
ARE YOU DOING? WE GOT INTO A FIGHT. WE FOUGHT THERE
BY THIS CEDAR BUSH AND THE GRASS AREA FOR A FEW
MINUTES. HE LEFT AFTER WE HAD STOPPED FIGHTING,
AND I GOT INTO MY CAR AND DROVE OFF, BEFORE I
GOT TO THE INTERSTATE I HAD TO GO AND USE THE BATHROOM.
I SAW A PLACE FOR ME TO USE THE BATHROOM. IT
WAS A BUILDING WITH A PARKING LOT BESIDE SOME WOODS
 (If more space is needed, use additional sheets)

The statement above [and continued on attached sheet(s) marked Attachment Page(s) 1-2] is made of my own free will. No one has threatened me in any way or promised me special treatment to cause me to make this statement. I am signing my name in the space below to show that it is my statement and that it is the truth.

Signed: Jeff Chapman

Date: 9/30/91

Time: 3:25

T. L. Shelton
 (Witness)

(Witness)

Mar. 12. 2013 9:55AM

District Attorney's Office

No. 0381 P. 20/78

VOLUNTARY STATEMENT OF

NAME: JEFFREY ALLEN CHAPMANDATE: 9-30-91

I PARKED MY CAR IN THE PARKING LOT THERE
AT THE BUILDING. GOT OUT AND WALKED BACK
^{SAC}
~~INTO THE WOODS ABOUT 200 YARDS BEHIND MY~~
CAR AND STEPPED INTO THE WOODS A FEW
STEPS, BEHIND A PINE TREE, AND USED ^{THESE} ~~THE~~ BATHROOM.
I HEARD COMMOTION OUT THERE BY THE SCHOOL.
I WALKED BACK TO MY CAR AND SAW
PEOPLE LOOKING AT ME, I GOT INTO MY
VEHICLE AND DROVE OFF TO THE STORE TO
GET SOMETHING TO DRINK... AND WHILE PULLING
INTO THE PARKING LOT OF THE STORE... I
NOTICED A CAR THAT WAS VERY CLOSE TO MY
BACK AND THEN I SAW THE POLICE, COMING
TOWARDS ME. HE (POLICE) PULLED IN FRONT
OF ME, BLOCKED ME OFF AND PULLED HIS
GUN AND SAID PUT YOUR HANDS IN THE AIR.
WHILE I WAS SITTING IN THE POLICE CAR
I WAS ASKING THE POLICE WHAT THE HELL
IS GOING ON AND HE WOULDN'T ANSWER.
THEN I NOTICED THE COMPUTER SCREEN AND I
READ SOMETHING ABOUT A MAN WITHOUT
SHIRT, WITH SANDY BLONDE HAIR DRAGGING
WOMAN INTO WOODS; I THEN SAID TO THE
OFFICER THAT I HAD A TATTOO ON MY BACK
AND ASKED HIM DID ^{ANYONE} ~~THE~~ WHOEVER GAVE

Mar. 12. 2013 9:55AM District Attorney's Office

No. 0381 P. 21/78

VOLUNTARY STATEMENT OF

NAME: JEFFREY ALLEN CHAPMANDATE: 9-30-91

THE DESCRIPTION OF THE MAN DID THEY
GIVE A DESCRIPTION OF A TATTOO

I HAD NOTHING TO DO WITH THIS
INCIDENT.

Petitioner's Exhibit H

SUPPLEMENT		Case No. 86-089	Date of Report 1/2/86	Page 8
Victim Name	Age	Sex	Race	Height
RACE	AGE	SEX	RACE	HEIGHT
6:54	6:55	6:52	PATRICIA	21
Address of Offense APT. F-15		Change to Previous Entry NO		
811 W. OAKLAND PARK BLVD.		YES		

NARRATIVE

VICTIM: [redacted] white female, [redacted], resides at [redacted]. The apartment complex is called [redacted]. Home phone number of [redacted]. Employed by U.S. West, Advertising, it's a subsidiary of the Yellow Pages, work phone [redacted].

WITNESS: [redacted] she is a room-mate, white female, dob [redacted], also resides at [redacted]. Home phone number of [redacted]. works at Donnelly Corp., Advertising, subsidiary of the Yellow Pages phone number [redacted].

SUSPECT: Jeff, white male, around 23 years of age. Unknown address, unknown phone number. 23 years of age, 6'2", 190, blond hair, eye color unknown build, heavy build.

MENTIONED #1: [redacted] white female, dob [redacted], resides at [redacted]. Home phone [redacted]. Employed at Armond's Mails, [redacted], work phone number [redacted].

On the above mentioned date and time mentioned while on routine patrol, this undersigned officer was dispatched to the following address in reference to a possible rape in progress, 811 W. OAKLAND PARK BLVD. The undersigned officer was advised that the victim resided in apartment [redacted]. Undersigned officer proceeded to the area prior to turning into the apartment complex of the RequestClub, officer observed a white male, 6'2", 190 to 200 lbs., dark shirt, dark pants, walking east on W. OAK. Officer advised to have other officers in the area to stop the suspect. The suspect possibly fit the description of the culprit in reference to this rape. Undersigned officer arrived on the scene, made contact with the victim. The victim was identified as a [redacted] dob 2/27/58, resides at 811 W. OAKLAND PARK BLVD., apartment [redacted].

Undersigned officer made contact with the victim the victim advised this officer of the following. She stated to this officer that her boyfriend had spent some time at her apartment, around 11PM

DO CASE FILE	REASON
by Officer [redacted]	1184
by [redacted]	[redacted]
by [redacted]	[redacted]

Jan. 12, 2018 9:56AM District Attorney's Office
 No. 0381 P. 23/78

OK

UNKNOWN AND UNRECORDED BEFORE ME THIS
 DAY OF [redacted] 1986

PAGE 02

CL:

25-983

NO. 04:

ADDITIONAL NARRATIVE

on 1/1/86, she stated that she was gonna take her boyfriend home. The boyfriend advised that he lived in the area of North Lauderdale area. Victim stated that she took her boyfriend home and then was returning back to her residence, as she was pulling into a parking space at her apartment complex, at the Racquet Club, at which time a white male jumped into her vehicle on the passenger side. The victim stated that she did not know the white male, but had seen him several times at the area swimming pool at the apartment complex of the Racquet Club. The victim then stated that the suspect stated to her, HI THERE, HOW ARE YOU DOING, YOU KNOW ME, LETS TALK AND TRY TO PICK UP SOME BASIC SMALL TALK AND CONVERSATION with the victim. Victim then stated that the suspect started getting very handsy (phonetic) with her and started putting his hands all over her body. Victim stated that suspect then made an attempt or effort to lay on top of her on the interior of the vehicle on the drivers side of the vehicle.

Victim stated to the suspect PLEASE STOP, DON'T DO THIS, at which time suspect made the statement to the victim that he was GONNA HURT HER, if she did not submit to his wishes. The suspect then stated to the victim, DO YOU WANT TO DO IT IN THE CAR OR WOULD YOU RATHER GO UPSTAIRS AND LAY DOWN IN THE COMFORT OF YOUR HOME. Victim stated that she knew her roommate was home and possibly might be up advised the suspect let's go up to my apartment, it would be more comfortable up there, at which time victim stated that the suspect then got out of the passenger side of the vehicle and walked around to the drivers side of the vehicle and grabbed the victim and forced her up to her apartment on the third floor.

Victim stated that while they were walking up to her apartment, the suspect stated IF YOU MAKE ANY NOISE I WILL HURT YOU. Victim stated that they arrived at her apartment at which time they had entered her apartment. The suspect then went to the roommates door and tried the door victim stated that the roommate always keeps her door locked that there was a light on and you could see the light from the bottom of the door. Suspect had received negative results to gain access into the roommates room. Suspect then went to the victim and stated that he wanted sexual acts from the victim and if she made any noise he would hurt her very badly and also hurt the roommate. At which time, the victim she stated she was then forced into her bedroom to perform these sexual acts. The victim stated that she was forced against her will to remove her clothes and to do sexual acts on the suspect. Victim stated that she was in fear of her life and was very afraid.

While the undersigned officer was talking to the victim, this officer asked the victim what time basically did she return back to her residence as she was pulling into the parking space, at which time she made contact with the suspect. Victim stated that she was kind of shaky but she felt it was around 1:30. This officer received a call around 4:30 between this time of 1:30 to 4:30, the victim was forced to perform many and various sexual acts on the suspect.

COLLECTED

The Officer's Name

SA

Room No.

SA

Room No.

Date

Mar. 12, 2013 9:56AM District Attorney's Office

No. 0381 P. 24/78

OAKLAND PARK PUBLIC SAFETY, OAKLAND PARK, FLORIDA 33054

SUPPLEMENT

OFF

NEW OFF

DATE OF REPORT

1/2/86

CHARGE

RAPE

Victim Name

Address of Offense

Charge by person
Parent, Family, or for OTHER

NARRATIVE

The victim stated that around 6AM, she made an effort to get out of bed and to notify the police at which time as she was getting out of bed, the suspect woke up and was very angry, and grabbed her at which time he then forced the victim to take a shower with him. This officer noted that prior to my arrival while talking with the victim, her hair was very wet and it was definitely apparent that she had taken a shower prior to my arrival to the scene.

Victim stated that after the shower around 6:15 the suspect then got dressed and left her apartment residence and left the area. Victim stated that she ran to her roommate's door, in the same apartment of [REDACTED], banging on it very wildly. The roommate came to the door, at which time the victim stated to the roommate that she had raped.

Victim was very upset and hysterical. Which time the roommate advised the victim, let's call the police at which time victim got very upset and stated NO. While the roommate was trying to convince the victim to notify the police in reference to this incident, there was a knock on the door. Victim and roommate then proceed to the front door, at which time the roommate looked out the door and observed a white male around 6'2" blond hair, dark shirt and dark pants at which time the roommate looked at the victim and stated IS THAT HIM? The victim started crying and stated YES. Roommate then stated to the suspect IF YOU DON'T LEAVE I'M GONNA CALL THE POLICE at which time white male fled on foot.

Upon our arrival into the area, the white male was stopped and detained and was later returned to the scene, at which time approx. 7:07AM, the suspect was returned back to the scene and the victim did make positive ID along with the roommate of the victim. The suspect was then taken into custody and transported to the Oakland Park Public Safety Headquarters, where he was booked and processed.

The crime scene was preserved by this undersigned officer, until detectives had arrived also along with technical. Minutes later, Det. Glen Osani had responded to the scene, and this undersigned officer had filled him in on the necessary information that he had. Det. Osani did advise the victim that she would have to go down to the Rape Crisis Center for further examination. The victim stated that she would. Det. Osani advised this officer to preserve the crime, the technical would be enroute. Det. Osani advised this officer that he would want the bottom sheet

ON CASE STATUS

REASON

By Officer [REDACTED]
LABORANCE

1186

Date of Case

Signature of Officer

Date

Mar 12, 2013 9:57AM

District Attorney's Office

No. 0381 P. 25/78

WAGON AND BUSCHERD BEFORE ME THIS

DAY OF

1986

ADDITIONAL NARRATIVE

ON 9

84-422

FILE OR 9

of the bed, which was a pink cotton type bed sheet taken to custody for evidence also the victim's clothes at the time of the incident also to be taken into custody which they were.

Technical Steve Walker arrived on the scene this undersigned officer advised technical what had to be done and what evidence had to be taken into custody for the chain in command, for evidence, at which time technical Steve Walker processed the crime scene.

Undersigned officer also spoke with the roommate, ~~Shirley Williams~~, white female dob ~~08/08/58~~ undersigned officer asked the roommate basically what happened or what she heard in reference to this incident. Roommate stated that she had heard the victim enter the apartment, she again basically was skeptical on what time they entered around 1:30 to 1:45. Roommate also stated she did hear another voice which appeared to be a man's voice at which time she did not get alarmed cause on numerous occasions the victim did return back home with her boyfriend and boyfriend had spent the night with the victim. So, at which time she then turned over and went back to bed. The roommate stated that she was then awoken around 6AM, she stated that she heard the running of water in the shower. The roommate stated that she had kind of smiled in bed, because she was always thinking that the victim always uses too much water and never leaves her any hot water. Roommate then stated that she then heard the water stop and about 10, 15 minutes later she heard a banging on her door, at which time she got out of bed and proceeded to the door. Roommate stated that the victim was very hysterical, crying and was shaking she just advised that she had been raped.

Roommate was shocked and advised who and she stated, JEFF, all she stated was the name JEFF, the white male. While the roommate was talking to the victim in reference to this incident there was a knock on the door at which time she proceeded to the door and looked out the kitchen window, 6'2", 150 to 200 lbs., short blond hair, dark shirt and dark pants. She looked at the victim and stated IS THAT HIM, and she started to cry and shake her head and said YES THAT IS. At which time the roommate shouted, IF YOU DON'T GET OUT OF HERE I'M GONNA CALL THE POLICE at which time the suspect fled on foot. The roommate did not see the suspect again until 7:07 until he was brought back to the scene by Officer Todd Chase, at which time she also made positive identification that that was the suspect that she observed at the kitchen window.

While the suspect was in custody, being held and detained by Officer Chase, he advised Officer Chase that he was in the ~~Wynnton~~ area visiting his girlfriend. Althe advised was the first name he was given. While this undersigned officer was talking with the victim, officer asked the victim did the suspect live in the apartment complex? Victim stated that he possibly lives in two apartments, she wasn't sure, she mentioned the apartment number of J-8 and D-16. In which time officer proceeded to D-16 to see if by chance anyone knew a suspect by the name of JEFF. Undersigned officer proceeded to apt. D-16 and made contact with an ~~Shirley Williams~~, white female dob ~~08/08/58~~, 5'1", 110 lbs., brown hair, brown eyes, resident at 221 N. 1st, 40-16 in the 2nd floor.

By Officer Walker	SA	SA	SA	SA	SA
11/11/84	11/11/84	11/11/84	11/11/84	11/11/84	11/11/84

OAKLAND PARK PUBLIC SAFETY, OAKLAND PARK, FLORIDA 33154

SUPPLEMENTOFF
86-089

REF OFF

DATE OF REPORT

1/2/86

CASE #

REPORT

Victim Name

AGE

SEX

CL

DOB

Race

Rel. Area

DATE

Changed To

Address of Occurrence

Cause of Complaint

Personal Property Stolen

Sex

Other

NARRATIVE:

WINGWING CLUB, home phone number of **335-2820**. Undersigned officer knocked on the door, and made contact with this above mentioned white female. Officer then asked this female did she know a w/m by the name of, the first name of **JEFF**. White female stated that yes she did, it was her boyfriend. Mentioned, the above mentioned female also stated that last night she had to call the police on her boyfriend. Officer Monforte had responded to the scene. Case #86-080, undersigned officer asked if she could explain, what had happened. Miss Ben-Levy stated that her boyfriend had been drinking all day and he was extremely drunk and intoxicated. He had come over to her residence causing a disturbance, acting very disorderly and was as stated intoxicated. At which time she then asked Jeff to leave, Jeff refused, at which time a domestic dispute broke out and the police were called to the scene. Miss Ben-Levy stated that the suspect had left her apartment residence between the hours of 1:30 and 2AM on 1/2/86, she was not sure of the time. She stated that was the last she saw of Jeff, that date until on Thursday at 1/2/86 around 6:15, he then returned and started banging on the door again at which time she came to the window and advised him that if he would not leave she would call the police, she did not open the door or let the suspect enter her apartment, at which time she stated he then fled on foot, that was the last she saw of him on this above date and time mentioned.

At which time the undersigned officer advised Miss Ben-Levy that her boyfriend was in some type of trouble and was under investigation for an alleged incident of RAPE. This officer stated that he would like if she would co-operate and possibly get a tape recorded statement of the facts leading up to this incident. She advised that she would co-operate to the fullest, this time officer made contact with Det. handling the case and a tape statement was taken from the mentioned Ben-Levy. At which time no further action taken by this officer.

1/3/86

ON CASE STATUS

REASON

by State / JURISDICTION

FILE #

Date of Entry

by

Signature / Agent Name

PAGE

Jan 12 2013 9:58AM District Attorney's Office No. 038152 P. 27/76

 348
 BYRON AND BURNING BEFORE ME THE
 FULL
 DAY OF
 1986

SUPPLEMENT						DATE OF REPORT 1/2/86	REPORTING OFFICER 02-112-11	FILE NO.	PAGE 15	TOTAL PAGES 21
CHARGE SEXUAL BATTERY - AGGRAVATED						ARRESTED BY [redacted]		INVESTIGATOR [redacted]	DETECTIVE [redacted]	OTHER [redacted]
ADDRESS OF OCCURRENCE 811 W. CFB. #F-15						CHARGE TO INVESTIGATION [redacted] OR FOR OTHER [redacted]				
NARRATIVE:										
ALLEGATIONS: Jeffrey Allen Chapman, White Male, approx. 6'2", 190 lbs., hazel eyes, blond hair, of [redacted], [redacted], [redacted], [redacted]. VICTIM: [redacted] and W. [redacted] [redacted], [redacted], [redacted] [redacted], [redacted]. STATEMENTS: For victim and suspect statement, see Detective Rhodes and Det. Omani's supplement and statements. This officer was dispatched to the area of [redacted]. [redacted] in reference to a sexual battery which had just occurred. While enroute to [redacted], this officer received a ROLLO via the police radio giving a description of a white male with blond hair, approx. 6'2", wearing dark pants and a blue short sleeve shirt. At approx. the 600 block of W. CFB., this officer observed a suspect matching this description. This officer then approached the suspect and stopped him. This officer then received information via the police radio, that this probably was the suspect and to bring him back to the scene to be ID'd by the victim. Upon arrival, at the scene this officer was met by Lt. VonBehren and Officer Lawrence who were already at the scene. This officer then had the suspect (CHAPMAN) exit the police vehicle and stand in front of the vehicle at which time the victim came out of her apartment which is on the third floor and positively identified Chapman as the individual who had committed sexual battery upon her. Let it be noted that the victim positively ID'd the suspect at 7:07AM. The suspect was then transported by this officer to the Oakland Park Police Dept., where this officer read the suspect his Miranda Warnings, off of the Miranda Warning Card which was issued to this officer by the Oakland Park Police Department at approx. 7:22AM. At approx. 8:02AM Det. Rhodes took over custody of the defendant and did take a sworn statement from the defendant. (FOR FURTHER INFORMATION SEE DET. RHODES, STATEMENT AND SUPPLEMENT REPORTS ON THE DEFENDENT'S STATEMENT.) Det. Omani spoke with and transported the victim to the Sexual Assault Treatment Center, Det. Omani took a statement from the victim, stating that the culprit had run up to her car when she										
DO CASE STATUS		REASON								
IN CHARGE CHASE		FILE NO. 1285		DATE UP DATE		BY		SUPERVISOR APPROVED		PAGE OVER

ADDITIONAL NARRATIVE

PAGE 42

CR 9

86-83

Ref. CR 9

approached her parking space and jumped in and attempted to attack her. At this point in time the defendant then tried to sexually assault her in front of a vehicle. The victim then advised the culprit that she would rather do this up in her apartment due to the fact that she thought she could yell for help, since she does have a roommate. The victim advised that the suspect then forced her to have oral and vaginal sex with him and stated if she did not that he would kill her and her roommate. Fearing for her life the victim did as she was told by the culprit. For further information and details on this sexual battery, see statements taken by Det. Oasni and Det. Det. Oasni's supplement report. KFA.

1/5/86

12 2013 9:59AM District Attorney's Office No. 0381 P. 29/76

CHIEF OF POLICE, CARLAND PARK, FLORIDA 33304

SUPPLEMENT		OFF 86-89	REF OFF	DATE OF REPORT 01/15/88	REPORT
CHARGE Sexual Battery	Victim Name [REDACTED]	DOB	AGE	CL	Unit E51
Charge To	Available Offenses [REDACTED]	Charge To (continued) [REDACTED]	Property	SA	PC
			OTHER	Rhodes	

NARRATIVE:

This detective made contact with the above victim at the SMC at Ft. Lauderdale who at this time was with Det. Osani of this dept. Det. Osani clear the scene and this detective transported the victim to the CPD to make contact with Det. Rhodes who is the detective in charges of this case.

This detective did placed into evidence the Sexual Battery Evidence Kit, evidence card being 16860 and signed for by this detective. Doctor Sumoff turn over the Kit to this officer then in turn placed into evidence, at 10:00am. No further action taken by this detective.

ON CASE STATUS	REASON
CLERK	
by Officer Det. Volpe	1131

KNOW AND SUBSCRIBED BEFORE ME THIS
DAY OF _____ 1988
[Signature Line]

No. 0381 30/78

OK

VICTIM: M/F.

WITNESSES: W/F.

SUBJECT/ARRESTED: W/M, JEFFREY ALLEN CHAPMAN, [REDACTED], described as 6'2", 190 lbs., hazel

eyes, blond hair, medium complexion, 23 YOA.

On this date & at approx. 7:00 AM this officer rec'd. a phone call from the Oak. Pk. Dispatch Ctr. pertaining to a rape that had just been reported whereas a w/m identified as JEFFREY CHAPMAN had been arrested for the charge. This off. was requested to proceed to the scene of where the sexual battery had taken place, that being 611 W. CFB, Apt. 600 and at that location this officer could meet with the vict. This officer then proceeded to that address and made contact with the uniform officer on the scene, Off. Pete Lawrence. Off. Lawrence gave this officer a brief summary as to what had taken place and at that time this off. then made contact with the vict.

~~SUSPENSE~~ then advised this officer that at approx. 1:00 to 1:30 AM on this date she had returned

DO CASE STATUS		REASON			
DO OTHER STATUS	DO	DO TO DO	DO	DO TO DO	DO
DO - 6 - A - 0001	1122	DO TO DO	DO	DO TO DO	DO

ADDITIONAL NARRATIVE

home from driving her boyfriend home & as she pulled into the parking lot of her apt. complex a w/m identified to her only as JEFF got in the car with her & at that point started to grab at her chest & attempted to lift up her blouse. He then advised her to lift up her blouse while he attempted to lift up her dress & insert his hand into her underpants. MS. GARCIA states that at that point she attempts to struggle with the subj. and she managed to get her foot on his chest & push him away from her & at that time she was able to get out of the car & start to leave the area on foot. She advises that the w/m subj. catches up to her and grabs her by the neck and places his hand over her mouth and throws her onto the hood of a car at that location, attempts again to get his hand inside of her underpants.

According to MS. [REDACTED], the w/m subj. did live in the same apt. complex as her and she has seen him on 4 or 5 past occasions in the parking lot and on those past occasions he has made remarks to her. On this evening when he grabbed a hold of her he remarked to her something to the effect I want to fuck you, I always have wanted to and that we're going to do it tonight.

Once the suspect had hold of MS. [REDACTED] in the parking lot she states that she struggled again with him & at that time he states would you feel more comfortable if we went to your apt. She states that her roommate was home, therefore she advised that she would feel more comfortable up in the apt. hoping that her roommate was still awake & that would scare the suspect off. She states that when they entered the apt. her roommate was in bed & her bedroom door was closed & at that point the suspect stated that if her roommate was there, that he was going to kill her and her roommate and at that point there he started to open up the roommate's door & MS. [REDACTED] stated that she might be in there but she will not come out.

Both MS. [REDACTED] & the suspect then entered her bedroom & at that point she was ordered to remove all of her clothing and at the same time the suspect removed all of his. Throughout the night MS. [REDACTED] advises that the suspect penetrated her vagina with his penis on two occasions, however he attempted on three or four different times. She then stated that the suspect performed oral sex on her twice. Throughout the time that the suspect had penetrated her vaginally he never did ejaculate. According to the vict. at approx. 6:00 AM this morning the suspect made her take a shower with him. She further advised that she is currently on her menstrual cycle & flowing heavily. Even though the vict. states that the suspect never ejaculated & that she is on her menstrual cycle this officer transported her to the SATC to be examined by a gynecologist.

MS. [REDACTED] stated that when the suspect was with her throughout the night he advised her that he does have a girlfriend that lives in the same apt. complex as she and that she stayed in Apt. [REDACTED] and that her name is [REDACTED]. He advised her that he was there earlier with his girlfriend and that there was a fight & that the police were called. This was later verified

Officer [REDACTED]	SA [REDACTED]	Det. [REDACTED]	SA [REDACTED]	SA [REDACTED]	SA [REDACTED]

12-2019-10-00AM District Attorney's Office

No. 0381 P. 32/78

OAKLAND PARK PUBLIC SAFETY, OAKLAND PARK, FLORIDA 33554

SUPPLEMENT		OFF 26-89	REF OFF	DATE OF REPORT	SIGNATURE			
REPORT		Victim Name		CR	APR	CL	MR	TR
Charged To		Address at Occurrence		Charge To: ☐ Pending ☐ Pending ☐ Pending ☐ Pending ☐ Pending ☐ Pending				

NARRATIVE:

I found that the police were dispatched to [redacted] at approx. 11:00 PM. MS. [redacted] further advised that the suspect has a tattoo of a rose on his butt & a tattoo of a spider on his right shoulder.

As the vict. was being examined by the physician at the SATC this officer was advised that the remainder of this investigation will be TOT Det. Rhodes. At that time there this off. was relieved at the SATC by Det. Volpe & this officer took NFA pertaining to this investigation.

ON CASE STATUS	REASON		
ACTIVE			
By Officer Signature	REASON	Run Up Date	Signature Approver
DET. G. A. OSANI	1122		

File No. 12, 2013-10-01AM District Attorney's Office No. 03815

354 SHOWN AND SUBSCRIBED BEFORE ME THIS DAY OF JULY 19 FIRST NAME



OAKLAND PARK POLICE DEPT., OAKLAND PARK, FLORIDA 33054

SUPPLEMENT

ONE

86-089

REF ONE

DATE OF REPORT
01/02/86

JASON 86

ALCOA

INCIDENT
SEXUAL BATTERY

Victim Name

Address of Occurrence

Cause of Complaint

Property

BUI

FBI

OTHER

OTHER

NARRATIVE:

INVESTIGATORS INVOLVED: DETECTIVE GLEN OSANI.
DETECTIVE CHARLES VOLPE
DETECTIVE WILLIAM R. MUSTY WRODS

TECHNICIAN INVOLVED: STEVE WALKER

UNIFORM OFFICERS: OFFICER T. CHASE
OFFICER PETE LAWRENCE

PERSONS INTERVIEWED: DEFENDANT JEFFERY ALLEN CHAPMAN (SWORN STATEMENT) 8:23 AM 1/2/86
VICTIM [REDACTED] (SWORN STATEMENT) 9:48AM 1/2/86.
WITNESS [REDACTED] (SWORN STATEMENT) 10:32 AM 1/2/86.
WITNESS [REDACTED] (SWORN STATEMENT) 10:41 AM 1/2/86.
WITNESS [REDACTED] (SWORN STATEMENT) 10:19AM 1/3/86.

NARRATIVE: IN REFERENCE THIS INVESTIGATION THIS OFFICERS FIRST INVOLVEMENT WAS AT APPROX. 8AM 1/2/86. THE FIRST DETECTIVE ASSIGNED WAS DETECTIVE OSANI. HE WAS CALLED OUT TO SCENE. HE WAS FIRST DETECTIVE ASSIGNED. HE OBSERVED THE CRIME SCENE AND HAD FIRST CONTACT AND INTERVIEW WITH VICTIM. HE TRANSPORTED HER TO SEXUAL ASSAULT CENTER. FOR INFORMATION SEE HIS SUPPLEMENTAL REPORTS. DUE TO WORK LOAD HE WAS INVOLVED IN THIS OFFICER ASSUMED THE LEAD INVESTIGATOR RESPONSIBILITY.

DETECTIVE CHARLES VOLPE RELIEVED DET. OSANI AT THE ASSAULT CENTER. DETECTIVE VOLPE OBTAINED THE SEXUAL ASSAULT EVIDENCE KIT. HE ALSO TRANSPORTED VICTIM BACK TO OAKLAND PARK POLICE DEPT. AND TURNED HER OVER TO THIS INVESTIGATOR.

IN REFERENCE THE DEP. THIS OFFICER MADE CONTACT WITH HIM IN BOOKING DEPARTMENT OF THIS POLICE DEPT. I INQUIRED IF HE KNEW WHAT HE WAS ARRESTED FOR. HE ACKNOWLEDGED THAT A FEMALE STATED HE RAPED HER. I ASKED IF HE WAS READ HIS MIRANDA RIGHTS WHEN ARRESTED. HE STATED THAT HE HAD AND HE DID UNDERSTAND THEM. HE STATED HE WANTED TO GIVE A SWORN STATEMENT ABOUT INCIDENT.

(OVER.)

DO CASE STATUS
CBA

REASON

SUBJECT ARRESTED

By Officer Signature

ONE

Rank Up Officer

ONE

Signature Approving

Page

OF

DET. WILLIAM R. WRODS

1139

0

JAN 12 2013 10:01 AM District Attorney's Office

No. 0381 34/78

KNOWN AND SUBSCRIBED BEFORE ME THIS

DAY OF 19 TITLE

WIT NAME

ADDITIONAL NARRATIVE

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86-089

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THE DEFENDANT WAS THEN ESCORTED TO THE DETECTIVE BUREAU. THIS OFFICER READ THE MIRANDA CARD TO HIM AGAIN. A RIGHTS FORM WAS PRESENTED TO THE DEFENDANT AND AFTER HE READ IT VERY CAREFULLY AT 8:13AM, HE VOLUNTEERED TO GIVE A SWORN STATEMENT. HE READ THE FORM AND DID ACKNOWLEDGE ALL PARTS OF RIGHTS FORM. HE PLACED THE WORD YES AND HIS INITIALS JAC AFTER EACH PORTION. HE THEN SIGNED THE RIGHTS WAIVER. THIS OFFICER MADE SURE BEFORE TAKING THE SWORN STATEMENT THAT HE COMPLETELY UNDERSTOOD HE WAS WAIVING HIS RIGHTS TO HAVE AN ATTORNEY PRESENT. DURING THE SWORN STATEMENT THE RIGHTS WAIVER ALSO COVERED.

THE DEFENDANT IN HIS SWORN STATEMENT HE ACKNOWLEDGED THAT THE INCIDENT DID OCCUR. HOWEVER, HE STATES THE VICTIM VOLUNTEERED TO HAVE SEX. HE ALSO ADVISED SHE ASKED HIM TO HER APARTMENT. HE ADMITTED THAT PRIOR TO HIS CONTACT WITH THE VICTIM THAT HE WAS VERY INTOXICATED AND HAD A FIGHT WITH HIS GIRLFRIEND ROLENA BEN-LEVY WHO LIVES IN SAME APARTMENT COMPLEX. IN REFERENCE THE VICTIM HE DID NOT KNOW HER, BUT HAS SEEN HER IN THE COMPLEX. HE FURTHER ADMITTED WHEN HE WAS WALKING OUT OF THE APARTMENT COMPLEX HE OBSERVED THE VICTIM DRIVE INTO THE COMPLEX IN HER CAR WHICH HE RECOGNIZED. HE STATED EVEN THOUGH HE WAS INTOXICATED HE DECIDED TO WALK BACK AND MAKE CONTACT WITH THIS FEMALE BECAUSE OF PAST HIS CONTACT HE KNEW SHE WANTED HIM. HE STATES AS SHE PARKED HER CAR AND STARTED TO EXIT THE VEHICLE HE DID SCARE HER BY SUDDENLY OPENING THE DOOR AND LEANING INTO THE CAR. HOWEVER, AFTER HER INITIAL SHOCK SHE INVITED HIM TO HER APARTMENT. HE DENIED ANY FORCE USED. HE ADMITTED THAT HE MADE VAGINAL PENETRATION WITH HIS PENIS, MADE DIGITAL PENETRATION OF HER VAGINA, PLUS, HE PERFORMED ORAL SEX ON HER EVEN THOUGH SHE WAS HAVING HER MENSTRUAL PERIOD. HE FURTHER STATED PRIOR TO HIM DEPARTING SEVERAL HOURS LATER SHE VOLUNTEERED TO TAKE A SHOWER WITH HIM. HE DID SAY AT FIRST SHE REFUSED BUT HE TALKED HER INTO IT.

THE DEFENDANT ADMITTED THE NIGHT PRIOR TO THIS THAT HE HAD BEEN DRINKING VODKA HEAVILY. HE ALSO ADMITTED TO BEING INVOLVED IN ARGUMENT AND DISTURBANCE WITH HIS GIRLFRIEND ROLENA BEN-LEVY. FOR COMPLETE INFORMATION SEE HIS SWORN STATEMENT.

THE VICTIM WAS INTERVIEWED AND SWORN STATEMENT TAKEN AT 8:13AM. THE VICTIM STATES SHE DID NOT KNOW THIS SUBJECT, BUT HAD SEEN HIM IN THE PAST IN THE COMPLEX. SHE STATES SHE HAD SPENT THE EVENING WITH HER BOYFRIEND AND HER ROOMMATE AND HER BOY FRIEND. AT APPROX. 11:00PM SHE DROVE WITH HER BOYFRIEND TO HIS RESIDENCE. AT APPROX. 1:00AM SHE DROVE BACK HOME TO GO TO SLEEP BECAUSE SHE HAD TO WORK THE FOLLOWING MORNING. WHEN PARKING HER CAR SHE WAS SUDDENLY ATTACKED WHILE STILL SITTING IN HER CAR. SHE STATES SHE WAS ABLE TO PUSH HIM AWAY WITH HER FOOT. ONCE OUT OF HER CAR SHE TRIED TO RUN AWAY TO HER APARTMENT. HOWEVER, THE DEF. RAN UP BEHIND HER AND GRABBED BOTH OF HER NECK AND PLACED HIS HAND OVER HER MOUTH. HE THEN TOLD HER WHAT HE WAS GOING TO DO. HE WAS FONDLING HER BREASTS AND REACHING UNDER HER CLOTHES WHILE HOLDING HER ON FRONT OF A CAR. HE THEN ASKED HER WOULD SHE RATHER HAVE IT DONE TO HER IN HER APARTMENT. VICTIM STATES SHE HAD A ROOMMATE AND THOUGHT MAYBE SHE COULD CALL FOR HELP. THEREFORE SHE STATED YES. HOWEVER, UPON REACHING THE APARTMENT HE ADVISED HER THAT HE WOULD KILL HER AND HER ROOMMATE IF SHE DID NOT COOPERATE. IN FEAR OF BEING KILLED SHE STATED SHE THEN COOPERATED. SHE STATED HE RATED HER ORALLY, DIGITAL,

IN CHARGE OF CASE: [] DATE: [] TIME: [] BY: []

Mar. 12. 2013-10:01AM District Attorney's Office

No. 0381 P. 35/79



MON _____
 TUE _____
 WED _____
 THU _____
 FRI _____
 SAT _____
 SUN _____

12. 2013/10:07AM District Attorney's Office
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SWORN STATEMENTS WERE TAKEN FROM THE ROOMMATE AND HER BOYFRIEND. ALL FACTS GIVEN BY VICTIM WAS VERIFIED BY THEM. (SEE THEIR SWORN STATEMENTS. THE WITNESS LISA BRASH WHICH WAS INTERVIEWED THE NEXT DAY FURNISHED INFORMATION ON DEFENDANT AND ALSO POSSIBLY INFORMATION OF ANOTHER SEXUAL ASSAULT IN FT. LAUDERDALE SEVERAL DAYS PRIOR TO THIS INCIDENT. WFA, FURTHER TO FOLLOW.

For Release Pursuant to E.O. 13526	DATE	BY	REASON	APPROVED	DATE	BY
WILLIAM E. HUGHES	11-20	1				

OK

16-89

The following will be a taped sworn statement of [redacted] . Statement is in reference a sexual battery which occurred at [redacted] Park Boulevard, [redacted] . Statement is being taken at the Oakland Park Public Safety Department by Detective Rhodes. Beginning date and time of statement, 1/2/86, 9:48 AM.

Q. State your full name please.

A. [redacted].

Q. Your date of birth and place of birth?

A. [redacted], Manhattan, New York.

Q. Your home address and phone number?

A. [redacted]

Q. Your business address and phone number?

A. [redacted], I don't know the address. Our office is moving. It's in Plantation off of University and 84.

Q. What was the name of the business?

A. It was called [redacted] (phonetic) Yellow Pages, it's now [redacted] (phonetic) Yellow Pages or Transwestern Publishing.

Q. [redacted] in addition to being a police officer in the state of Florida I'm also a Notary Public. Do you understand this?

A. Um hum.

Q. And as a Notary Public I can take sworn statements and testimony. Do you understand that?

A. Yes I do.

Q. Raise your right hand please. Do you solemnly swear or affirm the statement you're about to give is the truth, the whole truth and nothing but the truth so help you God?

A. Yes I do.

Q. [redacted] how long have you lived here in Broward County?

A. Thirteen years.

Q. Where were you from?

A. New York City, the Bronx actually.

Q. Have you ever been a rape victim before?

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A. No I haven't.

Q. And how long have you been living at [REDACTED]

A. Nine months.

Q. And is it my understanding in that 9 month period that the individual that's now in custody for sexual battery charge with you being the victim, that you have seen that individual in that complex before?

A. Yes I have.

Q. Explain to me the circumstances about seeing him before?

A. I'd be going to get in my car, going to work, or wherever I was going and he'd always make some kind of remark, you know, he would like say oh, you're so beautiful or hi gorgeous or you know, you look really nice or something to that effect and I think I saw him about four or five times and I think it was the last time I saw him, he had stopped me. I was on my way to dance class, it was like where you goin, I'm goin to dance class, I'm late, I've gotta go, and he's like well what's your name and he (unintelligible) like [REDACTED] and I just like, well he told me his name was Jeff I think, and then I just drove away, went to my dance class and that was really the last time I've ever seen him.

Q. He appears to be the type of a very aggressive type individual as far as talking to girls?

A. Yes, yes.

Q. What impression did you get of the individual in the prior few times you saw him?

A. Just like he, he didn't even know me, he just always you know would make remarks.

Q. Did you assume he was living somewhere there in the complex?

A. Yes I did.

Q. Did you ever see what apartment?

A. Not really, I never paid much attention. I just knew he was on the second floor, the building across from us. I didn't know where.

Q. But however you're stating that you never have dated him or nothing of that nature?

A. No never, I didn't even remember him that night. That's how vague

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it was, I mean as far as seeing him around.

Q. Well let's back up to prior to this incident starting last night which would have been Wednesday, 1/1/86, correct?

A. Right.

Q. What did you do this past evening?

A. I had gone over to my boyfriend's house for dinner and then we had gone to Pier Street Annex where a friend of his works to wish him a happy new year. We stayed there about an hour and a half, then we came home and my roommate was there with her boyfriend, we were all watching a movie on TV. I had left my car at his house so we had to drive back to his house and I had to bring my car back home, so I got home about 1:30 and that's when this happened.

Q. You got back about 1:30 this morning?

A. Yes. I left my boyfriend [REDACTED]'s house about 1 o'clock.

Q. And what's [REDACTED]'s last name?

A. [REDACTED].

Q. And what's his address and phone number?

A. His phone number is [REDACTED] and his address is, I think it's [REDACTED]

Q. What city is that located in?

A. [REDACTED]

Q. So he was at your apartment until somewhere around...

A. Until about quarter to eleven.

Q. And then you left and then you returned back about 1:30 this morning.

A. Right.

Q. Why don't you explain to me in your own words what occurred when you came back to your complex in your car. Start from when you pulled into the

A. I had just pulled in and was about to get out, I had just opened the door and he like, as I was opening it, he (unintelligible) open and just punched on me and I, I just didn't know how to react, I'm like what's going on, what are you doing, I didn't even know who he was and he just kept trying to kiss me, telling me that he'd seen me for

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a long time and he really wanted me and I was trying to push him off me. I'm like get off me, what are you doing. He like don't you know who I am, like no, I, I just took my foot up to like his chest and pushed him off me. I got out of the car and I was very upset, and he's like I'm sorry, you know, are you, are you scared, like he scared me, please leave me alone and he like, I didn't mean to scare you, I'm not going to hurt you. Why don't you just leave me alone, just please leave me alone and he just kept, wait, wait one minute. I'm like no and I was walking really fast trying to go, we have this little bridge we walk over, and I was trying to get to the bridge real fast to go home and then before I knew it, he just came up right behind me, the back of my neck, and started pulling me to the car and put his hand over my mouth and umm you know said that if I cooperated he wasn't going to hurt me.

Q. Did he hurt your neck when he grabbed your neck?

A. No not really, he just put his hand over my mouth and yanked me back. Then he started pulling me on top of this car and he told me all these things that he was going to do to me and he started putting his hand up my shirt and telling me, you know, he started lifting up my shirt and then he told me, now you pull your shirt up and my back was against his car, on the hood of a car in the parking lot, and I kept looking around, he's like I'm not going to hurt you, I'm not going to hurt you, I just want to you know do this, do that, and he's like wouldn't you feel more comfortable in your apartment and I'm like yeah, why, why don't we go up to my place, cause I knew my roommate was there.

I thought maybe if I went upstairs and she saw that he would get scared and he would just leave, so he's like you sure there's nobody home. I'm like no, there's nobody home. He's like you sure now, you better not be lying to me, like no I'm not lying. There's no one home and he said cause if there is he goes, I'm going to hurt you real bad and I said no, there's nobody home. I got up there and I was opening the door. He put his hand on his mouth again so I couldn't scream or say anything, it was real dark inside. He said which is her room and I pointed and he still had his hand over my mouth, he was like just dragging me and he said umm are you sure nobody's home and I said no, and he goes if she's home he says I'm going to kill you both and then when he said that and I realized, I knew she was home, and he went to open the door and it was locked, I'm like no, no, wait, wait, I said maybe she might be home because I saw her car out there. I said well, she might be over her boyfriend's house, I'm not sure. He said well let's just go in your room and we went in my room and then he just told me to take my clothes off and then he took his clothes off. I just kept tellin him no, no, please, don't, and he's like no, I know you want me, I've wanted you, I've seen you for such a long time. I really like you. You don't know how I feel about you and he just, it just goes on from there.

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Q. Now we have to, we have to be explicit and we have to discuss this, OK.

A. Um hum.

Q. That's part of the procedure, OK.

A. OK.

Q. So because of this physical actions, grabbing you forcibly you were in fear for your life, is that you're saying?

A. Most definitely.

Q. And you were in fear if you didn't cooperate that he would either kill you or and kill your roommate, is that correct?

A. Yes it is.

Q. And what is your roommate's name?

A. [REDACTED]

Q. So apparently she was in her room but the door was locked?

A. Yes she was.

Q. And you and [REDACTED] and she and her boyfriend had been together up until late that night?

A. Right.

Q. When you got into your bedroom did you or he lock your bedroom door locks on the inside?

A. He did.

Q. How many locks do you have?

A. Two.

Q. And he forcefully told you to take off your clothes?

A. Yes he did.

Q. And of course you did in fear of being injured?

A. Yes I did.

Q. And you state...

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- A. I kept pleading with him, no, not to do this and he just you know, just wasn't listening, like just take your clothes off right now.
- Q. What type of appearance and stability did he appear to be, did he appear to be intoxicated?
- A. Yeah he did a little bit, kind of, he had definitely alcohol on his breath. I would say he was, yeah.
- Q. Then you say he took his clothes off also?
- A. Yes.
- Q. And then what did he do, get on the bed?
- A. He told me lay on the bed and umm then he just got on top of me. He started grabbing at me.
- Q. Like how with his hands?
- A. Yeah, with his hands grabbing at my chest and stuff like that.
- Q. Did he injure you?
- A. No.
- Q. Any bruises?
- A. No.
- Q. What type of sexual act did he perform first if he did?
- A. Umm just I guess penetration and umm also oral sex.
- Q. OK, when you say penetration did he penetrate with fingers or penis?
- A. Both.
- Q. Which was first? Do you remember?
- A. I would have to say with his hands first.
- Q. And then uh, did you ever make reference to the individual that it was your menstrual cycle period?
- A. Yes I did.
- Q. What did he say about that?
- A. Didn't care, didn't care.

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Q. Why did you tell him that, thinking maybe he wouldn't?

A. Yes.

Q. At the first portion then you said he penetrated with his hand first, then you said he performed oral sex. Was oral sex the second portion?

A. Yes.

Q. Was this immediately after you were on the bed or did it take a period of time for this all to occur?

A. About 15, 20 minutes after that maybe.

Q. So he penetrated you with a finger, and then oral sex?

A. No, penetration and then he didn't umm ejaculate or anything, he wasn't really you know, didn't have a real erection I don't think.

Q. Not a complete erection?

A. Right.

Q. He was having difficulty in that aspect?

A. Yes he was.

Q. So how many times over the period say from 1:30 AM when you were in your apartment till about 6:30 AM when I understand he left, how many sexual acts did he perform on you?

A. He kept tryin all night. I would say penetration twice and he never had a full erection or had a hard time you know keeping it and uh oral, twice, and then throughout the whole night, he just you know wouldn't leave and just kept you know, kept on trying. I would say anywhere from, I would say 4 or 5 times throughout the night.

Q. And at no time did he ejaculate?

A. No, not that I know of, no.

Q. What occurred throughout the night, did he continuously hold you or were you separated or what?

A. He continuously held me and he told me how much he really liked me and he'd seen me for a long time, he knew I had a boyfriend and he'd been watching me and watching me and umm he wanted me to be his girlfriend and if I would be nice to him you know he wouldn't hurt me and uh he asked me what kind of guy do I like type of thing

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and then he told me about his girlfriend, they had a fight, they just broke up and how she lives in the complex right across from me and everything. They had a fight that night he said and she left, left leaving the door open and left him there and that must have been just around the time when I pulled up and he walked out.

Q. But you're sure of the time that you got back about 1:30 AM?

A. Oh yeah, it was right, 1:30, 1:25 to 1:30, somewhere around there, 1:35, right around there.

Q. What occurred in the morning time when, just before he left, how did he depart?

A. Well it was, I kept trying to get him to leave and when I would talk to him he would get real insulted and started getting really mean again. I had some control I thought over the situation due to the fact he kept stressing how much he liked me and the need for a girlfriend. I told him if you really want me to like you you've got to be nice, you can't be mean and please let me sleep. I've got to go to work cause he wouldn't leave. He goes well what time do you have to go to work. I said I have to be up at 6:15 which I did and I just said that cause I wanted to get him out. I really wanted to make him believe that I had to be somewhere at a certain time so I made him set the alarm, he pushed the alarm, and at 6:15, well like I have to go to work, I have to go to work. I'm like, can you please leave now and he's like well no, umm, he goes what are you going to do now. I said I have to take a shower and get ready. He goes well I'm takin one with you. I said no. He goes what do you mean no, I'm takin one with you and I said no, just please leave and he's like no, he just forced me into the shower, he picked me up, forced me into the shower and he came in the shower as well.

Q. So you both did get a shower?

A. Umm humm.

Q. And did he shower real good?

A. I would say so. After I you know finished I'm like, I had soap in my eyes. I rinsed off and like I just got out of the shower and he was left in the shower. He got out like 2, 3 minutes afterwards.

Q. And what occurred after he got out of the shower?

A. I was just you know, he went to get his clothes on, said he had to leave, asked me for my phone number and that he wanted to see me again and hoped that I you know would be his girlfriend and I gave him a wrong number of course. He said can I call you tonight and I

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said yes and uh he's like walking me out, continued to walk, it was dark, I said just go straight ahead and uh I walked out and that was it or he walked out and that was it, he had left.

Q. At that point what did you do?

A. I just completely, everything just hit me and I just broke down and I called my boyfriend and he just said he was on his way right over and I went hanging on my roommate's door and I told her what happened and I was really hysterical at that point and then about 10, 15 minutes, right after that, he came knocking back on the door again, wanting to speak to me. I told her don't open the door, it's him, it's him, and then she took a look at him and they started talking, like I want to speak to Serene and that's when she said if you don't get out of here I'm calling the cops and then she called.

Q. How did he know your name?

A. Well he just knew my name, I told him.

Q. In the past?

A. Right, well he, that one time when I told you I was going to dance class, he stopped me and during the course of the night he had asked my name and I had told him.

Q. OK, you said he told you he wanted your phone number and you wrote a phone number down on a piece of paper?

A. Um hum.

Q. Do you remember what number you wrote down?

A. Um hum, [REDACTED]

Q. Whose number is that?

A. It's my old number, we got it unlisted. If he calls now it's an unlisted number so it's not in use anymore.

Q. So he wouldn't have got your correct number which is [REDACTED]

A. Right.

Q. Is this the number you wrote down on a piece of paper?

A. Yes it is.

Q. That was on a uh body shop credit receipt?

A. Yes, a receipt, yes it was.

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Q. Then after he banged back on the door that's when your girlfriend called the police?

A. Um hum.

Q. A short time later did the police bring him back to the scene?

A. Yes they did.

Q. Did he get out of the squad car?

A. Yes he did.

Q. And did you make a positive ID as the person ...

A. Yes I did.

Q. that forced you?

A. Yes I did.

Q. The entire incident was committed due to the fact that you were in fear for your life and safety?

A. Yes I was.

Q. And you will testify and prosecute this subject in a court of law?

A. Yes I will.

Q. The clothes that you were wearing that night, they were taken off of you, you took them off before any of the sexual acts occurred whatsoever?

A. Yes I did.

Q. And the clothes wouldn't have any type of trace evidence then whatsoever in this case would it?

A. No, I don't think so, no.

Q. So you took a shower afterwards and so forth.

A. Um hum.

Q. Did you ever put those clothes back on?

A. No I did not.

Q. So they were off of you the entire time and never went back on, you put some other clothes on.

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- A. Yes and then when I took a shower I put my robe on, then I got dressed to come down to the Sexual Assault Center and the police station.
- Q. The individual that was involved would you describe him to me.
- A. 6'2", 190 pounds, 190, 195, real short blond hair.
- Q. Would you describe him as a good looking guy in a sense?
- A. I'd, maybe in a sense, average you know, average looking guy, maybe some people might think he was good looking.
- Q. Did you notice any scars, marks or tattoos on his body?
- A. Yes I did, there was 1 tattoo, a rose tattoo on his buttocks and a spider of some kind of tattoo towards his right shoulder.
- Q. And you observed that during the night or when you were in the shower?
- A. I observed it during the night and in the shower.
- Q. So it's my understanding even during the night he held you?
- A. Yes he did and he kept wanting to be held and wanting me to act a certain way so he wouldn't hurt me.
- Q. Did he ever go to sleep?
- A. I think at one point he did and I moved and he woke up right away.
- Q. Cause he was holding you?
- A. Yes.
- Q. But we're rest assured that he performed sex on you, he penetrated you with a finger at least once?
- A. Oh yes.
- Q. He performed oral sex you said twice, is that correct?
- A. Yes it is.
- Q. In different stages of the time?
- A. Yes.
- Q. And at least two penetrations with his penis to vagina?
- A. Yes.

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Q. And he did make penetration?

A. Yes.

Q. Prior to the contact with this individual that was involved in this assault when was the last time you had sexual relations with someone?

A. My boyfriend early that night.

Q. That's [REDACTED]?

A. Um, hum.

Q. So it would have been within the past 4, 5, 6 hours?

A. It would have been within the past, from when I got home 1:30, it would have been in the past hour and a half or so.

Q. So you had the sexual relations at [REDACTED] place after you went to his apartment?

A. Yes.

Q. And you called [REDACTED] immediately after this subject left, is that correct?

A. Yes I did.

Q. And you would be able to get [REDACTED] to get in touch with me to give me a statement?

A. I will. He's at my house now.

Q. Would you be able to call him and ask him to come up here or would you want to do it later?

A. Where are we, he probably would come up here.

Q. We're within five minutes of there.

A. Yeah, he'll come up here, I'm sure.

Q. And then you did voluntarily go to the Sexual Assault Treatment Center for a checkup and that has been done?

A. Yes it has.

Q. Were you wearing any type of contraceptive device?

A. Yes I was, an IUD and I put a diaphragm in.

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TERENCE GARCIA

Q. Can you think of anything else that occurred that I didn't ask you that would be important throughout the night, things he did?

A. Well just how he kept you know, it was very, the whole thing was very twisted cause I kept playing up to him in a way you know or most definitely cause I was so afraid that he would do something, I felt that his ego needed to be saved, obviously he had a fight with his girlfriend and he just needed that so, and he wouldn't leave and he wouldn't let me go, so that he wouldn't hurt me, do anything to me like bodily harm, I just like played up to him so the night was like will you be my girlfriend and I never said yes, I'd just say, well I don't know, it depends how you act tonight, if you're nice you know, maybe, we'll see and he kept saying stuff like umm that I probably thought he was a real jerk for doing all this kind of stuff but he just wanted me so bad and that you know, he liked me and he just kept bringin up over and over again, and that he couldn't believe he was finally here you know in my house and with me and that he just wanted me to be his girlfriend and he would be really good to me, just all that kind of stuff.

Every time I would ask him to leave he'd get really insulted, he's like you don't want me to leave, you don't want me to leave, you want this, you don't want me to go do you, and of course he wanted me to say yes so he'd be nice again and I'd say no, I don't want you to leave and then he would start being nice again.

Q. Is there anything else?

A. Not that I can think of right now.

Q. You have no serious injuries whatever, no physical

A. No I don't, no.

This will conclude the taped sworn statement of
Thursday, 1/2/86. Ending time of statement, 10:12 AM.

taken on

Sworn before.

Detective William E. Rhodes
Notary Public at large, state of
Florida.

Mar. 12. 2013 10:08AM District Attorney's Office

10.0001

47-189

YOUR RIGHTSSUBJECT: SEXUAL BATTERYPLACE: 3650 N.E. 12 AVE.

INTERROGATING

DATE: 1-2-86OFFICER: DET. WILLIAM R. RHODESTIME: 8:10 AM

JEFF CHAPMAN, before I ask you any questions, I want to advise you of your rights under the law. Do you understand that I am a police officer? YES JAC

You have the right to remain silent; that is, you need not talk to me or answer any questions if you do not want to. Do you understand? YES JAC

You have the right to talk to an attorney and have him here with you before we ask you any questions. Do you understand? YES JAC

If you can not afford to retain your own attorney and you want an attorney, one will be appointed for you free of charge. Do you understand?

If you decide to answer the questions now, without an attorney present, you will still have the right to stop answering my questions at any time until you talk to an attorney. Do you understand? YES JAC

Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present? YES JAC

Should you talk to me, anything you might answer to my questions can and will be introduced in evidence in a court of law, either for or against you. Do you understand? YES JAC

I, JEFF CHAPMAN, have read this statement of my rights, or have had it read to me; and I understand what my rights are. I am willing to make a statement and answer questions. I do not wish an attorney at this time. No threats or promises have been made to me. No pressure of any kind has been used against me nor have I been tricked or fooled into giving this statement. I understand and know what I am doing. I further expect that this statement will be used either for or against me in a court of law.

SIGNED: Jeffrey Allen Chapman 1/2/86WITNESS: William R. Rhodes

WITNESS: _____

DATE: Jan 2, 1986

16-089

The following will be a taped sworn statement of JEFFREY, that's J-E-F-F-R-E-Y, ALLEN, A-L-L-E-N, CHAPMAN, C-H-A-P-M-A-N, statement is in reference Oakland Park 0886-089, which is in reference a sexual battery investigation. Statement is being taken at the Oakland Park Public Safety Department, 1610 NW 12 Avenue, Detective Bureau, Polygraph Room, by Detective William R. Rhodes. The following persons are present, Detective Rhodes and Jeffrey Allen Chapman. Beginning date and time of statement, January 2, 1986, 8:23 AM.

Q. State your full name please.

A. Jeffrey Allen Chapman.

Q. Your date of birth and place of birth?

A. Oh Indianapolis, Indiana, [REDACTED].

Q. Your home address and phone number?

A. My address is [REDACTED], [REDACTED], and my phone number is [REDACTED].

Q. Is that a house or apartment?

A. Apartment [REDACTED].

Q. How long have you lived there?

A. Oh one month.

Q. Are you presently employed?

A. Yes.

Q. Name of your employer, address and phone number?

A. Oh the name is George Dubois (phonetic) oh I don't know the phone number and the address off hand.

Q. How do you spell Dubois.

A. D-U-B-O-I-S.

Q. And what type of business is that?

A. Character (phonetic) and nursery which is a landscaping, plants, trees.

Q. Do you know what highway it's located on?

A. Yes, it's on Dixie Highway.

Q. And how long have you been employed there?

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JEFFREY CHAPMAN

A. Fourteen months.

Q. Jeffrey, in addition to being a police officer in the state of Florida I'm also a Notary Public which enables me to take sworn statements and testimony. Do you understand this?

A. Yes.

Q. Raise your right hand please. Do you solemnly swear or affirm the statement you're about to give is the truth, the whole truth and nothing but the truth so help you God?

A. Yes I do.

Q. Jeffrey, at the present time you are under arrest on the charge of sexual battery. You understand that?

A. Yes.

Q. And it's my understanding that uh you were arrested at approximately 7:00 AM this morning, is that correct?

A. Yes.

Q. Were you advised of your miranda rights by uniform Officer Chase at approximately 7:22 AM?

A. Yes I was.

Q. Did you understand those miranda rights?

A. Yes I did.

Q. OK. And they transported you here to the Oakland Park Police Department.

A. Right.

Q. At approximately 8:00 AM I made my first contact with you down in the booking section of our police department, did I not?

A. Yes you did.

Q. And you and I had a brief talk and you agreed to give a full sworn statement about your involvement in this sexual battery arrest. Is that correct?

A. Yes I did.

Q. Did I or anyone prior to me promise you anything in order to get you to give me a statement?

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JEFFREY CHAPMAN

A. No, no.

Q. Are you presently under the influence of any narcotics, alcohol or any type of drugs?

A. No.

Q. You're clear headed?

A. Yeah, I'm clear headed. I just celebrated a little bit yesterday, but I'm all right right now.

Q. Do you require glasses to read or write?

A. No I do not.

Q. What type of education do you have?

A. Graduated in high school, 12th grade, 12 years of school and then I just went to the Navy.

Q. Have you been out of the, in the Navy and out or

A. Umm hum, in and out, right.

Q. How many years did you spend in the Navy?

A. Oh two years.

Q. How long have you been living here in Broward County?

A. Four, it'll be four years in March.

Q. And what state were you born in?

A. Indiana.

Q. What town?

A. Indianapolis.

Q. Have you got ever in the past any previous involvement or an arrest of this type of magnitude of sexual battery?

A. No.

Q. At 8:10 AM after we got upstairs here and after you got yourself a cup of coffee I advised you that I must insure and make beyond a doubt that you understood your miranda rights, is that correct?

A. Umm hum, yes you did.

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JEFFREY CHAPMAN

Q. And I presented to you this form I'm holding before me now and it says Your Rights on the top..

A. Um hum.

Q. And I explained to you that you must read each sentence and each portion of it very carefully and if you understand it put yes and your initials. Is that correct?

A. Yes that's correct.

Q. Did you do that?

A. Yes I did.

Q. And have you signed it...

A. Yes I did.

Q. stipulating to that fact?

A. Um hum, yes.

Q. Is there any part of these miranda rights that you do not understand?

A. No, I understand it all.

Q. You understand you're waiving your rights to an attorney...

A. Um hum.

Q. to be present and so forth?

A. Yes.

Q. I understand that this occurred at the [redacted] in the [redacted], is that correct?

A. Supposedly, yes, the [redacted] is where

Q. That's where this incident supposedly occurred?

A. Um hum, yes.

Q. Have you ever lived in your, in the past?

A. Yes. I did.

Q. What was your address there when you lived there in the past?

A. [redacted], [redacted] in [redacted].

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Q. When did you live there?

A. From August until uh October and then I lived in uh Apartment with my girlfriend, Nolana Ben-levy.

Q. What's her name?

A. Nolana.

Q. Can you spell that?

A. Uh N-O-L-A-N-A. (unintelligible) Ben-levy, B-E-N-L-E-V-Y, V-Y, in Apartment .

Q. And you lived with her from October till when?

A. Until uh November, end of November.

Q. And then you moved into the address you give me on ?

A. Um yes, yes.

Q. Why did you uh move out in November with your girl, girlfriend?

A. Cause I was evicted, we didn't get along, she called the police, Oakland Park Police and they came and they removed me.

Q. That was in November?

A. Um humm.

Q. OK.

A. Um humm, and they removed me and then I just, I stayed with a friend for about a week and then I moved to my apartment that I am in now.

Q. OK. Why don't we back up to uh yesterday which is the 1st day of 1980, January 1, 1980. When did you first go to the Racquet Club Apartments yesterday, last night or was it this morning?

A. I went to the Racquet Club. I went to Apartment with my girlfriend, New Year's Eve at approximately 8:30.

Q. And when you said New Year's Eve, that would have been you're talking about Tuesday?

A. Tuesday, right, I stayed with her.

Q. About 8:30 PM Tuesday evening.

A. Um humm.

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Q. You and her went out for the new year?

A. No, we stayed at her apartment, at her apartment, we were in her apartment.

Q. OK, so then you spent uh Tuesday night, all day Wednesday...

A. Um hum with her.

Q. OK, what time, what time did you separate and leave your, Apartment

A. Uh last night she, she left. I left to my friend's house and then I came back and she was gone because we had a little argument, so she left and I went back and she was gone so I was going home last night and I (phonetic).

Q. OK, well, let's, let's get a little more exact. You said you left once yesterday to your friend's house. Right?

A. No, I left and I was going to go home last night. This was last night about uh 11:00, 10:30, 11:00.

Q. OK, but before that you said somethin about leaving and going to a friend's house, didn't you?

A. I did, I don't know. I don't think so.

Q. Sometime during Wednesday?

A. Wednesday, no, no, we went to Shooters Wednesday.

Q. OK, well then what time did you and your girlfriend have a, an argument or something and you

A. About 10 o'clock.

Q. Last night?

A. Yeah, last night.

Q. Uh what did the, the argument involve, just something personal between you and her, what?

A. Yeah, nothing, nothing serious, nothing, I just got mad because she was being sarcastic with me and I got upset and I started yelling and I scared her and she left so that was the end of that.

Q. That was about 10:00 PM.

A. Um hum, 10:00 PM, 11:00.

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Q. Did you uh and her have a fight?

A. No.

Q. No physical, just arguing?

A. No, no, just arguing, yelling, both.

Q. Oh, you have a lot of scratches and cuts....

A. From work.

Q. on your right hand?

A. Yeah, this is from work, from the bushes.

Q. OK. So you stayed at her apartment after she left?

A. Right.

Q. And then what time did you leave her apartment? Did your girlfriend come back?

A. Yeah this morning. I- I don't know what time she came back but this morning after I left apartment, Solena was back now. She was back and I went to get my keys.

Q. OK. Now what time did you leave your girlfriend's apartment, apartment last night, when you made contact with the other girl?

A. Solena was the one I left and this was about uh 11:10, I left her and I saw _____.

Q. Serene is the girl that alleges you committed sexual battery on, is that correct?

A. Right, that's correct, that's correct.

Q. How long have you known _____?

A. Well I don't really know her personally but uh we've had you know like first eye attraction to each other, very much, very much.

Q. What do you mean first eye attractions?

A. Uh like (unintelligible)

Q. You, you know each other by sight?

A. Yeah, right, very many times.

Q. You've seen each other in the complex?

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- A. Right, very many times, coming and going.
- Q. Did you know what apartment she lived in?
- A. Yes.
- Q. Did you know the number or just where it was at?
- A. I just know where it was.
- Q. OK. Had you and her ever had any type of uh relationship prior to that, just eye to eye contact, that's it?
- A. That's it, speech.
- Q. Hello?
- A. Hello, you gorgeous, you know, things like this you know, this is all.
- Q. OK. Now when you exited your girlfriend's apartment last night about 11:10 PM you said you saw [REDACTED]?
- A. Yes I did, coming into
- Q. How do you spell her name, you're sayin her name [REDACTED]?
- A. I don't know....
- Q. You don't know.
- A. how to spell her name, no.
- Q. OK. What was, where was she at when you first saw her last night?
- A. Coming into the complex in her car.
- Q. And what kind of car was she driving?
- A. She drives a Toyota, 4-door, red, I don't know what kind of Toyota.
- Q. OK. Well how did you make contact with her last night? Why don't you in your own words tell me what occurred from the moment you saw Serena pulling in her red Toyota ...
- A. OK.
- Q. until this thing terminated.
- A. OK. I saw her. I was walking home last night by myself. I saw her pull into the complex. I and I saw her go around the building so I went this way, you know on the sidewalk inbetween the buildings and

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I went over and I walked up and I scared her when she pulled in, opened the door, and I put my hand in, said hello, how you doing, scared her, she backed off you know like this, wow, she was scared, she didn't know, well she said she didn't recognize me, she was scared at first.

Q. OK, well, continue.

A. OK, and then uh we walked.

Q. Well let me ask you this. Did you, you say you stuck your head in the car, on the driver's side?

A. Yes.

Q. Did you ever get in her car?

A. No. I was never in her car.

Q. Have you ever been in her car?

A. Never. I, my feet were on the ground.

Q. On the driver's side?

A. Right, with her door open.

Q. OK, OK, continue. What kind of conversation transferred there?

A. (Unintelligible), it's hard to remember. Uh let's see, I was, I was drunk last night.

Q. You were drunk when you made the contact with her?

A. Yes, last night, yes.

Q. On booze or drugs or what?

A. But I don't, I remember what I did but I didn't say, I don't remember what I said. I didn't make no physical contact on her.

Q. What were you under the influence of?

A. Vodka, it's a drink called Madrin (phonetic)...

Q. Uh just strictly Vodka?

A. Yes, just Vodka.

Q. No drugs involved?

A. No.

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JEFFREY CHAPMAN

Q. Yet, nothing?

A. No, nothing, I don't do drugs.

Q. OK. Now drunk were you?

A. Uh golly, not real drunk, I'd say I had a glass about, 16 ounce glass, probably 6 Madris'.

Q. Six of em?

A. Yeah.

Q. That, that's quite a bit then, that big a glass?

A. Yeah, but I can drink quite a bit (laughter) a lot.

Q. OK. So you don't remember what words you exactly said then right?

A. No, I, I remember telling her that I wanted her so much and then I don't remember what she said.

Q. Do you normally say that to girls Jeff uh...

A. No.

Q. that you've had any contact with before?

A. No, no, never, never.

Q. OK, continue.

A. And I asked her if anybody was home. She said no, so we held hands and we walked up to her apartment and I said are you sure no one's here, so we walked in and I looked in the door. I saw a light was on. I didn't know this was her bedroom either and it was her bedroom, the light was on, so I went to the other door and the, and the bedroom door was locked so I said maybe your roommate's here and you don't know, so we went in, we went into her, her room, and we just went from there you know, we never, I never did anything to her.

Q. What do you mean?

A. I didn't make her, I didn't touch her physically, I didn't make her take her clothes off or nothin. We were asleep, we slept, first she said she wasn't comfortable and then I asked her, do you have a boyfriend. She said no, I have no boyfriend. We just broke up, so I said I broke up with my girlfriend too, so I guess you know it's just natural instinct.

Q. How did you get invited up into her apartment?

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Q. I mean, you never been with her, never seen her, and here you are drunk and was she drunk?

A. I don't know. She said she came from her friend.

Q. OK.

A. Her friend's I think, I, I think that's what she said.

Q. I mean

A. She looked like she was a waitress. She looked like she had a waitress outfit on. I said did you just come from work. I don't even know what she does for a living and uh she said no, I was at a friend's house and I said you know you look like you have a waitress outfit on. She said no, I don't, I don't work as any waitress. I said OK.

Q. Do you remember how you got invited into her apartment? You said she invited you up or how did you get in?

A. I suggested let's go to her apartment and she said OK, so we held hands. We put our hands out to each other and we grabbed hands. I remember and holding her hand and walking, not pulling her, not forcing her or nothing. She didn't say no. She didn't say nothing, like she wanted me too and when we got into her room she said she didn't want to (phonetic).

Q. OK.

A. She was on her menstrual cycle.

Q. She told you she was?

A. What?

Q. That she was on her cycle?

A. Yes. She told me she was.

Q. So, you didn't know whether there was another person there or not, did you?

A. No I did not know but I figured because the lock was locked, the bedroom door because

Q. Did you know she had a roommate?

A. Yes. I have seen these girls many times but I have never talked to her roommate. I have only talked to [REDACTED], when I have seen her, I tell her she's beautiful and I'd love to get to know her

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Maybe we can go out sometime. She said sure. That's the way it is.

Q. OK.

A. I have, I have a witness to that (unintelligible) when she said this.

Q. That was in the past?

A. Yes.

Q. OK.

A. Two weeks ago, three weeks ago.

Q. How'd it come about, did, did you all go to bed, did you uh...

A. Yeah.

Q. What'd you do? Tell me what all transpired inside the apartment?

A. We went to bed. I don't remember we take our, I don't remember taking our clothes off or nothin but I remember we were in bed. She had to go to the bathroom or something and she came out saying she's bleeding real bad and I didn't, I didn't want to mess with this you know so uh she said something about a diaphragm or something, she has a diaphragm inside so I did, I did touch you know, I, I put my finger up her inside and she didn't stop me or yell or nothing, she just, she wanted me, she didn't, I didn't force her to do anything, nothing.

Q. You said you inserted your finger inside her vagina?

A. I felt this

Q. All the way inside? You felt what?

A. Something.

Q. In other words you may have felt a diaphragm?

A. No, it wasn't a diaphragm, 't was not a tampon, it was something, something else, it felt like a, a, a rubber you know up inside or something, it felt rubbery.

Q. Did you uh do anything besides insert a finger inside her?

A. Well I wanted to insert myself inside her but I didn't last night but I did this morning when we woke up and she was still willing, and I was trying to make her orgasm by touching her this morning

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and she says that ain't how you do it. That ain't where you touch me. She put my hand right where I should touch her to make her orgasm so I did, plain and simple.

Q. Did you ever insert your penis inside her body?

A. This morning, yes.

Q. How many times?

A. Just once, and just for a short minute because I didn't feel right.

Q. Did you ejaculate?

A. No, did not.

Q. And you're sayin this is all voluntary on your, on her part?

A. Yes, no fight, nothing.

Q. Did you force her to take you into her apartment?

A. Did I force her?

Q. Did you put her in fear?

A. I think the only time I feared her is when I put my head inside the car, when I scared her because she didn't see me, you know natural instinct. She knew I wasn't going to hurt her. She (unintelligible) she knew, she knew that I wasn't going to hurt her. She didn't get scared. She didn't get nothing. First, oh I remember something. When she got out of her car I remember her walking away from me like she was mad because I scared her and then I said oh come on, you know, you know I'm not scaring you, you know me and I know you. You know I ain't going to hurt you or anything. She goes I know. I remember, and then I remember grabbing her hand and taking her with me, saying OK, to go up to her apartment.

Q. So you remember this but 8 of those big drinks you described, 16 ounces uh, put, what's the mixture, what do you mix with it, Vodka and what?

A. Vodka and, and orange juice and cranberry and pineapple.

Q. Pretty strong drinks?

A. No, no, not really.

Q. Cause you say you can drink a lot anyway.

A. Yeah, I had maybe this much Vodka in a 16 ounce glass, maybe an inch

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of Yodha in each one. My girlfriend was saying oh, that's so much, that's so much so since, I made her one and she tasted it, oh, this ain't so bad she said so OK, so she drank it.

Q. OK, so you're saying that uh you did uh insert a finger into her...

A. Um hum.

Q. and then you did make penis/vagina penetration with her...

A. Right.

Q. but you didn't ejaculate?

A. No.

Q. And you're sayin she did this all voluntarily and freely

A. Yes.

Q. under no pressure, force from her. Did you ever tell her that you would hurt her?

A. No.

Q. Did you ever tell her that you would hurt anyone else if they were in the apartment?

A. No.

Q. Would you have remembered that if you'd have said it?

A. Yes. I believe so, yes.

Q. Were you uh totally undressed when you were in bed with her last night? Did you get totally undressed too?

A. Both. We were both undressed completely, both of us. I didn't undress her. Strange.

Q. Well don't you think it's uh strange Jeffrey that uh a girl that you've ever dated or nothin like that and uh you scare her when she's gettin out of her car that she'd just voluntarily go with you?

A. Um hum. I think it's very weird, it's just, to me it seems like she could do this with anybody that she thought was good looking. She was too easy.

Q. You, you, you're obviously a good looking young gentleman, correct?

A. I, I've been told many times.

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Q. Well, I can tell from you talking that you, you know that you're a good looking guy.

A. Yes.

Q. All right, and you have fairly good luck with women?

A. Oh yes. I do. I have much luck but uh uh is the only girl that I've been with since I've been with Molena since August, no since September, since September.

Q. What did you and Molena have a argument about, was it because you wouldn't, she didn't want to have any sexual acts with you last night or anything like that?

A. Because we were over, over, no, (sound of no), she was always willing, there was nothing sexual. We were at my friend's, she wanted to go and I wanted to stay and finish my drink, excuse me, and she did not want to. She wanted to leave and everything always has to be her way, everything, always, you know her women, they always got to have their way, so OK, I finally gave in and so we went home and I just told her I was sick and tired of her telling me always what to do, always what to do, do this, do that, it's like she had me wrapped around her finger and I always tell her don't talk to me like a nigger you know like I'm a slave or something and she always gets mad at me.

Q. Has any other woman in the past uh accused you uh of sexual battery or rape?

A. No, never.

Q. Never before.

A. Never ever. I would never do something like this.

Q. OK, so you, you and her went into her apartment around 11:30.

A. Yeah, 12:00, somewhere in there.

Q. OK, and then uh you never did see the other roommate?

A. No, never. We went right in. She even locked the door. She even locked her bedroom door, when I, when we got out, was going to leave this morning she couldn't open the door, she had so many, 1, 2, 3 locks on her bedroom door. She had em all locked. She didn't want nobody to come in. She even gave me her phone number so I could call her.

Q. Did you write it down?

A. She wrote it down.

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Q. Where is the piece of paper at she wrote it on?

A. The police officer took it from me.

Q. OK.

A. It was in my pocket.

Q. Do you know if it's a correct phone number?

A. No I don't know.

Q. So what happened when you got up this morning uh was, when you had sex with her this morning, penis to vagina, was she awake or asleep?

A. She was awake.

Q. Just awakened?

A. Well just like me, just woke up. Maybe she was awake. I don't know, she seems like she was just waking up from me. She was, I held her the whole night. I held on to her so tot, so tight and so close.

Q. Why did you do that?

A. Why?

Q. Yeah.

A. Because I liked to hold her, she was really nice. She didn't stop me, try to say no, don't hold me or nothing.

Q. So you, you held onto her

A. Yeah, I just held her you know, not squeezed her or made her do anything, I just, you know natural holding.

Q. So how, how'd you separate this morning, how, how did

A. Took a shower. She didn't want to take a shower with me this morning. I said oh come on, you want to take a shower with me and you know you do. So uh, so we got in the shower, she washed me, I washed

Q. She didn't want to but you talked her into

A. Yeah, no force.

Q. Taking a shower with you?

A. No force, just verbal, everything was verbal, everything, nothing

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forced, nothing. I never said I'm going to hurt you, I never said I'm going to hurt anybody or I'm going to do anything to your belongings or anything you know. I, that's not me.

- Q. You would have remembered that even though you were intoxicated?
- A. This morning?
- Q. Last night, about not hurting anybody if they were in the apartment?
- A. Yeah, yeah.
- Q. Would you have remembered it if you'd have threatened her if she didn't go with you to her apartment?
- A. Would I, yeah, I would remember, yeah. I would never hurt her, a woman anyway, unless they do something to me, maybe I'll push em or something, never hit em, you know, nothing mean.
- Q. You've never hurt any women before?
- A. Yes, yeah, I picked up my girlfriend once and threw her on the bed cause she didn't want to listen to me. I told her to stay there and listen to me so she listened to me and then she got up and then she started hittin me cause she was mad what I was sayin. I didn't do anything back, I left.
- Q. OK did, did at any time during the night after you got into the apartment with her, did you leave the apartment once you were in the apartment?
- A. I went into the bathroom by myself.
- Q. Well besides the bathroom did you leave the apartment and go somewhere else?
- A. No, never.
- Q. So from about 11:30 to 12:00 until approximately 7:00 AM this morning you were in the apartment?
- A. Yes.
- Q. Until a short period before you were arrested?
- A. Right. I had just left the apartment when I was arrested.
- Q. OK. Did the police get called to uh your girlfriend's apartment last night about you and your girlfriend having an argument or fighting?

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JEFFREY CHAMMAN

- A. Never seen em, no, I never seen em.
- Q. If they came you didn't see em?
- A. Right, right.
- Q. And your girlfriend wasn't injured last night?
- A. No, she left, she wasn't home last night.
- Q. Yes, you told me she left about uh what time?
- A. She left about uh 12:30, 11:00, somewhere in there.
- Q. Cause she left just uh prior...
- A. She called me
- Q. She left just prior to you leaving and seeing this girl ?
- A. Yeah.
- Q. So how did you and uh depart this morning, how, how did you leave the apartment, how did that come about?
- A. I was dressed and I asked her to escort me out to the door. She walked me to the door. I asked her can I have your phone number please. She said yeah, no problem at all, so she gave it to me and I told her, I sat her on my lap and she wrote it like this on her knee you know and she was in her towel (phonetic) and this is why I'm surprised this happened. She was so calm and if she would have said no to me I would have never, ever went up there, if she would have said no, anything, I would have never done anything.
- Q. Well do you think it's possible because you were drunk and all of a sudden you scared her in her car that you may have said some words to make her think if she didn't cooperate that you would have hurt her?
- A. No, because my tone of voice was not mean.
- Q. Even though you were mad at your girlfriend?
- A. I was not mad anymore. She was mad. My girlfriend was mad.
- Q. You had then calmed down?
- A. Oh, I had calmed down about half an hour before I seen, seen
- Q. Oh but you definitely remember that you wouldn't have said anything

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JEFFREY CHAPMAN

that would have put her in fear...

A. Right.

Q. that if she didn't cooperate and do what you say you might hurt her?

A. That's right.

Q. You wouldn't have said that?

A. I wouldn't have never said anything to her and I didn't, and I would have remembered something like this.

Q. No other than the one time you made finger penetration, ...

A. Yes.

Q. first, that was the first part of the night, right?

A. Yes, that was last night.

Q. You could tell from your finger that she was having her menstrual period when you removed your finger?

A. No cause it was dark, it was dark.

Q. The lights were out in there?

A. Yeah, it was dark.

Q. Oh, but you did feel something indicating she was using some type of contraceptive or device?

A. Yeah, something, um hum, to hold it.

Q. But at that first part of the night then all you did was the finger penetration, no sexual penetration the first part of the night?

A. No. I couldn't.

Q. Why couldn't you?

A. Because she said my finger was hurting her so I stopped and then I just held her and went to sleep.

Q. But the next...

A. I said I don't want to hurt you. I even said this to her. I don't want to hurt you. I don't want to hurt you at all so I stopped, so I stopped.

Q. And the next morning though she voluntarily allowed you to make pen-

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tration with your penis to her vagina?

A. I had oral sex with her last night. I put my face down there last last.

Q. Last night?

A. Yeah.

Q. Even though she was on her menstrual period?

A. Yes, um hum.

Q. Why would you do that?

A. Why, because....

Q. That's not a normal thing is it?

A. I know, that's not normal at all but I, I had done it before. I have done it before with my girlfriend.

Q. While she's having her period?

A. Yeah (could not hear rest of sentence).

Q. And whether you're sober or drunk?

A. Yes, oh yeah, she didn't like me drunk my girlfriend. She didn't never want me to be drunk, she always wanted me to be straight so she

Q. Does your demeanor uh alter a great deal between when you're sober and when you're drunk Jeff?

A. That, what's the meaning, I don't understand.

Q. Uh your personality, are you a real mellow person when you're sober, do you become a little more aggressive when you're drinking?

A. Yeah, yeah, I become more uh hyper, I pace when I drink.

Q. When you're, faster?

A. If I get mad right, then I get faster...

Q. OK.

A. My adrenaline (phonetic) flows faster.

Q. OK, I understand.

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JEFFREY CHAPMAN

Q. So then we've got finger penetration one time, you committed oral sex on her one time?

A. Yes, no, two times.

Q. That was last night?

A. Wait a minute, one time, one time, this morning I touched her and touched her clitoris.

Q. With your finger?

A. Yeah, how do you, how do you do it she said to me.

Q. So you had, you had a second time with the finger penetration then?

A. Yeah, yeah I had

Q. So we had two finger penetrations, one oral...

A. Oral and one penis

Q. one vagina, so that's four incidents?

A. Right, right.

Q. But of course you're, you're uh stating that it was all voluntary on her part?

A. Right, no crime.

Q. And not being put under any force?

A. No, right.

Q. You never struck her with your fist...

This is a continuation from Side A to B. I run out of tape at 8:55 AM. I switched the tape and it's still 8:55 AM, approximately 20 seconds transpired.

Q. Is that correct Jeffrey, about 20 seconds, I had to switch from A to B side of the tape?

A. Yeah that's correct.

Q. We made no statements or any words?

A. Right, nothing.

Q. And I'm free to continue?

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JEFFREY CHAPMAN

A. Yes.

Q. OK, the last question I asked you was, you didn't hit her with your fist or anything did you?

A. No, never forceful, never.

Q. Did you ever do anything forceful against her that would hurt her or make her to think she was in fear of being injured or anything?

A. No.

Q. So then you got up this morning, uh, were you and her both uh nude in the bed?

A. Yes, yes.

Q. Totally naked?

A. Yes.

Q. And at first she didn't want to take a shower with you.

A. Right.

Q. And you, and you talked...

A. Verbally.

Q. you talked her into it?

A. Right.

Q. And after the shower she sat on your knee and wrote the phone number down to you?

A. Right, after I was dressed...

Q. OK.

A. already.

Q. You told her you wanted the phone number?

A. Yeah, I asked her could I please have your phone number. She said sure, no problem.

Q. OK, and then she let you out the door?

A. Right.

Q. Still no roommates or nobody present?

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JEFFREY CHAPMAN

A. No but when I, I went back.

Q. OK, so she let you out of the apartment.

A. Right.

Q. And then what did you do?

A. I left and I went to my ex-girlfriend's to get my keys so I could go home and get in my apartment. I left my key in her room.

Q. What time was this? Right after you left...

A. Right after I left her place about 5:30.

Q. OK, and did you make contact with your girlfriend?

A. Yes, my ex-girlfriend, no more girlfriend.

Q. She gave you the key?

A. My keys were outside.

Q. She had already threw em out?

A. No, she, yeah, she put em out for me. I knocked on her window and said I need my keys and she said they're in the plant. I said talk to me will you talk to me, she said no, I don't want to talk to you so I walked away very sad, upset.

Q. Got your keys?

A. Got my keys, left, then went back to house.

Q. Yeah.

A. After I went to my ex-girlfriend's house and I knocked on the door and her roommate said who is there and I said Jeff and I guess she didn't hear me, she said who is there again so I said Jeff so she opened her kitchen window, the shade, and saw it was me, she said you better leave before I call the police. I said don't call the police. I didn't do anything so I was just going to for a ride you know and this is when I seen, the only time I seen her roommate, was this morning when she said I'm going to call the police.

What I don't understand is why it took the police so long if I had raped her you know. They were there like this (snap of finger) after she told me that she was going to call the police.

Q. Tell how many minutes had transpired from the time you left [redacted]'s

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JEFFREY CHAPMAN

apartment and the time you got back, it couldn't have been but a few...

A. Twenty minutes.

Q. Twenty minutes at the most?

A. Yeah.

Q. OK. The first thing you knew the police saw you walking?

A. Yes.

Q. And they stopped you?

A. Right, they went flyin by me.

Q. OK.

A. And then they turned around and come down the one way and got me.

Q. OK, they take you back uh to the apartment complex in the squad car?

A. Yes they did.

Q. Uh did they allow a female to come outside or anything and identify you...

A. I didn't see no female.

Q. You didn't see her but she could have walked out and saw you in the car?

A. I was looking up.

Q. OK, anyway the evidence indicates that she made a positive ID of you...

A. Well that's why I'm here.

Q. To the police officers at 7:07 AM.

A. OK, yeah I stepped out...

Q. To you were...

A. At the car.

Q. OK, they had you to step out of the car?

A. Yeah, handcuffed behind my back.

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JEFFREY CHAPMAN

Q. OK, but that's a short period of time so there wouldn't have been no doubt that the girl could identify the person that was with her, which you had readily admitted, it was you?

A. Yeah it was me.

Q. In the apartment.

A. I have nothing to hide (phonetic).

Q. You were inside her apartment approximately uh 6 1/2 to 7 hours?

A. Yes.

Q. OK. Is there anything else about what occurred or anything that you could tell me that will assist me in the investigation Jeff?

A. Yes. I think that uh, uh when I went to the bathroom, I think that uh if I was raping her or doing whatever, she could have left when I was in the bathroom because I was in the bathroom for about 10 minutes, going to the restroom, and I came back out and she was layin, just layin on the bed nude waiting for me to come back and something else is, I know that she didn't call the police yet when I left, when I had left the first time, uh I think her roommate called the police and she wouldn't give me her phone number. I would like to see if this phone number is her phone number.

Q. Well, I'll let you give me that piece of paper with that phone number on it because under these circumstances you don't need that phone number anyway, do you?

A. No, I don't want the phone number. I don't even want to see this girl anymore.

Q. So I'll uh, I'll take the piece of paper with the phone number on it.

A. I gave it to (unintelligible).

Q. OK, uh the clothes you're wearing now is that the clothes you were wearing last night?

A. Yes, this is it.

Q. Do you wear underclothes?

A. Yes I do.

Q. Uh I will probably have to take your undershorts uh for evidence.

A. For what, they're clean, nothing.

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JEFFREY CHAPMAN

- Q. Well they, that may be true but uh I may need em to substantiate some facts.
- A. OK, OK, that's fine.
- Q. OK.
- A. OK.
- Q. Now you readily admit you were naked when you had these sexual acts and...
- A. Right.
- Q. you took a shower and cleaned...
- A. Took a shower....
- Q. yourself off?
- A. and cleaned everything.
- Q. Washed your face...
- A. Right.
- Q. everything?
- A. Everything, my face and everything, my hands, had to.
- Q. You were uh, had blood on you?
- A. Yeah, I had blood on me from ...
- Q. Uh from, from the menstrual...
- A. Yeah.
- Q. blood?
- A. Yeah, yeah, not a lot but a little.
- Q. What about on your body, on your uh genitals...
- A. I didn't really notice.
- Q. on your hair, all that?
- A. Didn't really notice.
- Q. But you took a real good scrubbing shower you said?

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JEFFREY CHAPMAN

A. Yes, um humm, yes. She let me wash her and everything in the shower, didn't say no, nothing, only thing, every, only time I ever heard her say no is when she didn't want to take a shower with me because I think she was embarrassed because of her menstrual, because of the way she acted.

Q. That's possible.

A. Yeah.

Q. Anything else you'd like to tell me?

A. Uh that's about it except I don't want to sit in no cell (laughter).

Q. Well unfortunately you're under arrest by those officers and uh...

A. Yeah.

Q. probable cause did exist.

A. Uh huh.

Q. Uh and it has to be investigated like I told you.

A. Um humm.

Q. And the only thing I promise anybody is a good investigation.

A. That's good.

Q. A fair one...

A. Right.

Q. we try to get all the facts together and we put it forth to a State Attorney...

A. Um humm.

Q. and they will make the decision.

A. OK.

Q. Based on the evidence from her, her statement and everything as a whole.

A. Um humm.

Q. That's all we all can promise, a good job.

A. OK.

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JEFFREY CHAPMAN

Q. The best we can do.

A. Sounds good (phonetic).

Q. OK.

A. OK, but I just don't want to sit in jail a long time.

Q. Everything you've told me has been a truthful sworn statement to the best of your knowledge?

A. Yes everything.

This will conclude the taped sworn statement of Jeffrey Allen Chapman taken by Detective William R. Rhodes on Thursday, 1/2/86, ending time of statement, 9:01 AM.

Sworn before.

Detective William R. Rhodes
Notary Public at large, state of
Florida.

Petitioner's Exhibit I

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, March 20, 2013

Classification Summary Reports

Inmate Number 192350

[Submit](#)

Classification Summary Report for CHAPMAN, JEFFREY ALLEN :

[Create PDF](#)

CLASSIFICATION SUMMARY REPORT DATED 03/20/2013

SCDC# 00192350

CHAPMAN, JEFFREY ALLEN

FBI# 811064EA2

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: TYGER RIVER

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 5 YRS 0 MOS 0
SENT: DAYS

VICTIM Y SEPREQ:N
WITNESS:

MED NO MED PROB/NO WORK
CLASS: RESTR

INST
RESTRICT: NO RESTRICTION

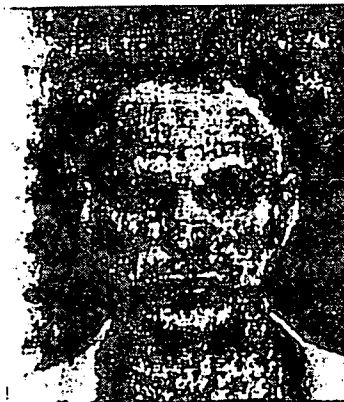
MENTAL NMH (NO MENTAL
CLASS: HEALTH TRE

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 50



RESIDENT
STABILITY: NA

DORMROOMBUNK_CODE: U1 0101 A

PROJ MAXOUT 12/19/2013
DATE:

PROJ PAROLE DATE: -

EWC JOB: MATERIAL HANDLING EQ OP

ASSIGNMENT: PRISON INDUSTR

EWC
LEVEL: 2F5 EEC LEVEL:

EDUC
PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE			COUNTY	START	SENTENCE		
	YRS	MOS	DYS			V/NV	CAT	INDICT
LEWD ACT/CHILD UNDER 16	5	0	0	GREENVILLE	05/26/2011	N	4	03GS237503

GRAND LARCENY	3	0	0	SUMTER	05/21/2002	N	2	02GS43342
	SENTENCE				SENTENCE			
COMPLETED OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
SEX OFF REG-1ST OFFENSE	0	0	90	GREENVILLE	05/19/2003	N	4	02GS2307514
DRIVING UNDER SUSPENSION	0	6	0	GREENVILLE	06/03/2002	N	1	000000
CRIMINAL SEX CNDCT 3RD DEG	3	0	0	YORK	04/11/1992	N	4	92GS461689
CRIMINAL SEX CNDCT 3RD DEG	10	0	0	YORK	04/11/1992	N	4	92GS461689

PRIOR COMMITMENTS OVER 90 DAYS:

10/30/1991	RAPE
01/02/1986	CRIMINAL SEX CNDCT 1ST DEG

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINEES (HOLD,WANTED,NOTIFY):

HOLD JUDGE VERDIN

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:

05/04/2003	SEXUAL MISCONDUCT	CONVICTED	MAJOR DISC. HEARING
04/30/2003	USE,POSS NARC,MARIJ,UNAUTH DRUG,INHALANT	DISMISSED	CHARGES DROPPED/INSUFF. E
03/24/1994	FAILING/REFUSING RESPOND EMPLOYEE QUEST	CONVICTED	MAJOR DISC. HEARING
03/24/1994	FALSE STATEMENT TO HARM ANOTHER PERSON	CONVICTED	MAJOR DISC. HEARING
03/24/1994	ABUSE OF PRIVILEGES	CONVICTED	MINOR DISC. HEARING

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

10/06/2011	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
07/01/2011	KIRKLAND	INCARCERATED	RETURN FROM COURT
07/01/2011	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
06/29/2011	KIRKLAND	INCARCERATED	RETURN FROM COURT
06/28/2011	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
06/01/2011	KIRKLAND	INCARCERATED	R&E PROCESSING
06/01/2011	PERRY	INCARCERATED	NEW SENT W/O PR/CS/SF REV
11/13/2003	SUMTER CO	PROBATION	RELEASED TO PROBATION
07/28/2003	MCCORMICK	INCARCERATED	ADMINISTRATIVE
07/28/2003	PERRY	INCARCERATED	GS/MAG. COURT @ SCDL
05/19/2003	MCCORMICK	INCARCERATED	RETURN FROM COURT
05/19/2003	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
05/15/2003	MCCORMICK	INCARCERATED	RETURN FROM COURT

05/15/2003	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
05/12/2003	MCCORMICK	INCARCERATED	RETURN FROM COURT
05/12/2003	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
02/04/2003	MCCORMICK	INCARCERATED	RETURN FROM COURT
02/04/2003	GREENVILLE CO	AUTH ABSENCE (AWL)	TO COURT
08/15/2002	MCCORMICK	INCARCERATED	ADMINISTRATIVE
07/01/2002	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
06/03/2002	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
MATERIAL HANDLING EQ OP	02/09/2012	-		2F5
GENERAL WORKER	10/11/2011	02/08/2012	INMATE REQUEST	2F5
GENERAL WORKER	11/07/2003	11/13/2003	RELEASED/PAROLED	2F5
GENERAL WORKER	05/23/2003	11/06/2003	MI ELIGIBLE FOR LEVEL 2	3F5
GENERAL WORKER	08/16/2002	05/22/2003	ASLT/DRUG/MAJOR DISC	2F5
WARDKEEPER ASSISTANT	07/05/2002	08/15/2002	INSTIT TRANSFER	2F5
WARDKEEPER ASSISTANT	07/02/2002	07/04/2002	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 15 OR MORE	09/05/2002	04/29/2003	INMATE REQUEST

***** END OF REPORT *****

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Source : SummaryReport.jsp

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

03/11/13
C035477

NARRATIVE...>

ON THE ABOVE DATE AND TIME, I, OFC. S. GILCHRIST WAS LEAVING VISITATION ROOM AND I SAW INMATE JEFFERY CHAPMAN, SCDC #192350, WITH HIS HAND IN HIS VISITOR (RHONDA OWEN) PANTS. I ASKED HIM WHY DID HE HAVE HIS HAND IN HER PANTS, SHE YELLED OUT "HE WAS TRYING TO GRAB MY CROTCH". MAJOR S. LEWIS WAS NOTIFIED OF THIS INCIDENT.

EXTENSION GRANTED 05/14/03.

HEARING 05/21/03. GUILTY BASED ON OFC REPORT AND STATEMENTS IN HEARING I/M HAD HAND IN VISITOR'S PANTS.

SANCTION: FORFEIT 20 DAYS/VISITATION SUSP.PER WARDEN.

CREATED BY.....: STRAKER, KATHY
LAST UPDATED BY: RICKENBAKER, FRANKIE

05/06/03
05/27/03

(END)

DISCIPLINARY TEXT DISPLAYED
PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

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SCDC1565

6/2

Petitioner's Exhibit J

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.

Notes 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

Petitioner's Exhibit K

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

Paraphilias

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 Paraphilias, 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 Paraphilias 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-

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 L

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND
AGGRAVATED NATURE

At a Court of General Sessions, convened on October 18, 2005 the Grand Jurors of Greenville
County present upon their oath:

That JEFFREY A CHAPMAN did in Greenville County, on or about the 6th day of September, 2005,
intentionally commit an assault and battery which involved the use of a deadly weapon or resulted in serious
bodily injury to a household member, [REDACTED], and/or JEFFREY A CHAPMAN did intentionally
commit an assault with or without an accompanying battery, which would reasonably cause a person to fear
imminent serious bodily injury. This is in violation of §16-25-65 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.

Rachel A. Brough
SOLICITOR

WITNESSES

John Thomas

Phillips

Greenville County Sheriffs Office

9/6/2005

ARREST WARRANT NUMBER

1795455

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-23-

RIL

000033

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

OCTOBER TERM 2005

THE STATE

vs.

JEFFREY A CHAPMAN

Indictment for

2988

CRIMINAL DOMESTIC VIOLENCE OF A HIGH
AND AGGRAVATED NATURE

VIOLATION § 16-25-0065

859

ARREST WARRANT

1-795455

5531
9-16 05

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenville

THE STATE

05-120894

against

Jeffrey A Chapman

Address:

Phone: SSN:

Sex: M Race: W Height: 6 1 Weight: 205

DL State: SC DL #: 007770233

DOB: Agency ORI #: SC0230000

Prosecuting Agency: Greenville County Sheriffs Office

Prosecuting Officer: John A Thomas

Offense: Domestic / Criminal domestic violence of a high and aggravated nature

Offense Code: 2988

Code/Ordinance Sec: 16-25-0065

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

on

Jeffrey A Chapman
9-6-06

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

West Greenville Summary Court
6247 White Horse Road
Greenville, SC 29611

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Greenville

AFFIDAVIT

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant John A Thomas who

being duly sworn deposes and says that defendant Jeffrey A Chapman

did within this county and state on 09/06/2005 violate the criminal laws of the

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

in the following particulars:

DESCRIPTION OF OFFENSE:

Domestic / Criminal domestic violence of a high and aggravated nature

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 AFFIANT HAS A WRITTEN STATEMENT FROM THE VICTIM WHICH STATES THE DEFENDANT DID GRAB HER BY HER HEAD, THREW HER TO THE GROUND, USED HIS PALM TO STRIKE HER IN THE NOSE AND PUSHED HER EYES IN WITH HIS FINGERS. THE DEFENDANT ALSO JERKED THE PHONES OUT OF THE WALL, THREATENED HER AND WOULDN'T LET HER LEAVE. THE DEFENDANT AND VICTIM DO CO-HABITATE. THIS OFFENSE OCCURRED IN GREENVILLE COUNTY.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
GreenvilleAffiant's Address 4 Mcgee Street
Greenville, SC 29601-

Affiant's Telephone (864)467-5300

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 9/6/2005

defendant Jeffrey A Chapman

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

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

DESCRIPTION OF OFFENSE:

Domestic / Criminal domestic violence of a high and aggravated nature

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 09/06/2005

Signature of Issuing Judge (L.S.)
Darrell Fisher

Judge Code: 5068

Judge's Address

Judge's Telephone

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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OF

APPENDIX
134

ALMO
SUB-ROOM
2

UOP

CASE NUMBER

0,5000120894

ADULT
JUVENILE

EVENT	INCIDENT TYPE		PRIORITY ENTRY		PREPARE TYPE		DIVISION ENTERED			
	Criminal Domestic Violence High & Aggravated		YES ☒ NO ☐	YES ☒ NO ☐	Residence/Home		0			
			YES ☐ NO ☐	YES ☐ NO ☐						
VICTIM	INCIDENT LOCATION (SUBDIVISION, HILL, VILLAGE, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				CLOSEST INTERSECTION		ZIP CODE			
SUBJECT	INCIDENT DATE	TIME	TO	DATE	TIME	WEAPON TYPE	TIME ARRIVED	TIME COMPLETED	PATROL DISTRICT	
	9/6/05	2148				Personal Weapons	2155	0030	07	
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)					RESIDENT	RACE	SEX	AGE	DAYTIME PHONE
NARRATIVE						J	W	M	32	
	ADDRESS					CITY	STATE	ZIP CODE	PATROL DISTRICT	
									07	
VEHICLE	VICTIM'S NAME (LAST, FIRST, MIDDLE)					RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE
						Victim-Law	J	W	F	44
	ADDRESS					CITY	STATE	ZIP CODE	PATROL DISTRICT	
PROPERTY										07
	VEHICLE MAKE (MAKE) YES ☒ NO ☐ SEE NARRATIVE					COMPLAINT OF ANY NON-VEHICLE DAMAGES YES ☐ NO ☐				
	VICTIM (NO. 1) USING ALCOHOL YES ☐ NO ☒ DRUGS YES ☐ NO ☒ TYPE:									
ADMIN	TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLAINT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ J. THIS JURISDICTION S. STATE S. OUT OF STATE U. UNKNOWN									
	SUSPECT					NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	DATE OF BIRTH
						CHAPMAN-JEFFEREY ALLEN	W	M	42	
ARREST					DATE/TIME OF OFFENSE					DATE OF ARREST
					9/6/05-2148					9/6/05-2200
CHARGES					WARRANT #					TICKET #
Criminal Domestic Violence HIGH AND AGGRAVATED					1-795455					
Arrest Location: 2819 ANDERSON RD										
ON 9-6-05 I MET WITH THE COMPLAINANT AT THE CITGO STATION LOCATED AT HWY 153 AND ANDERSON RD ABOUT A DISTURBANCE AT										
JURISDICTION OF THEFT :					JURISDICTION OF RECOVERY :					
TAG NUMBER					V.I.N.					
YEAR					VALUE					
MAKE					MODEL					
STYLE					COLOR					
ADDITIONAL VEHICLE DESCRIPTION										
Status					Property Type					
NONE										
Quantity					Property Make					
Color					Description					
Serial #					Value					
SUBJECT IDENTIFIED					SUBJECT LOCATED					
YES ☒ NO ☐					YES ☒ NO ☐					
REASON FOR EXCEPTIONAL CLEARANCE : ☐ OFFENDER DEATH & ☐ NO PROSECUTION & ☐ VICTIM DECLINES COOPERATION & ☐ EXTRADITION DENIED & ☐ ADVERSE NO ARREST										
REPORTING OFFICER (I#)					DATE					
J.A. THOMAS*900					9/7/05					
APPROVING OFFICER					DATE					
Marcus Camacho *432 M/D					9-7-05					
(OFFICER)					E31					

SEP 07 06:57

9-105

OF AGENCY I.D. GREENVILLE COUNTY SHERIFF'S OFFICE
SC0230000 SUPPLEMENTAL REPORT

0 5 0 0 0 1 2 0 8 9 4

☐ ORIGINAL REPORT ☐ STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY INCIDENT TYPE Criminal Domestic Violence High & Aggravated

☒ SUPPLEMENTAL REPORT ☐ OTHER REPORT ☐ ADDITIONAL OFFENSES ☐ ADDITIONAL RECOVERED PROPERTY PATROL DISTRICT 07 PAGE 1 OF 2 PAGES

I.D. OVERFLOW	☐ COMPLAINT	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUSPECT			RESIDENT	RACE	SEX	AGE	D.O.B.
	☐ VICTIM #	CHAPMAN-JEFFEREY ALLEN				N/A	#1	#2	J	W	M	42	
	☐ SUSPECT #	ADDRESS		CITY	STATE/ZIP CODE		FEDERAL DISTRICT	DAY PHONE		EVENING PHONE			
	☐ FUGITIVE						07						
	☐ WANTED	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
	☐ WARRANT	601	205	BLD	BRN	SCDL#	SSN-						
	☐ ARREST	☐ VICTIM NO.		VISIBLE INJURY:		COMPLAINT OF NON-VISIBLE INJURY:		VICTIM ARMED/LOADED		☐ NO ☐ YES ☐ UNK.			
	☐ MISSING	EXPLAIN:		☐ YES ☐ NO		☐ NO ☐ YES		GUNS ☐ NO ☐ YES TYPE		☐ UNK.			
	☐ JAIL	SUBSYPNO		USING ALCOHOL		☐ NO ☐ YES ☐ UNK				☐ TWO-MAN VEHICLE ☐ DETECTIVE ☐ ALONE			
	☐ OTHER			USING DRUGS		☐ NO ☐ YES ☐ UNK		TYPE		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED			
ARRESTEE ARMED ☐ YES ☒ NO WEAPON TYPE:													
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED ☐ REFERRED TO OTHER AUTHORITY													
Arrest Location: 2819 ANDERSON RD													

ON 9-6-05 I MET WITH THE COMPLAINANT AT THE CITGO STATION LOCATED AT HWY 153 AND ANDERSON RD ABOUT A DISTURBANCE AT [REDACTED] THE COMPLAINANT [REDACTED] STATED THAT HE HAD TO LEAVE THE HOUSE AND CALL THE SHERIFFS OFFICE FROM THIS GAS STATION BECAUSE THE SUSPECT LISTED ABOVE WAS BEATING UP THE VICTIM [REDACTED] THE COMPLAINANT STATED THAT HE WAS THEIR ROOM MATES AND THAT THEY LIVED TOGETHER AND HAD ALLOWED FOR HIM TO MOVE IN. I FOLLOWED THE COMPLAINANT BACK TO THE HOUSE. ONCE THERE THE SUSPECT MET SGT CONSIDINE E03, DEPUTY CURRENS D10, AND MYSELF AT THE FRONT DOOR CLAIMING THAT EVERYTHING WAS ALRIGHT NOW, BEFORE WE HAD ASKED ANY QUESTIONS. THE SUSPECT WAS PLACED INTO INVESTIGATIVE DETENTION AND PLACED IN MY PATROL VEHICLE. D10 REMAINED WITH THE SUSPECT WHILE I INTERVIEWED THE VICTIM AND THE COMPLAINANT. THE VICTIMS HANDS WERE SHAKING AND SHE WAS CRYING. ONCE SHE CALMED SHE STATED THAT SHE AND THE SUSPECT WERE ARGUING BECAUSE SHE COULDN'T GET HER VAN TO HIM WHILE HE WAS AT HIS BOSS' HOUSE TO ROTATE THE TIRES. SHE STATED THAT SHE WAS IN HER KITCHEN FOLDING CLOTHES WHILE HE WALKED AROUND THE HOUSE YELLING AT HER CALLING HER A BITCH AND TELLING HER SHE WAS A PIECE OF SHIT. THE VICTIM STATED THAT THE SUSPECT GRABBED HER AROUND HER HEAD DEMONSTRATING THAT HE GRIPPED HER BY HER EARS AND PUSHED HER TO THE GROUND. SHE STATED THAT SHE GOT UP AND RAN INTO THE BEDROOM AND CLOSED THE DOOR. THE COMPLAINANT WAS ALSO IN THE HOUSE AND HEARD THEM FIGHTING STATED THAT THIS WAS WHEN THE SUSPECT STARTED RIPPING THE PHONE LINES FROM THE WALL. THE COMPLAINANT STATED THAT THE SUSPECT LOOKED AT HIM AND SAID, "YOUR NEXT". THE COMPLAINANT STATED THAT WHEN THE SUSPECT LEFT AND WENT INTO THE BEDROOM WITH THE VICTIM HE LEFT TO GO AND NOTIFY THE SHERIFFS OFFICE.

VEHICLE	☐ STOLEN	TAG NUMBER	STATE	YEAR	V.I.N.	VALUE
	☐ RECOVERED	YEAR	MAKE	MODEL	STYLE	COLOR
	☐ SUSPECT	ADDITIONAL VEHICLE DESCRIPTION				
	☐ VICTIM					

[illegible]

ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 AND OVER		
	☐ YES ☐ NO		☐ YES ☐ NO								
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH, 2. ☐ NO PROSECUTION, 3. ☐ VOTED/DECLINED COOPERATION, 4. ☐ BETRAYED DURING, 5. ☐ JUVENILE-NO ARREST										
	REPORTING OFFICER(S)		DATE		Unit #/Star #		APPROVING OFFICER		DATE		Unit #/Star #
J.A. THOMAS*900		9-7-05		D27		FOLLOW-UP INVESTIGATION ☐ YES ☒ NO (OFFICER)		<i>Manuel Camacho</i> 432 M/D 9-7-05		E81	

15:30 10 435

OF AGENCY I.D. Greenville County Sheriff's Office
SC0230000 SUPPLEMENTAL REPORT

CASE NUMBER

05000120894

☐ ORIGINAL REPORT	☐ STATUS CHANGE	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	INCIDENT TYPE	Criminal Domestic Violence HIGH AND AGGRAVATED
☒ SUPPLEMENTAL REPORT	☐ OTHER	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	PATROL DISTRICT	07
				PAGE	2
				OF	2
				PAGES	

THE VICTIM STATED THAT WHILE SHE WAS IN THE BEDROOM THE SUSPECT CAME IN THERE AND USED HIS PALM TO STRIKE HER ON THE UNDERSIDE OF HER NOSE. THE VICTIM STATED THAT THE SUSPECT DID SO IN A UPWARD ANGLE WHICH SHE DEMONSTRATED. THE VICTIM STATED THAT WHEN SHE FELL BACK ONTO THE BED HE CLIMBED OVER HER HOLDING HIS RIGHT FIST IN THE AIR STATING, "I OUGHT TO HIT YOU". THE VICTIM STATED THAT HE USED HIS FINGERS AND PRESSED THEM HARD INTO THE BOTTOM OF HER EYE SOCKETS AND SHE STATED THAT SHE THOUGHT HE WAS TRYING TO PUT OUT HER EYES. I OBSERVED SLIGHT BRUISING, BUT MOSTLY REDNESS AROUND HER EYES. THE VICTIM STATED THAT HE FINALLY GOT UP AND SHE WENT INTO HER KITCHEN. WHEN ASKED WHY SHE DIDN'T LEAVE SHE STATED THAT SHE WAS AFRAID OF WHAT HE WOULD MIGHT DO IF SHE TRIED. THE VICTIM STATED THAT SHE WAS AFRAID OF HIM BECAUSE OF HIS TEMPER. I OBTAINED SIGNED WRITTEN STATEMENTS FROM BOTH THE VICTIM AND THE COMPLAINANT. DOMESTIC ABUSE AND VICTIM RIGHTS FORM WERE BOTH ISSUED TO THE VICTIM. THE VICTIM STATED SEVERAL TIMES THAT SHE WAS BEAT UP BUT DID NOT NEED TO BE SEEN BY EMS. THE VICTIM ALSO STATED THAT SHE WAS IN THE PROCESS OF MOVING AND DID NOT WANT TO SEEK A SHELTER. MY OBSERVATION OF THE RESIDENCE I SAW MULTIPLE BOXES PACK, ALONG WITH SEVERAL HOLES IN DOORS SHE STATED THAT WERE FROM PREVIOUS FIGHTS WITH THE SUSPECT. MY OBSERVATION OF THE VICTIM SHOWED HER TO HAVE BRUISES AROUND HER LEGS AND ARMS. THE VICTIM COULD NOT ACCOUNT FOR THEM COMPLETELY STATING THAT THEY HAD FOUGHT ALOT. WHEN I WAS MAKING MY EXIT THROUGH THE FRONT DOOR THE VICTIM WAS FOLLOWING AND THEN STOPPED SHORT STATING "WHERE IS HE? I DON'T WANT TO SEE HIM." WHILE IN EN ROUTE TO DETENTION THE SUSPECT WAS SPEAKING EXCITEDLY WITHOUT BEING QUESTIONED ABOUT HIM PULLING THE PHONES FROM THE WALL AND THAT HE DID PUT HIS HANDS ON HER BUT IT WAS IN SELF DEFENSE. WHEN ASKED I DID NOT READ MIRANDA TO THE SUSPECT AND DID NOT ASK WHY HE PULLED THE PHONES FORM THE WALL. THERE WERE NO SIGNS OF PHYSICAL INJURY ON THE SUSPECT. WITH ALL OF THE INFORMATION I OBSERVED AND WAS PROVIDED IN THE WRITTEN STATEMENTS JUDGE FISHER SIGNED INTO SERVICE ARREST WARRANT I-795455 FOR CDVHAN. THE SUSPECT WAS ARRAIGNED ON \$20,000 SURETY. THE SUSPECT IS ALSO CURRENTLY ON PROBATION. THE SUSPECT WAS NEGATIVE NCIC/WARRANTS. THE SUSPECT WAS PLACED INTO DETENTION IN GOOD CONDITION.

ADMIN	SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADMIN CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEARED UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEARED 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ VICTIM/DECLINES COOPERATION ☐ EXTRADITION DENIED ☐ JUVENILE-NO ARREST									
	REPORTING OFFICER(S)		DATE		UNIT NO. / STAB		APPROVING OFFICER		DATE	
	J.A. THOMAS*900		9-7-05		D27		Marcia Camacho *432 m/p FOLLOW-UP INVESTIGATION ☐ YES ☒ NO (OFFICER)		9-7-05 E31	

9-7-05



Greenville County Sheriff's Office
STEVE LOFTIS, SHERIFF
 AN ACCREDITED LAW ENFORCEMENT AGENCY



DOMESTIC ABUSE INFORMATION

TO VICTIM:

Case Number: 1-05-120894

- I. If a deputy sees sufficient evidence that abuse has just occurred, an arrest will be made. This charge would be for Criminal Domestic Violence which will be referred to Magistrate's court, or if warranted, a higher charge may be brought and will be handled in General Sessions court.
- II. Whether an arrest has occurred or not, if you feel that you are in danger, you may go to the Family Court at 301 University Ridge between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, and apply for an Order of Protection. **NOTE:** It may take up to a week to have your case heard.
 - During non-business hours or when Family Court is closed, you may file a petition at any Magistrate's office or the Night Magistrate at the Greenville County Detention Center, 20 McGee Street in Greenville.

Procedure for completing an Order of Protection application:

- A. Pick up an application packet in the Clerk's Office in Family Court. If you are a female, pick up the application packet and take it to SC Centers for Equal Justice, 1 Pendleton Street, (884) 679-3232 for assistance. If you are a male or filing on behalf of a minor, contact Stacy Harvey at (884) 487-5804 of the Solicitor's Office in Family Court.
 - B. Complete the petition stating the specific date, time, and details of the domestic abuse incident.
 - C. It is your responsibility to inform Family Court personnel as to the abuser's whereabouts, so the petition may be served.
 - D. You will be notified of a date/time to appear in Family Court before a judge. The petition served on the abuser will tell him/her the date/time to appear in court.
 - E. It is very important that you be in Family Court on this date/time, to describe the incident yourself and to ensure justice on your behalf.
- III. If the Family Court judge finds that you have been a victim of abuse the judge may:
- A. Issue a *restraining order* that says it is illegal for the abuser to abuse, molest, or interfere with your activities.
 - B. Issue a *restraining order* that prevents either party from:
 1. Communicating or attempting to communicate
 2. Entering the home, job, or school of the other party
 - C. Issue orders concerning temporary custody, child support, alimony, use of the marital home.
 - D. Issue any other orders related to the case for short, specified time.
- IV. You are advised:
 It may be to your advantage to preserve evidence of injuries (photos, affidavits, medical reports, etc). The Deputy will offer or arrange to provide transportation to a hospital for treatment of injuries or to a place of shelter or safety. If, for your own safety, you must vacate your home, you may ask the Deputy to accompany you inside to allow for the removal of clothing, medication, and such personal property as is reasonably necessary.

This is to certify that I have received a copy of at the above information and the deputy has explained it to me.

Signature

Deputy

Date

Date

Revised 10/02

A TRADITION OF SERVICE SINCE 1786

4 MCGEE STREET / GREENVILLE, SOUTH CAROLINA 29801

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

VICTIM WITNESS STATEMENT

Case Number 105-120894

Date 9-6-05

I, [REDACTED], do hereby give freely and voluntarily this statement to J. THOMAS and [REDACTED] who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 32 years old and I reside at [REDACTED].
DB: I WAS looking at the newspaper when I heard Jeff yelling at [REDACTED] then I saw [REDACTED] on the floor. They went back to their bedroom when they continued to fight. I saw Jeff trip phones out of the wall. I left to go call the police. END OF STATEMENT DB.

I have read the above statement of [REDACTED] pages and it is true and correct as best as I recall.

WITNESS

[REDACTED]
I have received a copy of this statement.

Sworn before me this _____ day of _____.

NOTARY PUBLIC FOR SOUTH CAROLINA

Greenville County Sheriff's Office

4 McGee St.
Greenville, South Carolina 29601

File 11

VICTIM/WITNESS STATEMENT

Case Number 1-05-120894
Date 9-6-05

I, [REDACTED], do hereby give freely and voluntarily this statement to JATHOMAS and [REDACTED] who have identified themselves to me to be Deputies of the Greenville County Sheriff's Office, Greenville, South Carolina.

I am 44 years old and I reside at [REDACTED]
JEFF CAME FROM WORK MAD BECAUSE I DIDNT GET THE VAN
TURNS ROTATED. I WAS IN THE KITCHEN FOLDING CLOTHES. WHEN JEFF
CAME INTO KITCHEN CALLING ME A BITCH, & TELLING ME HOW HE HATED
ME. HE GRABBED MY HOOD BY MY EARS PUSHED ME TO THE FLOOR
I GOT UP AND RAN TO THE BOY ROOM, CLOSING THE DOOR.
I WAS SITTING ON BOY WHEN JEFF CAME IN THERE TELLING ME HOW
I WAS A PIG & SHIT. HE USED HIS PAIN & HIT ME IN MY NOSE.
HE JUMPED ON TOP OF ME HOLDING HIS FIST OVER ME SAYING I
OUGHT TO HIT YOU. I HIT HIM IN THE FACE. HE USED HIS FINGERS
PUSHING IN MY EYES, LIKE HE TRYING TO POKO THEM OUT. I TRIED
GET MYSELF UP, HE FINALLY GOT OFF OF ME. JEFF PULLED TWO PHONES
OUT OF THE WALL AND HE WOULDN'T LET ME LEAVE. AT THIS TIME
MY OTHER ROOMMATE LEFT TO CALL THE POLICE. I WENT BACK TO
FOLDING CLOTHES. HE TOLD ME HE OUGHT TO JUST BEAT MY ASS, I TOLD
HIM TO DO ALL HOWA TOLD END OF STATEMENT RHO

I have read the above statement of _____ pages and it is true and correct as best as I recall.

WITNESS:

JATHOMAS

I have received a copy of this statement.

Sworn before me this _____ day of _____.

NOTARY PUBLIC FOR SOUTH CAROLINA

Petitioner's Exhibit M

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SEXUAL PREDATOR MULTI-DISCIPLINARY TEAM**

REFERRAL DATA

INMATE: Chapman, Jeffrey Allen**SCDC #**192350**INSTITUTION:** Tyger River**SSN#:****VICTIM/WITNESS:** Yes**DOB/AGE:** [REDACTED] (50 y/o)**SCDC ARRIVAL DATE:** 05/26/2011**MAX OUT DATE:** 12/19/2013**SENTENCE START DATE:****JUVENILE SENTENCE:** N/A**SUPERVISED FURLOUGH****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):****Lewd Act/Child under 16:** Sentence began: 05/26/11; **Grand Larceny:** Sentence Began: 05/26/11**Prior SCDC #'s:** None**Prior Conviction(s):** CDV 1/2/3 Non Mand, Sex Off Reg 1st Offense, Criminal Sex Conduct 1st Degree, Indecent Exposure, Rape, Driving under Suspension, Disturbing the peace and Rape**Parole Revocation(s):** N/A**Probation Revocation(s):** N/A**Other Information:****INSTITUTIONAL ADJUSTMENT:****Disciplinary(s):** Total: 4 **Assaultive:** 0**Sexual Misconduct:** 1**Narrative(s):** None**Work History:** Prison Industry**Other Information:** No Problems in SCDC

SP Multi-Disciplinary Team
 Chapman, Jeffrey Allen - 192350
 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	Wide Range Achievement Tests (WRAT)
Other IQ Screening: 101	Grade Level: Reading: 9.2
Mental Retardation: No	Math: 9.2
Disability/Other Known Impairment:	Language: N/A

SUBSTANCE ABUSE:

SASSI Score: Valid	Yes	No	Chemically Dependent:	Yes	No
TCUDDS: Valid	Yes	No	Chemically Dependent:	Yes	No
Other Screening(s):					
Under influence at the Time of Crime (Self-Report):					
Treatment History:					

Other Information:

HEALTH SUMMARY CLASSIFICATION:

Mental Health Status: No Mental Health
 Medical Problem(s): None Work Restriction(s): No
 Institutional Assignment: No Mental Health

SP Multi-Disciplinary Team
Chapman, Jeffrey Allen - 192350
Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: None
Medications:
Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None
Medications: None
Problems/Compliance: N/A
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: None in the file

	TYPE	DATES	STATUS
Phase I:			
SOTP GROUP:			

Phase II: Education

Phase III: Education

OTHER

RTU: Intensive Residential
Treatment

Admission of Sex Offense(s):
Other Information:

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
DIVISION OF MENTAL HEALTH SERVICES**

INSTITUTIONAL REVIEW OF INMATE RECORDS

INMATE NAME:

Jeffrey Chapman SCDC # 192350

INSTITUTION:

Furber River

CHECK AREAS REVIEWED:

History of mental health symptoms, assessments, treatments

Psychological

Sex Offender Services

(Statements about treatment, willingness, refusals, prior treatments, attitude, etc.)

Disclosure regarding SCDC offenses

Institutional Adjustments

(Fights, conflicts with staff/peers, victimization, aggression, rape, sexual acting out, prostitution, etc.)

Name
Name
Name
Name
Name

Denied
SOTP Program
on 8/22/12

Note: Inmates often make reports when in medical that were never part of official disciplinary record.

I have reviewed the records, initialed and provided legible supporting documentation to the SPMT representative.

Victoria Block

Signature of Reviewer

Victoria Block

Print Name of Reviewer

3/13/13 MS. Robyn B. MSW
Date Received by SPMT Representative

3/13/13
Date of Review
3/13/13 fax
Date & Method of Submission
(i.e., fax, agency mail, etc.)
3/13/13
Date Reviewed by SPMT Rep.

COMMENTS:

Forward To:

Luvivian Moore
Division of Mental Health Services
Watkins Campus
Office #: (803) 896-0153
Fax #: (803) 896-5388
USERID: C030067

Petitioner's Exhibit N

SP Multi-Disciplinary Team
Chapman, Jeffrey Allen - 192350

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: 3/31/13

STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
 CASE NO. 2013-CP-23-02749

IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 JEFFREY ALLEN CHAPMAN,)
 RESPONDENT.)

ORDER FOR INDEPENDENT EVALUATION

This matter comes before the Court for an order for an independent evaluation of Jeffrey Allen Chapman pursuant to South Carolina Code Section 44-48-90. Respondent is represented by his appointed attorney R. Mills Ajrial, Jr., Esquire. Assistant Attorney General Nicole T. Wetherton represents the State.

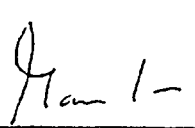
The Court notes that South Carolina Code Section 44-48-90 states that "the person or the Attorney General may retain a qualified expert to perform a subsequent evaluation" upon receipt of the evaluation issued by the court appointed expert. The Court finds, therefore, that the Respondent should have an independent evaluation completed prior to trial pursuant South Carolina Code Section 44-48-90.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:

1. Thomas V. Martin, M.D. is ordered to perform an evaluation of Mr. Chapman to determine if meets the criteria of a sexually violent predator and requires civil commitment pursuant to the Sexually Violent Predator Act.
2. Payment of no more than twenty-five hundred (\$2,500.00) dollars is authorized to obtain Dr. Martin's services for this initial evaluation and records review pursuant to South Carolina Code Section 44-48-90. Any additional expenses must be approved by the Court at a later date.
3. Dr. Martin's evaluation shall be completed no more than ninety (90) days after the issuance of this Order.
4. Mr. Chapman shall fully cooperate with Dr. Martin for purposes of the evaluation.
5. The scheduling of the Mr. Chapman's commitment trial pursuant to South Carolina Code Section 44-48-100, is hereby continued until the above evaluation is completed and the trial can be rescheduled at a time reasonable to the parties and the Court.
6. Mr. Chapman shall continue to be confined at the Greenville County Detention Center until a final disposition of this action.

AND IT IS SO ORDERED.

12/10, 2013
 Greenville, South Carolina


 The Honorable D. Garrison Hill
 Chief Administrative Judge
 For the Thirteenth Judicial Circuit

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 JEFFERY ALLEN CHAPMAN,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 THIRTEENTH JUDICIAL CIRCUIT

CASE NO. 2013-CP-23-2749

ORDER OF COMMITMENT

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL S. WICKENSIMMER
 2014 MAY 20 PM 2 28

The trial of this case was held in the County of Greenville in the Court of Common Pleas the week of May 19, 2014. A jury of citizens from Greenville 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.

R. Mills Ariail, Jr., 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, Jeffery Allen Chapman, 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

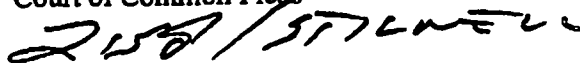
(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent is to continue to be detained at the Greenville 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
 Thirteenth Judicial Circuit
 Court of Common Pleas



May 20, 2014
 Greenville, South Carolina

COUNTY OF YORK



THE STATE

VS

CERTIFIED TRUE COPY

2014 FEB 27 PM 2:59

COUNT NO: Re-TrialCASE NO: 92 GS-46-1689WARRANT NO: C-830279CHARGE: Crim. of Sex Contact3rd Offense 162

Jeffrey Allen Chapman
The sentence of the Court is that Jeffrey Allen Chapman, the defendant named in this indictment be confined to the State Board of Corrections/ York County Detention for a term of 10 years (and) (or) pay a fine of \$ _____ provided that upon the service of 3 years * (and) (or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable *, the balance is suspended, and the defendant is placed on probation for _____ (months) (years).

RESTITUTION: (Yes) (No)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PROPERTY DAMAGE \$ _____

PAYABLE TO CLERK FOR (VICTIM) _____

TOTALS \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE:

* Credit for time
previously served.DATE: 4-7-95

YORK, SOUTH CAROLINA

COST AND ASSESSMENTS:

FINE	\$	_____
ACADEMY	\$	_____
C.C.A.	\$	_____
L.C.F.	\$	_____
C.A.T.	\$	_____
OTHER	\$	_____
GRAND TOTAL	\$	_____

COPY RECEIVED BY:

Defendant

X Jeffrey Allen Chapman

Presiding Judge

Clerk of Court

Date of Birth: _____

Social Security: PDrivers License 4ATTORNEY FOR DEF: H. A. OestADDRESS: 3510 Kensington HwyDartmouth

(M/F)

(B/W)

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

SENTENCE

STATE OF SOUTH CAROLINA

CERTIFIED TRUE COPY CASE NO. 92-GS-46-168York COUNTY

2014 FEB 27 PM 2:59

The defendant Jeffrey Allen Chapman ^{DAVID HAMILTON}
^{CLERK OF COURT}
^{YORK COUNTY, SC} is committed to the State
 Department of Corrections/County for a term of 10 months/years and/or to pay a fine of \$ —;
 provided upon the service of — months/years and/or payment of \$ —, plus pay/waive costs and assessments
 as applicable**, the balance suspended with probation for — months/years.

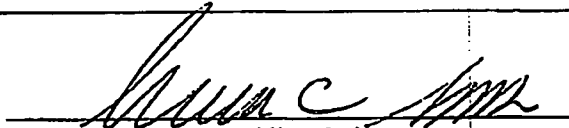
Restitution**

For physical injury \$ —

Yes/No

property damage \$ —to be paid —to clerk for —..**Other conditions —

Date

11-11-92

 Presiding Judge

Costs and Assessments

FINE	\$ <u>—</u>
ACADEMY	\$ <u>—</u>
C.C.A.	\$ <u>—</u>
L.C.F.	\$ <u>—</u>
C.A.T.	\$ <u>—</u>
OTHER	\$ <u>—</u>
GRAND TOTAL	\$ <u>—</u>


 Clerk of Court

**Pay to Victim's Compensation Fund if subrogated.

SCCA Form 217 (3/86)

DOCKET NO. 92-GS46

The State of South Carolina,

County of York

COURT OF GENERAL SESSIONS

May 11 TERM 1992

THE STATE

vs.

JEFFREY ALAN CHAPMAN

**Indictment for Criminal
Sexual Conduct First Degree**

S. C. Code 16-3-652

CDR 160

Date:

WITNESSES

W. Gregory YCSD

ARREST WARRANT NO. C 830279

ACTION OF GRAND JURY

DATE TRUE BILLED

5/11/92

Jim Walden

Foreman of Grand Jury

VERDICT

GUILTY - 3RD DEGREE

Richard H. Brakel
11-11-92

Foreman of Petit Jury

I, Jeffrey Alan Chapman
hereby appear in my (our) own proper person (s) and plead guilty to the
within indictment or to Criminal Sexual
Conduct, Third Degree

Witness:

W. Gregory
C. C. P. S. and G. S.

Jeffrey Alan Chapman
4/17/95

After being fully advised as to
my legal rights, I hereby waive
prescription to the Grand Jury.
Sign X

FORM 29 (12/87)

CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA

2011 FEB 27 PM 2:59

INDICTMENT FOR CRIMINAL
SEXUAL CONDUCT FIRST DEGREECOUNTY OF YorkDAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

At a Court of General Sessions, convened on May 11, 1992,
the Grand Jurors of York County present upon their oath:

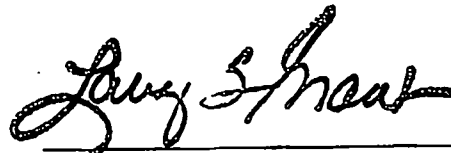
COUNT ONE — CRIMINAL SEXUAL CONDUCT

FIRST DEGREE

That JEFFREY ALAN CHAPMAN did in
York County on or about April 11, 1992, engage
in sexual battery, ~~to wit~~ _____

upon and with the body of without
his/her consent. Such sexual battery was accomplished by the use of force of a high and aggravated
nature, to wit: _____

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



SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF York

AFFIDAVIT

Personally appeared before me, judge of the Court, one W. C. Gregory
 who being duly sworn, deposes and says that Jeffrey Alan Chapman (name of defendant) did within this County
 and State on April 11 19 92, violate the criminal laws of the State of South Carolina [or ordinance of the municipality
 of _____] in the following particulars:

DESCRIPTION OF OFFENSE

Criminal Sexual Conduct 1st Degree (16-3-652) 160

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:

That Jeffrey Alan Chapman forcibly placed his fingers in the vagina of _____
 Attempt to force her to have sexual intercourse with him. Against her will in an
 This occurred at 7048 Pine Moss Lane, Clowen, SC. All Against
 the peace and dignity of the State of South Carolina and the
 laws so made and provided.

Sworn to and Subscribed before me,

This 11th day of April, 19 92.

N. S. Sennison, Jr. (L.S.)
Signature of Issuing Judge

Address 529 S. Cherry Road
Rock Hill SC 29730

Phone: 328-1866

W. C. Gregory
Signature of Agent
 Address 529 S. Cherry Road
Rock Hill SC 29730
 Phone: _____

STATE OF SOUTH CAROLINA ARREST WARRANT

COUNTY OF York

[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 Jeffrey Alan Chapman
 (name of defendant) did on April 11 19 92, violate the criminal laws of the State of South Carolina [or ordinance
 of the municipality of _____] as set forth below:

DESCRIPTION OF OFFENSE

Criminal Sexual Conduct 1st Degree (16-3-652)

Now, therefore, you are and you are 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.

2014 FEB 27 PM 2:59

CERTIFIED TRUE COPY

Done at Rock Hill, SC.
 on April 11, 19 92.

N. S. Sennison, Jr. (L.S.)
Signature of Judge

LS RETURN
A copy of this Arrest Warrant was delivered to the following defendant:

~~Jeffrey Alan Chapman~~

on the 11 day of April, 1992

Signature of Constable or Law Enforcement Officer

This warrant is certified for service in

County (Circle one)
Municipality

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

Signature of Judge (LS.)

PRELIMINARY HEARING held by

Judge

on _____, 19____

with _____
Attorney for Defendant

Decision: _____

BAIL

Date Set _____, 19____

Judge

Amount

Surety

RETURN WARRANT TO:

ARREST WARRANT

No. C 830279

STATE OF SOUTH CAROLINA

Holk County (Circle one)
Municipality

THE STATE

against

Jeffrey Alan Chapman

Address: _____

Gastonia NC 28052

Phone _____ SSN _____

Sex M Race W Height 5'1" Weight 220

DOB _____ DL _____

Offense Criminal Sexual

Conduct 1st Degree

Offense Code

Code (or Ordinance) § 16-3-652

Issuing Judge D S Terryson, Jr. 1216

Judge Code

Officer W.C. Gregory Lt

Agency YCSD

ORI No.

Date of Offense April 11, 1992

Date of Disposition

Disposition

Sentence

Co-Defendants

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF YORK CERTIFIED TRUE COPY

2014 FEB 27 PM 2:59

VS.

WAIVER OF PRESENCE

Jeffrey Allen Chapman
 DEFENDANT

DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

INVESTIGATION
 INDICTMENT NO(S):

92-1649

I have been informed that a presentence investigation and report issued by the Probation Office are required in my case(s) under Section 24-21-520 & 24-21-530 of the South Carolina Code of Laws before I am sentenced on my charges.

I have also been informed that if a presentence investigation is conducted, a recommendation of sentence will be made by the Probation Office. I understand that any recommendation relating to my sentence made in my presentence report is not binding on the Court and may or may not be used in my sentence.

I also understand that certain rights, benefits and privileges favorable to me may be reported to the court after an investigation, such as a recommendation of probation, or to be placed in a restitution center or a community control center as part of my sentence.

I further understand that I can voluntarily waive any presentence investigation, but without an investigation I may lose my rights, benefits and privileges including my right to be considered for placement in a restitution center or community control center, or a recommendation of probation.

After considering this information and understanding what my rights are, I wish to voluntarily waive my presentence investigation and also give up my rights, benefits and privileges that might result from such an investigation.

I have read or had read to me the above information.

Scott Miller, Jr.
 Clerk of Court/Witness

X Jeffrey Allen Chapman
 Defendant

April 7 1995
 York, South Carolina

WITNESSES

T. D. BRACKEN

GCSO

07/28/03

ARREST WARRANT NUMBER

H-149988

ACTION OF GRAND JURY

~~TRUE BILL~~

Russell B. Williams
 Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-007503

KCD

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

OCTOBER TERM 2003

PLEAD GUILTY THE STATE
 VS.

JEFFERY ALLAN CHAPMAN

Phdalla

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-140



A Qualified Court
 Paul B. Williams
 Clerk of Court C.P. & G.S.
 Greenville County, SC
 Dated _____

5260

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

Jeffrey Chapman

AKA:

Race: W Sex: M Age: 42

DOB: -

NVIILE, SC 29611

DL#: - SID#: -

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

2003GS2307503

A/W#: H149988

Date of Offense: 12-31-2001

S.C. Code §: 2468

CDR Code:

SENTENCE

☒ PLEA ☐ TRIAL☐ CONVICTED OF or ☒ PLEADSIn disposition of the said indictment comes now the Defendant who was
TO: SEX/LEWD ACT COMMITTING OR ATTEMPTING LEin violation of § ~~2468~~ 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2468☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser-Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: -

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the: ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act: not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 15 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, 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.

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)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 35-13 (Public Def/Prob)

§ 73-3, 1B TP (Law Enforce. Funding)

§ 33-7, 1B TP (Drug Court Surcharge)

§ 50-21-114 (DUI Breath Test Fee)

§ 56-5-2942(f) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

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: 1) No contact w/ victim2) Sex offender registry☐ Appointed PD or appointed other counsel, § 35-13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on OCTOBER 21, 2003 the

Grand Jurors of Greenville County present upon their oath:

That JEFFERY ALLAN CHAPMAN did in Greenville County, between the 1st day of July, 2001 and the 31st day of December, 2001, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of S. R., a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-140 of the South Carolina Code of Laws (1976) as amended.

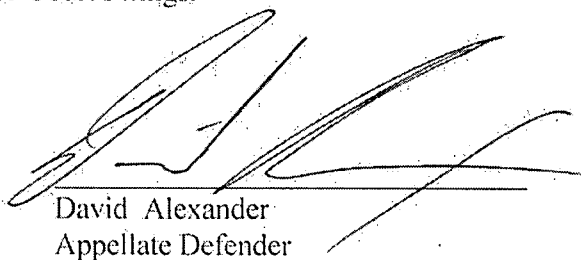
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Claire Davis
SOLICITOR

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."

April 8th, 2016



David Alexander
Appellate Defender

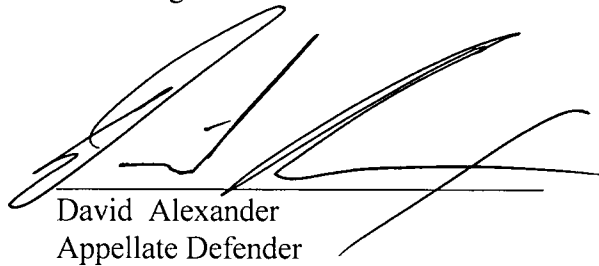
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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

April 8th, 2016



David Alexander
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